

The Code of Ordinances of the Township of Darby

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In the event of a conflict between the electronic version of the Municipal Code and the official printed copy, the official printed Code shall govern. The user is advised that there may be amendments to the Code which have been enacted after the last revision date of the electronic version of the Code.

GENERAL CODE
800-836-8834
www.generalcode.com

FOREWORD

History

This comprises the codification of the Ordinances of the Township of Darby. The Township of Darby was originally settled in 1683 and was incorporated as a First Class Township before 1926.

The Code of Ordinances of the Township of Darby was prepared by Penns Valley Publishers and adopted by the Board of Commissioners on October 10, 1990 by Ordinance number 370.

Organization

The code contains four parts which are (1) the valid current ordinances of the Township of Darby contained in chapters 1 through 27, (2) the appendix which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the key to the disposition of each ordinance ever enacted by the Township, and (4) the index which is an alphabetical arrangement of subjects.

In the code, each chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each chapter. The index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which chapter the subject might be found. The appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The key to disposition indicates what action has been taken by the codifiers and the Board of Commissioners with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a chapter of the code book, or (4) is located in the appendix. Annual tax rate and budget ordinances are located only in the key. The key is a cross reference to the original ordinance books of the Township of Darby, and to the location within the code of each ordinance by number.

CODE OF ORDINANCES
of the
TOWNSHIP OF DARBY
Delaware County, Pennsylvania

Published by Authority of the Township

Adopted October 10, 1990
Revised Through May 10, 2017

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www.generalcode.com

This Code was originally published October 10, 1990, by the former Penns Valley Publishers and is currently being updated by General Code.

Revised Through:

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2/12/1997

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2/14/2001

3/12/2003

5/11/2005

3/12/2008

5/13/2009

12/7/2011

2/13/2013

10/14/2015

5/10/2017

OFFICIALS
of the
TOWNSHIP OF DARBY

County of Delaware
Pennsylvania

BOARD OF COMMISSIONERS

President	Lawrence F. Patterson
Vice President	Richard Womack
Commissioner	Arnold Covert
Commissioner	Robert Gougler
Commissioner	Joseph DiLuzio

MANAGER

Manager	John B. Ryan, Jr.
Assistant Manager	Matthew Judge

OFFICIALS

Secretary	Thomas J. Judge, Sr.
Treasurer/Tax Collector	Barry Merlino
Controller	Paul Strus
Solicitor	Michael Pierce, Esq.
Engineer	Catania Engineering, Inc.
Chief of Police	Regina Price
Deputy Police Chief	Brian Patterson
Code Enforcement Officer	Joseph Locke

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PART 1

MEETINGS, OFFICIALS**A. Township Meetings.****§ 1-101. Township Meeting Time and Place. [Ord. 461, 12/30/1974, §§ 2 and 3]**

1. The Board of Commissioners of the Township of Darby shall meet on the second Wednesday of each month at 8:00 p.m., prevailing time, beginning January 8, 1975.
2. Beginning with the month of January, 1975, the place of the meeting of the Board of Commissioners of the Township of Darby shall be alternated, on a monthly basis, between the Darby Township Junior Senior High School at Ashland and Bartram Avenues, and the Studevan Elementary School Building, at Hook Road and Sharon Avenue.

B. Township Manager.**§ 1-121. Purpose and Intent. [Ord. 487, 9/8/1976, § 1]**

The purpose of this Part 1B is to enable the Township to function under generally accepted principles of the council-manager form of government whereby the Board of Commissioners is responsible for legislative policy making and appointing a professional Township Manager who is responsible for supervising and conducting the administrative affairs of the Township in a nonpartisan manner. It is the intent of this Part to delegate to the Township Manager all of the nonlegislative and nonjudicial powers and duties of the Board of Commissioners as set forth herein and as authorized by the First Class Township Code.

§ 1-122. Creation of Position and Appointment. [Ord. 487, 9/8/1976, § 2]

The position of Township Manager is hereby created. The Manager shall be appointed for a term and under conditions to be decided by a majority of all members of the Board of Commissioners who shall fix his compensation.

§ 1-123. Qualifications. [Ord. 487, 9/8/1976, § 3]

The Manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his training and/or experience in municipal management. He need not be a resident of the Township or the state at the time of his appointment.

§ 1-124. Duties. [Ord. 487, 9/8/1976, § 4]

The Township Manager shall be the chief administrative officer of the Township. He shall:

1. Be responsible to the Board of Commissioners for carrying out all policies and programs established by the Board.
2. Direct and supervise the administration of all departments, offices and agencies of the Township, except as otherwise provided by ordinance or by law.
3. With the approval of the Board of Commissioners, appoint, and when deemed necessary, suspend or remove Township employees and appointed officials on the basis of merit system principles, except as otherwise provided by law. This subsection shall not apply to such officials whose appointment is required by the Board of Commissioners under the provisions of the First Class Township Code.
4. Make such recommendations to the Board of Commissioners concerning policy formulation as he deems desirable.
5. Prepare and submit the annual budget to the Board of Commissioners together with such explanatory comment as he may deem desirable, and administer the approved budget.
6. Keep the Board of Commissioners and the public informed as to the conduct of Township affairs.
7. Prepare the agenda and attend all meetings of the Board of Commissioners with the duty to take part, when requested, in discussion but not to vote.
8. Negotiate and sign contracts for the municipality subject to the approval of the Board of Commissioners.
9. Perform such other duties as are designated by the Board of Commissioners.

§ 1-125. Acting Manager. [Ord. 487, 9/8/1976, § 5]

In the event that the Township Manager is absent or disabled, the Board of Commissioners of the Township of Darby may designate at any time during said absence or disability any other person to act as Acting-Manager to serve until the Manager shall return or his disability shall cease.

§ 1-126. Performance Bond Required. [Ord. 487, 9/8/1976, § 7]

Before entering upon his duties, the Township Manager shall give a bond to the Township with an approved bonding company as surety, to be approved by the Board of Commissioners, in the sum of \$10,000 conditioned for the faithful performance of his duties. The premium of the bond shall be paid by the Township.

C. Compensation.**§ 1-141. Board of Commissioners. [Ord. 489, 1/12/1977 as amended by Ord. 546, 11/20/1985]**

The compensation to members of the Board of Commissioners shall be the maximum allowed by law, to be paid on a monthly basis; provided no compensation shall be given in any month to a commissioner who has failed to attend at least one regular meeting of the Board of Commissioners during that month.

§ 1-142. Township Controller. [Ord. 278, 3/4/1959; as amended by Ord. 342, 3/3/1965; by Ord. 409, 3/8/1969; and by Ord. 588, 2/10/1993]

The annual salary of the Township Controller shall be \$4,000, payable in 12 equal monthly installments.

§ 1-143. Treasurer and Tax Collector. [Ord. 242, 12/12/1956, §§ 1 and 2; as amended by Ord. 343, 3/3/1965, § 1; and by Ord. 589, 2/10/1993]

1. In accordance with the authority in the Act of Assembly dated May 25, 1945, P.L. 1050, § 34, as amended, the annual compensation of the Township Treasurer for his duties as Treasurer and Tax Collector for the Township of Darby is hereby fixed at \$6,000, payable in 12 equal monthly installments.
2. In addition to the annual compensation provided in Subsection 1 hereof, the Township Treasurer shall be reimbursed for the actual printing and postage expenses he shall incur in the performance of his duties as Township Treasurer and Tax Collector.

PART 2

MUNICIPAL AUTHORITY

§ 1-201. Intent. [Ord. 245, -/1957, § 1]

It is the desire and intent of the Board of Commissioners of the Township of Darby to organize an Authority under the Municipal Authorities Act of 1945, P.L. 382, as amended and supplemented.

§ 1-202. Name of Authority. [Ord. 245, -/1957, § 2]

The name of the Authority shall be The Township of Darby Authority.

§ 1-203. Articles of Incorporation. [Ord. 245, -/1957, § 3]

The Articles of Incorporation of the Authority shall be as follows:

Municipal Authority
Articles of Incorporation

To the Secretary:

Commonwealth of Pennsylvania

In compliance with the Municipal Authorities Act of 1945, as amended and supplemented, the Township of Darby, Delaware County, a municipality of the Commonwealth of Pennsylvania, pursuant to an ordinance duly adopted by the municipal authorities of said Township signifying said Township's desire and intention to form an Authority, hereby certifies:

1. The name of the Authority shall be The Township of Darby Authority.
2. The Authority is formed under the Municipal Authorities Act of 1945, approved May 2, 1945, Act No. 164, P.L. 382, as amended and supplemented.
3. No other Authority has been organized under the Municipal Authorities Act of 1945, as amended and supplemented, or under the Act approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality named herein.
4. The names of the incorporating municipality in the Township of Darby, and the names and addresses of its municipal authorities are as follows: (Here followed the names and addresses of the Darby Township officials.)
5. The names addresses and terms of office of the first members of the Board of the Authority, all of whom are residents of the incorporating municipality, are: (Here followed the names, addresses and terms of office of the first Authority Board members.)

§ 1-204. Filing of Articles of Incorporation. [Ord. 245, -/1957, § 5]

The President and Secretary of the Board of Township Commissioners are hereby authorized to sign the Articles of Incorporation and directed to do all things necessary to effect and establish said proposed Authority in conformity with the provisions of the Act.

PART 3

BOARDS AND COMMISSIONS

A. Planning Commission.**§ 1-301. Organization of Commission; Qualifications of Members and Filling of Vacancies. [Ord. 332, 3/4/1964, § 2; as amended by Ord. 572, 10/10/1990]**

There is hereby created a commission to be known and designated as the Darby Township Planning Commission. In the first instance, one member of said Commission, shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and annually thereafter members of said Commission shall be appointed for a term of four years. All members of the Commission shall reside within the Township. If a vacancy shall occur on the Commission, the Township Commissioners shall fill said vacancy for the unexpired portion of the term.

§ 1-302. Purpose of Commission. [Ord. 332, 3/4/1964, § 3]

The Township Planning Commission shall act as an advisory agency for the Township Commissioners and Zoning Hearing Board.

§ 1-303. Election of Officers. [Ord. 332, 3/4/1964, § 4]

The Darby Township Planning Commission shall annually elect a chairman, vice-chairman and a secretary. It shall adopt a set of bylaws and shall adhere strictly thereto.

§ 1-304. Compensation. [Ord. 332, 3/4/1964, § 5]

All members of the Darby Township Planning Commission shall serve without compensation.

§ 1-305. Jurisdiction. [Ord. 332, 3/4/1964, § 6]

The Township Planning Commission shall have the jurisdiction now or hereafter prescribed by law and by ordinances of the Township of Darby. No recommendation of the Planning Commissioners shall be deemed official unless such recommendation has received the affirmative vote of at least three members of the Planning Commission.

§ 1-306. Duties. [Ord. 332, 3/4/1964, § 7]

It shall be the duty of the Darby Township Planning Commission to make an annual report of its transactions to the Township Board of Commissioners. When a proposal is submitted to the Township Planning Commission, it shall act promptly thereon, and shall submit its recommendation to the Township Commissioners within 15 days of the receipt thereof.

§ 1-307. Powers. [Ord. 332, 3/4/1964, § 8]

A recommendation of the Darby Township Planning Commission shall in no way be deemed to be binding upon the Township Board of Commissioners or Zoning Hearing Board. It may make recommendations on all ordinances or regulations concerning such subjects as the location of public works, the location or alteration of streets, parks, recreation areas, bridges, public buildings, and all plans and plots of proposed subdivisions within the Township of Darby. With prior approval, by motion, of the Township Board of Commissioners, the Planning Commission may employ engineers and other persons, and incur authorized expenses. It may contract for professional planning services, the costs and expenses of which, when approved by the Township Board of Commissioners, shall be provided for through proper appropriation by the Township Board of Commissioners. In no event, shall the expenses of the Planning Commission, including the salaries of an engineer or other employees, exceed the amount of the appropriations by the Township Board of Commissioners.

§ 1-308. Maps and Plans. [Ord. 332, 3/4/1964, § 9]

It shall be the duty of the Township Planning Commission to make, or cause to be made, and to lay before the Township Board of Commissioners, maps and plans of the Township, or any portion thereof, showing the streets, highways and other natural and artificial features, and also any locations recommended by it for any new public buildings, civic schemes, parkways, parks, playgrounds, or any other public grounds or public improvements, any widening, extension or relocation of the same, and thereafter, from time to time, it may lay before the Township Board of Commissioners any modification, change or supplement to any prior plan or plans, it shall cooperate with any county or other planning commission as authorized by law. It may also, from time to time, make recommendation to the Township Board of Commissioners with respect to any and all matters and things referred to in this section and, in so doing, shall have regard for the present conditions and future needs and growth of the Township.

Any maps or plans so submitted shall not be effective unless regularly approved and adopted by ordinance or resolution of the Township Board of Commissioners, and after such approval and adoption shall be subject to revision and change from time to time as the Township Commissioners may deem expedient.

§ 1-309. Reference of Proposals to Planning Commission. [Ord. 332, 3/4/1964, § 10]

The Township Board of Commissioners may, at its discretion, from time to time, submit to the Planning Commission any question or proposal relating to any of the matters hereinbefore referred to, or any other matter or thing relating to the growth or development of the Township, including changes or revisions in the zoning and other related ordinances of the Township as well as plans for the development of any subdivision or particular section of the Township.

B. Recreation Board.

§ 1-321. Creation. [Ord. 211, 11/2/1955, § 1]

There is hereby created for the Township of Darby a recreation board the name of which shall be "Darby Township Recreation Board", hereinafter called "the Board".

§ 1-322. Members, Appointment and Terms. [Ord. 211, 11/2/1955, § 2]

The Board shall consist of seven persons, two of whom shall be members or appointees of the Board of School Directors of the School District of Darby Township. The other five members of the Board shall be appointed by this Board of Township Commissioners. Members of the Board shall not be paid and shall serve for terms of five years or until their successors are appointed, except that the members of the Board first appointed shall be appointed for such terms that the terms of not more than two members shall expire annually thereafter, and the terms of the School District members shall expire in different years. Vacancies shall be filled for the unexpired terms in the same manner as original appointments.

§ 1-323. Powers. [Ord. 211, 11/2/1955, § 3]

The Board shall have the power:

1. To equip, operate and maintain parks, recreation areas and facilities, alone or jointly with the School District of Darby Township and cities, boroughs, Delaware County, and other townships of either class, or any one or more of such units.
2. To adopt rules and regulations for the conduct of its business.
3. To incur expenses within the limits of appropriations provided therefor by this Township and by any such School District, cities, boroughs, County and townships, which expenses shall be payable from the respective treasuries of such units.
4. To exercise all other powers as provided by law, including, without being limited to, the right to select, employ and discharge recreation personnel within the limits above mentioned.

§ 1-324. Duties. [Ord. 211, 11/2/1955, § 4]

The Board shall:

1. Establish standards, qualifications, and salary schedules, to be approved by this Board of Township Commissioners, for all classifications of recreation employees.
2. Elect its own chairman and secretary, and select any other necessary officers, to serve for a period of one year.
3. Submit to this Board of Township Commissioners an annual report, including an analysis of the community recreation areas, facilities and leadership with particular reference to the extent and adequacy of the

program and its effectiveness in view of the expense thereof and the public needs to be met.

4. Comply with all other requirements of law.

C. Police Civil Service Commission.

§ 1-341. Creation. [Ord. 166, 5/6/1953, § 1]

There is hereby created a Police Civil Service Commission in accordance with the Act of General Assembly of 1931, P.L. 1206, its supplements and amendments.

§ 1-342. Appointment. [Ord. 166, 5/6/1953, § 2]

Hereafter each and every appointment to the Police Force of the Township shall be made only according to qualification and fitness to be ascertained by examination which shall be competitive as provided for in the Act of Assembly referred to above.

§ 1-343. Personnel. [Ord. 166, 5/6/1953, § 3]

The personnel of the Police Force shall be determined in accordance with the Act hereinabove referred to.

§ 1-344. Rules and Regulations. [Ord. 166, 5/6/1953, § 4]

Rules and regulations for carrying into effect the provisions of the said Act shall be promulgated by the Civil Service Commission and approved by the Township Commissioners.

§ 1-345. Posting. [Ord. 166, 5/6/1953, § 5]

All rules and regulations shall be posted at the police headquarters.

PART 4

DEPARTMENT OF PUBLIC SAFETY**§ 1-401. Intent. [Ord. 548, 2/12/1986, § 1;]**

It is the legislative intent of this Board of Commissioners to clarify by local law the structure, functions and duties of the various departments and officials within this Township government dealing with all aspects of public safety so as to permit and foster the orderly operation of the public safety functions and responsibilities of the government of the Township of Darby.

§ 1-402. Establishment. [Ord. 548, 2/12/1986, § 2]

There is hereby created a Department of Public Safety of the Township of Darby. The Department will consist of the Divisions of Police and Office of Emergency Management and such other divisions as the Township Board of Commissioners may designate.

§ 1-403. Director. [Ord. 548, 2/12/1986, § 3]

The principal executive officer and administrative head of such Department shall be the Director of Public Safety, who shall be appointed by a majority vote of the Township Board of Commissioners and shall hold office at the pleasure of the Board of Commissioners at a salary as shall from time to time be fixed by the Board. The Director shall be a full-time employee of the Township of Darby. The Director shall be appointed on the basis of his administration experience and qualifications for the duties of such office and such additional standards as may be required by the Township Board of Commissioners. Direct experience is one of the disciplines included in the Department as required. In the temporary absence of a Director of Public Safety, the Township Manager may appoint an Acting Director for a period of up to six months.

§ 1-404. Administration: Chain of Command. [Ord. 548, 2/12/1986, § 4]

Each of the divisions heads shall report to the Director of Public Safety, who in turn shall report to the Township Manager.

§ 1-405. Purpose: Duties of Director. [Ord. 548, 2/12/1986, § 5]

1. The Department of Public Safety, under the direction of its Director, shall, through the cooperation of the divisions, be responsible for the proper and efficient coordination and management of public safety, emergency and emergency-related services provided by: Township departments, divisions and personnel; volunteer agencies; and non-local governmental agencies; subject to applicable provisions of state and federal law and regulations.
2. The Director shall supervise the management of the Police Department, and office of Emergency Management and such other units as may be established within the Public Safety Department.

3. In order to carry out these responsibilities, the Director of Public Safety may;
 - A. Assist the divisions in preparing annual budget requests to the Township Director.
 - B. Coordinate the preparation and submission of monthly and annual reports when appropriate.
 - C. Coordinate training of the divisions in a variety of matters of interest to the divisions.
 - D. Coordinate drills with any or all divisions.
 - E. Develop plans and programs for dealing with public safety issues and emergency situations.
 - F. Keep records, review and analyze the performance of all divisions of the Department.
 - G. Establish daily operations of the divisions and enforce rules and regulations of the division.
 - H. Oversee daily operations of the divisions and enforce rules and regulations of the division.
 - I. Maintain responsibility for all media relations including — at crime scenes, disasters and other emergencies.
 - J. Make, adopt and enforce rules, orders, regulations for the government, discipline, administration and disposition of the Divisions and the members thereof.
 - K. Provide training and education for all members of the Department that every member is properly trained in all matters concerning law enforcement and performance of all required duties.
 - L. Participate in background investigations of applicants of the department, and provide input to the Board of Commissioners with regard to applicants.
 - M. Conduct internal investigations, where allegations may arise, concerning a member's conduct, and provide a report with recommendations to the Board of Commissioners.
 - N. Outline day to day duties of all members of the department, making those adjustments to best suit the needs of the community, and the department.
 - O. Manage and control all equipment and property of the department. Such other powers and duties as may be granted by law or ordinance

or assigned by the Township Board of Commissioners or Township Manager.

§ 1-406. Saving Clause. [Ord. 548, 2/12/1986, § 6]

1. Nothing herein shall be construed to take away any of the powers which are intended to be given to the Chief of Police, Fire Marshal or Building Inspector under state or any other applicable law.
2. Nothing herein shall be construed to delegate or transfer any power of the Township Manager or Township Board of Commissioners which may be or is required to be exercised by the Township Manager and/or Township Board of Commissioners.

PART 5

POLICE PENSION PLAN

§ 1-501. Restatement. [Ord. 671, 9/12/2007; as amended by Ord. 721, 9/7/2015]

The Board of Commissioners of the Township of Darby hereby restates the Police Pension Plan and Trust for the purpose of providing retirement and other benefits as stated herein.¹

¹Editor's Note: The Police Pension Plan is attached to Ord. 721 and on file in the office of the Township Secretary.

PART 6

FIREMEN'S RELIEF ASSOCIATION**§ 1-601. Recognition of Firemen's Relief Association. [Ord. 572, 10/10/1990]**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of Darby.

Darby Township Volunteer Fireman's Relief Association.

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named Association of the Darby Township is designated the proper association to receive such funds as are due and payable to the Darby Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

§ 1-602. Certification to Auditor General. [Ord. 572, 10/10/1990]

The Board of Commissioners shall annually certify to the Auditor General of the Commonwealth, the name of the active associations and the percentage of service they contribute to the protection of the Darby Township. Such certification shall be on forms prescribed by the Auditor General.

§ 1-603. Annual Appropriation. [Ord. 572, 10/10/1990]

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Darby Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, § 701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the township Treasurer from the State Treasurer shall be distributed to the duly recognized association within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

PART 7

FIRE INSURANCE PROCEEDS

§ 1-701. General. [Ord. 595, 9/8/1993, § 1; as amended by Ord. 607, 11/29/1995, § 1]

The Township of Darby Treasurer/Tax Collector, Manager is hereby designated to perform all duties assigned by Section 508 of the Insurance Company Law of 1921, 40 P.S. § 638, in connection with the issuance of fire loss certifications and collection of funds paid by insurance in settlement of outstanding municipal taxes and claims against fire damaged buildings or structures located within the Township of Darby, for the collection of funds paid by insurers as security against the total cost incurred by the Township for the removing, repairing or securing of fire damaged buildings and structures located within the Township of Darby; for the establishment and/or administration of a separate account for the deposit of such security funds and for the distribution of such security funds.

§ 1-702. Certificate. [Ord. 595, 9/8/1993, § 2]

1. The Township of Darby Treasurer/Tax Collector shall, upon the written request of the named insured specifying the tax description of the property and the date agreed upon by the insurance company, association or exchange and the named insured as of the date of the receipt of the proof of loss of the claim, furnish the named insured either of the following, which shall then be supplied by the named insured to the company, association or exchange:
 - A. A certificate to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Treasurer/Tax Collector's certificate, the Township of Darby has certified any amount as for the removal, repair or securing of a building or other structure on the property.
 - B. A certificate or bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer/Tax Collector's certificate, the amount of the total costs, if any, certified to the Treasurer/Tax Collector that have been incurred by the Township for the removal, repair or securing of a building or other structure on the property. For the purpose of this subsection, the Township shall certify to the Treasurer/Tax Collector the total amount, if any, of such costs.
2. Payment of Claim.
 - A. Upon receipt of a certificate pursuant to Subsection 1A of this section, the insurance company, association or exchange shall pay the claim of the named insured in accordance with the policy terms, unless the

loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the Township of Darby shall follow the procedures set forth in §§ 1-703 and 1-704 of this Part.

- B. Upon receipt of a certificate and bill pursuant to Subsection 1B of this section, the insurance company, association or exchange shall return the bill to the Treasurer/Tax Collector and transfer to the Treasurer/Tax Collector an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs shown on the bill. The Township of Darby shall receive the amount and apply or credit it to payment of the items shown in the bill.

§ 1-703. Loss Exceeding 60% of Insurance Limits. [Ord. 595, 9/8/1993, § 3]

When the loss agreed to between the name insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Treasurer/Tax Collector of the Township of Darby in the aggregate \$1,000 for each \$20,000, and each fraction of that amount of a claim or, if at the time of a proof of loss agreed to between the named insured and the insurance company, association or exchange the name insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Township of Darby shall be disbursed in accordance with policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured if the Township of Darby has not commenced to remove, repair or secure the building or other structure. This section only applies to fire losses that occur after the adoption of this Part.

§ 1-704. Disposition of Funds Upon Receipt. [Ord. 595, 9/8/1993, § 4]

Upon receipt of proceeds by the Township of Darby as authorized by this Part, the Township of Darby Treasurer/Tax Collector shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Township of Darby. When transferring the funds as required in § 1-703 of this Part, an insurance company, association or exchange shall provide the Township of Darby with the name and address of the named insured, whereupon the Township of Darby shall contact the named insured, certify the proceeds have been received by the Township of Darby and notify the named insured that the procedures under this section shall be followed. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received the Township

of Darby Treasurer/Tax Collector if the Township of Darby has not incurred any costs for repairs, removal or securing. If the Township of Darby has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the Township of Darby shall transfer the remaining funds to the named insured. Nothing in this section shall be construed to limit the ability of the Township of Darby to recover any deficiency. Further, nothing in this section shall be construed to prohibit the Township of Darby and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

§ 1-705. Discharge of Insurance Company's Obligation. [Ord. 595, 9/8/1993, § 5]

Proof of payment by the insurance company, association or exchange of proceeds under a policy in accordance with § 1-703 of this Part is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company, association or exchange with § 1-703 of this Part.

§ 1-706. Limits of Liability. [Ord. 595, 9/8/1993, § 6]

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of the proceeds payable under its insurance policy or for any other act performed pursuant to this Part, or to make the Township of Darby, any Township of Darby official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

§ 1-707. Insurance Company Rights Reserved. [Ord. 595, 9/8/1993, § 7]

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Township of Darby shall have a full benefit of such payment including all rights of subrogation and of assignment.

§ 1-708. Construction. [Ord. 595, 9/8/1993, § 8]

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

§ 1-709. Penalty. [Ord. 595, 9/8/1993, § 9]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation of this Part shall continue shall be deemed a separate offense.

PART 8

NONUNIFORMED EMPLOYEES PENSION PLAN

§ 1-801. Restatement. [Ord. 672, 9/12/2007]

The Board of Commissioners of the Township of Darby hereby restates the Nonuniformed Pension Plan and Trust for the purpose of providing retirement and other benefits as stated herein.²

²Editor's Note: The Nonuniformed Employees Pension Plan is attached to Ord. 672 and on file in the office of the Township Secretary.

PART 9

STAFF WORKPLACE SAFETY COMMITTEE**§ 1-901. Establishment. [Res. 97-3, 5/14/1997, § 1]**

The Board of Commissioners (the "Board") does hereby establish the Staff Workplace Safety Committee (the "Committee") whose mission shall be to provide a workplace free from unreasonable risk of personal injury or disease and of property damage.

§ 1-902. Intent. [Res. 97-3, 5/14/1997, § 2]

It is the intent of the Board that this Committee shall be established, among other reasons, to qualify for workers' compensation premium discounts in accordance with Act 44 of 1993 and Act 57 of 1996 of the Commonwealth of Pennsylvania.

§ 1-903. Composition. [Res. 97-3, 5/14/1997, § 3]

The Committee shall be composed of an equal number of management/supervisory employees and nonmanagement/nonsupervisory employees, and its overall membership shall be reasonably representative of the major work activities of the Township.

A. Committee Composition. The Committee shall be composed of four voting members ("member") as follows:

- (1) Township Manager.
- (2) Superintendent, Highway Department.
- (3) Secretary, Administration Office.
- (4) Corporal, Police Department.

§ 1-904. Other Terms and Conditions. [Res. 97-3, 5/14/1997, § 4]

Other terms and conditions of the Committee including, but not limited to, committee membership, officers, meetings, functions and training of members shall be spelled out in the rules and regulations established and implemented by the Township Manager ("Manager").

§ 1-905. Annual Report. [Res. 97-3, 5/14/1997, § 5]

An annual report shall be provided to the Board each year, explaining the status of the Township's safety program and major activities and accomplishments of the Committee.

PART 10

COLLECTION OF ATTORNEY'S FEES

§ 1-1001. Schedule of Fees. [Ord. 634, 3/8/2000]

1. The Township hereby approves the following schedule of attorneys' fees and costs for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in Section 3 of the Municipal Claims Law as added by Act No. 1 of 1996.

Legal Services	Fees for Services
Filing of Lien	\$150
Title Search	\$250
Preparation and Service of Writ of Scire Facias	\$400
Required additional notice and presentation of related Motions regarding Federal Tax Liens, Judgements and Mortgages	\$150
Alternative Service of Legal Pleadings	\$250
Entry of Judgement	\$150
Preparation of Writ of Execution and tend Initial Sheriff Sale	\$750
Preparation of Documents and Attendance at Second Sheriff Sale	\$600
Review Schedule of Distributions and Resolve Distribution Issues	\$250
Installment Payment Agreement at Taxpayer's request	\$100
Services not covered above	
Attorney	\$150/hour
Paralegals	\$75/hour
Law Clerks	\$50/hour

2. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including Sheriff's and Prothonotary's costs.
3. The amount of fees determined as set forth above shall be added to the Township's claim in each account.

PART 11

ACCESS TO PUBLIC RECORDS

§ 1-1101. Open Records Officer. [Res. 2008-10, 12/10/2008]

John B. Ryan, Jr., Township Manager, is hereby appointed as the Open Records Officer of the Township, effective immediately, to serve at the pleasure of the Board of Commissioners. All requests for access to public records of the Township shall be directed to the Open Records Officer, Township of Darby, 21 Bartram Avenue, Glenolden, PA, 19036, telephone: 610-586-1514, fax: 610-586-0779. The Open Records Officer shall:

- A. Receive requests submitted to the Township, direct requests to other appropriate persons within the Township or to appropriate persons in another agency, track the Township's progress in responding to requests and issue interim and final responses under the Act.³
- B. Upon receiving a request for a public record:
 - (1) Note the date of receipt on the written request.
 - (2) Compute the date on which the five-day period will expire and make a notation of that date on the written request.
 - (3) Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for a period of 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
 - (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of other communications.
- C. The Open Records Officer may designate certain employee(s) to process public records requests.

§ 1-1102. Requests for Records. [Res. 2008-10, 12/10/2008]

- 1. All requests for public records of the Township under this policy shall be specific in identifying and describing each and every public record requested. In no case shall the Township be required to create a public record which does not exist or to compile, maintain, format, or organize the public record.
- 2. All requests for public records shall be submitted in writing and include the date of the request, the requestor's name, address, and telephone number,

³Editor's Note: The Act refers to the Pennsylvania Open Records Act, as amended.

the signature of the requestor, and, if duplication is required, appropriate payment.

§ 1-1103. Action Upon Request. [Res. 2008-10, 12/10/2008]

1. When a request is received for access to public records, the Open Records Officer shall make a determination, within five business days of receipt of the request, to grant or deny the request or to partially grant and partially deny the request. Alternatively, the Open Records Officer may decide that additional time is required if, after receiving a request for access to public records, the Open Records Officer determines any of the following circumstances exist:
 - A. The request for access requires redaction of a public record;
 - B. The request for access requires retrieval of a record stored in a remote location;
 - C. A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
 - D. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act;
 - E. The person or entity requesting access to the public record has not complied with the Township's policies regarding access to public records; or
 - F. The person requesting access to the record refuses to pay applicable fees as contained herein.
2. The person or entity requesting access to the public record shall be informed, in writing, as to the specific reason that his/her request is being reviewed within the original five-business-day period. The notice shall include a statement notifying the requestor that the request is being reviewed, the reason for review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. The review must be completed, and a final determination made, within 30 days following the date the request was made. If the date a response is expected to be provided is in excess of 30 days, the request for access shall be deemed denied unless the requestor has agreed, in writing, to an extension of time to the date specified in the notice. If the requestor agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice where the agency has not provided a response by that date.

§ 1-1104. Denial of Access; Appeals. [Res. 2008-10, 12/10/2008]

If a request for access to public records is denied, the person or entity requesting the information shall be notified, in writing, of the Open Records Officer's decision within the applicable five-business-day or thirty-business-day period. Denials must be in writing, accompanied by a description of the record, the reason for the denial, including citation to the legal authority and contact information for the Township's Open Records Officer, date of response and procedures for appeal. The denial must be signed by the Open Records Officer. Appeals from a denial may be made within 15 days to the Pennsylvania Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA, 17120-0225 (phone: 717 346-9903).

§ 1-1105. Fees. [Res. 2008-10, 12/10/2008]

The Township shall charge copying fees in accordance with the rates approved by the Pennsylvania Office of Open Records.

§ 1-1106. Forms. [Res. 2008-10, 12/10/2008]

The Township shall use and accept the forms promulgated by the Pennsylvania Office of Open Records.

§ 1-1107. Posting of Information. [Res. 2008-10, 12/10/2008]

The Open Records Officer is hereby directed to post the following information in a prominent location to which the public has access in the Township Building at 21 Bartram Avenue, Glenolden, Pennsylvania, 19036, and on the Township's website, if applicable:

- A. Identity of and contact information for the Open Records Officer.
- B. Contact information for the Pennsylvania Office of Open Records or other applicable appeals officer.
- C. The identification of the form which may be used to file a request and where such forms may be obtained.
- D. The Township's regulations, policies and procedures.

§ 1-1108. Prepayment of Fees. [Res. 2008-10, 12/10/2008]

If the estimated cost of duplication of a public record is expected to exceed \$100, the Township may require the person or entity requesting the record to prepay the estimated fees authorized by this policy prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

PART 12

DELAWARE COUNTY COUNCIL OF GOVERNMENTS

§ 1-1201. Membership. [Ord. 667, 3/14/2007]

Each of the aforementioned municipalities⁴ shall join and be a member of the Delaware County Council of Governments in accordance with the bylaws of the Delaware County Council of Governments and laws, agreements or contracts which apply.

§ 1-1202. Bylaws.

The bylaws of the Delaware County Council of Governments attached hereto and made a part hereof are hereby approved,⁵ and that such bylaws may be amended from time to time by a voting representation of all member municipalities of the Delaware County Council of Governments.

⁴Editor's Note: The phrase "aforementioned municipalities" refers to the following, as listed in the preamble to Ord. 667: The Township of Darby and the Townships of Bethel, Concord, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley, Springfield, Thornbury, Upper Chichester, Upper Darby and Upper Providence and the Boroughs of Folcroft, Glenolden, Marcus Hook, Media, Ridley Park, Rose Valley, Rutledge, Sharon Hill and Swarthmore and the Pennsylvania Department of Community and Economic Development, Delaware County Intergovernmental Affairs, Delaware County Planning Department.

⁵Editor's Note: The bylaws are on file in the office of the Township Secretary.

PART 13

CONTRACTOR RESPONSIBILITY AND ELIGIBILITY**§ 1-1301. Purpose; Conflict With Other Provisions. [Ord. 679, 12/10/2008]**

1. The Board of Commissioners of Darby Township recognizes that there is a need to ensure that all work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel, and other qualifications and resources necessary to successfully perform such contracts in a timely, reliable and cost-effective manner.
2. To effectuate the purpose of selecting "responsible" contracts for public contracts and to protect the Township of Darby investments in such contracts, prospective contractors and subcontractors should be required to meet preestablished, clearly defined, minimum standards relating to contractor responsibility. Such standards include requirements and criteria concerning technical qualifications, competency, experience, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.
3. Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor and imminent craft labor skill shortages, it is necessary to require contractors and subcontractors to participate in established, bona fide apprenticeship training programs for the purpose of both promoting successful project delivery and ensuring future workforce development. The Township of Darby also recognizes that it is beneficial to the local community to ensure that firms receiving public contracts provide adequate wages and benefits to their employees and utilize fair business, employment and training practices that have a positive impact on the local communities affected by such contracts.
4. Therefore, the Township of Darby shall require compliance with the provisions of this Part 13 by business entities seeking to provide services to Darby Township as specified herein. The requirements of this Part are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this Part conflict with any other law, public policy or contracting documents of Darby Township, this Part shall prevail.

§ 1-1302. Responsible Contractor Requirements. [Ord. 679, 12/10/2008]

1. All contractors and subcontractors of any tier that perform work valued at over \$25,000 on any public facility or public works project, including

construction, alteration, renovation, repair, and maintenance work, shall meet the requirements of this Part.

2. All firms engaged in contracts covered by this Part shall be qualified, responsible contractors and subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational personnel and financial resources. Qualified, responsible firms shall also have a satisfactory past performance record and a satisfactory record of law compliance, integrity, and business ethics.

§ 1-1303. Contractor Responsibility Certificates. [Ord. 679, 12/10/2008]

1. As a condition of performing work on a public works contract subject to this Part, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a contractor responsibility certification at the time it submits its bid for a contract.
2. The contractor responsibility certification shall be completed on a form provided by the Township of Darby and shall reference the project for which a bid is being submitted by name and contract or project number.
3. In the contractor responsibility certification, the construction manager, general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:
 - A. The firm has all valid, effective licenses, registrations or certificates required by federal, state, county, or local law, including but not limited to licenses, registrations or certificates required to:
 - (1) Do business in the designated locale; and
 - (2) Perform the contract work it seeks to perform, including but not limited to licenses, registrations or certificates for any type of trade work or specialty work which the firm proposes to self-perform.
 - B. The firm meets the bonding requirements for the contract required by applicable law or contract specifications, and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers' compensation insurance and unemployment insurance requirements.
 - C. The firm has not been debarred on any project by any federal, state or local government agency or authority in the past three years.
 - D. The firm has not defaulted on any project in the past three years.

- E. The firm has not had any type of business, contracting or trade license, registration or other certification revoked or suspended in the past three years.
- F. The firm has not committed a willful violation of federal or state safety laws, as determined by a final decision of a court or government agency, in the past three years.
- G. The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency for the past 10 years.
- H. The firm has not, within the past three years, been found by a final decision of a court or government agency in violation of any law applicable to its contracting business, including but not limited to licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation was the imposition of a fine, back-pay damages or any type of penalty in the amount of \$1,000 or more.
- I. The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable state and federal laws for the duration of the referenced project.
- J. The firm participates in a Class A apprenticeship program for each separate trade or classification in which it employs craft employees and shall continue to participate in such program or programs for the duration of the project.
 - (1) For purposes of this section, a "Class A apprenticeship program" is an apprenticeship program that is currently registered with and approved by the United States Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyman status for the past three of the past five years.
 - (2) If a firm is identified as the lowest responsible bidder or otherwise selected as the prospective awardee or a subcontractor of an awardee, it shall provide appropriate documentation, as determined by the Township of Darby, to verify it meets the requirements of this section for each trade or classification of craft workers it will employ on the project. This verification shall be provided prior to performance of work by the firm.
- K. The firm has all other technical qualification and resources, including equipment, personnel and financial resources, to perform the referenced contract or will obtain same through the use of qualified, responsible subcontractors.

4. Execution of the contractor responsibility certification required by this Part shall not establish a presumption of contractor responsibility, and the Township of Darby may require any other additional information it deems necessary to evaluate a prospective contractor's technical qualifications, financial capacity or other resources and performance capabilities. The Township of Darby may require that such information be included in a separate statement of qualifications and experience or as an attachment to the contractor responsibility certification.
5. In the contractor responsibility certification, the submitting firm shall stipulate that if it receives a notice of intent to award contract, it will provide a subcontractor list and required subcontractor information as specified in § 1-1305 of this Part.
6. If the submitting firm has ever operated under another name or controls or is controlled by another company or business entity or, in the past five years, controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or any other business relation, it shall attach a separate statement to its contractor responsibility certificate that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.
7. Contractor responsibility certifications shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete and accurate.
8. If a firm fails to provide a contractor responsibility certification required by this section, it may be disqualified from bidding. No action of any nature shall lie against the Township of Darby because of its refusal to accept a bid for failing to provide information required by this section.

§ 1-1304. Notice of Intent to Award Contract. [Ord. 679, 12/10/2008]

1. After it has received bids for a project, the Township of Darby shall issue a notice of intent to award a contract to the firm offering the lowest responsible bid.
2. Such notice shall be issued immediately or as soon as practicable after bids are submitted and shall stipulate that the contract award will be conditioned on the issuance of a written contractor responsibility determination, as required by § 1-1306 of this Part, and any other conditions determined appropriate by the Township of Darby.

§ 1-1305. Subcontractor Lists; Subcontractor Responsibility Certifications. [Ord. 679, 12/10/2008]

1. Within seven days of the date of notice of intent to award a contract, a prospective awardee shall submit to the Township of Darby a complete subcontractor list containing the names of subcontractors that will be used for the referenced project, their addresses and a description of the work each listed subcontractor will perform on the project.
2. At the time a prospective awardee submits the subcontractor list, it shall also submit subcontractor responsibility certifications for all listed subcontractors to the Township of Darby. Subcontractor responsibility certifications shall be executed by the respective subcontractors and contain the same information and representations required in contractor responsibility certifications.
3. Subcontractor responsibility certifications shall be executed by persons having sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete and accurate.

§ 1-1306. Contractor Responsibility Review and Determination. [Ord. 679, 12/10/2008]

1. After a notice of intent to award contract has been issued, the Township of Darby shall undertake a review process for a period of at least 30 days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this Part and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.
2. As part of this review process, the Township of Darby shall ensure that the contractor responsibility certification, subcontractor list and subcontractor responsibility certifications, as required by this Part, have been submitted and properly executed.
3. The Township of Darby may conduct any additional inquiries to verify the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the Township of Darby may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.
4. If, at the conclusion of its internal review, the Township of Darby determines that all responsibility certifications have been properly completed and executed and if it concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its subcontractor

list are satisfactory, it shall issue a written contractor responsibility determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be nonresponsible, the Township of Darby shall advise the firm of its finding, in writing, and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, rebid the project.

5. The contractor responsibility determination shall be issued at least 30 days after the date of the notice of intent to award contract. This responsibility determination may be revoked or revised in any manner at any time in the event the Township of Darby obtains relevant information warranting any such revocation or revisions.

§ 1-1307. Subcontractor Responsibility Review Requirements. [Ord. 679, 12/10/2008]

1. A construction manager, general contractor or other lead or prime contractor shall not be permitted to use a subcontractor on any work performed for the Township of Darby unless it has identified the subcontractor on its subcontractor list and provided a subcontractor responsibility certification in accordance with the requirements of § 1-1305 of this Part.
2. A subcontractor listed on a firm's subcontractor list shall not be substituted unless written authorization is obtained from the Township of Darby and a subcontractor responsibility certification is provided for the substitute subcontractor.
3. In the event that the Township of Darby determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this section, it may, after informing the prospective awardee, exercise one of the following options:
 - A. Permit the awardee to substitute a qualified, responsible, subcontractor in accordance with the requirements of this section;
 - B. Require the awardee to self-perform the work in question if the firm has the required experience, licenses and other qualifications to perform the work in question; or
 - C. Disqualify the prospective awardee.
4. In the event that a subcontractor is disqualified under this Part, the general contractor, construction manager or other lead or prime contractor shall not be permitted to make any type of contractual claim against the Township of Darby on the basis of a subcontractor disqualification.

§ 1-1308. Public Review Process. [Ord. 679, 12/10/2008]

1. The contractor responsibility certification for a firm identified in a notice of intent to award contract, subcontractor lists and subcontractor responsibility certifications shall be made immediately available to the public for inspection through a publicly accessible website or other comparable means.
2. During the public record review, any person or organization may protest a contractor or subcontractor for failing to meet applicable requirements of this Part or for any other relevant grounds by submitting a written objection with supporting evidence to the Township of Darby.
3. If the Township of Darby determines that a contractor or subcontractor responsibility certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information that was omitted knowingly or with reckless disregard of the truth, the firm for which the certification was submitted may be prohibited from performing work for the Township of Darby for a period of up to three years. Such firms may also be subject to any other penalties and sanctions, including contract termination, available to the Township of Darby under law. A contract terminated under these circumstances shall further entitle the Township of Darby to withhold payment of any monies due to the firm as damages.
4. A procurement contract subject to this Part shall not be executed until all requirements of this Part have been fulfilled and until contractor and subcontractor responsibility certifications and subcontractor lists have been made available for public inspection for at least 21 days.
5. The applicability of this Part to the contractor shall be determined by the Township of Darby; and such applicability may be waived in the event of emergency or in such other event when, in the opinion of the Township Manager and with the approval of the Board of Commissioners, it is determined that such action would be in the best interest of the Township of Darby.

§ 1-1309. Severability; Effective Date; Applicability. [Ord. 679, 12/10/2008]

1. If any provision of this Part shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this Part, and all remaining provisions shall remain in full force and effect.
2. This Part shall become effective January 1, 2009, but the Township of Darby shall take such anticipatory administrative action in advance as shall be necessary for the implementation of this Part.
3. The requirements of this Part shall not apply to contracts executed prior to the effective date of this Part, except that the exercise of an option on a

contract covered by this Part shall be deemed to create a new contract for purposes of this Part.

PART 14

TOWNSHIP VEHICLE POLICY

§ 1-1401. Purpose. [Res. R-2013-10, 10/9/2013]

The purpose of this policy is to establish guidelines and control over the assignment and use of all Township-owned and -operated vehicles, including nonowned vehicles and those assigned to certain employees. The responsible operation of a motor vehicle is critical to the safety of Township employees and the general public.

§ 1-1402. Policy. [Res. R-2013-10, 10/9/2013]

1. Township-owned vehicles will be used for official Township business only and operated in accordance with approved procedures. Employees who use their personal vehicle on Township business must abide by this policy while operating on official Township business and will be held to the same rules and standards as those operating Township-owned vehicles.
2. No Township-owned vehicle or nonowned vehicle is permitted to be operated unless the operator has the appropriate valid operator's license (i.e., class, CDL, and/or motorcycle) or endorsements for the vehicle operated.
3. Operators will maintain an "acceptable" driving record with respect to changeable accidents and moving violations. A guideline "driver matrix" is included in a separate section of this policy to further define motor vehicle record rating criteria. This information is included in Appendix A of this policy.⁶ Operators who do not meet these criteria may have their authorization to drive on behalf of the Township suspended or revoked.
4. All Township drivers will have their motor vehicle record (MVR) checked annually by Township administration. Operators who do not have a valid license or whose driving record falls into the "poor" category as per the driver matrix may have their Township vehicle privileges suspended or revoked.
5. Vehicle Authorization.
 - A. The positions authorized (but not automatically entitled) assignment of a specific vehicle, subject to the approval of the Township Manager and Board of Commissioners, are:
 - (1) Township Manager.
 - (2) Chief of Police.
 - (3) Deputy Chief.
 - (4) Code Enforcement Officer.

⁶Editor's Note: Appendix A is on file in the Township offices.

- (5) Investigators (two).
- B. The Township, by action of the Board of Commissioners, may revoke the vehicle authorization for any person and/or any position at any time for any reason deemed by the Board of Commissioners to be in the best interest of the Township. Other employees may utilize vehicles in the Township fleet or drive their own vehicle on Township business as per their work assignments and job descriptions; subject to the approval of their immediate supervisor and that they meet all driver requirements with respect to licensing, motor vehicle record, physical ability to operate the vehicle, etc.
6. The assigned use of vehicles other than those authorized for the above may be approved on an "as needed" or temporary basis only under the direction of the Township Manager. Temporary operators must adhere to all Township vehicle policies and have an "acceptable" driving record as per the driver matrix standards. Temporary operators will be subject to a MVR check prior to being assigned a vehicle. These requirements may be waived in the event of a Township emergency.
7. The assignment and use of vehicles listed in Subsections 5 and 6 is to permit those employees to be on-call and available to respond to emergencies and calls for service.
8. Vehicles owned by Darby Township shall only be operated by Township employees. Use by the employee's spouse, children, family members or friends is strictly prohibited.
9. The use of any Township-owned vehicle for personal vacation, recreational or private business use of any kind is prohibited.
10. All assigned Township-owned vehicles are authorized for personal use, as follows:
- A. The personal use of Township-owned vehicles is restricted geographically to Delaware County, Pennsylvania, or other municipalities contiguous with Darby Township, unless otherwise specifically approved by the Township Manager or Board of Commissioners.
- B. Personnel may be authorized to use a Township-owned vehicle or personal vehicle to attend a school, training seminar or other Township business-related function. Any and all off-duty use of Township-owned vehicles by personnel must be approved by the Township Manager.
- C. Members of an authorized employee's immediate family are not authorized to be passengers in a Township-owned vehicle unless such

personal use is incidental or coexistent to official duties or Township functions or in accordance with the above Subsection 10A.

- D. Authorized employees are not permitted to carry nonemployee passengers in Township vehicles unless it is necessary to conduct Township business.
 - E. The use of any assigned Township vehicles for personal vacation, recreational use, personal trips, deliveries, carrying of materials or conducting of a private business is prohibited.
 - F. Township-owned vehicles assigned and operated under this policy, and personal vehicles used on Township business, are subject to all Township policies, rules and regulations.
11. Personnel assigned the use of Township-owned vehicles may use the vehicle for carpooling for other employees to and from work whenever possible. However, only those employees authorized to drive the vehicle may do so.
 12. Seat belts are required to be worn at all times by the driver and occupants of any Township vehicle. This also applies to any personal vehicle being used on Township business.
 13. Darby Township is a smoke-free workplace. Smoking is thereby prohibited in any Township vehicles.
 14. Employees shall make themselves aware of, and adhere to, the Township's Drug Free Workplace Policy and Vehicle Accident Policy.
 15. The use of cell phones, or any electronic device, including text messaging and voice direct connect, is prohibited while any Township vehicle (or personal vehicle used on Township business) is in operation, unless a hands-free device is used. Text messaging, checking e-mails, or other use of electronic devices that take the operator's attention away from the road is strictly prohibited while operating a vehicle on Township business; the driver must first pull off the roadway and be in a safe location before engaging in any types of electronic communications. Phone conversations, even while on a hands-free device, should be kept to an absolute minimum while operating a motor vehicle.
 16. The Darby Township Police Department Policy Manual's policies regarding Police Department vehicles shall supplement this policy.

§ 1-1403. Fleet Vehicle Operation. [Res. R-2013-10, 10/9/2013]

1. It is the responsibility of each employee assigned to or utilizing a Township vehicle to inspect and maintain the vehicle. The vehicle shall be inspected inside and out for damage and cleanliness prior to use and at the end of each

- shift. Damage to a vehicle is to be noted on the "Vehicle Damage Report" and submitted to the Mechanic Supervisor.
2. Vehicle exteriors shall be washed at regular intervals or as needed to keep the appearance as new.
 3. Vehicle interiors shall be kept clean and inspected at the beginning of each shift. Any damage to the vehicle interior will be noted on the "Vehicle Damage Report" and submitted to the Mechanic Supervisor.
 4. Maintenance.
 - A. An employee should be cognizant of the vehicle inspection and fluid replacement stickers on the vehicle he/she is operating and report any outdated sticker to the Mechanic Supervisor immediately.
 - B. The Township garage will check the mileage and perform the required service or preventive maintenance on the vehicle.
 - C. An employee must report any observed mechanical problem, i.e., noise, odor, etc., of a vehicle that he/she is operating immediately to the Mechanic Supervisor.
 - D. Employees using their personal vehicles on Township business are expected to keep their vehicles in safe, working order and maintain current inspections and emissions as per Pennsylvania regulations. The Township reserves the right to perform an in-house safety inspection of an employee's vehicle.
 5. Insurance Requirements. The Township provides insurance coverage for all Township-owned vehicles. Employees who use their personal vehicle for Township business must maintain insurance coverage with minimum liability limits of \$100,000/\$300,000 for bodily injury and \$50,000 for property damage. Proof of insurance and required liability coverage must be provided to the Township Manager on a semiannual basis, or on demand as circumstances warrant. A current certificate of insurance will be the only acceptable coverage verification. Insurance cards or policy declarations are not considered to be valid for these purposes.

§ 1-1404. Responsibility. [Res. R-2013-10, 10/9/2013]

1. Township Manager: responsible to develop administrative procedures regarding the assignment, use and control of all Township-owned vehicles and nonowned vehicles used on Township business pursuant to this policy. The Township Manager will ensure that MVR checks are performed annually and assess whether Township drivers have an acceptable driving record.

2. Director of Finance and Administration: responsible for providing appropriate mileage logs for use by drivers with authorized personal use (per § 1-1402, Subsection 10) that do not choose a standard payroll deduction for personal mileage; responsible for assuring maintenance of such records.
3. Vehicle operators/drivers of Township-owned vehicles: responsible for the cleanliness of the vehicle, for the normal daily safety operational checks, and for adhering to and scheduling preventive maintenance checks. All vehicle operators/drivers of Township-owned vehicles are expected to maintain a valid Pennsylvania driver's license and CDL license, if required by their position. Employees are also expected to operate the vehicle in a safe and legal manner in accordance with the motor vehicle laws of the Commonwealth of Pennsylvania and policies of Darby Township.
4. Taxation of commuting benefits: Employees in positions listed in § 1-1402, Subsections 5 and 6, unless such position/employee falls under an IRS qualified exemption, shall be taxed on the value of the "non-cash fringe benefit" of utilizing a Township vehicle for commuting to and from work. The taxable benefit shall be determined by one of the following methods:
 - A. For employees utilizing a Township-owned vehicle, the number of commuting/personal miles will be multiplied by the current IRS mileage rate, and this amount will be included as taxable wages on the employee's annual W2.
 - B. For employees utilizing a gasoline credit card, the annual amount of gasoline purchases shall be included as taxable wages on the employee's annual W2.

CHAPTER 2

ANIMALS

Part 1

Dogs at Large

- §101. “Owner” Defined
- §102. Running at Large Prohibited
- §103. Control of Dogs
- §104. Noise
- §105. Dog Control Officer
- §106. Duties of Dog Control Officer
- §107. Records of Seizures
- §108. Records of Moneys Received
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Reimbursement of Fees for Stray Animals

- §201. Reimbursement Required
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- §206. Responsibility of Manager or Designee
- §207. Violations and Penalties
- §208. Right of Civil Action
- §209. Severability
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Part 1

Dogs at Large

§101. "Owner" Defined.

The word "owner," as used in this Part, shall include every person having a right of proprietorship or ownership in a dog, and every person who keeps or harbors a dog or has it in his care, and every person who permits a dog to remain on or about any premises occupied by him.

(Ord. 483, 5/12/1976, §1)

§102. Running at Large Prohibited.

Hereafter, it shall be unlawful for the owner of any dog, at any time whatsoever, to permit such dog to run at large or to cause any damage to any buildings, lawns, shrubbery, or any other real or personal property, or to cause any annoyance to persons in the Township of Darby.

(Ord. 483, 5/12/1976, §2)

§103. Control of Dogs.

It shall be the duty of any owner of any dog within the Township of Darby at all times to keep such dog either:

- A. Confined within an enclosure from which it cannot escape;
- B. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured;
- C. On a leash or such other device as to keep the dog under reasonable control of the person then handling such dog; or
- D. Under the reasonable control of the owner or handler when engaged in lawful hunting.

(Ord. 483, 5/12/1976, §3)

§104. Noise.

It shall be unlawful for the owner of any dog to permit such dog to remain in the open and to howl, yelp or bark for extended periods of time.

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(Ord. 483, 5/12/1976, §4)

§105. Dog Control Officer.

The Board of Commissioners of the Township of Darby shall appoint an officer to be known as the "Township Dog Control Officer." It shall be the duty of the said officer to enforce this Part, to institute prosecutions for violations thereof in the name of the Township and to carry out all of the provisions of this Part, including the care and custody of any dogs running at large in violation hereof and their destruction.

(Ord. 483, 5/12/1976, §5)

§106. Duties of Dog Control Officer.

1. The Township Dog Control Officer is hereby authorized and directed to seize any dog running at large within the Township of Darby. If it shall appear dangerous to seize said dog without the use of force, then the Dog Control Officer be and is hereby authorized to use such force as shall be necessary to seize the said dog and to protect himself; and if in the use of force, under the circumstances, the dog shall be killed, the Dog Control Officer shall not be held responsible or liable for the death of the said animal. In the use of force, the Dog Control Officer shall not endanger any person or property, and the Dog Control Officer shall not use or discharge any firearms. If the use of a firearm should be necessary, then the Dog Control Officer shall call upon the Township police for assistance, and it shall be the duty of the police to render assistance under such circumstances.
2. The Dog Control Officer shall carefully note the date and the time of the seizure or destruction of any dog and the place of its seizure or destruction and shall attempt to ascertain the name and address of the owner of the dog.
3. In the case of seizure, the Dog Control Officer shall hold the said dog in custody in a place to be approved by the Police Committee of the Township of Darby. Said place of custody shall be adequate in size for said dog and shall be kept clean and sanitary, and the Dog Control Officer shall feed any dog seized with good and wholesome food and shall keep plenty of fresh water available.
4. If there is no report, evidence or indication that any dog seized has bitten any person or animal or is suffering the disease of rabies, then any dog seized shall be held in custody by the Dog Control Officer for a minimum period of 72 hours, to be computed from the time the dog is placed in the place of custody. During said minimum period of 72 hours, the Dog Control Officer shall deliver custody of the said dog to its owner upon proof of the right to have custody and upon payment of the sum of \$10 and upon payment of the cost of maintenance of the said dog, which shall be set forth in a schedule to be set by the Police Committee and posted in the place where the dog is held. During the period of 72 hours, the Dog Control Officer

shall attempt to ascertain the ownership of the dog by reference to license records if the dog appears to be licensed. Also, if there shall be any fine and penalty imposed on the owner of the dog as the result of any prosecution hereunder, then the owner shall exhibit proof to the Dog Control Officer that the fine and costs have been paid in full before the dog shall be delivered to its owner. If the dog is not reclaimed by the owner at the expiration of the minimum period of 72 hours, then it shall be the duty of the Dog Control Officer to cause the dog to be killed in a merciful manner and its body disposed of in a sanitary manner, and a careful record to be made of the date, time, place and manner of its destruction and of the disposal of its body. Nothing herein shall require that an unlicensed dog be maintained in custody for any period.

5. If there is any report, evidence or indication that any dog seized has bitten any person or animal, or if there is any basis to suspect that any dog seized may have the disease of rabies, then the Dog Control Officer shall keep custody of the dog under close quarantine for a period of not less than 10 days, during which time he shall make frequent and close observation of the dog for rabies. If there are any indications that the dog has rabies, then the Dog Control Officer shall cause the dog to be examined by a licensed veterinarian. If, in the opinion of the veterinarian, the dog has rabies, then the dog shall be killed and its head shall be forwarded to a proper testing laboratory for microscopic examination; and if it shall be determined that the dog was suffering from rabies, then any person bitten or who was suspected of having been bitten shall be immediately warned and advised to take the Pasteur treatments; provided, however, that it shall not be the obligation of the Township to pay for said treatments. Any dog or other animal suspected of having been bitten by rabid dog shall be taken into custody of the Dog Control Officer and shall be held by him in custody for a minimum period of 10 days, subject to the same investigation by the Dog Control Officer and/or veterinarian for clinical symptoms of rabies; and if rabies develops, then said dog or animal shall be killed and its head shall be forwarded for microscopic examination. If any dog held for quarantine shall not develop rabies at the expiration of the quarantine period, the dog may be reclaimed by its owner upon payment of the sum of \$10, plus the cost of maintenance of said dog for the quarantine period; and if said dog is not reclaimed at the expiration of said quarantine period, it shall be killed as hereinbefore set forth, with record made and report rendered. Nothing herein shall require that an unlicensed dog be maintained in custody for any period.
6. In any case where a dog was killed at the time of its capture by the Dog Control Officer and there was any evidence, indication or report that the dog was diseased, the head shall be forwarded to a laboratory for microscopic examination; and if the examination discloses that the dog was rabid, then due notice of said fact shall be given to the people of Darby Township through the Darby Township Police Department.

(Ord. 483, 5/12/1976, §6)

§107. Records of Seizures.

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It shall be the duty of the Dog Control Officer to keep full records and to render complete reports of all seizures of dogs, together with a statement of the date, time and place of seizure and of all destruction of dogs, together with the date, time and place and manner of destruction. The Dog Control Officer shall likewise keep a full report of all examinations of all dogs who have bitten any person or animal and who are otherwise suspected of having rabies. All such reports shall be made monthly to the Township Secretary in time for presentation to the Board of Commissioners at the regular monthly meeting of the Board.

(Ord. 483, 5/12/1976, §7)

§108. Records of Moneys Received.

It shall be the duty of the Dog Control Officer to keep full and complete records of the proceeds of all moneys received for the return of dogs to the owners, and he shall remit all of said proceeds, together with a full and complete report thereof, to the Township Secretary in time for presentation to the Board of Commissioners at its scheduled, regular monthly meeting. Any bills that the Dog Control Officer shall have for the care and custody of dogs shall be submitted likewise for presentation to the Board of Commissioners at its regularly scheduled monthly meeting.

(Ord. 483, 5/12/1976, §8)

§109. Contract With Officer.

The Township of Darby and a suitable person designated by the Board of Commissioners shall enter into a contract whereby the Board of Commissioners of Darby Township shall employ the said person as Dog Control Officer.

(Ord. 483, 5/12/1976, §9)

§110. Reports to Police.

It shall be the duty of the Dog Control Officer to report to the Chief of Police of the Township of Darby on each visit to the Township and to advise him of the number of dogs caught on said visit; and he shall also be subject to special call by the Chief of Police or the Board of Commissioners in the event of any emergency in connection with any dogs running at large.

(Ord. 483, 5/12/1976, §10)

§111. Applicability.

This Part shall be construed to apply to all dogs, whether they shall be licensed or unlicensed, and it shall not be the duty of the Township Dog Control Officer to enforce the terms of any state law. The Township Dog Control Officer shall not be construed to be a police officer of the Township of Darby or to have police powers in connection with his office.

(Ord. 483, 5/12/1976, §11)

§112. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 483, 5/12/1976, §12; as amended by Ord. 572, 10/10/1990)

§113. Short Title.

This Part may be known and cited as “The Darby Township Dog Ordinance of 1976.”

(Ord. 483, 5/12/1976, §14)

§114. Leash.

Notwithstanding anything to the contrary in this Part, all persons residing in the Township who are owners of dogs shall hereafter confine them to the premises of the owners at all times, except that dogs may be permitted off the premises of the owners when on leash only.

(Ord. 483, 5/12/1976, §15)

§115. Notice of Seizure of Dog.

1. Notwithstanding anything to the contrary in this Part, any owner of any dog found running at large off the premises of the owner shall be notified, if it is a first offense concerning the dog in question, that he may pay to the Township Secretary, within 72 hours of mailing or delivery of written notice to him, a penalty of \$10. After the expiration of such 72 hours, or without such notice, if it be a second offense with regard to the dog in question, the owner shall be liable to a penalty as set forth in this Part.

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2. Notwithstanding anything to the contrary in this Part, any licensed dog running at large may be picked up by the Dog Control Officer or by Township police and shall be housed and fed and the owner notified. If it is a first offense concerning the dog in question, the owner may claim the dog within 72 hours of mailing or delivery of written notice to him by paying to the Township Secretary a penalty of \$10 plus all reasonable expenses incurred by reason of the detention. After the expiration of such 72 hours, or without such notice, if it be a second offense with regard to the dog in question, the fines set forth herein shall apply, in addition to all reasonable expenses incurred by reason of detention of the dog, and in addition to costs of prosecution, to be collected in the same manner as fines and penalties are now collected.

(Ord. 483, 5/12/1976, §§16 and 17)

Part 2

Reimbursement of Fees for Stray Animals

§201. Reimbursement Required.

In the event that the Township is charged a stray animal fee and/or any other similar or related fees by the Delaware County SPCA as a consequence of its receipt of a stray animal in, and/or delivered from, the Township of Darby, the Township shall be reimbursed for such stray animal fee.

(Ord. 694, 1/12/2011)

§202. Notification of Owners.

Within 30 days of its receipt of a charge or bill for a stray animal fee and/or other similar or related fees from the Delaware County SPCA incurred as a consequence of the SPCA's receipt of a stray dog or cat found in, and/or delivered from, the Township of Darby, or as soon as practicable thereafter, the Township shall notify, in writing, the known or registered owner(s) of each stray animal received by the SPCA, informing them of the total reimbursement owed to the Township and the time period in which that reimbursement must be paid.

(Ord. 694, 1/12/2011)

§203. Reimbursement Not to Exceed Actual Charges.

The reimbursement amount charged to the known or registered owner of a stray animal shall not exceed the actual charges incurred and/or paid by the Township of Darby to the Delaware County SPCA.

(Ord. 694, 1/12/2011)

§204. Time Period for Payment; Extensions.

Within 30 days after receipt of written notice of the amount of reimbursement charges owed to the Township under this Part 2, the owner(s) of a stray animal shall pay the same, in full, to the Township of Darby. The time period for full payment of the reimbursement charges may be extended upon mutual agreement of the owner(s) and the Township Manager, provided that the terms and limits or such extension are reduced to writing and signed by the Township Manager.

(Ord. 694, 1/12/2011)

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§205. Payment Plans.

Upon the mutual written agreement of the Township Manager and the owner(s) of a stray animal, a periodic payment plan or payment schedule may be established for the payment of any reimbursement charge levied under this Part 2, provided that no such periodic payment plan or payment schedule may extend longer than six months after the date the owner(s) receive written notice of their liability for payment of reimbursement charges.

(Ord. 694, 1/12/2011)

§206. Responsibility of Manager or Designee.

The Township Manager and/or his/her designee shall have the responsibility for notifying all known and/or registered owners under this Part 2, providing written notice to the same, and granting extensions of time for payment where appropriate.

(Ord. 694, 1/12/2011)

§207. Violations and Penalties.

Any owner who fails to pay any reimbursement charges under this Part 2 within 30 days after receipt of written notice of the amount of reimbursement charges owed to the Township, or within the time period agreed to under § 204 above, or pursuant to the terms and conditions of any periodic payment plan agreed to under § 205 above, as is applicable, such owner may be charged with a violation of this Part 2 and shall be subject to a fine of not more than \$300 for each offense, in addition to any amount(s) originally owed as reimbursement charges to the Township.

(Ord. 694, 1/12/2011)

§208. Right of Civil Action.

Notwithstanding the effect or application of § 206 above, or any other provision of this Part 2, the Township retains the right and ability to commence any civil action necessary in order to seek damages for the amount of any unpaid reimbursement charges owed under this Part 2.

(Ord. 694, 1/12/2011)

§209. Severability.

In the event that one or more provisions of this Part 2 are found to be unlawful, unconstitutional and/or unenforceable, then the remaining provisions of this Part 2 shall continue and remain in full force and effect.

(Ord. 694, 1/12/2011)

§210. Applicability to Future Contracts.

In the event that Delaware County SPCA no longer provides the stray animal service, this Part 2 shall apply to whatever agency, individual or entity that contracts with the Township of Darby to provide such service as if this provider were the Delaware County SPCA.

(Ord. 694, 1/12/2011)

CHAPTER 3

BICYCLES

(Reserved to accommodate future ordinances)

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BUILDINGS**

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FENCES**

- § 4-101. Definitions.**
- § 4-102. Location; fees.**
- § 4-103. Height.**
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**PART 2
NUMBERING OF BUILDINGS**

- § 4-201. Definitions.**
- § 4-202. Numbering of Houses.**
- § 4-203. Responsibility of Owner.**
- § 4-204. Specifications of Building Number.**
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- § 4-301. General Requirements.**
- § 4-302. Definitions.**
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- § 4-313.1. Foreclosure.
- § 4-314. Owners Severally Responsible.
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PART 4

NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION

- § 4-401. Short Title.
- § 4-402. Purpose.
- § 4-403. Definitions.
- § 4-404. Actions Against Owner of Property with Serious Code Violations.
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PART 1
FENCES

§ 4-101. Definitions. [Ord. 323, 8/21/1963; as amended by Ord. 462, 1/8/1975; and by Ord. 521, -/1981, Art. 1]

Unless otherwise expressly stated, the following words shall, for the purpose of this Part, have the following meanings:

COMMERCIALLY PRODUCED — Any fence that comes in pieces or prefabricated, originating from a company that produces fences for the general public.

FENCE — Includes only approved wrought-iron fence, chain-link fence or any other materials approved by the Building Inspector, such as wood, plastic, or aluminum. All other materials must be approved by the Building Inspector. All wood must be treated for termites and weather resistance. All fences must be commercially produced, or plans for a homemade fence must be submitted to the Building Inspector to see if they conform to commercially accepted standards. There shall be no sharp edges.

ROW-TYPE HOUSE — Any series of three or more houses, each house having a common party wall connecting it to the adjacent structure.

SINGLE HOUSE — A house accommodating one or two families, having no party wall or walls in common with an adjacent house or houses.

TWIN HOUSE — A house having one common party wall with an adjacent house, the two houses together accommodating two or more families with at least one family living on either side of the party wall.

§ 4-102. Location; fees. [Ord. 323, 8/21/1963; as amended by Ord. 462, 1/8/1975; by Ord. 521, -/1981, Art. 2; by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. To obtain a permit to erect a fence for commercial and/or industrial purposes, the fee charged will be an application fee of \$75, plus \$100 for the first \$1,000 and \$60 for each additional \$1,000 or fraction thereof. There will be a flat fee of \$40 for a permit to erect a fence not used for commercial and/or industrial purposes. **[Amended by Ord. 711, 12/4/2013]**
2. No owner, possessor, or occupier of any row home, nor any other person, firm or corporation acting on their behalf, shall erect a fence extending toward the front of their lot which shall extend beyond the front foundation wall of the house.
3. Fences may be erected on the side yards and back yards, but they must have a gate so as to provide access through said breezeway.

4. Fences may be erected on the side yards and back yards of row-type houses, provided that all such fences are not within two feet of the property line, unless written permission from the adjacent property owner, occupier or possessor is submitted with the application for a permit to erect such a fence.
5. Owners, occupiers, or possessors of single or twin houses, or other persons, firms, and corporations acting on their behalf, may erect fences anywhere on their property, provided that they are not within two feet of any public thoroughfare, sidewalk, or driveway, and provided, further, that they are not within two feet of the adjacent property line, unless written permission from the adjacent property owner, occupier, or possessor is submitted with the application for a permit to erect such a fence.
6. Double Fees. In case any work for which a permit required by this code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any penalties prescribed herein.

§ 4-103. Height. [Ord. 323, 8/21/1963; as amended by Ord. 462, 1/8/1975; and by Ord. 521, -/-/1981, Art. 3]

No fence shall be erected in residential areas which is more than 48 inches in height. This will not apply in commercial or industrial areas. In these cases, the Building Inspector will determine height. Around swimming pools, fences will be a minimum of six feet in height.

§ 4-104. Penalties. [Ord. 323, 8/21/1963; as amended by Ord. 462, 1/8/1975; by Ord. 521, -/-/1981, Art. 4; and by Ord. 572, 10/10/1990]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 2
NUMBERING OF BUILDINGS

§ 4-201. Definitions. [Ord. 557, 1/13/1988, § 1]

1. When used herein person shall mean and include any person, firm, association, partnership, group or corporation and include the plural as well as the singular.
2. When used herein building shall mean and include any structure, building, or portion of a building, intended for residential, mercantile, business, factory, industrial, high hazard, institutional, storage, assembly, temporary, miscellaneous, or other use, which is identified in Township records by a building number assigned at the time of construction or subsequently. Provided the term shall not include an accessory building located upon the same lot as a main building subject to the provisions of this Part, and not individually identified by a street address number in the Township records.
3. When used herein building number shall mean the street address number assigned to a particular building, structure, or portion of a building, by the Township of Darby in the manner such numbers are currently assigned.

§ 4-202. Numbering of Houses. [Ord. 557, 1/13/1988, § 2]

On and after the approval of this Part it shall be the duty of the owner or occupant of every building in the Township of Darby to cause the same to be numbered in accordance with the requirements of this Part. The Building Inspector shall be charged with the duty of assigning numbers to all buildings subject to the provisions of this Part, as well as the enforcement of all remaining provisions of this Part.

§ 4-203. Responsibility of Owner. [Ord. 557, 1/13/1988, § 3]

It shall be the duty of the owner or occupant of any building in the Township of Darby to ascertain the building number assigned to such building. A record of building numbers shall be maintained by the Township and made available to the public during normal business hours to facilitate compliance with this Part.

§ 4-204. Specifications of Building Number. [Ord. 557, 1/13/1988, § 4]

The owner or occupant of any building in the Township of Darby shall cause the building number to be posted and maintained in conformity with the following standards:

- A. Numbers shall be posted on a contrasting background; either light or dark on light.

- B. Numbers should be of sufficient size, and so positioned, that they can be easily seen from the street. The minimum size of building numbers shall be three inches in height.
- C. If the building is a distance from the street, numbers should be posted on a fence or column at the entrance to the property.
- D. Numbers shall be posted in the front and rear of all row homes.
- E. If the building is located on a corner lot, building numbers should face the street to which they relate.

§ 4-205. Penalties. [Ord. 557, 1/13/1988, § 5; as amended by Ord. 572, 10/10/1990]

Any person who shall number any building contrary to the provisions of this part, or the instructions of the Building Inspector or his representative, and who shall fail or neglect to number a building within 30 days after receipt of written notice to do so from the Township, shall be subject to a fine or penalty not in excess of \$600 and costs, or in default of payment thereof, shall be subject, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 4-206. Existing Buildings. [Ord. 557, 1/13/1988, § 6]

Buildings presently constructed shall, within 90 days, comply with the provision of this Part.

§ 4-207. Applicability. [Ord. 557, 1/13/1988, § 7]

The provisions of this Part shall be specifically applicable prior to the issuance of a Certificate of Occupancy in the Township. No Certificate of Occupancy shall be issued unless the Building Inspector has approved the numbers installed at the proper locations.

PART 3

PROPERTY MAINTENANCE

§ 4-301. General Requirements. [Ord. 615, 9/11/1996, § 101]

All residential, commercial and industrial premises within the Township of Darby, whether improved or vacant, shall be maintained in conformity with the provisions of this Part so as to assure the desirable character of the property.

§ 4-302. Definitions. [Ord. 615, 9/11/1996, § 103]

As used in this Part, the following terms shall have the meanings indicated:

BUILDING — A roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

BUSINESS UNIT — A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including, but not limited to, offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

COURT — An open and unoccupied space on a lot and enclosed on at least three sides by the walls of a building.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION — The presence of insects, rodents, vermin or other pests.

LITTER — "Garbage," "refuse" and "rubbish" as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT — Plot, tract, premises or parcel of land with or without buildings or structures located thereon as surveyed and apportioned for sale or other purposes.

OWNER — Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE — All putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, street cleanings, dead animals, junk vehicles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding crockery and similar materials.

UNOCCUPIED HAZARD — Any building or part thereof which remains unoccupied for a period of more than two years, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than two years.

YARD — An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

§ 4-303. Conflict. [Ord. 615, 9/11/1996, § 103]

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Township of Darby and those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

§ 4-304. Open Areas and Parking Spaces. [Ord. 615, 9/11/1996, § 104]

1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.
2. Fences and other minor construction shall be constructed and maintained so as not to present a safety and/or health hazard to persons and/or property.
3. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement carried out.
4. Yard, courts and vacant lots shall be kept clean and free of physical hazards, rodents harborage and infestation. They shall be maintained in a manner that will prevent dust, dirt and/or other particles and/or materials from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.
5. Heavy undergrowth and accumulation of plant growth which are noxious or detrimental to health shall be eliminated. Any trees, or portions thereof,

located on private property and constituting a hazard to persons or property shall be removed.

§ 4-305. Business Units. [Ord. 615, 9/11/1996, § 105]

1. Business units, as defined herein, shall at all times be maintained in compliance with the provisions of this Chapter regulating open spaces, buildings or structures and littering.
2. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises, or in an acceptable enclosure, and shall be regularly collected and removed from the premises.
3. No shopping baskets, carts or wagons shall be left unattended or standing in open areas and shall be collected at the close of business each day by the occupant of such unit and removed to the interior of the building or buildings.
4. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated.
5. No truck or other vehicle shall be loaded or unloaded outside the confines of the building or buildings on the premises, before 7:00 a.m. or after the business conducted on the premises has been closed to the public, in such a manner as to cause excessive noise or disturbance to the adjoining properties. For purposes of this subsection, a noise rating exceeding 25 decibels as read on the A-Scale of a standard sound level meter at the nearest residence to the premises shall be deemed excessive.
6. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include, but not be limited to, the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may become in disrepair.

§ 4-306. Buildings and Structures. [Ord. 615, 9/11/1996, § 106]

1. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
2. Floors, walls, ceilings, stairs, furnishings and fixtures or buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

3. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
4. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished to a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and materials and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.
5. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time, to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be provided with painted, exterior grade plywood closures, securely fastened.
6. Buildings and structures shall be maintained in such a condition so that they shall not become unoccupied hazards as defined in this Part. All graffiti or defacing shall be removed and the surface finish restored within a five-day period.
7. All signs and lighting systems shall be maintained in a completely operable, clean and safe condition.
8. All decorated pools and similar devices shall be maintained free of litter and operated as intended. Should the maintenance costs of such devices prove unacceptable, the device shall be converted to landscaped planting beds.

§ 4-307. Infestation and Screening. [Ord. 615, 9/11/1996, § 107]

1. Ground buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.
2. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

§ 4-308. Littering. [Ord. 615, 9/11/1996, § 108]

1. Residential, commercial and industrial premises, whether improved or vacant, shall be maintained free of litter; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes or ordinances.
3. No refrigerator may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking devices and all doors.
4. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping or architectural screening.
5. Shopping centers, supermarkets and similar business units shall provide permanent attractive, decorated litter receptacles within the premises for public use in sufficient quantity to prevent a person from walking in excess of 50 feet to use one such receptacle.

§ 4-309. Responsibilities of Occupants. [Ord. 615, 9/11/1996, § 109]

An occupant of the premises shall be responsible for compliance with this section in regard to the following:

- A. Limiting the occupancy of that part of the premises which he occupies or controls to the maximum permitted by the Ordinances of the Township of Darby.
- B. Maintenance of the part of the premises which he occupies or controls in a clean, sanitary and safe condition.
- C. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
- D. Keeping exits from his building clear and unencumbered.
- E. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner, in accordance with the Ordinances of the Township of Darby.
- F. Extermination of insects, rodents or other pests within his premises.
- G. Maintenance of yards, lawns and courts in a clean, sanitary and safe condition and free from infestation insofar as said occupant occupies or controls said yards, lawns and courts or any parts thereof.
- H. The installation and removal of required screens.
- I. Keeping his domestic animals and pets in an appropriate manner and under control.

- J. Elimination of all prohibited uses from that part of the premises which he occupies, controls or has accessibility thereto.

§ 4-310. Responsibilities of Owners. [Ord. 615, 9/11/1996, § 110]

1. Owners of premises shall be responsible for compliance with the provisions of this Part and shall remain responsible therefor regardless of the fact that this Part may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
2. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition and operation of service facilities and for furnishing adequate heat and hot water supply where they have contracted to do so.
3. Whenever any person or persons shall be in actual possession of or have charge, care of control of any property within the Township of Darby as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this Part and shall be bound to comply with the provisions of this Part to the same extent as the record owner; and notice to any such person or any order or decision of the Code Enforcement Officer and/or Township Manager shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one or more violations of the Part, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this Part.

§ 4-311. Penalties. [Ord. 615, 9/11/1996, § 111]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 4-312. Notice of Violation. [Ord. 615, 9/11/1996, § 112; as amended by Ord. 658, 9/14/2005]

Upon failure to comply with any condition of this Part, the owner and/or occupant shall be notified by the Township of Darby or its authorized representative, by certified mail, or through personal service, or posting of the property, of said violation or violations; notification shall be in writing and shall identify the premises and cite the specific violation or violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within 10 days, or immediately depending on circumstances, from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for failure to

comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the ten-day period for voluntary compliance, the Township of Darby may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses incurred in a manner as prescribed by law.

§ 4-313. Compliance. [Ord. 615, 9/11/1996, § 113; as amended by Ord. 658, 9/14/2005]

The owner and/or occupant shall have 10 days, or immediately depending on circumstances, from the receipt of a notice of violation and/or posting to correct any and all stipulated deficiencies. Extensions to the ten-day period may be granted by the Township of Darby upon demonstration by the owner and/or occupant that the extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Part. A conviction of an owner and/or occupant shall not ban further prosecutions for noncompliance within this Part subsequent to such conviction.

§ 4-313.1. Foreclosure. [Added by Ord. 718, 4/8/2015]

1. Whenever a bank, mortgage company or other lending institution forecloses on a property, that entity shall notify the Township within 30 days of the foreclosure of its identity, address, and phone number.

§ 4-314. Owners Severally Responsible. [Ord. 615, 9/11/1996, § 114]

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

§ 4-315. Inspection. [Ord. 615, 9/11/1996, § 115]

1. The Township of Darby may, or may cause, through an authorized representative of the Township of Darby, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township of Darby for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.
2. In addition to the above, whenever a Code Enforcement Officer makes any inspections of the property after the initial site visit, the Township shall charge such person an administrative/inspection fee of \$50 per inspection.
[Added by Ord. 717, 4/8/2015]

PART 4

NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION**§ 4-401. Short Title. [Ord. 700, 12/7/2011]**

This Part 4 may be cited as the "Township of Darby Neighborhood Blight Reclamation and Revitalization Ordinance."

§ 4-402. Purpose. [Ord. 700, 12/7/2011]

1. This Part 4 is to implement in the Township of Darby the provisions of the act of October 27, 2010 (P.L. 875, No. 90), 53 Pa.C.S.A. Chapter 61, known as the "Neighborhood Blight Reclamation and Revitalization Act."
2. There are deteriorated properties located in the Township of Darby as a result of neglect by their owners in violation of applicable state and municipal codes.
3. These deteriorated properties create public nuisances which have an impact on crime and the quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances.
4. In order to address these situations, it is appropriate to deny certain governmental permits and approvals in order:
 - A. To prohibit property owners from further extending their financial commitments so as to render themselves unable to abate or correct the code, statutory and regulatory violations or tax delinquencies.
 - B. To reduce the likelihood that this municipal City and other municipalities will have to address the owners' neglect and resulting deteriorated properties.
 - C. To sanction the owners for not adhering to their legal obligations to the Township of Darby, as well as to tenants, adjoining property owners and neighborhoods.

§ 4-403. Definitions. [Ord. 700, 12/7/2011]

The following words and phrases, when used in this Part 4, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

ACT — The act of October 27, 2010 (P.L. 875, No. 90), Pa.C.S.A. Chapter 61, known as the "Neighborhood Blight and Reclamation and Revitalization Act."

BUILDING — A residential, commercial or industrial building or structure and the land appurtenant to it.

CODE — A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.

COURT — The Court of Common Pleas of Delaware County.

MORTGAGE LENDER — A business association defined as a "banking institution" or "mortgage lender" under 7 Pa.C.S.A. Chapter 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

MUNICIPALITY — A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in this commonwealth and any entity formed pursuant to the act of December 19, 1996 (P.L. 1158, No. 177), 1.53 Pa.C.S.A. § 23 (relating to intergovernmental cooperation).

MUNICIPAL PERMITS — Privileges relating to real property granted by the Township of Darby that are building permits issued under the authority of the Pennsylvania Uniform Construction Code, zoning permits, special exceptions, conditional uses and variances granted under the Township of Darby's Zoning Ordinance, any certificate of use issued under the Certificate of Occupancy Ordinance in Chapter 11 of the Township's Code of Ordinances, as well as any other ordinance authorizing a municipal permit affecting real property for which the municipality desires to deny permits under this Part 4. The term does not include decisions on the substantive validity of a zoning ordinance or map, such a validity variance or the acceptance of a curative amendment.

OWNER — A holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes but is not limited to heirs, assigns, beneficiaries and lessees, provided that this ownership interest is a matter of public record, including lessees under leases for which a memorandum of lease is recorded in accordance with the act of June 2, 1959 [P.L. 254 (vol. 1), No. 86], 21 P.S. § 405.

PUBLIC NUISANCE — Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the Building or Code Official a public nuisance, or by the court.

REMEDIATION PLAN — A plan for the correction of violations of state law or code that is part of an agreement between the owner and the municipality in which the real property containing the violations is located.

SERIOUS VIOLATION — A violation of a state law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupant, occupants in surrounding structures or passersby, that is a building ordered

vacated in accordance with the Department of Labor and Industry's regulations, 34 Pa. Code § 403.84, as amended, implementing the Uniform Construction Code, the act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§ 7210.101 to 7210.1103; a building placarded as unfit for human habitation so as to prevent its use under the Township of Darby's ordinances and/or codes.

STATE LAW — A statute of the commonwealth or a regulation of an agency charged with the administration and enforcement of commonwealth law.

SUBSTANTIAL STEP — An affirmative action, as determined by a property codes official or officer of the court, on the part of a property owner or managing agent to remedy a serious violation of a state Law or municipal code, including but not limited to physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

TAX-DELINQUENT PROPERTY — Tax-delinquent real property as defined under:

- A. The act of July 7, 1947 (P.L. 1368, No. 542), known as the "Real Estate Tax Sale Law";
- B. The act of May 16, 1923 (P.L. 207, No. 153), referred to as the "Municipal Claim and Tax Liens Act";
- C. The act of October 11, 1984 (P.L. 876, No. 171), known as the "Second Class City Treasurer's Sale and Collection Act," located in any municipality in this commonwealth; or
- D. Any successor law to any of the above statutes.

UNIFORM CONSTRUCTION CODE — The act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§ 7210.101 to 7210.1103, as implemented by Ordinance No. 1856.

**§ 4-404. Actions Against Owner of Property with Serious Code Violations.
[Ord. 700, 12/7/2011]**

- 1. Actions. In addition to any other remedy available at law or in equity, the Township of Darby may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:
 - A. An in personam action.
 - (1) An in personam action may be initiated for a continuing violation which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court.

- (2) As authorized by the Act, the Township of Darby reserves the right to recover, in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the municipality to remedy any code violation.
 - B. A proceeding in equity.
 2. Asset Attachment.
 - A. General Rule. A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under § 4-404, Subsection 1 (relating to actions).
 - B. Limitations Under the Act. In proceedings under the Act, except as otherwise allowed by law, where the owner is an association or trust, no lien shall be imposed upon the individual assets of any limited partner, shareholder, member or beneficiary of the owner.
 3. Reservations of Rights and Remedies Under Law Other than the Act. The Township of Darby reserves all rights and remedies existing under statutes other than the Act, its ordinances implementing them, and applicable case law, to obtain recovery for the cost of prevention and abatement of code violations and public nuisances, to the fullest extent allowed by law, from mortgage lenders, trustees, and members of liability companies and general partners and limited partners who provide management services to the real property, officers, agents and operators that are in control of a property as an owner, or otherwise hold them personally responsible for code violations, as well as owners themselves. Such owners, mortgage lenders, partners, members of limited liability companies, trustees, officers, agents and operators in control of a real property with code violations shall be subject to all actions at law and in equity to the full extent authorized by such statutes, ordinances and applicable case law. Such action may be joined in one lawsuit against responsible parties with an action brought under the Act.

**§ 4-405. Permit Application Requirements; Denial of Permits; Appeals.
[Ord. 700, 12/7/2011]**

1. Permit Application Form.
 - A. In addition to the requirements set forth in the governing ordinances, regulations or rules for the specific municipal permit being applied for under the ordinances referenced in the definition of "municipal permits" in § 4-403, all applications for a municipal permit shall include:
 - (1) If the owner is an individual, the home address of the owner.

- (2) If the owner is an equity, its registered office and principal place of business, type of entity, in what state it was formed, and whether the entity has qualified to do business as a foreign entity in Pennsylvania by filing with the Corporation of the Pennsylvania Department of State under Title 15 of the Pennsylvania Consolidated Statutes.
 - (3) The applications shall also include a provision requiring the owner to disclose real properties owned by the owner both inside of the Township of Darby as well as in all other municipalities of the commonwealth in which there is a serious violation of state law or a code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a Magisterial District Judge or Municipal court, or a judgment at law or in equity was imposed by a court of common pleas, and real property owned in the Commonwealth by the owner for which there is a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner. This provision shall require the owner to disclose the street address, tax parcel number, municipality, and county of each such real property. The provision shall require the disclosure to be under penalty as provided in 18 Pa.C.S.A. § 4904(a) for an unsworn falsification to a government officer or employee (public servant) performing official functions.
- B. All applicants for a municipal permit shall accurately complete the permit applicant disclosure form as from time to time adopted by the Board of Commissioners, subject to a penalty as described in 18 Pa.C.S.A. § 4904.
2. Municipal Permit Denials and Appeals.
- A. Permit Denial.
- (1) The Building Official, Housing Inspector, or the Zoning Hearing Board, under § 4-405, Subsection 2A(6), may deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality for which there exists on the real property:
 - (a) A final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; or
 - (b) A serious violation of state law or a code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation

and for which fines or other penalties or a judgment to abate or correct were imposed by a Magisterial District Judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or supersedeas by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the court or a higher court or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the municipality seeking to deny a municipal permit.

- (2) The Building Official, Housing Inspector or the Zoning Hearing Board shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of state law or a code, provided that all other conditions for the issuance of a municipal permit have been met.
- (3) The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contacted through a court or administrative process.
- (4) In issuing a denial of a municipal permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of state law or a code on real property that the applicant owns in this commonwealth, the Building Official, Housing Inspector or Zoning Board shall issue the denial in writing and indicate the street address, municipal corporation and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate state agency, municipality or school district, in a form specified by such entity, as provided in the Act. The denial shall be delivered by United States certified, registered, or express mail, return receipt requested (and such receipt is obtained or delivery refused); personal service in a manner provided by the Pennsylvania Rules of Court for civil procedure for original process; hand delivery by a member of the codes enforcement staff; or a private delivery service that provides for a receipt (and such receipt is obtained or delivery refused).
- (5) The information on the real property forming the basis for a municipal permit denial may be obtained by the Building Official, Housing Inspector or other employee or agent of

Township of Darby from the information disclosed by the owner in accordance with § 4-405, Subsection 1, or any other reliable information obtained through a search of records using governmental systems on-line or through direct contact with the office maintaining the systems, such as the court docket systems maintained by the Administrative Office of the Pennsylvania Courts, County/City Department of Records, offices of the Recorder of Deeds, Municipal and County Tax Collectors and Treasurers, County Tax Claim Bureau, Prothonotary and Clerk of Court, private on-line fee-based search services, and free searches on the Internet. Prior to making a determination on whether to deny a municipal permit, the Building Official, Housing Inspector or Zoning Hearing Board, using the services of the Zoning Administrator or other municipal staff or contracted service provider, may conduct a search using the sources described in this § 4-405, Subsection 2A(5).

- (6) Zoning Hearing Board.
- (a) Municipal permits may be denied by a board in accordance with the requirements of this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section, "board" shall mean the Zoning Hearing Board of the Township of Darby, granted jurisdiction to render decisions in accordance with the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code."¹
- (b) In any proceeding before a board other than the Board of Commissioners of the Township of Darby, the Township may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.
- (c) For purposes of this subsection, a municipal permit may only be denied to an applicant other than an owner if:
- [1] The applicant is acting under the direction of or with the permission of an owner; and
- [2] The owner owns real property satisfying the conditions of § 4-405, Subsection 2A(1).
- B. Applicability of Other Law. A denial of a municipal permit shall be subject to the provisions of 2 Pa.C.S.A. Chapter 5, Subchapter B

¹Editor's Note: See 53 P.S. § 10101 et seq.

(relating to practice and procedure of local agencies) and 2 Pa.C.S.A. Chapter 7, Subchapter B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denial subject to the Act.

- (1) The Building Official, Housing Inspector or Zoning Hearing Board shall review the disclosure form and the searches, if any, in accordance with § 4-405, Subsection 2A(1), prior to any plan or construction reviews or inspections to determine if such a review or inspection is unnecessary due to a municipal permit being denied under this § 4-405, Subsection 2.
- (2) Right of Appeal. The owner shall have a right to appeal the denial of a municipal permit in accordance with the applicable law governing such municipal permit. In the case of a denial by the Building Official or Housing Inspector, the appeal shall be made within 30 days of the denial to the Board of Appeals established under the Uniform Construction Code, unless the owner has submitted to the Board of Appeals proof, before the expiration of the 30 days, that the owner is seeking proof of compliance under § 4-405, Subsection 2B, in which case the municipal permit and the denial shall be held in abeyance until the forty-five-day period for obtaining proof of compliance under § 4-405, Subsection 2B, has expired. In case of a denial by the Township Zoning Hearing Board, the appeal shall be to the Court of Common Pleas.
 - (a) With respect to a denial under the grounds authorized by the Act, the denial may only be reversed for the following reasons:
 - [1] An authentic proof of compliance letter in accordance § 4-405, Subsection 2B.
 - [2] Evidence of substantial steps taken to remedy a serious violation set forth on the denial, confirmed by an order of the court or the Building Official or Housing Inspector.
 - [3] Evidence of an approved remedial plan to address a serious violation set forth on the denial.
 - [4] Evidence of a timely appeal or administrative contest of a tax, water, sewer, or refuse collection delinquency.
 - [5] Failure of a state agency, school district or municipality to issue a proof of compliance within 45 days of a request.

[6] Failure of a state agency or municipality to provide the relief required under Section 6144 of the Act to an heir or devisee.

[7] Any other verifiable evidence that establishes by a preponderance of the evidence that a serious violation or collection delinquency of tax, water, sewer, or refuse accounts does not exist.

(b) With respect to denials for reasons other than those authorized by the Act, the provisions of the Uniform Construction Code or applicable zoning law shall govern.

(c) The owner shall be informed of the right, time and place to make appeal.

C. Proof of Compliance.

(1) All municipal permits denied in accordance with this subsection shall be withheld until an applicant obtains a letter from the appropriate state agency, municipality or school district indicating the following:

(a) The property in question has no final and unappealable tax, water, sewer or refuse delinquencies;

(b) The property in question is now in state law and code compliance; or

(c) The owner of the property has presented and the appropriate state agency or municipality has accepted a plan to begin remediation of a serious violation of state law or a code. Acceptance of the plan may be contingent on:

[1] Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

[2] Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

(2) In the event that the appropriate state agency, municipality or school district fails to issue a letter indicating tax, water, sewer, refuse, state law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose

of this section [provided that a copy of the request has been delivered to the municipality where the municipal permit has been applied for in accordance with § 4-405, Subsection 2B(4)]. The appropriate state agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made.

- (3) Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a municipal permit.
- (4) An owner seeking to obtain a proof of compliance in order to obtain a municipal permit that would otherwise be denied shall submit a copy of the owner's request for proof of compliance within five days of the date that request is sent to the appropriate state agency, municipality or school district, to the municipality from which a municipal permit is sought, or submit the copy of the request with the application for the municipal permit if such application is made at a later date.

§ 4-406. Miscellaneous Provisions. [Ord. 700, 12/7/2011]

1. Conflict with Other Law. In the event of a conflict between the requirements of this Part 4 and federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the regulations promulgated thereunder, the federal requirements shall prevail.
2. Relief for Inherited Property. Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violation or to enter into a remediation plan in accordance with Section 6131(b)(1)(iii) of the Act and § 4-405, Subsection 2B(1)(c) (relating to municipal permit denial) with the Township of Darby to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

§ 4-407. Repealer. [Ord. 700, 12/7/2011]

All ordinances or parts of ordinances in conflict herewith be and are hereby repealed, except any ordinances or parts of ordinances that authorize that authorize greater remedies than this Part 4 are preserved.

§ 4-408. Severability. [Ord. 700, 12/7/2011]

The provisions of this Part 4 shall be severable; and if any of its provisions are found to be unconstitutional or illegal, the validity of any of the remaining provisions of this Part 4 shall not be affected thereby.

§ 4-409. When Effective. [Ord. 700, 12/7/2011]

This Part 4 shall take effect immediately.

**CHAPTER 5
CODE ENFORCEMENT**

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BUILDING CODE**

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- § 5-102. Amendments Made in Building Code.**
- § 5-103. State Laws and Regulations.**
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PART 6
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- § 5-601. Adoption of Plumbing Code.**
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PART 7
UNIFORM CONSTRUCTION CODE

- § 5-701. Electing to Administer.**
- § 5-702. Adoption.**
- § 5-703. Administration and Enforcement.**
- § 5-704. Board of Appeals.**
- § 5-705. Prior Enactments.**
- § 5-706. Fees.**

PART 1
BUILDING CODE

§ 5-101. Adoption of Building Code. [Ord. 528, 7/20/1982; as amended by Ord. 572, 10/10/1990; and by Ord. 618, 9/11/1996, § 1]

The Township hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits, and penalties, the building code known as the "BOCA Basic National Building Code, 1996, Thirteenth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures, and in all other subjects therein contained, within the corporate limits of the Township.

§ 5-102. Amendments Made in Building Code. [Ord. 528, 7/20/1982; as amended by Ord. 569, 3/14/1990; by Ord. 572, 10/10/1990; by Ord. 573, 11/26/1990; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

The building code hereby adopted is amended as follows:

1. "Darby Township" shall be inserted wherever the words "Name of Municipality" appear in brackets therein.

Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Township Solicitor.

2. Section 109.2 is hereby amended to read as follows:

§ 109.2 Appointment: The Building Official shall be appointed by the Board of Commissioners to serve during the pleasure of the appointing authority.

3. Section 109.4 is hereby amended to read as follows:

§ 109.4 Deputy: During temporary absence or disability of the Building Official, the Board of Commissioners shall designate an Acting Building Official.

4. Section 109.5 shall be amended to read as follows:

§ 109.5 Qualifications of Building Official: To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be of good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process, or device entering into or used in connection with building construction, alterations, removal, and demolition.

- 5. Section 114.3.1 shall be amended to read as follows: **[Amended by Ord. 711, 12/4/2013¹]**

114.3.1 Fee Schedule. The fees charged by the Township for building permits, inspections and plan examinations shall be in accordance with the following schedule:

- A. An application fee of \$75, plus:

Value of Construction	Fee
Up to \$1,000	\$100
Up to \$2,000	\$145
Up to \$3,000	\$190
Up to \$4,000	\$220
Up to \$5,000	\$250
Up to \$6,000	\$280
Up to \$7,000	\$310
Up to \$8,000	\$340
Up to \$9,000	\$370
Up to \$10,000	\$445

An additional \$40 per \$1,000, or portion thereof, thereafter.

The fees for alterations, additions and repairs shall be the same as for new construction.

The Building Inspector shall have the sole power in determining whether a fee is required for a permit or not.

- B. Fees for Demolition and Removal. For a permit to raze, remove, tear down or move any building, the fee shall be an application fee of \$75,

¹Editor's Note: This ordinance also provided that: **Double Fees.** In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

plus the sum of \$100 for the first \$1,000 and \$50 for each additional \$1,000 or portion thereof of the estimated cost of such work.

C. Fees for Signs and Billboards.

(1) A permit shall be required to erect, install or alter any sign, and the fees per location, except as otherwise specified, shall be as follows; provided, however, that temporary signs not over 25 square feet in area, either advertising property for sale or rent, or contractor's, builder's, or architect's signs placed during the time a building is being erected, or altered, may be erected on such property without a permit, unless hereinafter specified. The fee for such permit shall be an application fee of \$75, plus \$100 for the first \$1,000 and \$50 for each additional \$1,000 or fraction thereof.

D. Fees for Towers, Masts, Poles and Antennas. A permit shall be required for installation of all towers, masts, poles and antennas over 20 feet above the highest point of any building to which they may be attached and for all installations over 30 feet in height when erected on natural ground. The fee for such permit shall be an application fee of \$300, plus \$500 for each \$1,000 or fraction thereof.

6. Section 117.4 shall be amended to read as follows:

§ 117.4 Violation Penalties: Any person who shall violate any provision of this code or who shall fail to comply with any requirement thereof or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, and in default of payment, to imprisonment for not more than 30 days. Every day that a violation of this code continues shall constitute a separate offense.

7. [§ 118.2 shall be deleted;] OR [§ 118.2 is hereby amended to read as follows:]

§ 118.2 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine not exceeding \$1,000, and in default of payment, to imprisonment for a term not to exceed 30 days.

8. Section 123.3 is hereby amended to read as follows:

§ 123.3 Compensation of Board of Survey: The third member of the Board shall receive for his services a fee to be paid by the applicant, in an amount as established by resolution.

9. Section 201.0 is hereby amended to read as follows:

Alley: any public way primarily intended to provide vehicular access to the rear of lots fronting upon public streets or avenues.

Building line: a line, established by ordinance or designated upon an officially adopted lot plan, beyond which a building shall not extend.

10. Section 2906.1 is hereby amended to read as follows:

§ 2906.1 Filing Bond: No person shall erect, install, remove, or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by resolution.

§ 5-103. State Laws and Regulations. [Ord. 528, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-104. Provisions to be Continuation of Existing Regulations. [Ord. 528, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

PART 2

ELECTRICAL CODE

§ 5-201. Adoption of Electrical Code. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990; and by Ord. 618, 9/11/1996, § 2]

The Township of Darby hereby adopts, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures, or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, the electrical code known as the "BOCA National Electrical Code, 1996," as recommended by the National Fire Protection Association, of which not fewer than three copies have been and now are filed in the office of the Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures, or outdoor electrical displays or signs within the corporate limits of the Township of Darby.

§ 5-202. Enforcement. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The National Electrical Code adopted in § 5-201 hereof shall be enforced by the Building Official. The Building Official shall, upon the installation, removal, extension and reception of any electrical wiring and electrical apparatus pursuant to this Part, cause an inspection or inspections to be made, by himself or his duly authorized agents, to determine that the electrical work conforms with the National Electrical Code, this Part and other ordinances of the Township of Darby and the statutes of the Commonwealth of Pennsylvania.

§ 5-203. Prohibition Without Permit. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

No person, copartnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to this Part.

1. All such applications for a permit shall be made to the Building Official in writing on forms supplied by said Building Official.
2. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.
3. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric

apparatus comply with the National Electrical Code, any other ordinances of the Township, and statutes of the Commonwealth of Pennsylvania.

4. Each such application form shall be accompanied by a fee prescribed by this Part.
5. Each applicant for a permit shall furnish to the Building Official proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency that specializes in such inspections, to determine that the electrical work conforms with the provisions of the National Electrical Code and this Part. The payment of all inspection fees and charges of the local area inspection agency shall be borne by the applicant.
6. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Building Official and his agents and the representative or representatives of the local area inspection agency at all reasonable times.
7. Upon the Building Official's determination that the proposed electric wiring and electric apparatus comply with the National Electric Code, this Part and other ordinances of the Township of Darby and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.
8. All permits shall expire one year from the date of issuance by the Building Official.

§ 5-204. Inspection of Work Under Permit. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

1. All inspections shall be made to ensure that the proposed electrical work complies with the National Electrical Code. No electric wiring shall be concealed unless inspected and approved by the Building Official and his agents and the representatives or representative of the local area inspection agency, but such inspection or reinspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the local area inspection agency shall be filed with the Building Official.
2. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the National Electrical Code shall be made by the Building Official.
3. The Building Official shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the National Electrical Code, this Part and other ordinances of the Township and the statutes of the Commonwealth of Pennsylvania.

4. The Building Official may waive his inspection to determine compliance with the National Electrical Code and this Part of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The Building Official shall give notice so that the approved work can be concealed.

§ 5-205. Inspection of Existing Electrical Wiring and Apparatus. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the Township of Darby, the Building Official is hereby given the duty to inspect, with his agents and the representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premises within the Township of Darby at reasonable times to ensure that the existing electric wiring system and apparatus is not defective and unsafe.

1. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Building Official in writing on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address shown on the latest tax records, with reasons for his decision.
2. Upon the Building Official's decision that the existing electric wiring system is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until they are corrected and made to comply with the provisions of the National Electrical Code in accordance with this Part.

§ 5-206. Hearing. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

Every applicant and owner of the premises and other parties in interest shall have the right to demand, in writing, a hearing before the Building Official to contest any decision or order made by him. Such demand for a hearing shall be signed by the contesting party, stating what portions of the Building Official's decision or orders are contested and his, or her, or their interest in the premises.

1. The Building Official shall fix a time and place for the hearing not less than 10 days nor more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, the owner of the premises and other parties in interest.
2. The contestant, the owner of the premises and other parties in interest shall have the right to appear in person, or otherwise, and give testimony at the hearing. Rules of evidence prevailing in the courts shall not be controlling.
3. The Building Official, within a reasonable time after such hearing, shall make his decision in writing, with a finding of the facts and the reasons for

his decision, and serve a copy of his decision personally or by regular mail on the contestant, the owner of the premises and other parties in interest.

4. An aggrieved party may file an appeal of this decision to the Board of Commissioners in accordance with the Local Agency Law.

§ 5-207. Approved Materials. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

Only the materials, fittings and devices enumerated in the "List of Inspected Appliances" of Underwriters' Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the National Electrical Code and this Part.

§ 5-208. Supplements. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The National Electrical Code herein adopted is supplemented by adding thereto the following, which is made a part hereof:

§ 208. Supplements. The National Electrical Code herein adopted is supplemented by adding thereto the following, which is made a part hereof:

1. Whenever a permit is required under the terms of this Part for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shutoff switch with a red plate thereon marked "oil burner" or "gas burner," as the case may be, at the entrance to the basement or heating room.

§ 5-209. Modification on Application. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The Building Official shall have the power to modify any of the provisions of this Part, upon application, in writing, by the owner of a premises or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Part, provided that the spirit of this Part shall be observed, public safety secured, and substantial justice done.

§ 5-210. Records. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

All records of the Building Official pursuant to this Part shall be open to public inspection for good and sufficient reasons during office hours but shall not be removed from the office of the Building Official without his written consent.

§ 5-211. Exemptions. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

No permit shall be required under this Part for the following electrical work:

1. Minor repair work such as the replacement of lamps and fuses.
2. The connection of portable electrical appliances to suitable permanently installed appliances.
3. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania.
4. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.
5. Equipment used in connection with commercial radio and television transmission.
6. Repair, manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

§ 5-212. Fees. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990; by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. The applicant for any permit for new building or an addition to or alteration of an existing building shall, at the time of his application, pay to the Township Treasurer, for the use of the Township, for each and every building as a functional unit, and to be applicable to each functional unit in multiple-unit construction, a fee which shall be based on the actual contract price of any such work or, if no contract price has been agreed upon, then the applicant's estimated cost; provided, however, that upon review by the Electrical Inspector with the assistance of the Township Engineer, if required, such contract price or estimated cost shall be subject to revision. If it is determined that the contract price or estimated cost is unrealistic, then the Building Inspector shall make the estimate of cost, which shall be final.
 - A. The fees for new construction shall be as follows: **[Amended by Ord. 711, 12/4/2013]**
 - (1) Residential: application fee of \$75, plus \$100 for the first \$1,000 and \$50 for each additional \$1,000 or fraction thereof.
 - (2) Commercial: application fee of \$150, plus:
 - (a) One hundred fifty dollars per \$1,000 of cost or fraction thereof for the first \$50,000.

- (b) One hundred dollars per \$1,000 of cost or fraction thereof for \$51,000 and above.
- B. The fees for alterations, additions and repairs shall be as follows:
[Amended by Ord. 711, 12/4/2013]
 - (1) Residential: application fee of \$75, plus \$75 per \$1,000 of cost or fraction thereof.
 - (2) Commercial, industrial, public utility, amusement, recreational, motel, hotel, multifamily, radio tower, food service or other structures:
 - (a) Application fee of \$250, plus \$150 per \$1,000 of cost or fraction thereof for the first \$50,000.
 - (b) One hundred dollars per \$1,000 of cost or fraction thereof for \$51,000 and above.
- C. The fees for licenses shall be as follows:
 - (1) Forty dollars for new registration.
 - (2) Thirty dollars if the applicant was registered the previous year.
- 2. Double Fees. In case any work for which a permit required by this Code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this Code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work, nor from any other penalties prescribed herein.

§ 5-213. Penalties. [Ord. 572, 10/10/1990]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 5-214. State Laws and Regulations. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-215. Validity. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The invalidity of any section or part of this Part shall not affect the remaining sections.

§ 5-216. Provisions to be Continuation of Existing Regulations. [Ord. 529, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

PART 3

FIRE PREVENTION CODE**§ 5-301. Adoption of Fire Prevention Code. [Ord. 532, 7/20/1982; as amended by Ord. 572, 10/10/1990; and by Ord. 618, 9/11/1996, § 3]**

The Township of Darby hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the fire prevention code known as the "BOCA National Basic Fire Prevention Code, 1996, Eighth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Township of Darby.

§ 5-302. Amendments Made in Fire Prevention Code. [Ord. 532, 7/20/1982; as amended by Ord. 572, 10/10/1990; by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 682, 11/16/2009]

The fire prevention code hereby adopted is amended as follows:

1. "Township of Darby" shall be inserted wherever the words "Name of Municipality" appear in brackets therein.
2. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Township Solicitor.
3. Section F-105.5.1 is hereby amended to read as follows:

F-105.5.1 Penalty for Violations:

- A. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000, and in default of payment, to imprisonment for a term not to exceed 30 days. Each day a violation of this code continues shall constitute a separate offense.
 - B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
4. Section F-103.8, Schedule of Fees, is hereby amended to read: **[Amended by Ord. 711, 12/4/2013]**

F-103.8 Schedule of Fees:

The fees shall be as follows (for storage, business practices, etc.):

Square Footage	Fees
Less than 3,000	\$125
3,001 to 5,000	\$200
5,001 to 7,500	\$300
7,501 to 10,000	\$400
10,001 to 15,000	\$1,000
Greater than 15,001	\$2,000

Double Fees. In case any work for which a permit required by this code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

§ 5-303. State Laws and Regulations. [Ord. 532, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-304. Provisions to be Continuation of Existing Regulations. [Ord. 532, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of parts and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such parts and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed parts.

PART 4

EXISTING STRUCTURES CODE**§ 5-401. Adoption of Existing Structures Code. [Ord. 439, -/-—; as amended by Ord. 572, 10/10/1990]**

The Township of Darby hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the "CABO Basic/National Existing Structures Code, 1987, Second Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Township of Darby.

§ 5-402. Amendments Made in Existing Structures Code. [Ord. 439, -/-—; as amended by Ord. 572, 10/10/1990]

The existing structures code hereby adopted is amended as follows:

1. "Township of Darby" shall be inserted wherever the words "Name of Municipality" appear in brackets therein. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Township Solicitor.
2. Section ES-110.2 is hereby amended to read as follows:

ES-110.2. Penalty: Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be subject to a fine of not more than \$1,000, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.
3. Section ES-111.4 is hereby amended to read as follows:

ES-111.4. Restraining actions: Anyone affected by any such order shall, within [number] days after service of such order, apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof. The court shall determine whether the order of the Code Official is reasonable; and if found reasonable, the court shall dissolve the restraining order; and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

§ 5-403. State Laws and Regulations. [Ord. 439, -/-—; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-404. Validity. [Ord. 439, -/-—; as amended by Ord. 572, 10/10/1990]

The invalidity of any section or part of this Part shall not affect the remaining sections.

§ 5-405. Provisions to be Continuation of Existing Regulations. [Ord. 439, -/-—; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any of the repealed ordinances.

PART 5
MECHANICAL CODE

§ 5-501. Adoption of Mechanical Code. [Ord. 530, 7/20/1982; as amended by Ord. 572, 10/10/1990; and by Ord. 618, 9/11/1996, § 4]

The Township of Darby hereby adopts, for the purpose of prescribing regulations governing the safe installation and maintenance of all mechanical equipment, the mechanical code known as the "BOCA Basic Mechanical Code, 1996 Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Township of Darby.

§ 5-502. Amendments Made in Mechanical Code. [Ord. 530, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The mechanical code hereby adopted is amended as follows:

1. "Township of Darby" shall be inserted wherever the words "Name of Municipality" appear in brackets therein.
2. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Township Solicitor.
3. Section M-114.2 is amended to include the following:
M-114.2 Fee Schedule for Periodic Inspections.
[To be added by municipality]
4. Section M-114.3 is amended to include the following:
M-114.3 Fee Schedule.
 - A. The fees for new construction shall be as follows:
 - (1) Residential: \$12 per \$1,000 of cost or fraction thereof.
 - (2) Commercial: \$20 per \$1,000 of cost or fraction thereof for the first \$50,000.
 - B. The fees for alterations, additions and repairs shall be as follows:
 - (1) Residential: \$12 per \$1,000 of cost or fraction thereof.
 - (2) Commercial, industrial, public utility, amusement, recreational, motel, hotel, multifamily, radio tower, food service or other structures:

- (a) Twenty dollars per \$1,000 of cost or fraction thereof for the first \$20,000.
- (b) Ten dollars per \$1,000 of cost or fraction thereof for \$20,000 and above.

5. Section M-117.4 is hereby amended to read as follows:

M-117.4 Penalty for Violations.

- 1. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000, and in default of payment thereof, to imprisonment for a term not to exceed 30 days. Each day a violation of this code continues shall constitute a separate offense.
- 2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

6. Section M-118.2 shall be deleted.

§ 5-503. State Laws and Regulations. [Ord. 530, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-504. Validity. [Ord. 530, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The invalidity of any section or part of this Part shall not affect the remaining sections.

§ 5-505. Provisions to be Continuation of Existing Regulations. [Ord. 530, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of parts and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such part and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

PART 6

PLUMBING CODE

§ 5-601. Adoption of Plumbing Code. [Ord. 531, 7/20/1982; as amended by Ord. 572, 10/10/1990; and by Ord. 618, 9/11/1996, § 5]

The Township of Darby hereby adopts, for the purpose of establishing rules and regulations for the design and installation of plumbing systems, including administration, plumbing permits, and penalties, the plumbing code known as the "BOCA Basic Plumbing Code, 1996, Tenth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Township Secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this Part shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Township of Darby.

§ 5-602. Amendments Made in Plumbing Code. [Ord. 531, 7/20/1982; as amended by Ord. 572, 10/10/1990; by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 594, 9/8/1993; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

The code hereby adopted is amended as follows:

1. "Township of Darby" shall be inserted wherever the words "Name of Municipality" appear in brackets therein. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Township Solicitor.
2. Section P-100.4 is hereby added as follows:
P-100.4. Effective Date. This code shall take effect on _____.
3. Section P-104.1 is hereby amended to read as follows:
P-104.1. Continuation. The legal use and occupancy of any structure existing on the effective date of this Part, or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public.
4. Section P-114.2 is hereby amended to read as follows: **[Amended by Ord. 711, 12/4/2013]**
 - A. The Township Treasurer shall be empowered to collect such fees for the filing of plans and issuance of permits as are hereinafter set forth; provided, however, that the same may be changed at any time by regulation adopted by the Board of Health and approved by the Board of Commissioners.

- B. Fees shall be paid in accordance with the following building classifications, based on their use or occupancy, and in accordance with the contract or estimated cost of work, where required.
- (1) Class 1, Residential. This classification includes buildings or parts thereof in which families or households live or in which standing accommodations are provided, such as apartment houses, hotels, motels, dormitories or dwellings. A separate permit shall be required for each dwelling unit in the case of multifamily construction.
 - (a) Filing for new work (Class 1):
 - [1] Application fee of \$75, plus \$100 for the first \$1,000 and \$50 for each additional \$1,000 of the estimated cost.
 - (b) Filing for additions or alterations (Class 1):
 - [1] Seventy-five dollars per \$1,000 of the estimated cost.
 - (2) Class 2, Public. This classification includes buildings or parts thereof in which people come together for transaction of public business for civic, political, social or religious purposes, for educational purposes or for entertainment or recreation, such as town halls, churches, schools, theaters and grandstands.
 - (3) Class 3, Institutional. This classification includes buildings or parts thereof in which people are harbored for medical, charitable or other care or treatment or in which people are detained for penal or correctional purposes, such as hospitals, nursing homes, sanatoriums, homes for the aged, prisons and reformatories.
 - (4) Class 4, Business and Industrial. This classification includes buildings or parts thereof in which goods are manufactured, stored, converted or sold, or in which professional services are rendered, such as factories, warehouses, stores, restaurants or eating places, office buildings, banks or financial institutions, public garages, sales and showrooms for mechanical equipment.
 - (a) Filing for new work (Classifications 2, 3 and 4, applicable to single functional units or to each functional unit within a main structure):
 - [1] Application fee of \$250, plus \$150 per \$1,000 to \$50,000 or fraction thereof, and \$100 per \$1,000 over \$50,000 or fraction thereof, per estimated cost.

(b) Filing for alterations or additions:

- [1] Application fee of \$250, plus \$150 per \$1,000 to \$50,000 or fraction thereof, and \$100 per \$1,000 over \$50,000 or fraction thereof, per estimated cost.

C. Sewer Tie-In:

- (1) Residential: \$600 per house.
(2) Commercial: \$2,000 per building.

5. Section P-117.4 is hereby amended to read as follows:

P-117.4. Penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, and in default of payment, to imprisonment for not more than 30 days. Each day that a violation of this code continues shall constitute a separate offense.

6. Section P-118.2 shall be deleted.

7. Section P-201.0 is hereby amended to read as follows:

P-201.0. Administrative Authority. The person appointed by the Board of Commissioners to the position with authority to administer and enforce the provisions of this code.

8. Section P-303.2 is hereby amended to read as follows:

P-303.2. Public Systems Available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within 150 feet, measured along a street, alley, or easement, of the public water supply or sewer system and a connection conforming with the standards set forth in this code may be made thereto.

9. Section P-308.3 is hereby amended to read as follows:

P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than three feet below grade for water piping and three feet for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat, or both.

§ 5-603. State Laws and Regulations. [Ord. 531, 7/20/1982; as amended by Ord. 572, 10/10/1990]

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

§ 5-604. Provisions to be Continuation of Existing Regulations. [Ord. 531, 7/20/1982; as amended by Ord. 572, 10/10/1990]

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

PART 7

UNIFORM CONSTRUCTION CODE

§ 5-701. Electing to Administer. [Ord. 650, 4/14/2004]

The Township of Darby hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 — 7210.1133, as amended from time to time, and its regulations.

§ 5-702. Adoption. [Ord. 650, 4/14/2004]

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Darby Township.

§ 5-703. Administration and Enforcement. [Ord. 650, 4/14/2004]

Administration and enforcement of the Code within Darby Township shall be undertaken in any of the following ways, as determined by the Board of Commissioners of Darby Township from time to time by resolution:

- A. By the designation of an employee of Darby Township to serve as the municipal code official to act on behalf of the municipality;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Darby Township;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Darby Township;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§ 5-704. Board of Appeals. [Ord. 650, 4/14/2004]

A Board of Appeals shall be established by resolution of the Board of Commissioners of the Township of Darby in conformance with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 5-705. Prior Enactments. [Ord. 650, 4/14/2004]

1. All building code ordinances or portions of ordinances which were adopted by Darby Township on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
3. All relevant ordinances, regulations and policies of Darby Township not governed by the code shall remain in full force and effect.

§ 5-706. Fees. [Ord. 650, 4/14/2004]

Fees assessable by Darby Township for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the governing body by resolution from time to time.

CHAPTER 6

CONDUCT

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Alcoholic Beverages

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- §102. Consumption**
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- §301. Disorderly Conduct Prohibited**
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- §601. Definitions**
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Part 1

Alcoholic Beverages

§101. Definitions.

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES — any spirits, wine, beer, ale or other liquid containing more than 1/2% of alcohol by volume which is fit for beverage purposes.

CONTAINER — any bottle, can or other vessel in which alcoholic beverages are contained.

(Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

§102. Consumption.

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Township, nor shall any person consume any alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof. (Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

§103. Possession.

No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Township, nor shall any person possess any container or alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof. (Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

§104. Exceptions.

Provided however, that the provisions of §§102 and 103 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §101 hereof; and provided further

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that the provisions of said §§102 and 103 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

§105. Penalty.

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

Part 2

Curfew

§201. Curfew Established.

It shall be unlawful for any minor under the age of 18 years (such persons being defined for the purpose of this Part as juveniles) to be or remain in or upon any of the streets, sidewalks, parks, public buildings, places of amusement and entertainment or other public places in the Township of Darby between the hours of 10:30 p.m. and 6:00 a.m. (prevailing time) on Sunday, Monday, Tuesday, Wednesday and Thursday; and between the hours of 11:00 p.m. and 6:00 a.m. (prevailing time) on Friday and Saturday, unless such juvenile is accompanied by his or her parent, guardian or other adult person having the care and custody of the juvenile, or unless the juvenile is performing an emergency or errand of legitimate business directed or approved by his or her parent, guardian or other adult person having care and custody of the juvenile. After the above curfew hours, all children shall be required to be at home or out of the streets, sidewalks, parks, public buildings, places of amusement and entertainment or other public places in the Township of Darby except as herein provided. (Ord. 494, 5/14/1977, §1)

§201A. School Time Day Curfew.

1. No minor over the age of five years and under the age of 18 years shall remain in or upon any public place or establishment outside any school grounds between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year.
2. Exceptions. In the following cases, a minor shall not be considered in violation of this section:
 - A. During an excused absence.
 - B. During an approved early dismissal from school.
 - C. When the student is enrolled in an approved work experience program.
 - D. When the student is officially removed from the school register.
 - E. Parochial and private school students who have different school hours or different holiday and vacation schedules during time while those schools are not in session.

(Ord. 664, 12/13/2006)

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§202. Responsibility of Parents or Guardians.

It shall be unlawful for any parent, guardian or other person having the legal care or custody of any child, ward or other person, under the age of 18 years, to allow or permit any such child, ward or other person, under the age of 18 years old, while in such legal custody, to violate the provisions of §101 of this Part. (Ord. 494, 5/14/1977, §3)

§203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 494, 5/14/1977, §4; as amended by Ord. 572, 10/10/1990)

§204. Police to Use Own Discretion in Determining Age.

The police officers of the Township in taking juveniles into custody under this Part shall use their discretion in determining age, and in doubtful cases may require positive proof; until such proof is furnished, the officers judgment shall prevail. (Ord. 494, 5/14/1977, §6)

Part 3

Disorderly Conduct

§301. Disorderly Conduct Prohibited.

Disorderly conduct, as defined in the Pa. Crime Code of 1972 [18 CP S.A. §5503], is hereby prohibited within the Township. A person is guilty of disorderly conduct if they:

- A. engage in fighting or in threatening, violent or tumultuous behavior;
- B. make unreasonable noise;
- C. use obscene language, or makes an obscene gesture; or
- D. create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

Provided: as used in this section, the word public means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

(Ord. 399, 7/10/1968; and Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

§302. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 399, 7/10/1968; and Ord. 494, 5/14/1977; as revised by Ord. 572, 10/10/1990)

Part 4

Discharge of Firearms

§401. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §403 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Township. (Ord. 144, 6/3/1950; as revised by Ord. 572, 10/10/1990)

§402. Definitions.

FIREARMS — any pistol, revolver, shotgun, or any rifle capable of discharging a projectile. It shall be a violation of this Part to discharge a firearm within the Township of Darby, punishable by a minimum of \$25 fine to a maximum of \$600 and/or a 30 day jail sentence in the county prison.

JUSTIFICATION — as defined in Chapter 5 of Title 18, Purdon's Statutes, Crimes and Offenses shall be a defense to prosecution under this Part.

(Ord. 523, 10/1/1981)

§403. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Township, except as provided in §403 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police. (Ord. 144, 6/3/1950; as revised by Ord. 572, 10/10/1990)

§404. Exceptions.

This Part shall not apply to:

1. persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania;
2. members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization; and
3. any law enforcement officers when used in the discharge of their official duties.

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(Ord. 144, 6/3/1950; as revised by Ord. 572, 10/10/1990)

§405. Penalties for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 144, 6/3/1950; as revised by Ord. 572, 10/10/1990)

Part 5

Loitering

§501. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING — remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or “hanging around.”

PUBLIC PLACE — any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 399, 7/10/1968; as revised by Ord. 572, 10/10/1990)

§502. Certain Types of Loitering Prohibited.

No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any annoyance to any person or persons.
3. Obstruct the free passage of pedestrians or vehicles.
4. Obstruct, molest or interfere with any person lawfully in any public place as defined in §501 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 399, 7/10/1968; as revised by Ord. 572, 10/10/1990)

§503. Request to Leave.

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §502 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section. (Ord. 399, 7/10/1968; as revised by Ord. 572, 10/10/1990)

CONDUCT

§504. Penalties.

Any person, who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 399, 7/10/1968; as revised by Ord. 572, 10/10/1990)

Part 6

Disorderly Houses

§601. Definitions.

DISORDERLY HOUSE — any house, room or premises where frequent request for police services for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug usage and/or sale, loitering, gaming or other misbehavior can be documented.

FREQUENT REQUEST FOR POLICE SERVICE — more than three responses to the same address in the preceding sixty-day period.

(Ord. 661, 2/8/2006, §1)

§602. Prohibition Against Maintenance of Disorderly House.

It shall be unlawful for any property owner, lessee, or tenant to maintain, keep, lease or allow a disorderly house, room or other premises in the Township of Darby.

(Ord. 661, 2/8/2006, §2)

§603. Declaration of Public Nuisance.

Any such disorderly house, room or other premises that shall be disruptive to the peace and well-being of the surrounding and greater community is declared to be a public nuisance by either the police or the Township Manager.

(Ord. 661, 2/8/2006, §3)

§604. Notification.

After the third and final incident, as defined above, the Chief of Police, or his designee, and the Township Manager shall, within five days, notify the property owner, in writing, by either certified mail, return receipt requested, posting or personal service, of the Township's intent to initiate charges with the District Court; and further to allow said property owner and or resident, an additional five-day period, commencing on the date of service to notify the Police Chief or Township Manager, in writing, of said property resident/owner's desire to meet with the Police Chief or Township Manager in an attempt to rectify the condition to be cited. Upon timely receipt of such notification the Police Chief shall meet with the property owner within five days and attempt to reach an agreement. Should the parties not be able to reach an agreement the Police Chief will proceed with the citation before District Court.

CONDUCT

(Ord. 661, 2/8/2006, §4)

§605. Violations and Penalties.

1. Any person or legal entity, including but not limited to the keeper of all parties connected with the maintenance of the disorderly house, and all parties patronizing or frequenting same, found guilty under the provisions of this Part shall be fined not more than \$600 for each offense and be imprisoned for not more than 30 days.
2. Upon conviction under the terms of this Part, the Township may revoke the occupancy permit of any house or premises found to be a disorderly house.

(Ord. 661, 2/8/2006, §5)

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

Part 1

Smoke Detectors

- §101. Smoke Detectors Required
- §102. Existing Buildings
- §103. Other Ordinance Requirements
- §104. Smoke Detector Specifications
- §105. Single and Two-Family Structures
- §106. Multiple Occupancy Buildings
- §107. Commercial Property
- §108. Location of Smoke Detectors
- §109. Certificates of Occupancy
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- §113. Validity
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Part 2

False Burglar and Fire Alarm Control

- §201. Title
- §202. Policy
- §203. Definitions
- §204. Enforcement
- §205. Prohibitions
- §206. System Request to Limit Sounding of Signal
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Part 1

Smoke Detectors

§101. Smoke Detectors Required.

Every building hereafter constructed in the Township of Darby, whether for residential purposes, or commercial purposes, shall have installed therein smoke detectors which comply with the provisions of this Part. (Ord. 522, 10/14/1981, §1)

§102. Existing Buildings.

Buildings presently constructed shall within one year comply with the provisions of this Part. (Ord. 522, 10/14/1981, §2)

§103. Other Ordinance Requirements.

The provisions of this Part shall add to but not otherwise change any ordinance requirements for a fire-alarm system applicable to buildings in Darby Township. (Ord. 522, 10/14/1981, §3)

§104. Smoke Detector Specifications.

Smoke detectors installed shall be capable of detecting gray smoke having a minimum smoke obstruction of 4% per foot, optional density of 0.177 per foot. Detectors sensitive only to heat are not acceptable. Each detection device shall cause the operation of an alarm which shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. In the case of commercial property, the detector shall be clearly audible in all areas where an individual can be expected to go. The test of audibility level shall be conducted with all household equipment which may be in the operation or in the case of commercial property, with all equipment or other machines which may be in operation on. Examples of such equipment are window fans, air conditioners and room humidifiers. (Ord. 522, 10/14/1981, §4)

§105. Single and Two-Family Structures.

Every building constructed for single and two-family occupancy shall have installed therein smoke detectors on each floor. (Ord. 522, 10/14/1981, §5)

FIRE PREVENTION AND FIRE PROTECTION

§106. Multiple Occupancy Buildings.

Every building constructed for multi-family residential occupancy shall have installed therein smoke detectors in each unit and at the top of each stairway and exit way. (Ord. 522, 10/14/1981, §6)

§107. Commercial Property.

Every commercial property constructed in the Township of Darby shall have smoke detectors installed in such locations as the Fire Marshal or Building Inspector deem necessary after a visual inspection. (Ord. 522, 10/14/1981, §7)

§108. Location of Smoke Detectors.

Detectors should be located at the top of the stairway on each floor. (Ord. 522, 10/14/1981, §8)

§109. Certificates of Occupancy.

The provisions of this Part shall be specifically applicable prior to the issuance of a Certificate of Occupancy in the Township. No Certificate of Occupancy shall be issued unless the Building Inspector shall have tested the smoke detector apparatus on the premises, or building for which a Certificate of Occupancy shall have been requested. It is the responsibility of the builder and/or seller to have said smoke detector installed. (Ord. 522, 14/1981, §9)

§110. Inspection.

Private dwellings will only be inspected at the time the property is new, changes ownership, or when construction occurs which requires a building permit or use and occupancy permit. (Ord. 522, 10/14/1981, §10)

§111. Commercial Inspection.

Commercial property shall be open for inspection at anytime upon the discretion of the Building Inspector. (Ord. 522, 10/14/1981, §11)

§112. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30

days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 522, 10/14/1981, §12; as amended by Ord. 572, 10/10/1990)

§113. Validity.

The provisions of this Part shall be in addition to all other provisions set forth in the applicable building and fire codes in the Township of Darby. (Ord. 522, 10/14/1981, §12)

§114. Responsibility of Landlord.

In the case of rental property, it shall be the landlord's responsibility to install and maintain the smoke detectors, and to replace when found defective. However, the tenant, upon discovery of an inoperative or defective smoke detector, shall immediately notify the landlord. If the landlord fails to repair or replace the said smoke detector within 48 hours the tenant shall immediately notify the township building inspector so that appropriate action may be taken under this Part. It is the responsibility of the landlord to notify the tenant of this provision. (Ord. 522, 10/14/1981 §14; as amended by Ord. 558, 1/13/1988)

Part 2

False Burglar and Fire Alarm Control

§201. Title.

This Part shall be known as and may be cited as the “False Burglar and Fire Alarm Control Ordinance.” (Ord. 564, 10/11/1989, §1)

§201. Policy.

Whereas the Board of Commissioners of the Township of Darby has determined that the receipt of false burglary and fire alarms indicating that emergencies exist is detrimental to the health, welfare and safety of the citizens of the Township of Darby and the police department and the volunteer fire departments, it is hereby declared to be the policy of the Township of Darby to safeguard and protect the residents of said Township and the personnel of the Police Department and the Volunteer Fire Departments from such hazards and risks. (Ord. 564, 10/11/1989, §2)

§203. Definitions.

The following words, terms, and phrases, when used in this Chapter shall have the following meaning ascribed to them:

ALARMS — any voice, mechanical or electronic signals, reported, received or activated by means of telephone cables or other means of transmission, which signals are monitored by the police and/or fire departments of the Township of Darby at their respective headquarters, or any horn, siren or device which emits a warning signal inside or outside a building to which it is attached and is designed to attract attention to a criminal act, fire or other emergency requiring the police or fire departments to respond.

FALSE ALARM — any alarm to which the police and/or fire department responds which is not the result of a criminal act, fire or other emergency.

FALSE NOTIFICATION — any report or request for police or fire service directed to the police or fire departments by any means of communication wherein the situation, condition, incident or emergency that is the subject of the report or request does not exist.

PERSON — any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

(Ord. 564, 10/11/1989, §3)

FIRE PREVENTION AND FIRE PROTECTION

§204. Enforcement.

The police department shall have the power and duty to enforce the provisions of this Part. (Ord. 564, 10/11/1989, §4)

§205. Prohibitions.

After the effective date of this Part, it shall be unlawful for any person to cause, suffer, allow or permit a false alarm or false notification. (Ord. 564, 10/11/1989, §5)

§206. System Request to Limit Sounding of Signal.

No person shall install or maintain on any building, structure or establishment in the Township of Darby an external audible alarm of any type which does not also contain an automatic cut off system or feature automatically cutting off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes. (Ord. 564, 10/11/1989, §6)

§207. Violations and Penalties.

1. Any person who violates the above provisions of this Part causing the fire department to respond shall, upon conviction thereof be sentenced to pay a fine of not less than \$50 nor more than \$600 for each offense together with the cost of prosecution and cost incurred by the fire department of the Township of Darby in responding to said false alarm or notification. In default of payment of any fine the defendant shall be imprisoned for a period not to exceed 30 days.
2. Any person who violates the above provisions of this Part causing the police to respond shall, upon conviction thereof be sentenced to pay a fine of not less than \$25 nor more than \$600 together with the costs of prosecution incurred by the police department of the Township of Darby in responding to said false alarm or notification. In default of payment of any fine, the defendant shall be subject to imprisonment for a period not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 564, 10/11/1989, §7)

**CHAPTER 8
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PART 1

STATUTORY AUTHORIZATION

§ 8-101. Statutory Authorization. [Ord. 719, 6/10/2015¹]

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,² delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of the Township of Darby does hereby order as follows.

¹Editor's Note: This ordinance superseded former Ch. 8, Floodplains, adopted 7/11/2012 by Ord. No. 704.

²Editor's Note: See 32 P.S. § 679.101 et seq.

PART 2
GENERAL PROVISIONS

§ 8-201. Intent. [Ord. 719, 6/10/2015]

The intent of this chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

§ 8-202. Applicability. [Ord. 719, 6/10/2015]

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Darby unless a permit has been obtained from the floodplain administrator.
2. A permit shall not be required for minor repairs to existing buildings or structures.

§ 8-203. Abrogation and Greater Restrictions. [Ord. 719, 6/10/2015]

This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

§ 8-204. Severability. [Ord. 719, 6/10/2015]

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

§ 8-205. Warning and Disclaimer of Liability. [Ord. 719, 6/10/2015]

1. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.
2. This chapter shall not create liability on the part of the Township of Darby or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

PART 3
ADMINISTRATION

§ 8-301. Designation of the Floodplain Administrator. [Ord. 719, 6/10/2015]

1. The Township Manager is hereby appointed to administer and enforce this chapter and is referred to herein as the "floodplain administrator."
2. The floodplain administrator may:
 - A. Fulfill the duties and responsibilities set forth in these regulations;
 - B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
 - C. Enter into a written agreement or written contract with another agency or private-sector entity to administer specific provisions of these regulations.
3. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
4. In the absence of a designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Chief Executive Officer.

§ 8-302. Permit Required. [Ord. 719, 6/10/2015]

A permit shall be required before any construction or development is undertaken within any area of the Township of Darby.

§ 8-303. Duties and Responsibilities of the Floodplain Administrator. [Ord. 719, 6/10/2015]

1. The floodplain administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the floodplain administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);³ the Pennsylvania Dam Safety and Encroachments Act (Act 1978-

³Editor's Note: See 35 P.S. § 750.1 et seq.

325, as amended);⁴ the Pennsylvania Clean Streams Act (Act 1937-394, as amended);⁵ and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

3. In the case of existing structures, prior to the issuance of any development/permit, the floodplain administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
4. During the construction period, the floodplain administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the floodplain administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
6. In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the floodplain administrator shall revoke the permit and report such fact to the Board of Commissioners for whatever action it considers necessary.
7. The floodplain administrator shall maintain in perpetuity all records associated with the requirements of this chapter, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
8. The floodplain administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
9. The responsibility, authority and means to implement the commitments of the floodplain administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in this chapter as the floodplain administrator/manager.
10. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or the latest edition thereof adopted by the State of Pennsylvania.

⁴Editor's Note: See 32 P.S. § 693.1 et seq.

⁵Editor's Note: See 35 P.S. § 691.1 et seq.

§ 8-304. Application Procedures and Requirements. [Ord. 719, 6/10/2015]

1. Application for such a permit shall be made, in writing, to the floodplain administrator on forms supplied by the Township of Darby. Such application shall contain the following:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of land on which proposed construction is to occur.
 - C. The name and address of the contractor.
 - D. The site location, including address.
 - E. A listing of other permits required.
 - F. A brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this chapter and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - D. Structures will be anchored to prevent floatation, collapse, or lateral movement;
 - E. Building materials are flood-resistant;
 - F. Appropriate practices that minimize flood damage have been used; and
 - G. Electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the floodplain administrator to make the above determination:
 - A. A completed permit application form.
 - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, if available;
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (4) The location of all existing streets, drives, and other accessways; and
 - (5) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
 - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon the North American Vertical Datum of 1988;
 - (2) The elevation of the base flood;
 - (3) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or latest edition thereof adopted by the State of Pennsylvania.
 - D. The following data and documentation:
 - (1) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (2) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within the Floodway Area (see § 8-402A), when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

- (4) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (see § 8-402B), when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
 - (5) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - (6) Detailed information needed to determine compliance with § 8-503F, Storage, and § 8-504, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials or substances referred to in §§ 8-503F and 8-504 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 8-504 during a base flood.
 - (7) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (8) Where any excavation or grading is proposed, a plan, meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
4. Applications for permits shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the floodplain administrator.

§ 8-305. Review by County Conservation District. [Ord. 719, 6/10/2015]

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the floodplain administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the

Conservation District shall be considered by the floodplain administrator for possible incorporation into the proposed plan.

§ 8-306. Review of Application by Others. [Ord. 719, 6/10/2015]

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the floodplain administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 8-307. Changes. [Ord. 719, 6/10/2015]

After the issuance of a permit by the floodplain administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the floodplain administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to the floodplain administrator for consideration.

§ 8-308. Placards. [Ord. 719, 6/10/2015]

In addition to the permit, the floodplain administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the floodplain administrator.

§ 8-309. Start of Construction. [Ord. 719, 6/10/2015]

1. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire, unless a time extension is granted, in writing, by the floodplain administrator. The issuance of a development permit does not refer to the zoning approval.
2. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

3. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the floodplain administrator to approve such a request, and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

§ 8-310. Enforcement. [Ord. 719, 6/10/2015]

1. Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing;
 - B. Include a statement of the reasons for its issuance;
 - C. Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires;
 - D. Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
 - E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the floodplain administrator or any other authorized employee of the municipality shall be guilty of a summary offense and, upon conviction, shall pay a fine to the Township of Darby, of not less than \$25 nor more than \$600, plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the Board of Commissioners to be a public nuisance and abatable as such.

§ 8-311. Appeals. [Ord. 719, 6/10/2015]

1. Any person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this chapter may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.
2. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

PART 4

IDENTIFICATION OF FLOODPLAIN AREAS**§ 8-401. Identification. [Ord. 719, 6/10/2015]**

1. The identified floodplain area shall be:
 - A. Any areas of the Township of Darby classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated November 18, 2009, and September 2, 2015, and issued by the Federal Emergency Management Agency (FEMA), or the most-recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and
 - B. Any community-identified flood hazard areas.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Township of Darby and declared to be a part of this chapter.

§ 8-402. Description and Special Requirements of Identified Floodplain Areas. [Ord. 719, 6/10/2015]

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
 - (1) Within any Floodway Area, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Within any Floodway Area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection's regional office.

- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (2) AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - (a) No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - (b) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless the appropriate permit is obtained from the Department of Environmental Protection's regional office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- D. Community-identified flood hazard areas shall be those areas where the Township of Darby has identified local flood hazard or ponding areas, as delineated and adopted on a local flood hazard map using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

§ 8-403. Changes in Identification of Area. [Ord. 719, 6/10/2015]

The identified floodplain area may be revised or modified by the Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 8-501, Subsection 2, for situations where FEMA notification is required.

§ 8-404. Boundary Disputes. [Ord. 719, 6/10/2015]

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the floodplain administrator, and any party aggrieved by this decision or determination may appeal to the Board of Commissioners. The burden of proof shall be on the appellant.

§ 8-405. Jurisdictional Boundary Changes. [Ord. 719, 6/10/2015]

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

PART 5

TECHNICAL PROVISIONS

§ 8-501. General Provisions. [Ord. 719, 6/10/2015]

1. Alteration or Relocation of Watercourse.
 - A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have first been obtained from the Department of Environmental Protection's regional office.
 - B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
 - C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. When the Township of Darby proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR Part 65.12):
 - A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - B. Upon receipt of the administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
 - C. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

§ 8-502. Elevation and Floodproofing Requirements. [Ord. 719, 6/10/2015]

1. Residential Structures.
 - A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - B. In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 8-402C of this chapter.
 - C. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized where they are more restrictive.
2. Nonresidential Structures.
 - A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - B. In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 8-402C of this chapter.
 - C. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the United States Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect

which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized where they are more restrictive.
3. Space Below the Lowest Floor.
 - A. Basements are prohibited.
 - B. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - C. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 4. Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in this chapter, must comply with all chapter requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific chapter requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from chapter requirements will be the minimum necessary to preserve the historic character and design of the structure.
 5. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material, and equipment related to the principal use or activity.
- B. Floor area shall not exceed 200 square feet.
- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- F. Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 8-503. Design and Construction Standards. [Ord. 719, 6/10/2015]

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. Fill. Within any identified floodplain area, the use of fill shall be prohibited, unless a variance is obtained in accordance with the criteria in Part 8; then the following provisions apply:
 - (1) If fill is used, it shall:

- (a) Extend laterally at least 15 feet beyond the building line from all points;
 - (b) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (d) Be no steeper than one vertical to two horizontal feet, unless substantiated data justifying steeper slopes are submitted to, and approved by, the floodplain administrator; and
 - (e) Be used to the extent to which it does not adversely affect adjacent properties.
- B. **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. **Water and Sanitary Sewer Facilities and Systems.**
- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages," and the "International Private Sewage Disposal Code" shall be utilized.
- D. **Other Utilities.** All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. **Streets.** The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. **Storage.** All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in

§ 8-504, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and Adhesives.
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
 - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.
- K. Electrical Components.

- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Uniform Construction Code Coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended, and not limited to the following provisions, shall apply to the above and other sections and subsections of this chapter to the extent that they are more restrictive and supplement the requirements of this chapter:
- (1) International Building Code (IBC) 2009, or the latest edition thereof adopted by the State of Pennsylvania: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2009, or the latest edition thereof adopted by the State of Pennsylvania: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

§ 8-504. Development Which May Endanger Human Life. [Ord. 719, 6/10/2015]

Within any identified floodplain area, any structure of the kind described in Subsection A below shall be prohibited. No variance shall be granted.

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances; shall be prohibited. The following list of materials and substances are considered dangerous to human life:
- (1) Acetone.
 - (2) Ammonia.

- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides, and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

§ 8-505. Special Requirements for Subdivisions and Development. [Ord. 719, 6/10/2015]

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 8-506. Special Requirements for Manufactured Homes. [Ord. 719, 6/10/2015]

Within any identified floodplain area, manufactured homes shall be prohibited. No variance shall be granted.

§ 8-507. Special Requirements for Recreational Vehicles. [Ord. 719, 6/10/2015]

Within any identified floodplain area, recreational vehicles shall be prohibited. No variance shall be granted.

PART 6

PROHIBITED ACTIVITIES**§ 8-601. General Prohibitions. [Ord. 719, 6/10/2015]**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.

- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

PART 7

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**§ 8-701. Existing Structures. [Ord. 719, 6/10/2015]**

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 8-702 shall apply.

§ 8-702. Improvements. [Ord. 719, 6/10/2015]

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in the BFE. In A Area/District(s), BFEs are determined using the methodology in § 8-402C.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
- C. The above activity shall also address the requirements of 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC, or most-recent revision thereof adopted by the State of Pennsylvania.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

PART 8
VARIANCES

§ 8-801. General Provisions. [Ord. 719, 6/10/2015]

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Darby may, upon request, grant relief from the strict application of the requirements.

§ 8-802. Variance Procedures and Conditions. [Ord. 719, 6/10/2015]

1. Requests for variances shall be considered by the Township of Darby in accordance with the procedures contained in § 8-311 and the following:
 - A. No variance shall be granted within any identified floodplain area that would cause any increase in the BFE. In an A Area/District, BFEs are determined using the methodology in § 8-402C.
 - B. No variance shall be granted for: development which may endanger human life (§ 8-504), manufactured homes (§ 8-506), recreational vehicles (§ 8-507), and prohibited activities (Part 6).
 - C. If granted, a variance shall involve only the least modification necessary to provide relief.
 - D. In granting any variance, the Township of Darby shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this chapter.
 - E. Whenever a variance is granted, the Township of Darby shall notify the applicant, in writing, that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - F. In reviewing any request for a variance, the Township of Darby shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will:

- (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
 - (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 - G. A complete record of all variance requests and related actions shall be maintained by the Township of Darby. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
- 2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent annual chance flood.

PART 9

DEFINITIONS

§ 8-901. Interpretation. [Ord. 719, 6/10/2015]

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

§ 8-902. Specific Definitions. [Ord. 719, 6/10/2015]

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or "one-percent annual chance flood").

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the "special flood hazard area" on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified by the community. See §§ 8-401 and 8-402 for the specifics on what areas the community has included in the identified floodplain area.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective start date of this chapter, and includes

any subsequent improvements to such structures. Any construction started after April 3, 1984, and before the effective start date of this chapter is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM), dated April 3, 1984, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM), dated April 3, 1984, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit, unless a time extension is granted, in writing, by the floodplain administrator. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss," regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE — A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

PART 10
ENACTMENT

§ 8-1001. When Effective. [Ord. 719, 6/10/2015]

This chapter shall be effective on June 10, 2015, and shall remain in force until modified, amended or rescinded by Township of Darby, Delaware County, Pennsylvania.

CHAPTER 9
GRADING AND EXCAVATING

PART 1
GENERAL REGULATIONS

- § 9-101. Short Title.**
- § 9-102. Purpose.**
- § 9-103. Activities Requiring Permit.**
- § 9-104. Application for Permit.**
- § 9-105. Approval of Permit.**
- § 9-106. Standards for Issuance of Permit.**
- § 9-107. Enforcement.**
- § 9-108. Costs of Inspections.**
- § 9-109. Violations.**

PART 1

GENERAL REGULATIONS

§ 9-101. Short Title. [Ord. 471, 7/9/1975, Art. 1]

This chapter shall be known and may be cited as the "Township of Darby Erosion and Sediment Control Ordinance."

§ 9-102. Purpose. [Ord. 471, 7/9/1975, Art. 2]

The purpose of this chapter is to regulate the modification of the natural terrain, the alteration of drainage, and the maintenance of artificial structures and surfaces within the Township of Darby so as to assure and safeguard the health, safety, morals, and general welfare of the citizens of the Township of Darby.

§ 9-103. Activities Requiring Permit. [Ord. 471, 7/9/1975, Art. 3]

1. It shall be unlawful for any person, firm or corporation to pave, fill, strip, grade, or regrade any land within the Township of Darby without first securing a permit as hereunder provided.
2. It shall be unlawful for any person, firm or corporation to disturb, modify, block, divert, or affect the natural overland or subsurface flow of stormwater within the Township of Darby without first securing a permit as hereunder provided.
3. It shall be unlawful for any person, firm or corporation to construct, erect, or install any drainage dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any premises in the Township of Darby without first securing a permit as hereunder provided.
4. It shall be unlawful for any person, firm or corporation to place fill so as to adversely affect the drainage or flow of any stream or stormwater within the Township. No fill shall be placed in any low area adjoining a watercourse or other body of water which is subject to periodic flooding unless:
 - A. The plans of the proposed changes have been approved by the Pennsylvania Department of Environmental Resources or its designee and a permit issued by said Department or a written statement from it stating that the proposal conforms to its design standards; and
 - B. The said plans have been approved by the Township and a permit issued as hereunder provided.

§ 9-104. Application for Permit. [Ord. 471, 7/9/1975, Art. 4; as amended by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. Any person, firm or corporation, proposing to engage in an activity requiring a permit shall apply for a permit by written application on a form furnished by the Township of Darby.
2. The application for a permit shall be accompanied by a map or diagram of the property showing the present and proposed topography of the site at contour intervals not exceeding five feet on slopes of 25% or less and contour intervals not exceeding 10 feet on slopes greater than 25% and the location of all present and proposed ditches, streams, pipes and other drainage structures, and cuts or fills. In addition to showing elevations, dimensions, location and extent of all proposed grading and/or drainage, the plans shall clearly indicate all buildings, parking areas, and driveways. Further, application shall indicate the present and proposed sources, storage, and dispositions of water being channeled through or across the premises, together with elevation, gradients, and maximum flow rates. The application shall describe the work to be performed, the materials to be used, and the manner or method of performance, including provisions for protecting and maintaining existing drainage facilities in the Township of Darby, whether on public or private property. The applicant shall submit to the Township a detailed drainage study prepared by a registered professional engineer. This drainage study shall include the following information:
 - A. The drainage area or area of runoff.
 - B. The coefficient of surface runoff used.
 - C. The storm intensity to be used should be based on a twenty-five-year-frequency storm and the storm duration in the watershed under consideration. In any event, the one-hour rainfall intensity used in computations shall be based on a one-hour rainfall of not less than three inches with 100% runoff.
 - D. The time of concentration from point to point within a drainage system should equal the storm duration to be used in determining the rainfall intensity in Subsection 2C above.
 - E. The roughness coefficient of a conduit or swale and a typical cross section of proposed swales with the depth of flow anticipated from the required design criteria.
 - F. The slope of the conduit or swale.
 - G. The velocity of flow through the conduit or swale. If load-bearing fill is proposed, a soils investigation report shall be submitted, which shall consist of test borings, laboratory testings and engineering analysis, to correlate surface and subsurface conditions with the proposed grading

plan. The results of the investigations shall be presented in a report by a soil engineer, which shall include data regarding the nature, distribution and supporting ability of existing soils and rock on the site, conclusions and recommendations for grading requirements and erosion control, and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Township may require such supplemental reports, and approval by the Township shall be incorporated in the plan or specifications.

3. The application for a permit to grade shall be accompanied by an application fee of \$75, plus \$100 for each \$1,000 or fraction thereof of the estimated cost of such work. **[Amended by Ord. 711, 12/4/2013]**
4. All applicants for a permit involving an area greater than one acre shall, before any permit is granted, post a bond with the Township of Darby, in a sum to be determined by the Township Engineer, with corporate surety to be approved by the Township Solicitor, the conditions of which shall be full and complete compliance with this chapter and all terms of the permit.
5. Double Fees. In case any work for which a permit required by this Code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this Code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

§ 9-105. Approval of Permit. [Ord. 471, 7/9/1975, Art. 5]

Upon the submission of an application which conforms to the provisions of this chapter, the Township Building Inspector, after consultation with and the approval of the Township Board of Commissioners and the Township Engineer, if deemed necessary, shall issue the necessary permit.

§ 9-106. Standards for Issuance of Permit. [Ord. 471, 7/9/1975, Art. 6]

1. Notwithstanding any provision of this chapter or any condition of the permit, the permittee is responsible for the prevention of damage to other property, or personal injury, which may be affected by the activity requiring a permit.
2. No person, firm or corporation shall modify, fill, excavate or regrade land in any manner so close to a property line as to endanger or damage any adjoining public street, sidewalk, alley, or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sediment, or other physical damage or personal injury which might result.
3. No person, firm or corporation shall deposit or place any debris or any other material whatsoever, or cause such to be thrown or placed, in any drainage ditch or drainage structures in such a manner as to obstruct free flow.

4. No person, firm or corporation shall fail to adequately maintain in good operating order any drainage facility on his premises. All drainage ditches, culverts, drainpipes, and drainage structures shall be kept open and free-flowing at all times.
5. The owner of any property on which any work has been done pursuant to a permit granted under the provisions of this section shall continuously maintain and repair all graded surfaces and anti-erosion devices, retaining walls, drainage structures and other protective devices, plantings and ground cover installed or completed.
6. All plans and specifications accompanying applications for permits shall include provisions for both interim (temporary) and ultimate (permanent) erosion, sediment and stormwater runoff control.
 - A. The design, installation and maintenance of erosion and sediment control measures shall be accomplished in accordance with guidelines as may be established from time to time by the Delaware County Soil and Water Conservation District, as adopted from Standards and Specifications of the United States Department of Agriculture, Soil Conservation Service, and the Pennsylvania Department of Environmental Resources.
 - B. All graded surfaces shall be seeded, sodded, and/or planted or otherwise protected from erosion as soon as practicable and shall be watered, tended and maintained until growth is well established at time of completion and final inspection. The disturbed area and duration of exposure shall be kept to a practical minimum.
7. Fills with slopes steeper than three horizontal to one vertical toeing out on natural slopes steeper than four horizontal to one vertical shall not be made unless approved by the Township Engineer, by a soil engineer certifying that he has investigated the property, made soil tests and that in his opinion such steeper slopes will safely support the proposed fill.
8. All trees in areas of extreme grade change shall be removed unless protected with suitable tree wells. However, extreme precautions shall be taken to prevent the unnecessary removal of trees.
9. The following provisions apply to the carrying and disposal of stormwater runoff:
 - A. All drainage facilities shall be designed, in the most practicable fashion, to carry surface water in such a manner as to prevent erosion, overflow or ponding.
 - B. The ponding of water shall not be permitted above cut or fill slopes or on drainage terraces. Water shall not be impounded on adjacent

property. Adequate drainage facilities shall be provided to prevent such ponding.

- C. The applicant shall make adequate provisions to prevent any surface waters from damaging the face of any excavation or fill. All slopes shall be temporarily and permanently protected from surface water runoff from above by interceptor and diversion berms, swales, or brow or berm ditches and shall be sodded, seeded and planted, unless the Township determines such treatment is unnecessary and specifically waives this requirement.
 - D. All drainage terraces, interceptor and diversion berms, swales, and brow or berm ditches shall be designed and constructed according to the design criteria herein and, when required by the Township Engineer, shall be piped or paved or otherwise improved to the satisfaction of the Township.
- 10. When required, adequate provisions shall be made for dust-control measures as are deemed acceptable by the Township.
 - 11. When required, the applicant shall agree to the granting and recording of easements for drainage facilities, including acceptance of the discharge of water on the property of others, provisions for maintenance of slopes and swales, and access for the maintenance of anti-erosion facilities.

§ 9-107. Enforcement. [Ord. 471, 7/9/1975, Art. 7]

- 1. The applicant, in any activity requiring a permit and/or which involves 10 or fewer single-family residences, after commencing initial operation, shall request, in writing, inspection by the Township Engineer, at the following stages:
 - A. Upon completion of stripping, the stockpiling of topsoil and disposal of all unsuitable materials, but prior to beginning any other preparation of the ground.
 - B. Upon completion of preparation of the ground to receive fill, but prior to beginning any placement.
 - C. Upon completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - D. Upon completion of final grading, permanent drainage and erosion control facilities, including established ground covers and planting, and all other work of the permit.
- 2. The applicant, in all other cases than that referred to in Subsection 1, after commencing initial operations, shall request, in writing, inspections by the

Township Engineer at the following stages in the development of the site or of each subdivision thereof:

- A. Prior to commencement of grading operations, to determine suitability of all proposed fill materials.
- B. Upon completion of stripping, the stockpiling of topsoil and disposal of all unsuitable material, but prior to beginning or any other preparation of the ground.
- C. Upon completion of preparation of the ground to receive fill, but prior to beginning or placement.
- D. Upon completion of structural fill placement, such that the following earth fill procedures are assured:
 - (1) Prior to placing fill in any area, grading should be performed as required to provide for drainage. Ditching or filling around the area should be performed to intercept or divert all surface water. Within the area on which fill is to be placed, the ground should be graded so as to provide for unobstructed drainage from every point to some disposal point.
 - (2) The area should be closely examined to determine whether excessive wetness, springs, or other seepage of water can be observed. If such conditions exist, drainage must be provided before placement of fill is undertaken.
 - (3) When the fill area has been prepared as specified, the existing ground surface should be compacted by the specified method for compacting fill.
 - (4) Fill should begin at the lowest section of the area. Fill should be spread in eight-inch layers prior to compaction. Each layer should be approximately horizontal, but small slopes can be permitted in order to provide for surface runoff.
 - (5) Each layer of fill should be inspected prior to compaction. All roots, vegetation, or debris should be removed. Stones larger than 16 inches in diameter should be removed or broken. The moisture content of each layer should be determined to be suitable for compaction.
 - (6) The compaction of the fill should be done with a sheepsfoot roller, rubber-tired roller or a vibratory roller. Other compaction equipment should be used only after it has been demonstrated that satisfactory results can be obtained with it.
 - (7) Each layer of compacted fill should be tested to determine its dry density as per ASTM D 1556, when required by the

Township Engineer. The density of each layer should be not less than 95% of maximum dry density as determined by ASTM D 1557. The moisture content of the compacted layer should be not more than 4% less or 2% greater than the optimum moisture as determined by ASTM D 1557.

- (8) Only when the compacted layer has been shown to be as specified should other layers of fill be placed above it.
 - (9) Visual inspection of borrow materials should be made periodically to assure that no variation in the fill material has occurred.
- E. Upon completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - F. Upon completion of trench backfilling operations so that testing can be performed as specified in Subsection 2D.
 - G. Upon completion of final grading, permanent drainage and erosion control facilities, including established ground covers and planting, and all other work of the permit.

§ 9-108. Costs of Inspections. [Ord. 471, 7/9/1975, Art. 8]

All applicants shall bear all costs of inspections required hereunder and shall deposit with the Township Treasurer such sums as the Township Board of Commissioners shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be at the rate charged to the Township by the Township Engineer.

§ 9-109. Violations. [Ord. 471, 7/9/1975, Art. 10; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation violating any provision of this chapter shall, upon summary conviction before any District Justice of the Peace, be sentenced to pay a fine not exceeding \$600 and costs of prosecution, or in default of payment thereof shall be subject to imprisonment for a term of not more than 30 days. Each and every day in which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.

CHAPTER 10

HEALTH AND SAFETY

Part 1

Storage of Refrigerators

- §101. Doors to be Removed from Refrigerators, Ice Boxes, Etc.**
- §102. Penalties**

Part 1

Storage of Refrigerators

§101. Doors to be Removed from Refrigerators, Ice Boxes, Etc.

1. It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children or other individuals, any unattended, abandoned, or discarded refrigerator, ice box or ice chest or similar container of like kind with an air tight door from which the lock or catching device has not been removed.
2. It shall be unlawful for any person, firm or corporation to leave outside any building or dwelling in a place accessible to children any unattended, discarded or abandoned refrigerator, ice box or ice chest or similar container of any kind which has an air tight door with snap lock or other like device without first removing the said snap lock or like device from the door of the said container.

(Ord. 178, 4/7/1954, §§1 and 2)

§102. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 178, 4/7/1954, §3; as amended by Ord. 572, 10/10/1990)

**CHAPTER 11
HOUSING**

**PART 1
CERTIFICATES OF OCCUPANCY**

- § 11-101. **Definitions.**
- § 11-102. **Certificate Required.**
- § 11-103. **Application.**
- § 11-104. **Information on Application.**
- § 11-105. **Fees.**
- § 11-106. **Validity.**
- § 11-107. **Duration of Certificate.**
- § 11-108. **Penalties.**
- § 11-109. **Appeal.**
- § 11-110. **Reports.**
- § 11-111. **Reinspection.**
- § 11-112. **Annual Inspection for Rental Properties.**

**PART 2
LICENSING OF RENTAL PROPERTIES**

- § 11-201. **License Required.**
- § 11-202. **Fees.**
- § 11-203. **Application for License.**
- § 11-204. **Inspections.**
- § 11-205. **Violations.**
- § 11-206. **Penalties.**
- § 11-207. **Noncompliance.**

PART 1

CERTIFICATES OF OCCUPANCY**§ 11-101. Definitions. [Ord. 450, 4/3/1974, § 1]**

As used in this Part 1, the following terms shall have the meanings indicated:

BUILDING — Any structure, building, dwelling, apartment house, or multiple dwelling.

PERSON — Any person, firm, association, group or corporation, and includes the plural as well as the singular.

§ 11-102. Certificate Required. [Ord. 450, 4/3/1974, § 2]

Before any person shall occupy, inhabit or use any building or part thereof in the Township of Darby for the first time as owner, or before any person, being the owner, shall lease or let or release or relet any building or part thereof to any other person, such owner or tenant shall secure a certificate of occupancy.

§ 11-103. Application. [Ord. 450, 4/3/1974, § 3]

Application for such certificate shall be made on forms provided by the Township of Darby.

§ 11-104. Information on Application. [Ord. 450, 4/3/1974, § 4]

The said application shall require the full, correct, and complete name and principal address of the applicant, the owner, and the tenant, if any, and the address and a brief description of the premises for which application is made, and shall require a statement of the purpose or use to which the building or part thereof is to be made, and the number of persons who will use or occupy the same, and such other pertinent information as the said Township may from time to time deem necessary.

§ 11-105. Fees. [Ord. 450, 4/3/1974, § 5; as amended by Ord. 511, 5/4/1979, § 2; by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 630, 7/14/2010]

1. The fee for filing such application shall be \$100 for residential and \$150 for commercial and shall accompany said application. In the event that a reinspection is required, the fee will be \$50 for residential and \$100 for commercial for each reinspection and shall be paid prior to the reinspection.
2. Double Fee. In case any work for which a permit required by this Code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this Code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

§ 11-106. Validity. [Ord. 450, 4/3/1974, § 6]

Upon receipt of a completed application, the Building Inspector or such other person as the Board of Commissioners of the Township of Darby may from time to time designate shall inspect the said building or part thereof and check the Building Code, Zoning Ordinance and such other ordinances or regulations of the state or Township as pertain to fire, health and safety. If the said building and the proposed use or purpose thereof conform to all ordinances of the Township of Darby, a certificate of occupancy shall be issued.

§ 11-107. Duration of Certificate. [Ord. 450, 4/3/1974, § 7]

A certificate of occupancy shall be good for 12 months from the date of its issue.

§ 11-108. Penalties. [Ord. 450, 4/3/1974, § 8; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense

§ 11-109. Appeal. [Ord. 450, 4/3/1974, § 10]

Whenever any person is aggrieved by the decision of the Building Inspector or such other designated person, such person may, within 10 days therefrom, take an appeal to the Zoning Hearing Board of Darby Township. Such appeal shall set forth the decision of the Building Inspector, or such other designated person, and the exception thereof and that such person desires to appear and be heard.

§ 11-110. Reports. [Ord. 450, 4/3/1974, § 11]

The said Inspector or other designated person shall file a report with the Board of Commissioners monthly of the applications filed and the status thereof.

§ 11-111. Reinspection. [Added by Ord. 592, 2/10/1993]

There shall be a reinspection fee of \$15 should the Code Enforcement Officer have to return to any unit for a use and occupancy permit.¹

§ 11-112. Annual Inspection for Rental Properties. [Added by Ord. 592, 2/10/1993; as amended by Ord. 630, 7/14/2010]

There shall be an annual inspection of rental properties to provide for the health, safety and welfare of Township residents and to provide for the annual inspection of all rental properties to ensure compliance with all applicable Township ordinances,

¹Editor's Note: See also § 11-105 of this Part 1, which was amended by Ord. 630, 7/14/2010, to provide for a higher reinspection fee.

i.e., use and occupancy, plumbing, electrical, fire and health. The fee for this inspection shall be as follows:

- A. Residential: \$50 per year.
- B. Commercial: \$100 per year.

PART 2

LICENSING OF RENTAL PROPERTIES**§ 11-201. License Required. [Ord. 698, 12/7/2011]**

All owners of rental properties are required to annually obtain a rental license from the Township. All residential, business, commercial, and cell tower rentals will be required to apply for this license.

§ 11-202. Fees. [Ord. 698, 12/7/2011]

1. The fee shall be \$150 per unit per year.
2. The fee shall be paid by January 31 of each year, or the fee will be doubled.
3. In the case of a deed transfer, the fee for the first year will be prorated.
4. For rental properties of more than 50 units, 50% will be completed each year.

§ 11-203. Application for License. [Ord. 698, 12/7/2011]

In order to obtain a license, the owner or agent must annually complete an application provided by the Township. All municipal, county and school district taxes and fines must be current on all properties in Delaware County.

§ 11-204. Inspections. [Ord. 698, 12/7/2011]

At the time of submitting the application for a rental license, the owner shall pay the appropriate annual licensing fee and schedule the inspection of the property. The owner or authorized representative of the owner must be present at the time of inspection. If the owner sends a representative, then the Township must be notified, in writing, who will be at the inspection. There will be a fee of \$75 for a no-show.

§ 11-205. Violations. [Ord. 698, 12/7/2011]

1. All annual inspections must be completed by July 31 of each year. If violations are found, the Code enforcement Officer shall specify the violating conditions, in writing, to the owner, allowing 10 days for the violations to be corrected and for a reinspection.
2. No license shall be granted when there are violations to the Darby Township Zoning Ordinance requiring a variance or special exception.

§ 11-206. Penalties. [Ord. 698, 12/7/2011]

Penalty for violation of this Part 2 is no less than \$600 nor more than \$1,000 per unit. Each day constitutes a new violation.

§ 11-207. Noncompliance. [Added by Ord. 723, 12/9/2015]

Any owner who fails to obtain a rental license as required by Chapter 11, Part 2, § 11-201 of the Code of Ordinances of the Township of Darby shall be denied the right to recover possession of the premises or to collect rent during, or for the period of, noncompliance. In any action for eviction or collection of rent, the owner shall attach a copy of the license.

CHAPTER 12

LIBRARIES

(Reserved to accommodate future ordinances)

CHAPTER 13
LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PART 1
AMUSEMENT DEVICES

- § 13-101. Definitions.
- § 13-102. License Required.
- § 13-103. Application for License and Investigation.
- § 13-104. Fees.
- § 13-105. Regulations.
- § 13-106. Expiration and Renewal.
- § 13-107. Transfers.
- § 13-108. Penalties.
- § 13-109. Exceptions.

PART 2
(RESERVED)

- § 13-201. (Reserved)

PART 3
FOOD PROTECTION

- A. General Provisions.
 - § 13-301. Definitions.
 - § 13-302. Purpose.
 - § 13-303. License Requirement.
- B. Public Eating and Drinking Places.
 - § 13-311. General.
 - § 13-312. Milk Products.
 - § 13-313. Shellstock and Shellfish.
 - § 13-314. Food Protection and Storage.
 - § 13-315. Poisonous and Toxic Materials.
 - § 13-316. Cold Storage Facilities.
 - § 13-317. Frozen Food.
 - § 13-318. Stuffed Meats and Poultry.

- § 13-319. Custards and Cream Fillings.
 - § 13-320. Employees with Diseases.
 - § 13-321. Control of Infectious Employees.
 - § 13-322. Cleanliness.
 - § 13-323. Sanitary Design and Installation.
 - § 13-324. Accessibility for Cleaning.
 - § 13-325. Single-Service Articles.
 - § 13-326. Cleaning and Sanitizing of Equipment and Utensils.
 - § 13-327. Manual Dishwashing.
 - § 13-328. Machine Dishwashing.
 - § 13-329. Lack of Adequate Facilities.
 - § 13-330. Utensils for Frozen Desserts and Drinks.
 - § 13-331. Water Supply.
 - § 13-332. Ice.
 - § 13-333. Sewage Disposal.
 - § 13-334. Plumbing.
 - § 13-335. Toilet Facilities.
 - § 13-336. Hand-Washing Facilities.
 - § 13-337. Garbage and Refuse Disposal.
 - § 13-338. Insect and Rodent Control.
 - § 13-339. Floors, Walls and Ceilings.
 - § 13-340. Floor Drains.
 - § 13-341. Surface of Exterior Areas.
 - § 13-342. Lighting.
 - § 13-343. Ventilation.
 - § 13-344. Dressing Rooms and Lockers.
 - § 13-345. General Cleanliness.
 - § 13-346. Review by Licensor.
- C. Temporary Eating and Drinking Places.
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PART 1

AMUSEMENT DEVICES

§ 13-101. Definitions. [Ord. 527, 3/10/1982, § 1]

As used in this Part, the following terms shall have the meanings indicated:

CEO — The Building Inspector of the Township of Darby or his designate.

JUKEBOXES — Any music vending machine, contrivance, or device which, upon insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music, or similar amusement.

MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE — Any machine, contrivance, or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, may be operated or used as a game, entertainment, or amusement, whether or not registering a score, and whether or not a prize is offered. It shall include but not be limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, photoelectric shooting or target machines, electronic video games, air-hockey tables, football games, and all games, operations, or transactions similar thereto under whatever name they may be designated or described. It shall also include any vending machine which vends product, including, but not limited to: any food, drink, toys, candy, cigarettes, and entertainment media. **[Amended by Ord. 716, 12/10/2014]**

OPERATOR — Any person, firm, partnership, corporation, or association displaying or maintaining for use and operation any jukebox, mechanical amusement device, or pool table or otherwise permitting the use or operation of such devices for a fee or charge.

PERSON — Every natural person, copartnership, association, or corporation; and whenever used in any clause prescribing or imposing a penalty, the term, as applied to copartnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PLACE OF AMUSEMENT — Any place authorized by the Zoning Chapter of the Township of Darby.

§ 13-102. License Required. [Ord. 527, 3/10/1982, § 2]

It shall be unlawful for any operator to display or keep, or maintain for use and operation, or otherwise permit the use and operation of any jukebox, mechanical amusement device, pool table, or other similar machine without first having registered with and obtained a license from the CEO as prescribed herein.

§ 13-103. Application for License and Investigation. [Ord. 527, 3/10/1982, § 3]

1. Any person(s) desiring to procure a license for a mechanical or electronic device shall apply therefor in writing to the CEO. Such application shall set forth the full name and address of the applicant, the address at which such device(s) is to be located, together with:
 - A. A plan of the premises showing the location or locations where the jukebox or mechanical amusement device is to be displayed or maintained and indicating same as a supervised area. No loitering to be permitted on the premises.
 - B. This plan will show all doorways and aisle widths of three feet. Each device must have a minimum of 15 square feet of floor area. This application shall not exceed more than three devices without a special exception by the Darby Township Hearing Board. However, machines used exclusively to vend products, and which do not usually create a crowd, shall not be included in this count of three. **[Amended by Ord. 716, 12/10/2014]**
 - C. No device shall be placed within 10 feet of any doorway unless the device is used exclusively for vending purposes and does not usually create a crowd. **[Amended by Ord. 716, 12/10/2014]**
 - D. The type, manufacturer, and serial number of each jukebox, mechanical device, or pool table for which application is made.
 - E. Such information shall be furnished over the signature of the applicant and shall be made under oath or affirmation.
 - F. No license shall be granted until a period of 10 days shall have elapsed from the date of application, during which time the CEO may, at his or her discretion, investigate the facts set forth in the application.
2. Upon approval of the application, the CEO shall issue a license for each location where a jukebox, mechanical or electronic amusement device, or pool table is to be displayed or maintained and may also issue a seal to be affixed to each jukebox, mechanical or electronic device, or pool table registered and licensed under this Part.

§ 13-104. Fees. [Ord. 527, 3/10/1982, § 4; as amended by Ord. 573, 11/26/1990; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

1. Registration and license fees shall be paid by the operator to the CEO at the time that application is filed. Such fees shall be as follows:
 - A. For each jukebox, \$750 each calendar year or fraction thereof.

- B. For each mechanical or electronic amusement device, \$1,000 each calendar year or fraction thereof.
 - C. For each pool table, \$1,000 each calendar year or fraction of a year thereof.
2. No deduction or refunds of any fee shall be granted in case of a fee payable for less than a full calendar year or in the case of any device destroyed, stolen, sold or otherwise disposed of or transferred after payment of the fee. In the event of the transfer of the registration of any device, there shall be a transfer fee of \$300 for the device.
 3. In the case of the loss, defacement, or destruction of any original license or seal, the person to whom such certificate or seal was issued shall apply to the CEO, who will issue a new seal or license upon payment of a fee of \$250.
 4. Double Fees. In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

§ 13-105. Regulations. [Ord. 527, 3/10/1982, § 5]

1. A copy of the license must be visibly posted upon the premises where any jukebox, mechanical or electronic device, or pool table is displayed or maintained for use and operation, and the seal which will be provided shall be affixed to the jukebox, mechanical or electronic amusement device, or pool table for which issued in accordance with the directions of the CEO.
2. Any premises upon which any jukebox, mechanical or electronic amusement device, or pool table is displayed or maintained shall be open to examination and inspection by duly authorized agents of the CEO and/or the Darby Township Police Department during all hours that such premises are open to use by the public.
3. No mechanical or electronic device or pool table shall be used for gambling or other illegal purposes.
4. Any premises or places of business primarily or substantially devoted to the display or maintenance of mechanical or electronic amusement devices or pool tables shall be subject to the provisions of the Zoning Chapter relating to places of amusement. For the purposes of this subsection, any premises upon which are displayed or maintained more than a total of three mechanical or electronic amusement devices and/or pool tables shall be considered as being substantially devoted to the display or maintenance of mechanical or electronic amusement devices or pool tables. Machines used

exclusively to vend product, and which do not usually create a crowd, shall not be included in this count of three. **[Amended by Ord. 716, 12/10/2014]**

5. Any operator granted a license shall not permit the operation of any device by a person under the age of 18 years of age during the regular class hours of any day in which public school is in session.
6. After the Darby Township Police Department has responded to two complaints pertaining to disturbances related to the operation of such devices at any licensed premises, the Board of Commissioners will have the right to review complaints; and, if decided the complaints were legitimate, it will have the right to suspend licensure and enforce the removal of all devices from the licensed premises for the remainder of that calendar year.

§ 13-106. Expiration and Renewal. [Ord. 527, 3/10/1982, § 6]

Licenses issued under this Part expire on December 31 of each year. Applications for renewal, accompanied by the required annual fee, shall be submitted in the month of December and may consist of a signed verification of the original application contents so long as there have been no changes.

§ 13-107. Transfers. [Ord. 527, 3/10/1982, § 7]

Licenses shall apply only to the operator and location to which issued, and any transfer shall require an amendment of the original application, approved by the CEO, and payment of the fee specified in § 13-104, Subsection 2, above. A new seal may be issued for a replacement for a jukebox, mechanical or electronic device, or pool table previously registered under this Part only upon amendment of the original application, approval by the CEO, and payment of the fee specified in § 13-104, Subsection 2, above.

§ 13-108. Penalties. [Ord. 527, 3/10/1982, § 8; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

§ 13-109. Exceptions. [Added by Ord. 716, 12/10/2014]

This Part 1 shall not apply to any not-for-profit organizations and shall not apply to vending machines located in private portions of stores or businesses for the exclusive use of their employees.

PART 2
(RESERVED)¹

§ 13-201. (Reserved)

¹Editor's Note: Former Part 2, Cable Television, adopted by Ord. 499, 3/6/1978, as amended, contained a cable television franchise agreement which had expired. It, along with other franchise agreements, is listed in Appendix C, and copies of said agreements are on file in the Township offices.

PART 3

FOOD PROTECTION

A. General Provisions.**§ 13-301. Definitions. [Ord. 456, -/1974, § 1.1]**

The following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise:

ADULTERATED FOOD — Food which:

- A. Bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
- B. Bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established.
- C. Consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption;
- D. Has been processed, prepared, packed or held under unsanitary conditions, whereby it may have become contaminated with filth or rendered injurious to health;
- E. Is in whole or in part the product of a diseased animal, or an animal which had died otherwise than by slaughter; or
- F. Is in a container composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

CORROSION-RESISTANT MATERIAL — A material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may be in contact with it.

EASILY CLEANABLE — Readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

EQUIPMENT — All stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

FOOD — Any raw, cooked or processed edible substance, beverage or ingredient intended in whole or in part for human consumption.

FOOD CONTACT SERVICES — Surfaces of equipment and utensils which normally come in contact with food, directly or indirectly.

GARBAGE — All putrescible wastes, except sewage and body waste, including animal and vegetable offal.

LICENSOR — The Township and/or the Township Board of Health.

POTENTIALLY HAZARDOUS FOOD — Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

PUBLIC EATING AND DRINKING PLACES — Any public establishment which serves food or drink to customers or patrons and which is regulated by the provisions of this Part.

REFUSE — All nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by the owner or possessor thereof as useless or worthless.

RETAIL FOOD ESTABLISHMENT — Any place, whether temporary or permanent, stationary or mobile, where food or drink is packaged, stored, served, sold or offered for sale directly to the consumer.

SAFE TEMPERATURE — Applied to potentially hazardous food, an internal temperature of 45° F. or below, and 140° F. or above.

SANITIZE — Effective bacteriacidal treatment of clean surfaces of equipment and utensil by a process which has been approved by the Township as being effective in destroying microorganisms, including pathogens.

SEWAGE — Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

SEWAGE SYSTEM — Any system, whether community or individual, publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes.

SINGLE-SERVICE ARTICLES — Cups, containers, lids or closures; plates, knives, forks, spoons stirrers, paddles; straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public for one use only, and then to be discarded.

SOURCE — Any well, spring, cistern, infiltration, gallery, stream, reservoir, pond or lake from which water is taken by any means, either intermittently or continuously, for use by the public.

TEMPORARY PUBLIC EATING OR DRINKING PLACE — Any public eating or drinking place which operates at any location for a temporary period of time not to exceed more than 14 consecutive calendar days, regardless of whether the establishment operates continuously during this time, in connection with a fair, carnival, circus, public exhibition or similar transitory gathering. A temporary public eating and drinking place shall also include any mobile food service establishment, which means any vehicular food service establishment.

TOWNSHIP — The Township and/or the Township Board of Health.

UTENSILS — Any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

WATERS OF THIS COMMONWEALTH — Any and all rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs and all other bodies, of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WATER SUPPLY — A source or sources of water, as well as any and all water treatment, storage, transmission and distribution facilities.

§ 13-302. Purpose. [Ord. 456, -/1974, § 1.2]

The purpose of the provisions of this Part shall be to provide regulations for the sanitary treatment and serving of food and drink in the various food establishments of the Township of Darby.

§ 13-303. License Requirement. [Ord. 456, -/1974, § 1.3]

1. Proprietors shall not operate or conduct a food establishment within this commonwealth except in compliance with the appropriate provisions of this Part.
2. Any proprietor in possession of a valid license to operate a food establishment who fails to comply with the appropriate provisions of this Part may have such license either revoked or suspended by the licensor at any time during the license period.

B. Public Eating and Drinking Places.

§ 13-311. General. [Ord. 456, -/1974, § 1.11]

1. All food in public eating or drinking places shall be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption.
2. No food prepared in a private home or processed in a place other than a commercial food processing establishment shall be sold or used in the preparation of foods offered for sale, sold or given away in a public eating or drinking place unless such place is regulated by a health authority or other appropriate official regulatory agency.

§ 13-312. Milk Products. [Ord. 456, -/1974, § 1.12]

1. Only pasteurized fluid milk and fluid milk products shall be used or serviced. Dry milk and milk products may be reconstituted in the establishment if used for cooking purposes only.
2. All milk and fluid milk products for drinking purposes shall be purchased and served in the original, individual container in which they were packaged at a milk plant, or shall be served from an approved bulk milk dispenser.
3. Cream, whipped cream or half and half which is to be consumed on the premises may be served from the original container of not more than one quart capacity or from a dispenser approved by the Township for such service. For mixed drinks requiring less than 1/2 pint of milk, milk may be poured from quart or half gallon containers packaged at a milk plant.

§ 13-313. Shellstock and Shellfish. [Ord. 456, -/1974, § 1.13]

1. All oysters, clams and mussels shall be from sources approved by the Township. When the source is outside this Township, it shall be one which is certified by the state of origin or the Federal Food and Drug Administration.
2. Shellstock shall be identified with an official tag giving the name and certificate number of the original shellstock shipper and the kind and quantity of shellstock. The tags and an accurate record of the source and quantity of all lots of shellfish shall be maintained for 60 days.
3. Fresh and frozen shucked oysters, clams and mussels shall be packed in nonreturnable containers identified with the name and address of the packer, repacker or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the state of origin.
4. Shellfish, crabs and lobsters, if served in the shell, shall be served in the original shell, but the reuse of such shells as food containers in the preparation or serving of food shall be prohibited.

§ 13-314. Food Protection and Storage. [Ord. 456, -/1974, § 1.21]

1. General.
 - A. All food, while being stored, prepared, displayed, served or sold at public eating or drinking places, or during transportation between such establishment, shall be protected from contamination and stored in such a manner as to prevent rodent harborage and permit ease of cleaning of the food service facilities.
 - B. All perishable food shall be stored at such temperature as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures. Foods shall be stored in the refrigerator so as to permit the free circulation of cold air and in such a manner as to prevent contamination. To promote rapid cooling, potentially hazardous foods shall be stored in the refrigerator in shallow container or by such other means which shall insure the cooling of the total mass to a temperature of 45° F. or less within two hours, unless otherwise specified by the Township.
 - C. Raw fruits and vegetables shall be washed before use. Stuffings, poultry, stuffed meats and stuffed poultry, and pork and pork products shall be thoroughly cooked before being served.
 - D. No food which has been previously served to any person or persons or returned from any counter or table shall be used in the preparation of foods offered for sale or given away. However, wrapped food which has not been unwrapped and which is wholesome may be reserved.
 - E. Tongs, forks, spoons, picks, spatulas, scoops and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

§ 13-315. Poisonous and Toxic Materials. [Ord. 456, -/1974, 1.22]

1. Only such poisonous and toxic materials which are required to maintain sanitary conditions and for sanitization purposes may be used or stored in public eating or drinking places. Such materials shall be identified and shall be used only in such a manner as will not contaminate food or constitute a hazard to employees or customers.
 - A. When not in use, poisonous and toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food storage, food preparation and cleaned equipment and utensil storage rooms.

- B. Bacteriacidal and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides or other poisonous materials.

§ 13-316. Cold Storage Facilities. [Ord. 456, -/1974, § 1.23]

1. Each cold storage facility used for the storage of perishable food in nonfrozen state shall be provided with an indicating thermometer accurate to +2° F., located in the warmest part of the facility in which food is stored and of such type and so situated that the thermometer can be easily and readily observed for reading.
2. The temperature in each cold storage facility used to store potentially hazardous food in the nonfrozen state shall not be higher than 45° F.
3. Wet storage of packaged, canned and bottled food or drink shall be prohibited.

§ 13-317. Frozen Food. [Ord. 456, -/1974, § 1.24]

1. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed:
 - A. At refrigerator temperatures of 45° F. or below;
 - B. Under cool, potable running water 70° F. or below;
 - C. By any other method satisfactory to the Township.
2. Once thawed, frozen foods shall not be refrozen.

§ 13-318. Stuffed Meats and Poultry. [Ord. 456, -/1974, § 1.31]

Stuffings, poultry and stuffed meats and stuffed poultry shall be heated throughout to a minimum temperature of 165° F., with no interruption of the initial cooking process.

§ 13-319. Custards and Cream Fillings. [Ord. 456, -/1974, § 1.32]

1. Potentially hazardous custards, cream fillings or similar products which are prepared by hot or cold processes and which are used as puddings or pastry fillings shall be kept at safe temperatures and shall meet the following requirements, as applicable.
 - A. Pastry fillings shall be placed in shells, crusts or other baked goods either while hot (not less than 140° F.) or immediately following preparation if a cold process is used.

- B. Such filling and puddings shall be refrigerated at 45° F. or below in shallow pans, immediately after cooking or preparation, and held thereat until combined into pastries or served.
2. All completed custard-filled and cream-filled pastries shall, unless served immediately following filling, be refrigerated at 45° F. or below promptly after preparation and held thereat pending service.

§ 13-320. Employees with Diseases. [Ord. 456, -/1974, § 1.41]

1. No employee with any disease in a communicable form or who is a carrier of such disease shall work in any public eating or drinking place in any capacity which brings him into contact with the production, handling, storage or transportation of food or equipment used in public eating or drinking places.
2. No proprietor shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease.
3. Any employee who has a discharging or infected wound, sore or lesion on hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him into contact with food, beverages, utensils or equipment used in public eating or drinking places.

§ 13-321. Control of Infectious Employees. [Ord. 456, -/1974, § 1.42]

When suspicion arises as to the possibility of transmission of infection from any employee, the licensor shall be authorized to require any or all of the following measures:

1. The immediate exclusion of the employee from the eating or drinking place.
2. The immediate closing of the eating or drinking place concerned until, in the opinion of the licensor, no further danger of disease outbreaks exists.
3. Restriction of the services of the employee to some area of work where there would be no danger of transmitting disease.
4. Adequate medical examinations of the employee and of his associates, with such laboratory examination as may be necessary.

§ 13-322. Cleanliness. [Ord. 456, -/1974, § 1.43]

1. All employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work and as often as may be necessary to remove soil and

contamination. No employee shall resume work after visiting the toilet room without washing his hands with soap and warm water.

2. Hair nets, caps or other effective hair covering shall be used by employees engaged in the preparation and service of food or washing of utensils and equipment to keep hair from food and food-contact surfaces.
3. Persons engaged in the preparation, handling or service of food shall not use tobacco in any form while in equipment and utensil washing, food preparation or food serving areas. However, designated locations in such areas may be approved by the licenser for smoking, where no contamination hazards will result.

§ 13-323. Sanitary Design and Installation. [Ord. 456, -/1974, § 1.51]

1. All utensils and all show and display cases or windows, counters, shelves, tables, chairs refrigerating equipment, sinks and other equipment or utensils shall be so constructed as to be cleansed easily, durable and shall be kept in good repair.
2. Food contact surfaces of such equipment and utensils shall be easily accessible for cleaning, nontoxic, corrosion-resistant and relatively nonabsorbent.
3. All equipment shall be designed, installed and operated in accordance with the criteria set forth by the National Sanitation Foundation, Automatic Merchandising Health-Industry Council, Baking Industry Sanitation Standards Committee, and the Committee for 3-A Sanitary Standards for Dairy Equipment or other nationally recognized testing laboratory or agency.
4. Utensils containing or plated with cadmium, lead, or zinc shall not be used, although solder containing lead may be used for jointing.
5. All glassware, china, crockery, pottery and utensils or equipment of a similar character or coating shall be free from breaks, cracks and chipped places.

§ 13-324. Accessibility for Cleaning. [Ord. 456, -/1974, § 1.52]

All equipment shall be so installed and maintained as to facilitate the cleaning thereof and of all adjacent areas.

§ 13-325. Single-Service Articles. [Ord. 456, -/1974, § 1.53]

Single-service articles shall be made from nontoxic materials and shall have been manufactured, packaged, transported, stored and handled in a sanitary manner and shall be used only once.

§ 13-326. Cleaning and Sanitizing of Equipment and Utensils. [Ord. 456, -/1974, § 1.61]

1. General.
 - A. All eating or drinking utensils shall be thoroughly cleaned, rinsed and sanitized after each usage.
 - B. All kitchenware and food-contact surfaces of equipment used in the preparation or serving of food or drink and all multi-use food storage utensils, exclusive of cooking surfaces of equipment, shall be thoroughly cleansed after each use. Cooking surfaces of equipment shall be cleaned at least once a day.
 - C. All utensils and food-contact surfaces of equipment used in the preparation or storage of potentially hazardous food shall be thoroughly cleaned, rinsed and sanitized prior to such use, except that food-contact surfaces of equipment or utensil which will be heated in the baking or cooking process of food preparation to above 140° F. shall not be required to be sanitized prior to usage. Non-food-contact surfaces of equipment shall be cleansed at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

§ 13-327. Manual Dishwashing. [Ord. 456, -/1974, § 1.62]

1. When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a warm detergent solution which is kept reasonably clean and then shall be rinsed free of such solution. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized by one of the following methods:
 - A. Immersion for at least 1/2 minute in clean hot water at a temperature of at least 170° F.
 - B. Thermometers accurate to +3° F. shall be provided convenient to the sink to permit frequent checks of the water temperature.
2. Immersion for a period of at least one minute in a sanitizing solution containing one of the following:
 - A. At least 50 ppm of available chlorine at a temperature not less than 75° F.
 - B. At least 12.5 ppm of available iodine in a solution having a pH higher than 5.0 and a temperature of not less than 75°.
 - C. Any other chemical sanitizing agent which has been demonstrated to the satisfaction of the Township to be effective and nontoxic under use

conditions and for which a suitable field test is available. Such sanitizing agents, in use solutions, of available chlorine at a temperature not less than 75° F.

3. Equipment too large or impractical to treat by the methods in Subsections 1 and 2 of this subsection may be treated:
 - A. With live steam from a hose, in the case of equipment in which steam can be confined;
 - B. By rinsing with boiling water; or
 - C. By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.
 - D. Public eating or drinking places shall conduct manual washing and sanitization of utensils only in three compartment sinks, with the following exceptions and conditions:
 - (1) Licensing jurisdictions in which greater than 50% of the establishments are employing manual means of washing and sanitization of utensils and equipment and do not have three-compartment sinks shall submit for approval to the Township a plan for the orderly transition to effect compliance with the provisions of this subsection.
 - (2) Establishments where the only utensils to be washed are limited to spatulas, tongs and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one-compartment sink may be approved by the licensor for such purpose.
 - (3) At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization.
 - E. Sinks used for manual washing and sanitizing operations shall be of adequate length, width and depth to permit the complete immersion of the equipment and utensils, and each compartment of such sinks shall be supplied with hot and cold running water.
 - F. Where there is a need for a slip sink or device to discard liquid waste, such sink or device shall be provided in addition to the three-compartment sink. Cleaning wastes shall not be emptied into sinks used for the preparation of food or the cleaning and sanitizing of utensils.
 - G. When hot water is used as the sanitizing agent in manual operations, dish baskets shall be of such design as to permit complete immersion

of the utensils and equipment components being sanitized therein. The sink compartment used for the sanitization process shall be equipped with heating facilities which are capable of maintaining the temperature of the water at not less than 170° F.

§ 13-328. Machine Dishwashing. [Ord. 456, -/1974, § 1.63]

1. Dishwashing machines, including prewashing units, shall be designed, constructed, installed, maintained and operated so as to comply with the following criteria, where applicable:
 - A. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the Township and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.
 - B. An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of +3° F. the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse as it enters the manifold. All thermometers shall be so placed as to be easily read by the operator and be so located as not to be unduly exposed to breakage.
 - C. The wash and final rinse cycles of all machines shall be automatically timed.
 - D. The flow pressure of the final rinse water shall not be less than 15 or more than 25 pounds per square inch in the line at the machine.
 - E. Appropriate connections shall be provided to enable the testing of the temperature and pressure of the final rinse water, and plumbing connections shall be located immediately adjacent to the supply side of the valve control in the line carrying the final rinse water to the dishwashing machine.
 - F. When automatic cold water glass washers are employed for washing and sanitizing glasses, the following provisions shall be met:
 - (1) The washer shall be self-cleaning and sanitizing.
 - (2) All used water shall flow out of the washer immediately following use.
 - (3) The washer shall contain brushes or employ other effective means which will adequately clean both the inside and outside of the glass.

- (4) The detergent-sanitizer used shall be one that is exposed for use in cold water glass washers and is effective.
2. Any other type of machine, device, or facilities and procedures may be approved by the Township for cleaning or sanitizing the equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch and provide effective bactericidal treatment.

§ 13-329. Lack of Adequate Facilities. [Ord. 456, -/1974, § 1.64]

Public eating or drinking places which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles which may be used only once.

§ 13-330. Utensils for Frozen Desserts and Drinks. [Ord. 456, -/1974, § 1.65]

1. Spoons, dippers, scoops and other utensils used in serving and packaging ice cream and allied products shall be cleansed thoroughly with hot water and soap at least once each day immediately following the day's operation. During the period when they may be used, such utensils shall be kept in running water, if practicable. Otherwise, the water shall be changed frequently enough to keep it clean.
2. Straws offered for use shall be wrapped, and the use of bulk, unwrapped straws shall be prohibited.
3. Dispensing scoops, spoons and dippers used in serving frozen desserts shall be stored, between uses, either in an approved running-water dipper well or in a manner approved by the Township.

§ 13-331. Water Supply. [Ord. 456, -/1974, § 1.71]

1. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils or containers are washed.
2. All water used in the operation of a public eating or drinking place shall be provided from a supply approved by the licensor. Approval of a water supply shall be based upon satisfactory compliance with construction standards for water supplies approved by the Township.
3. The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Township. Unapproved water supplies shall be made inaccessible to the public in a manner deemed satisfactory to the licensor.
4. When bottled water is used in an establishment, it shall be from a source under permit from the Township.

§ 13-332. Ice. [Ord. 456, -/1974, § 1.72]

1. Ice used for any purpose shall be made from water which comes from a safe and satisfactory source and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.
2. All ice shall meet the bacteriological and chemical standards for drinking water.

§ 13-333. Sewage Disposal. [Ord. 456, -/1974, § 1.73]

All sewage disposal systems serving public eating or drinking places shall be approved by the licensor. Approval of the sewage disposal system shall be based upon satisfactory compliance with all regulations pertaining thereto.

§ 13-334. Plumbing. [Ord. 456, -/1974, § 1.74]

Plumbing shall be sized, installed and maintained in order to:

- A. Carry adequate quantities of water to required locations throughout the establishment;
- B. Prevent contamination of the water supply;
- C. Properly convey sewage and liquid wastes from the establishment to the sewage disposal system; and
- D. Avoid any creation of unsanitary conditions or nuisance.

§ 13-335. Toilet Facilities. [Ord. 456, -/1974, § 1.75]

1. For Employees. Each public eating or drinking establishment shall be provided with adequate, conveniently located toilet facilities for its employees. When approved by the licensor, public eating or drinking places may be authorized to use toilet facilities not located directly within such establishments.
2. For Patrons. For all new establishments or establishments undergoing alterations, toilet facilities, separate for each sex, shall be provided on the premises for patrons and shall be located so as not to require the patrons to pass through any food preparation area. Toilet facilities need not be installed for the patrons whenever food is not consumed within an eating or drinking place or when only carry-out food is provided.
3. Sanitary Design. All toilet rooms shall be maintained in compliance with the following requirements:
 - A. Toilet fixtures shall be of sanitary design and be readily cleanable.
 - B. All facilities shall be kept in a clean condition and good repair.

- C. Doors in all toilet rooms shall be self-closing.
- D. Toilet tissue shall be provided.
- E. Rooms shall be ventilated to outside air.
- F. Easily cleanable receptacles shall be provided for waste materials.
- G. Receptacles shall be provided in toilet rooms for women for sanitary napkins, and such containers shall have covers.

§ 13-336. Hand-Washing Facilities. [Ord. 456, -/1974, § 1.76]

- 1. Each public eating or drinking place shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices.
- 2. Hand-washing facilities shall be subject to the following requirements:
 - A. The facilities shall be kept in clean and in good repair.
 - B. Hands shall not be washed in sinks used for preparation of food or cleaning or sanitizing of utensils.
 - C. When hot water is above 110° F. a mixing valve or combination faucet shall be provided.
 - D. Facilities shall be located within all toilet rooms, including those provided for the public.
 - E. In all new establishments and establishments which are extensively altered, a hand-washing facility shall be located within the area where food is prepared, not more 50 feet from any work area.
 - F. Lavatories shall be adequate in size and number and be so located as to permit convenient and expeditious use by all employees.

§ 13-337. Garbage and Refuse Disposal. [Ord. 456, -/1974, § 1.77]

- 1. Food Waste. All garbage and refuse containing food wastes shall, prior to disposal, be kept in lead-proof, nonabsorbent, rust- and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids when filled or stored or not in continuous use. Any other manner of garbage and refuse storage may be used if approved by the licenser.
- 2. All Other. All other rubbish shall be stored in containers, rooms, or areas of sufficient numbers and size as to prevent arthropod or rodent problems and other nuisances. Adequate cleaning facilities shall be provided, and each

container room or area shall be thoroughly cleaned after each emptying or removal of garbage and rubbish. When disposal of garbage or refuse is accomplished within or upon the premises of the establishment, the disposal facilities shall be operated and maintained so as not to create a nuisance or health hazard.

§ 13-338. Insect and Rodent Control. [Ord. 456, -/1974, § 1.78]

Adequate measures for the control of arthropods and rodents which the Township deems a public health hazard shall be taken in a manner satisfactory to the licensor.

§ 13-339. Floors, Walls and Ceilings. [Ord. 456, -/1974, § 1.91]

1. The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared, and in which utensils are washed, and in walk-in refrigerators, rubbish or food waste rooms, dressing or locker rooms and toilet rooms, shall be of smooth, nonabsorbent materials and so constructed as to be easily cleanable. The juncture between the floor and wall shall be closed and in new establishments or those extensively altered; it shall also be covered.
2. The floors of nonrefrigerated dry food storage areas need not be nonabsorbent.
3. All walls or rooms or areas in which food is prepared, or utensils or hands are washed, or rubbish or food waste is stored, shall be easily cleanable, smooth, light-colored and shall have washable surfaces up to the highest level reached by splash or spray. Ceilings in food preparation and utensil washing area shall be light-colored.

§ 13-340. Floor Drains. [Ord. 456, -/1974, § 1.92]

Floor drains shall be provided in all rooms where floors are subjected to the type of cleaning which involves the use of water hoses. Such floors shall be graded to drain.

§ 13-341. Surface of Exterior Areas. [Ord. 456, -/1974, § 1.93]

1. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.
2. The walking and driving surfaces of all exterior area where food is served shall be kept clean and free of debris and shall be properly drained so that water will not accumulate. Such areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.

§ 13-342. Lighting. [Ord. 456, -/1974, § 1.94]

1. All areas in which food is prepared or stored or utensils are washed hand-washing areas, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall meet the minimum illumination standards of the Township.
2. Lights and fixtures suspended over exposed food or equipment shall be of the safety type or otherwise constructed to protect food products and equipment from damage by breakage.
3. During all clean-up activities, adequate light shall be provided in the area being cleaned and upon or around equipment being cleaned.

§ 13-343. Ventilation. [Ord. 456, -/1974, § 1.95]

1. All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage or rubbish storage areas shall be well ventilated.
2. Mechanical ventilation facilities which meet the standards of the Township shall be provided as needed to prevent the condensation or accumulation of offensive or dangerous gases, moisture, excessive heat, steam, dust, offensive odors, smoke, grease and vapors.
3. All mechanical ventilation devices, including blowers, canopies, hoods and ducts, shall be so constructed as to be easily cleanable and shall be maintained so as to prevent grease or other materials from dropping into or onto food-preparation surfaces.
4. All exhaust outlets from mechanical ventilating devices shall be designed and installed so as to avoid creating a nuisance.
5. Filters, where used, shall be readily removable for cleaning or replacement.
6. Ventilation systems shall comply with applicable state and local fire prevention requirements.

§ 13-344. Dressing Rooms and Lockers. [Ord. 456, -/1974, § 1.96]

1. Adequate facilities shall be provided for the orderly storage of the clothing and personal belongings of employees. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage and serving areas and the utensil-washing and storage areas.
2. When approved by the licenser, such an area may be located in a storage room where only completely packaged food is stored. Designated areas as

well as dressing rooms shall be provided with lockers or other suitable facilities shall be kept clean.

§ 13-345. General Cleanliness. [Ord. 456, -/1974, § 1.97]

1. All parts of public eating or drinking establishments and their premises shall be kept clean, neat and free of litter, garbage and rubbish.
2. Cleaning operations shall be conducted so as to prevent contamination of food and food-contact surfaces.
3. The operations connected with a public eating or drinking place shall not be conducted in any room used for living or sleeping quarters.
4. Soiled linens, coats and aprons shall be kept in suitable containers until removal for laundering.
5. Live birds or animals shall not be allowed in any area where public eating or drinking place operations are carried on, except that guide dogs accompanying blind persons may be permitted in dining areas.
6. Vacuum cleaning, wet cleaning or other dustless methods of floor and wall cleaning shall be used, or dust-arresting sweeping compounds and push brooms shall be employed. All such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals.

§ 13-346. Review by Licensor. [Ord. 456, -/1974, § 1.101]

1. Before work is begun in the construction, remodeling or alteration of an eating or drinking place where food is prepared, stored or served, or in the conversion of an existing establishment to an eating or drinking place, properly prepared plans and specifications shall be submitted to and approved by the licensor.
2. The plans and specifications submitted to the licensor by the owner of a future eating or drinking place shall include, where applicable, data relating to the following:
 - A. Surrounding grounds.
 - B. Buildings.
 - C. Equipment.
 - D. Sewage Disposal.
 - E. Water supply, including plumbers.
 - F. Refuse disposal.

- G. Any other such information required by the licensor.

C. Temporary Eating and Drinking Places.

§ 13-347. Food Supplies. [Ord. 456, -/1974, § 1.111]

The provisions regulating food supplies for temporary eating and drinking places shall be the same as the provisions of §§ 13-311 to 13-313 of this Part (relating to food supplies of public eating and drinking places).

§ 13-348. Food Protection and Storage. [Ord. 456, -/1974, § 1.112]

1. Temporary eating and drinking places shall comply with the provisions in §§ 13-314, 13-315, 13-316, Subsections 1 and 2, and 13-317 of this Part (relating to food protection and storage in public eating and drinking places).
2. Wet storage of packaged, canned or bottled food or drink shall be prohibited, except that beverages may be stored in direct contact with chipped or crushed ice when the following requirements are met:
 - A. Drains are provided which prevent the accumulation of water in the storage compartment.
 - B. The cap, top, crown or pouring lip of the container is not submerged in the ice.
 - C. Wastewater from the storage facility is disposed of so as not to create a nuisance or any sanitation problems.
 - D. The ice and storage facility are kept clean at all times.
 - E. Potentially hazardous beverages, prior to icing, have an internal temperature of not more than 45° F. and are kept properly iced at all times.

§ 13-349. Custards and Cream Fillings. [Ord. 456, -/1974, § 1.113]

Treatment of custards and cream fillings shall be as prescribed in § 13-319 of this Part (relating to custards and cream fillings).

§ 13-350. Health and Disease Control. [Ord. 456, -/1974, § 1.114]

Control of employee health and infections shall be as prescribed in §§ 13-320 and 13-322 of this Part (relating to health and disease control for employees).

§ 13-351. Design and Maintenance of Equipment and Utensils. [Ord. 456, -/1974, § 1.121]

1. General. The design and maintenance provisions shall be as prescribed in §§ 13-323 to 13-325 of this Part (relating to design and maintenance of equipment and utensils).

§ 13-352. Additional Requirements. [Ord. 456, -/1974, § 1.130]

1. Mobile food service establishments shall also meet the following requirements:
 - A. All power equipment shall be installed so as to eliminate the danger from electrical shock.
 - B. Service openings shall be no larger than necessary to carry out the food operation and shall be of such size as to prevent health hazards. Service openings shall be kept closed at all times except when food is actually being served. When the mobile unit is in motion, such openings shall be covered with a solid material so as to prevent the entrance of dust, flies or other sources of contamination.
 - C. Equipment shall be installed so as to protect unwrapped foods from customer handling.
 - D. The driver's compartment as well as the food preparation and storage areas shall be enclosed and protected against the entrance of air-borne contaminants and vermin. However, the licenser may accept a mobile food service establishment of different design whenever only commercially packaged or canned foods are sold and the contents are not removed from the original package prior to being sold.
 - E. The driver's compartment shall be separated from the food service, storage and preparation areas by a wall. The wall on the side of the food compartment shall meet the wall requirements of § 13-363 of this Part (relating to floors, walls, and ceilings). However, a wall need not be provided if the doors of the driver's compartment are self-closing and cannot be propped open when the mobile unit is in motion. Doors used to gain entrance from one part of the mobile unit to another shall be self-closing and constructed from solid material.
 - F. Hot food storage facilities and cold storage facilities shall be capable of operating at all times whenever perishable or potentially hazardous foods are stored therein.

§ 13-353. Cleaning and Sanitization of Utensils and Equipment. [Ord. 456, -/1974, § 1.131]

1. General.

- A. All temporary or mobile food service establishments shall use single-service articles to serve food or drink to the public. However, where adequate dishwashing facilities are available and properly used, eating or drinking utensils may be utilized for customer service.
- B. All eating or drinking utensils shall be thoroughly cleaned, rinsed and sanitized after each usage in a three-compartment sink.
- C. Where the only utensils to be washed are limited to spatulas, tongs and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one-compartment sink may be approved by the licensor for this purpose.
- D. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization.
- E. Each compartment of all sinks shall be supplied with hot and cold running water.
- F. Establishments shall comply with the provisions set forth in § 13-326, Subsections 2 and 3, of this Part (relating to sanitizing of equipment and utensils).

§ 13-354. Manual Dishwashing. [Ord. 456, -/1974, § 1.32]

- 1. Establishments shall comply with the provisions set forth in § 13-327, Subsections 1, 4, and 3, of this Part (relating to manual dishwashing).
- 2. Any type of machine, device or facilities and procedures may be approved by the Township for cleaning or sanitizing equipment and utensils if it can be readily established that such machine, device or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

§ 13-355. Frozen Dessert Utensils. [Ord. 456, -/1974]

The washing of frozen dessert utensils shall be regulated by the provisions of § 13-330 of this Part (relating to utensils for frozen dessert and drink).

§ 13-356. Sanitary Facilities and Controls. [Ord. 456, -/1974, § 1.141]

- 1. General. Establishments shall comply with the provisions set forth in §§ 13-331 to 13-334 of this Part (relating to water supply, ice, sewage disposal and plumbing).

§ 13-357. Exceptions to Water Provisions. [Ord. 456, -/1974, § 1.142]

1. Hot and cold running water under pressure need not be piped to temporary eating and drinking places whenever:
 - A. The only utensils are limited to knives, spatulas, tongs and similar devices, or a single container;
 - B. Extensive soiling of the establishment from the food operation does not occur;
 - C. The equipment to be cleaned is stationary and does not require disassembly for proper cleaning; and
 - D. No health hazard will result.
2. When the conditions of § 13-356, Subsection 1A, of this section are met, the proprietor shall comply with the following:
 - A. Water required for cooking, cleaning and hand washing shall be obtained in a container which has a tight-fitting lid and is easily cleaned.
 - B. The outlet from which the water is obtained shall be so located and protected as to preclude contamination of the water outlet as well as the water being drawn.
 - C. An adequate quantity of water shall be provided within the establishment in containers approved by the licensor for design, construction and size.

§ 13-358. Additional Water Requirements. [Ord. 456, -/1974, § 1.143]

Mobile food service establishments shall comply with the following requirements:

1. The water system shall be closed to contamination from the filling inlet to the discharge outlets. Vent openings are permitted wherever necessary, if properly protected to prevent contamination of the water supply.
2. The water-filling inlet shall be so located and designed that it is protected from contamination, provided with a hose connection of a different size and type from the waste retention tank flushing connections on the mobile unit, and easily accessible.
3. The water storage tank shall have a minimum capacity equivalent to the amount needed for one day of operation, but in no case shall be less than five gallons, unless otherwise approved by the licensor.
4. Whenever the waste retention tank is cleaned or flushed in place, two separate hoses shall be provided for the servicing operation, one for use in

filling the water storage tank and one for use in flushing the waste retention tank.

5. The water fill hose, unless otherwise protected from contamination, shall have the end of the hose provided with a permanently attached disc or molded protection so the nozzle will not rest on the ground or floor if dropped. The filler hose shall be kept in the vehicle and shall be protected from contamination.
6. Hot water generating facilities shall be provided which are able to function whether the vehicle is mobile or stationary.

§ 13-359. Additional Sewage Disposal Provisions. [Ord. 456, -/1974, § 1.144]

1. Mobile food service establishments shall comply with the following requirements:
 - A. A suitable liquefied waste system, including a waste tank having a capacity of five gallons greater than the water storage and distribution system and hot water generating system combined, shall be provided. The waste tank shall be capable of being completely drained and flushed.
 - B. When wastes are retained in removable soil or waste cans, provisions shall be made to fix the cans in place so as to prevent excrements of waste from falling or spilling outside of the container.
 - C. When the soil can is removed from the mobile unit, the contents shall be enclosed or covered while being transported to the facilities for emptying and cleaning the cans.
 - D. All hoses used to clean soil cans shall be equipped with acceptable vacuum breakers installed on the discharge side of the last control valve.
 - E. When wastes are stored in retention tanks which are permanently installed on the mobile unit, the tanks shall be so designed that the contents cannot be discharged when the vehicle is in motion. In addition, discharge control devices on the retention tank outlet shall be designed to prevent leakage and to prevent spattering of the servicing area or servicing area personnel.
 - F. The disposal of all waste shall be done so as not to create a nuisance or health hazard.
2. Temporary food service establishments which do not have water piped to their facility and which do not have a plumbing system within their facility that connects to an approved waste disposal system shall:

- A. Provide a wastewater container which has a minimum capacity of five gallons, a tight-fitting lid and design and construction features that permit ease of cleaning;
- B. Clean and empty the container each day; and
- C. Dispose of all wastewater so as not to cause a health hazard or nuisance.

§ 13-360. Toilet Facilities. [Ord. 456, -/1974, § 1.145]

Each temporary food service establishment and mobile food service establishment shall have available adequate, conveniently located toilet facilities for its employees. A mobile food service establishment shall be provided with toilet facilities approved by the licenser on the vehicle if the operator does not have access to such facilities at his designated stops or base of operation.

§ 13-361. Hand-Washing Facilities. [Ord. 456, -/1974, § 1.146]

1. Each temporary or mobile food service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or laboratories equipped with hot and cold or tempered running water under pressure, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices.
2. Temporary food service establishments which do not have water piped to their facility may utilize the following:
 - A. Auxiliary heating facilities to produce an ample supply of hot water.
 - B. A basin or pan in lieu of a sink. Such container shall be emptied and rinsed immediately after such person's use.
 - C. An adequate quantity of water shall be provided within the establishment in containers approved by the licenser for design, construction and size.

§ 13-362. Garbage Disposal and Rodent Control. [Ord. 456, -/1974, § 1.47]

Temporary establishments shall comply with the provisions set forth in §§ 13-337 to 13-338 of this Part (relating to garbage and refuse disposal and insect and rodent control).

§ 13-363. Care of Other Facilities. [Ord. 456, -/1974, § 1.151]

1. Floors, Walls, and Ceilings. Temporary establishments shall comply with the provisions set forth in §§ 13-339 to 13-341 of this Part (relating to floors, walls, ceilings, floor drains and exterior areas).

2. Temporary establishments which are not permanently located shall be eligible for the following exceptions to the provisions, of § 13-362, Subsection 1, of this Part.
 - A. Floors may be dirt-or gravel-covered when graded to prevent the accumulation of liquids. Such floors shall be covered with removable, cleanable wooden platforms or duckboards which shall be kept clean. The area underneath such platforms shall also be kept clean.
 - B. The walls enclosing food operation may be of canvas, or other type material approved by the licenser, whenever one of the following conditions exists:
 - (1) The food service equipment is so located and of such type that the walls will not become soiled during the food preparation and serving operations.
 - (2) Durable, smooth, nonabsorbent and easily cleaned splash backs or splashguards are provided which prevent soiling of the walls. The installation of such protective devices shall be done so no cleaning, rodent or insect problems occur.

§ 13-364. Lighting. [Ord. 456, -/1974, § 1.152]

All areas in which food is prepared or stored or utensils are washed, hand-washing areas and garbage and refuse storage areas shall be well lighted and adequate for all necessary operations.

§ 13-365. Ventilation. [Ord. 456, -/1974, § 1.153]

Adequate ventilation shall be provided when necessary and shall comply with the ventilation standards of the Township.

§ 13-366. Dressing Rooms and Lockers. [Ord. 456, -/1974, § 1.154]

Adequate facilities shall be provided for the orderly storage of the clothing and personal belongings of employees. These facilities shall be kept clean.

§ 13-367. General Cleanliness. [Ord. 456, -/1974, § 1.154]

Temporary establishments shall comply with the provisions set forth in § 13-345 of this Part (relating to general cleanliness for public eating and drinking establishments).

D. Retail Food Establishments.

§ 13-368. Food Supplies. [Ord. 456, -/1974, § 1.161]

1. Retail establishments shall comply with the provisions set forth in § 13-313 of this Part (relating to examination of food in public eating and drinking places).
2. All food in retail food establishments shall be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption. No food prepared in a private home or which has been processed in a place other than a commercial food processing establishment shall be sold or used in the preparation of foods offered for sale, sold or given away, unless such place is regulated by a health authority or other appropriate official regulatory agency. Food received from a caterer or commissary shall not be offered for sale unless such caterer or commissary has a valid license as provided in the act of May 23, 1945, P.L. 926, as amended (35 P.S. § 655.1 et seq.), and by the provisions of this Part of the Township of Darby.

§ 13-369. Food Protection and Preparation. [Ord. 456, -/1974, § 1.171]

1. General.
 - A. Retail establishments shall comply with the provisions set forth in §§ 13-314, Subsection 1, 13-315, 13-316, Subsection 1, and 13-319 of this Part (relating to protection, storage and preparation of certain foods in eating and drinking places).
2. Establishments shall comply with the provision set forth in § 13-316, Subsections 1 and 3, of this Part (relating to cold storage facilities of eating and drinking places), except that food or drink may be stored in direct contact with chipped or crushed ice when the following conditions exist:
 - A. Drains are provided which prevent the accumulation of water in storage compartment.
 - B. The cap, top, crown, or pouring lip of food containers are not to be submerged in the ice.
 - C. Wastewater from the storage facility is disposed of so as not to create a nuisance or any sanitation problems.
 - D. The ice and storage facility are kept clean at all times.
 - E. Potentially hazardous foods, prior to icing, have an internal temperature of not more than 45° F. and are kept properly iced at all times.
 - F. The food or container is of such type that no health hazard may result.
3. Only persons directly employed in the retail food establishment shall be permitted to handle unpackaged food intended for sale to the public. Display

cases shall be so designed and arranged to prevent handling of such food by the public.

4. The provisions of this subsection shall not apply to produce or any other product which is adequately packaged, wrapped or protected for display and self-service by the consumer.
5. No food shall be wrapped in newspapers or previously used wrapping paper.
6. The evisceration, skinning, dressing or any other operation (except the cutting, slicing or grinding) of meat or poultry to facilitate its use, handling or sale shall be prohibited in sales rooms.
7. All perishable food shall be stored at such temperatures as shall be maintained at safe temperatures.
8. Meat, poultry, fish and other food requiring no further heat treatment before eating shall not be placed directly on a scale unless such food is placed in a single-service container or on wrapping paper which is only used one time.

§ 13-370. Cold Storage Facilities. [Ord. 456, -/1974, § 1.172]

1. Foods shall be stored in each cold storage facility or refrigerator so as to permit the free circulation of cold air, and in such a manner as to prevent contamination, except that food already at or below 45° F. may be placed in display cases without regard to air circulation provided that the case is capable of maintaining this product temperature.
2. To promote rapid cooling, potentially hazardous foods shall be stored in the refrigerator in shallow containers or by such other approved means that will ensure the cooling of the total mass to a temperature of 45° F. or less within two hours, unless otherwise specified by the Township.

§ 13-371. Frozen Food. [Ord. 456, -/1974, § 1.173]

1. Frozen food shall be kept at such temperatures as to remain frozen.
2. Frozen products shall be moved into frozen storage immediately upon delivery.
3. Frozen food products shall not be loaded above the load limit line on display cases or in such a manner as to in any way block the circulation of cold air.
4. Any freezer case found to be overloaded or containing thawed or partially thawed foods shall subject the food products therein contained to condemnation and destruction.
5. Food products shall be rotated in such a manner that the produce first in the display case or storage areas is the first product to be sold.

6. All frozen food products shall have the date of processing stamped or printed upon each package or container. The requirement may be met by calendar or code dating.
7. Frozen foods once thawed shall not be refrozen.

§ 13-372. Health and Disease Control For Employees. [Ord. 456, -/1974, § 1.181]

General. Retail establishments shall comply with the provisions set forth in §§ 13-320 to 13-322 of this Part (relating to health and disease control of employees in eating and drinking places).

§ 13-373. Design and Maintenance of Equipment and Utensils. [Ord. 456, -/1974, § 1.191]

1. General. Establishments shall comply with the provisions set forth in §§ 13-323 to 13-325 of this Part (relating to design and maintenance of equipment and utensils in eating and drinking places).
2. Meat blocks and cutting boards shall be free of holes, cracks, and crevices and shall be kept clean by effective methods.
3. No oilcloth or newspaper shall be used on any counter table or shelf where food is handled.

§ 13-374. Equipment Design and Installation. [Ord. 456, -/1974, § 1.192]

All equipment, where applicable, shall be designed, installed and operated in accordance with the criteria set forth by the National Sanitation Foundation, Automatic Merchandising Health-Industry Council, Baking Industry Sanitation Standards Committee, and the Committee for 3-A Sanitary Standards for Dairy Equipment or other nationally recognized testing laboratory or agency, with the following exceptions:

1. Equipment which was installed in a retail food establishment prior to June 27, 1968, and which does not meet fully all of the design and construction requirements of this section shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.
2. Equipment described in § 13-373, Subsection 1, of this section shall be so located and installed as to enable reasonable compliance with all of the requirements of this section pertaining to equipment installation, and all of the requirements pertaining to food protection.

§ 13-375. Cleaning and Sanitization of Equipment and Utensils. [Ord. 456, -/1974, § 1.201]

1. General.
 - A. All utensils and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, shall be thoroughly cleaned after each use.
 - B. Cooking surfaces of equipment shall be cleaned at least one a day.
 - C. All utensils and food-contact surfaces of equipment used in the preparation, handling or storage of potentially hazardous food shall be thoroughly cleaned, rinsed and sanitized in a three-compartment sink prior to such use. However, food-contact surfaces of equipment or utensils which will be heated in the baking or cooking process of food preparation to above 140° F. shall not be sanitized prior to usage.
 - D. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.
 - E. After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

§ 13-376. Sinks for Washing. [Ord. 456, -/1974, § 1.202]

1. In those establishments where the only items to be washed are limited to spatulas, tongs and similar devices, and when the only equipment to be cleaned is stationary and does not required disassembly for proper cleaning, a one-compartment sink may be approved by the licenser for washing and sanitizing purposes.
2. At least a two-compartment sink shall be provided and used for washing utensils and equipment which does not require sanitation.
3. Sinks used for manual washing and sanitizing operations shall be of adequate length, width and depth to permit the complete immersion of the equipment and utensils, and each compartment of such sinks shall be supplied with hot and cold running water. If the licenser deems it impractical to meet this requirement for large utensils or equipment, a smaller sink may be used.

§ 13-377. Slop Sinks. [Ord. 456, -/1974, § 1/203]

Where there is a need for a slop sink or device to discard liquid waste, such sink or device shall be provided in addition to the equipment and utensil washing sinks.

§ 13-378. Machine Washing and Adequacy of Facilities. [Ord. 456, -/1974, § 1.204]

Retail establishments shall comply with the provisions set forth in §§ 13-328, Subsection 2, through 13-330 of this Part (relating to machine washing, adequacy of facilities and care of frozen dessert utensils in eating and drinking places).

§ 13-379. Sanitary Facilities and Controls. [Ord. 456, -/1974, § 1.211]

1. General. Retail food establishments shall comply with the provisions set forth in §§ 13-331 through 13-339, Subsection 1C, 13-336, Subsections 1, 2A(4) and 2A(6), and 13-337 to 13-338 of this Part (relating to sanitary facilities and controls in eating and drinking places).

§ 13-380. Other Facilities and Operations. [Ord. 456, -/1974, § 1.212]

Care of various facilities in retail establishments shall be in compliance with the provisions in §§ 13-339 to 13-340, 13-341, Subsection 2, to 13-342, Subsection 1, and 13-343 to 13-346 of this Part (relating to care of various facilities in eating and drinking places).

§ 13-381. Additional Lighting Provisions. [Ord. 456, -/1974, § 1.213]

In addition to lighting provisions referred to in § 13-379 of this Part (relating to care of other facilities and operations), retail establishments shall also comply with the following:

- A. During all clean-up activities, adequate light shall be provided in the area being cleaned and upon or around equipment being cleaned.
- B. Lights and fixtures suspended over exposed food or equipment shall be of the safety type or otherwise constructed to protect the food and equipment from damage by breakage.

§ 13-382. Plan Review. [Ord. 456, -/1974, § 1.221]

1. General. Retail establishments shall comply with the provisions in § 13-346 of this Part (relating to review of construction plans of eating and drinking places by the licensor).

§ 13-383. Penalties. [Ord. 456, -/1974, § 1.300]

Any person, or corporation, or other entity who shall violate any section of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 and costs of prosecution, or in default thereof undergo imprisonment for a period not exceeding 30 days. Each day's violation of this Part shall constitute a separate offense.

PART 4

JUNKYARDS

§ 13-401. License Required. [Ord. 376, 12/30/1966, § 1; amended by Ord. 549, 7/23/1986, § 1]

In order to prevent the existence of any condition upon any property which could directly or indirectly cause a nuisance or health hazard to the residents of the Township of Darby, and to reduce noise, dust, odors and other environmental pollution, all domestic, commercial and industrial refuse accumulated from outside or within the Township of Darby and stored by means of transfer stations, recycling plants or any other similar method upon any property within the Township of Darby shall be collected, stored and/or removed by a responsible person or collector, who shall be licensed with the Township of Darby, and shall be disposed of and/or stored in an area authorized by and approved by the Township Board of Commissioners in accordance with all federal, commonwealth, county and Township regulations.

§ 13-402. Definitions. [Ord. 549, 7/23/1989, § 2]

As used in this Part, the following terms shall have the meanings indicated:

ASHES — Residue from the burning of coal, coke or other combustible materials.

ESTABLISHMENT — Junkyard, salvage yard, solid waste facility plant, transfer station, recycling plant or other place used for the storage of secondhand goods, materials, refuse and/or solid waste.

PERSON — Any natural person, association, partnership, firm or corporation.

PLANT — Any energy and/or material recovery facility engaged in transfer and/or recycling operations of refuse.

RECYCLING PLANT — Real property in or upon which used, damaged, and/or waste material and refuse is collected and/or stored for the purpose of reconstituting any used, damaged, and/or waste material or refuse to its original form or some modification thereof in a commercial manner.

SALVAGE YARDS — Real property in or upon which used, damaged and/or waste material and refuse is collected, stored and/or sold in a commercial manner.

SOLID WASTE — Any waste, including but not limited to municipal, residential residual or hazardous wastes, including solidified liquids, semisolids, or contained gaseous materials.

SOLID WASTE FACILITY — Any site owned and/or operated for the purpose of transfer, processing, storing or disposal of solid waste, ashes, garbage, refuse, and/or rubbish.

§ 13-403. Application; Fee. [Ord. 376, 12/30/1966, § 2; as amended by Ord. 573, 11/26/1990; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

1. The application for the said license shall be in such form as the Commissioners may from time to time designate, and the applicant shall pay to the Township Treasurer the sum of \$4,000 per year, or the proportionate part thereof, if said license is obtained after January 30 of said year.
2. Double Fees. In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

§ 13-404. Obtaining License. [Ord. 376, 12/30/1966, § 3; as amended by Ord. 549, 7/23/1986 § 3; by Ord. 573, 11/26/1990; by Ord. 601, 3/9/1994; by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

No person hereafter shall establish or hereafter shall maintain any junkyard, salvage yard, solid waste facility plant, transfer station and/or recycling plant or any other place used and maintained for the collection, storage and disposal of used and secondhand goods and materials, refuse or solid waste unless and until he has received a license to do so from the Board of Commissioners of the Township of Darby, Delaware County, Pennsylvania. The license shall be issued upon application to the Township Commissioners and shall be valid for the calendar year January 1 to December 31 in which said license is issued. The fee for said license shall be \$3,000.

§ 13-405. Regulations; Revocation of License. [Ord. 376, 12/30/1966, §§ 4 to 8; as amended by Ord. 549, 7/23/1986 § 4]

1. No such establishment shall be established or maintained unless all of the goods and chattels shall be inside of a masonry building entirely roofed over.
2. No junk or salvage or used or secondhand goods and materials shall be stored or displayed outside of the building or in any open space.
3. The open area around the building shall at all times be kept free and clear of all goods and materials of the type hereinabove set forth.
4. The Board of Township Commissioners may from time to time promulgate regulations for the use and maintenance of junkyards, salvage yards, plant or solid waste facilities, transfer stations, recycling plants and all other places used and maintained for the collection, storage and disposal of

secondhand goods or materials, refuse and/or solid waste. No license shall be issued to any person unless:

- A. A license was held by such person at the time of the enactment of this Part; or
 - B. The business and/or property applying for said license was established by such person from a person who held such a license at the time of the enactment of this Part.
5. For violation of the above-set-forth regulations and regulations hereafter promulgated, the Board of Township Commissioners may revoke any license issued under this Part without the return of any portion of the license fee.

§ 13-406. Penalties. [Ord. 376, 12/30/1966, § 5; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 13-407. Forfeiture of Permit. [Ord. 376, 12/30/1966; as added by Ord. 581, 5/13/1992]

Any junkyard, salvage yard and other place used and maintained for the collection, storage and disposal of used and secondhand goods and materials, ashes, garbage, rubbish, refuse and solid waste in the Township of Darby that does not maintain a junkyard permit for a one-year period will be considered to have forfeited its rights to operate a junkyard in Darby Township and will no longer be eligible to obtain a junkyard permit.

PART 5

SHOPPING CART IDENTIFICATION

§ 13-501. Identification Tag Required. [Ord. 351, 10/20/1965, § 1]

It shall be unlawful for any owner, operator or manager of any store, shop, market or supermarket to have on the premises where such shop, store, market or supermarket is located, or to supply to any patron or customer of such store, shop, market or supermarket, any shopping cart without having securely attached thereto a metal tag of identification setting forth the name of the store and its location.

§ 13-502. Carts on Public Ways Prohibited. [Ord. 351, 10/20/1965, §§ 2 and 3]

1. It shall be unlawful for any owner, operator or manager of any store, shop, market or supermarket to permit any shopping cart supplied by such store, shop, market or supermarket to be or remain on any sidewalk, street or highway of the Township of Darby.
2. The presence of any such shopping cart on any sidewalk, street, or highway shall be presumed to be with the knowledge and consent of the owner, operator or manager of the said store, shop, market or supermarket, and the presence of such cart, as herein prohibited shall create an inference that the knowledge and consent of the owner, operator or manager of the store, shop, market or supermarket to permit such shopping cart on said sidewalk, street or highway was first-hand and obtained.

§ 13-503. Removal of Unattended Shopping Carts. [Ord. 351, 10/20/1965, §§ 4 and 6]

1. Any unattended shopping cart found upon any sidewalk, street or highway of the Township of Darby is hereby declared to be a nuisance, and the police of the Township of Darby are hereby authorized and directed to remove the same and store such shopping cart with the Township of Darby Police Department.
2. Any shopping cart removed to the Police Department, under Subsection 1 hereof may be returned to the owner thereof upon payment to the Township Secretary, for the use of the Township, of the sum of \$10.

§ 13-504. Penalties. [Ord. 351, 10/20/1965, § 5; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 6

TRANSIENT RETAIL MERCHANTS

§ 13-601. Definitions. [Ord. 576, 10/9/1991]

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PERSON — Any natural person, partnership, association, corporation or legal entity.

TRANSIENT RETAIL BUSINESS —

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Township.
 - B. Selling, soliciting or taking of orders for any goods, wares or merchandise from a fixed location within the Township on a temporary basis.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 13-602. License Required; Conditions of Issuance; Fee. [Ord. 576, 10/9/1991; as amended by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

1. No person shall engage in any transient retail business within the Township without first having obtained from the Township Manager a license, for which a fee, which shall be for the use of the Township, shall be charged, \$1,500 for one year.
2. Double Fees. In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

§ 13-603. Existing Transient Retail Businesses. [Ord. 576, 10/9/1991]

1. Those retail businesses currently operating within Darby Township which are, or may be, considered transient retail businesses shall register with the Township Manager no later than 60 days following the effective date of this Part. Registration hereunder shall enable such business to continue within the Township, on a year-to-year basis, upon the submission of a proper

application, as defined herein, and upon payment of a license fee, which shall be for the use of the Township, in the amount of \$300 for each year.

2. Failure to register and complete the application process shall constitute a waiver of the benefits hereunder and shall subject any existing transient retail business to all other provisions of this Part.
3. The provisions of this subsection shall apply to existing transient retail businesses only for so long as these businesses shall be owned and operated by their present owners.

§ 13-604. Single-Season License Requirements; Conditions of Issuance; Fee. [Ord. 576, 10/9/1991]

No person shall engage in any transient retail business within the Township without first having obtained from the Township Manager a license, for which a fee, which shall be for the use of the Township, shall be charged:

- A. For the time period from Thanksgiving to December 27 in any given year: \$200.

§ 13-605. Exceptions. [Ord. 576, 10/9/1991]

1. No license fee shall be charged:
 - A. To farmers selling their own produce.
 - B. For the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
 - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
 - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
 - E. To any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. § 61, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867.
 - F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - G. To any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. § 160-1 et

seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

- H. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Township Manager and obtain a license without fee; provided that any person dealing in one or more of the above-mentioned categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided, further, that the Township Manager may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants therein.

§ 13-606. License Application. [Ord. 576, 10/9/1991]

Every person desiring a license under this Part shall first make application to the Township Manager for such license. He shall, when making application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which the license is to be issued.
- E. Type and license number of the vehicle to be used, if any.

§ 13-607. Issuance of License; Custody, Display and Exhibit. [Ord. 576, 10/9/1991]

Upon receipt of such application and the prescribed fee, the Township Manager, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets,

alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens and residents of the Township.

§ 13-608. Prohibited Acts. [Ord. 576, 10/9/1991]

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Township for the purpose of sorting, rearranging or cleaning of any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 7:00 p.m. on any day of the week other than Sunday or legal holiday.

§ 13-609. Supervision; Records and Reports. [Ord. 576, 10/9/1991]

The Township Manager shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof to the Board of Commissioners, as appropriate.

§ 13-610. Suspension and Revocation of License; Appeal. [Ord. 576, 10/9/1991]

The Township Manager is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from suspension or revocation may be made to the Board of Commissioners at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 13-611. Penalties. [Ord. 576, 10/9/1991]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for not

more than 30 days. Each day that a violation of the Part continues shall constitute a separate offense.

§ 13-612. Double Fees. [Ord. 576, 10/9/1991]

In case of any work for which a permit required under this Part is started or proceeded with prior to obtaining said permit, the fee specified in §§ 13-603 and 13-604 of this Part shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Part in the execution of the work, nor from any other penalties prescribed herein.

PART 7

PUBLIC DANCES

§ 13-701. Authority. [Ord. 96, 3/3/1930]

From and after the passage of this Part, it shall be unlawful to hold any public dance for which admission is charged or for which donations or contributions are solicited or accepted in the Township of Darby unless a permit therefor is first obtained from the Chairman of the Police Committee of the Board of Commissioners of said Township.

§ 13-702. Requirement for a Public Dance. [Ord. 96, 3/3/1930; as amended by Ord. 550, 7/23/1986 § 2]

Any dance for which an admission is charged or for which donations or contributions are solicited or accepted shall be and is hereby construed to be a public dance, no matter where held, so long as the building in which the said dance shall be held has met all requirements of the BOCA Code.

§ 13-703. Permit Fee. [Ord. 96, 3/13/1930 as amended by Ord. 550, 7/23/1986 § 3]

The fee for the permit provided by this Part shall be \$10. Applicants for permits shall file with the Chairman of the Police Committee a statement giving the place where the dance shall be held, the price of admission to be charged, the date on which the dance is to be held, and the names of the parties sponsoring the same. All properly registered nonprofit corporations located within the Township of Darby shall be exempt from the above-stated fee.

§ 13-704. Penalties. [Ord. 96, 3/3/1930 as amended by Ord. 572, 10/10/1990]

Any person violating the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 8

CONTRACTOR LICENSE

§ 13-801. Short Title. [Ord. 570, 5/9/1990, § 1]

This Part shall be known as and may be cited as "The Darby Township Contractor Licensing Ordinance."

§ 13-802. Purpose. [Ord. 570, 5/9/1990, § 2]

The Board of Commissioners finds it to be in the best interest of the residents of Darby Township, Delaware County, Pennsylvania, that the persons or firms who engage in construction, repairs, remodeling, rehabilitation, or demolition, and/or operating as general contractors, subcontractors, specialist contractors, and/or home improvement contractors, be required to obtain a license from the Township for such purpose, to the end that only responsible and qualified persons shall be permitted to engage in such business in said Township of Darby.

§ 13-803. Definitions. [Ord. 570, 5/9/1990, § 3]

As used in this Part, unless the context clearly indicates a different meaning, the following terms shall have the meanings indicated:

CONTRACT — An agreement, whether oral or written, and whether contained in one or more documents, between a contractor and an owner or another contractor, for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

CONTRACTOR — Any person, other than a bona fide employee of the owner, who undertakes or offers to perform construction, repair, reroofing, remodeling, rehabilitation, demolition, paving and any other residential or nonresidential construction or demolition work in the Township, whether as a general contractor, subcontractor, specialty contractor or home improvement contractor.

ENGINEER — The Township Engineer.

INSPECTOR — The Building Inspector and/or the Code Enforcement Officer of the Township.

LICENSE YEAR — The twelve-month period beginning on January 1 of each year.

OWNER — Any property owner, tenant or other person who orders, contracts for or purchases the services of a contractor, or any person entitled to the work of a contractor pursuant to a contract, gift or otherwise.

PERSON — Any individual, partnership, limited partnership, corporation and/or other similar entity.

§ 13-804. Enforcement. [Ord. 570, 5/9/1990, § 4]

The Inspector, or his designated representatives, shall administer and enforce this Part.

§ 13-805. Compliance Required; Complicity. [Ord. 570, 5/9/1990, § 5]

No person shall act as a contractor in the Township except in compliance with the provisions of this Part. Any person, including an owner, who willfully aids a contractor or participates with a contractor in violating any provision of this Part is also in violation of this Part.

§ 13-806. Craft License. [Ord. 570, 5/9/1990, § 6]

A license issued pursuant to this Part shall not be construed to authorize the licensee to perform any particular type of work or type of business which is reserved to qualified licensees under the other provisions of state or local law.

§ 13-807. License Required; Application and Renewals. [Ord. 570, 5/9/1990, § 7]

Every person desiring to engage in or hereafter to begin to engage in the business of acting as a contractor in the Township shall, on or before January 1 of the license year, or prior to commencing business in such license year, make application for a license to act as a contractor in the Township. Such application shall be made by the completion of an application form furnished by the Township and the payment of a license fee as hereinafter set forth in this Part. Each application must contain information as set forth hereinafter in this Part, and each application must present satisfactory proof of insurance as set forth hereinafter in this Part. Each application for a license shall be signed by the applicant, if a natural person, and, in the case of an association or a partnership, and/or any other similar businesses entity, by a member or partner thereof, and, in the case of a corporation, by an officer thereof. Each successful applicant shall be issued a license, which shall be in the form of a wallet-size card and in the form of a vehicle sticker which must be prominently displayed. Every licensed contractor, while actually acting as a contractor in the Township, shall carry such license card with him or her and shall display it to the Inspector or his or her representatives upon demand. Every licensed contractor shall at all times display his or her sticker license on the vehicle he or she primarily uses in his or her activities as a contractor. All contractors' licenses shall expire at 12:00 midnight on December 31 of each license year unless a license is revoked or suspended prior thereto under § 13-813. A person with an unexpired license which has not been revoked or suspended during the current license year who makes application for a license for the following year need not complete an application form but must submit the required license fee and, if he or she qualified for licensing and renewal under the terms of this Part, his or her license shall be renewed for the following license year and he or she will be issued a new license card and bumper sticker for the following license year. Any contractor carrying on the business of a contractor in the Township must obtain a license under this Part for each license year during which he or she carries on such business.

§ 13-808. Exceptions and Exemptions. [Ord. 570, 5/9/1990, § 8]

1. This Part shall not apply to the official transactions of any authorized representative of the government of the United States, any state or commonwealth of the United States, any political subdivision of any state or commonwealth, or any agency or instrumentality of the foregoing governments.
2. No contractor's license shall be required of:
 - A. A person who performs labor or services for a contractor for wages or salary; or
 - B. A person who is required by other state and local law to attain standards of competency or experience, and who must obtain licensing under such other state or local law as a prerequisite to engage in a craft or profession, and is acting exclusively within the scope of such craft or profession for which he or she is currently licensed pursuant to such other law.

§ 13-809. Insurance Required. [Ord. 570, 5/9/1990, § 9]

1. No contractor's license shall be issued unless the applicant files a certificate of insurance with the Inspector at the time of the license application. The certificate of insurance shall contain a provision that coverages afforded under the policy will not be canceled until at least 15 days prior to written notice of such cancellation has been given to the Township. The certificate of insurance must evidence policies of insurance, maintained at the expense of the application, for public liability, property damage, products liability and completed operations, each of which must have a single occurrence limit of at least \$25,000. Blasting and demolition insurance shall also be required for blasting and demolition contractors, and the reasonable limits of such insurance shall be determined by the Inspector or the Engineer at the time of the application, based on the nature and extent of the applicant's proposed operations.
2. All types and limits of insurance for which certificates are presented at the time of application, and upon the basis of which a license is issued, shall be maintained throughout the license year, or the license will be suspended or revoked as set forth in § 13-813. The Inspector must approve the responsibility of new insurance carriers prior to a change in a carrier during a license year.

§ 13-810. License Fees. [Ord. 570, 5/9/1990, § 10; as amended by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

1. At the time of the application for a new license or for the renewal of a current license, the applicant shall pay to the Inspector a license application fee, payable to the Township, which shall be \$100.
2. No fee or portion thereof shall be returned to any applicant.
3. Double Fees. In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

§ 13-811. License Issuance or Denial; Form of License Application. [Ord. 570, 5/9/1990, § 11]

1. When an application has been filed with the Township in proper form, the Inspector must, within a period of 30 days from the date following the date the application is received, issue or refuse to issue the appropriate contractor's license to the applicant. If issuance of a license is denied, the Inspector shall mail to the unsuccessful applicant a written statement setting forth the reason or reasons for the denial, within the aforesaid thirty-day period.
2. The application for a license shall be a printed form provided to the applicant by the Inspector, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean that the applicant is not entitled to consideration of his or her application until he or she has answered all questions. The application form shall be signed by the applicant under oath. The questions and information requested on the application form shall include, but shall not be limited to, the following:
 - A. The names of owners, partners, directors and officers of the applicant and the business address and trade names of the applicant.
 - B. A statement as to whether or not any municipality has refused to issue to the applicant or has revoked from the application any similar contractor's license within two years previous to the date of the application. If there has been such a denial or revocation, the applicant must explain in writing the reasons for the same.

§ 13-812. Notification of Changes. [Ord. 570, 5/9/1990, § 12]

Every contractor licensee shall, within 10 days after a change in ownership, directors, officers, management, address or trade name, notify the Township in writing of such changes.

§ 13-813. Reasons for Denial of License or Renewal or for Revocation of License. [Ord. 570, 5/9/1990, § 13]

Any of the following circumstances is sufficient cause to deny the issuance of a license under this Part, or a renewal thereof, or for revoking a license previously issued:

- A. The applicant falsely answered any question contained on the application form.
- B. The applicant has been refused a similar contractor's license or has had a similar contractor's license revoked or suspended by another municipality within two years prior to the date of application for issuance or renewal, if the refusal, revocation or suspension by the other municipality was due to failure to comply with that municipality's building codes.
- C. The licensee fails to maintain, during the license year, the policies of insurance required under this Part.
- D. The licensee violates any of the provisions of the Building Code (Chapter 5, Part 1) or any provision of this Part.
- E. The licensee violates any condition or requirement of a building permit, sewer construction permit or highway permit issued by the Township.
- F. The licensee willfully deviates from or disregards any plans or specifications for a contracting job in a material respect without first obtaining the consent from the owner in writing to such change and without first notifying the Inspector of such change.
- G. The licensee does business through a person who is subject to the licensing requirements of this Part but who is not licensed as required by this Part.
- H. The licensee conducts a contractor's business in the Township under a name other than that under which he or she is licensed.
- I. The licensee fails to comply with an order, demand or requirements lawfully made by the Inspector under the authority of this Part or any other Township ordinance.

§ 13-814. Penalty. [Ord. 570, 5/9/1990, § 14]

In addition to refusal or revocation of a license, as prescribed in § 13-813, whoever violates or fails to comply with any of the provisions of this Part shall be fined up to \$1,000 for each offense, together with the costs of prosecution, or shall be subject to

imprisonment in the county jail for a term not to exceed 30 days, or both. The fine imposed under this section shall be in addition to any other penalty imposed by this Part.

PART 9

GARAGE SALES

§ 13-901. Definitions. [Ord. 636, 6/14/2000, § 1]

GARAGE SALES —

- A. The sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time.
- B. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property.

GOODS — Includes any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

OCCUPANT — The owner or lessee of the premises.

PERSONS — Individual, partnership, family group, volunteer association and corporations.

TOWNSHIP — All residential dwelling located within any type zoning district, whether or not said areas or not said areas are residential, business, commercial or otherwise, within the geographic boundary of the Township of Darby.

§ 13-902. Permits Required. [Ord. 636, 6/14/2000, § 2]

It shall be unlawful for any person to conduct a garage sale in the Township of Darby without first filing with the Township Manager the information hereinafter specified and obtaining a license to do so, which license shall be known as a "garage sale license."

§ 13-903. Information to be Filed. [Ord. 636, 6/14/2000, § 3]

The information to be filed with the Township Manager pursuant to this Part shall be as follows:

- A. The name of the person, firm, group, corporation, association or organization conducting said sale.
- B. The name of the owner or lessee of the property on which the sale is to be conducted.
- C. Location of the sale.

- D. The number of days of the sale.
- E. The date of nature of any past sales.
- F. A sworn statement or affirmation by the person signing that the information given is true and known to him/her to be so.

§ 13-904. Issuance of License; Display. [Ord. 636, 6/14/2000, § 4]

1. A license to conduct a garage sale shall be issued to any person no more than two times within a twelve-month period; and no such license shall be issued for more than two consecutive calendar days, but it may be extended if the sale is rained out, with approval of Township Manager.
2. Each license issued must be displayed on the premises and be visible from the street upon which the garage sale is conducted throughout the entire period of the license sale.

§ 13-905. Alternate Dates. [Ord. 636, 6/14/2000, § 5]

In the event of inclement weather, all persons who have been issued a license for a particular day or dates, pursuant to this Part, shall be permitted to utilize their license on an alternate date. Such dates must be supplied to Township Manager at least seven days prior to the new date.

§ 13-906. Conduct of Sale. [Ord. 636, 6/14/2000, § 6]

The person to whom the license is issued shall be responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit any loud or boisterous conduct on said premises, nor permit vehicles to impede the passing of traffic on any road, street or driveway in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police Department, the Fire Marshal or the Manager of the Township of Darby in order to maintain the public safety and welfare of the residents. All licensed premises shall, at all times, be subject to such reasonable rules as may be made, from time to time, by the Township Manager, Chief of Police and Fire Marshal, or any of their agents or any other duly authorized representative of the Township of Darby.

§ 13-907. Hours of Sale. [Ord. 636, 6/14/2000, § 7]

All garage sales shall be conducted between the hours of 9:00 a.m. and 3:00 p.m.

§ 13-908. Signs. [Ord. 636, 6/14/2000, § 8]

No signs for advertising or directing customers are to be posted on any place other than the premises of the licenses. The sign is not to exceed two feet by two feet in size, cannot be placed on the premises earlier than one week prior to the sale and must be removed immediately after the sale.

§ 13-909. Exemption. [Ord. 636, 6/14/2000, § 9]

There shall be no person or sales exempted from the provisions of this Part.

§ 13-910. Enforcement. [Ord. 636, 6/14/2000, § 10]

This part shall be enforced by the Township Manager, police, Fire Marshal and Code Enforcement Officers. It shall be their duty to investigate any violations or complaints of this Part coming to their attention. Any violation found shall be prosecuted before the District Court.

§ 13-911. Violation and Penalties. [Ord. 636, 6/14/2000, § 11]

Any person, association or corporation conducting any such sale or similar activity without being properly licensed, or who shall violate any of the regulations of this Part shall, upon conviction, be fined no less than \$25 no more than \$100 for each violation. Each day that such sale continues without being duly licensed shall be considered a separate violation.

CHAPTER 14
MOBILE HOMES AND MOBILE HOME PARKS

(See Chapter 27, Zoning)

CHAPTER 15
MOTOR VEHICLES

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GENERAL REGULATIONS

- § 15-101. Definitions and Interpretation.
- § 15-102. Manner of Adopting Permanent Traffic and Parking Regulations.
- § 15-103. Provisions to be Continuation of Existing Regulations.
- § 15-104. Temporary and Emergency Regulations.
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- § 15-201. Maximum Speed Limits Established on Certain Streets.
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- § 15-218. Restrictions on Use of Pushcarts.
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RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD

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- § 15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.
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- § 15-401. Vehicles to be Parked Within Marked Spaces.
- § 15-402. Angle Parking Required on Portions of Certain Streets.
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TOWING AND STORAGE OF MOTOR VEHICLES

- § 15-501. Purpose.
- § 15-502. Prohibited Act.
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PART 8

MOTOR DRIVEN VEHICLES OR DEVICES

- § 15-801. **Use of Motor-Driven Vehicles or Devices.**

PART 1

GENERAL REGULATIONS

§ 15-101. Definitions and Interpretation. [Ord. 572, 10/10/1990]

1. Words and phrases, when used in this chapter, except for sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this chapter, the word "street" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
2. The term "legal holidays," as used in this chapter, shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 15-102. Manner of Adopting Permanent Traffic and Parking Regulations. [Ord. 572, 10/10/1990]

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this chapter, except where the law specifically authorizes less formal action.

§ 15-103. Provisions to be Continuation of Existing Regulations. [Ord. 572, 10/10/1990]

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§ 15-104. Temporary and Emergency Regulations. [Ord. 572, 10/10/1990]

The President, Board of Commissioners shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

- A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and
- B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter 15 for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution.

§ 15-105. Experimental Regulations. [Ord. 572, 10/10/1990]

The Board of Commissioners may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as is they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

§ 15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events. [Ord. 572, 10/10/1990]

1. The Board of Commissioners shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is underway or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
2. The Board of Commissioners shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is underway and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-107. Use of Streets by Processions and Assemblages. [Ord. 572, 10/10/1990]

1. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE — A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION — A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the President of Commissioners, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.
3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the President, Board of Commissioners, which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.
4. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-108. Authority of Police Officers. [Ord. 572, 10/10/1990]

The police officers of the Township are hereby given authority to direct traffic on the highways of the Township and at intersections thereof.

§ 15-109. Authorization for Use of Speed Timing Devices. [Ord. 572, 10/10/1990]

The Township Police Department is hereby authorized to use all mechanical or electrical speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, including but not limited to E.S.P. and Vascar systems.

This section authorizes the use of said devices upon all highways within the Township, be they Township, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 P.S. § 1101 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

PART 2
TRAFFIC REGULATIONS

§ 15-201. Maximum Speed Limits Established on Certain Streets. [Ord. 572, 10/10/1990]

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
Academy Avenue	Entire length	15 mph
Ashland Avenue	Academy Avenue and Township line	25 mph
Ashland Avenue	Other portions	15 mph
Bartram Avenue	Ashland Avenue and Oak Lane	15 mph
Beech Avenue	Entire length	15 mph
Briarcliffe Road	Entire length	15 mph
Brookwood Lane	Entire length	15 mph
Cedar Wood Lane	Entire length	15 mph
Crescent Drive	Entire length	15 mph
Garfield Avenue	Entire length	15 mph
Glen Haven Avenue	Entire length	15 mph
Hillcrest Drive	Entire length	15 mph
Hopkins Avenue	Entire length	15 mph
Keighler Avenue	Entire length	15 mph
Lawnton Terrace	Entire length	15 mph
Madison Avenue	Entire length	15 mph
Magnolia Avenue	Entire length	15 mph
Maple Avenue	Entire length	15 mph
Meridian Road	Entire length	15 mph
Oakwood Drive	Entire length	15 mph
Park Drive	Entire length	15 mph
Pine Street	Entire length	15 mph
Poplar Avenue	Entire length	15 mph
Rively Avenue	Entire length	15 mph
Spruce Street	Entire length	15 mph
Stratford Drive	Entire length	15 mph
Surrey Lane	Entire length	15 mph

Street	Between	Maximum Speed Limit
Tremont Drive	Entire length	15 mph
Westbridge Road	Entire length	15 mph

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures. [Ord. 572, 10/10/1990]

- Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit
	(Reserved)	

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades. [Ord. 572, 10/10/1990]

- The following are declared to be hazardous grades, and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this section for that grade, and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill

(Reserved)

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-204. Maximum Speed Limits Established in Parks. [Ord. 572, 10/10/1990]

1. A speed limit of 35 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
		(Reserved)	

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-205. Traffic Signals at Certain Locations. [Ord. 572, 10/10/1990; as amended by Ord. 681, 11/16/2009]

1. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

- Location**
- Bartram Avenue and Oak Lane
 - Calcon Hook Road and Hook Road
 - Clifton Avenue and Hook Road
 - MacDade Boulevard and Oak Lane
 - Rively Avenue and Oak Lane
 - Sharon Avenue and Hook Road
 - Tribbitt Avenue and Hook Road

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-206. Intersections Where Turn Prohibited on Red Signal. [Ord. 572, 10/10/1990]

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a

right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection Vehicles Traveling on Facing
(Reserved)

2. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-207. One-Way Streets Established. [Ord. 572, 10/10/1990; as amended by Ord. 686, 3/10/2010; and by Ord. 695, 4/13/2011]

1. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel	Time
Academy Avenue	Cooke Avenue	Ashland Avenue	West	All
Ash Street	Sharon Avenue	Clifton Avenue	West	All
Barker Road	Ash Street	Laurel Street	North	All
Bartram Avenue	Ashland Avenue	Cooke Avenue	East	Mon. — Fri., 2:00 p.m. to 4:00 p.m.
Burnside Road	Laurel Street	Ash Street	South	All
Garfield Avenue	Academy Avenue	Ashland Avenue	East	All
Jackson Avenue	Sharon Avenue	Clifton Avenue	West	All
Laurel Avenue	Clifton Avenue	Sharon Avenue	East	All
Laurel Road	Burnside Road	End	West	All
Linden Avenue	Clifton Avenue	Sharon Avenue	East	All
Orange Street	Sharon Avenue	Clifton Avenue	West	All
Park Drive	Hillcrest Drive	Stratford Road	North	All
Pine Road	Ash Street	Laurel Street	North	All

Street	From	To	Direction of Travel	Time
Pine Street	Montgomery Avenue	Spruce Street	West	All
Spruce Street	Pine Street	Montgomery Avenue	East	All

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-208. Rotary Traffic Islands Established. [Ord. 572, 10/10/1990]

1. The following are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

(Reserved)

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this section and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-209. Turning at Certain Intersections Prohibited or Restricted. [Ord. 572, 10/10/1990]

1. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

Vehicles Traveling on	Direction of Travel	Not to Make	Into	When	Type of Vehicle Applicable to
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(Reserved)

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-210. Right Turns Only Permitted at Certain Intersections. [Ord. 572, 10/10/1990]

1. It shall be unlawful for the driver of any vehicle, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

**Vehicles
Traveling on**

**Direction of
Travel Times**
(Reserved)

**Not to make left
turn into or
travel straight
across**

- 2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-211. U-Turns Prohibited at Certain Locations. [Ord. 572, 10/10/1990]

- 1. It shall be unlawful for the driver of any vehicle, traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street

Portion
(Reserved)

Direction of Travel

- 2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-212. No-Passing Zones Established. [Ord. 572, 10/10/1990]

- 1. The following are established as no-passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no-passing zone:

Street	Direction of Travel	Between
Ashland Avenue		Academy Avenue and Upper Darby Township building line

- 2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-213. Through Highways Established. [Ord. 572, 10/10/1990]

- 1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway, except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this section shall stop the vehicle or yield right-of-way as required by Section 3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that section of the law:

Highway **Between**
(Reserved)

- 2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-214. Stop Intersections Established. [Ord. 572, 10/10/1990; as amended by Ord. 651, 4/14/2004; and by Ord. 686, 3/10/2010]

- 1. It shall be the duty of the Police Department to enforce the provisions of this section.
- 2. It shall be unlawful for any person to refuse to comply with any lawful order or direction of a police officer.
- 3. All vehicles shall be brought to a full stop before entering the following intersections:

Stop Street	Intersecting or Through Street	Direction of Travel
Academy Avenue	Ashland Avenue	4-way
Academy Avenue	Cooke Avenue	3way
Academy Avenue	Crescent Drive	
Academy Avenue	Gardner Avenue	3-way
Academy Avenue	Grobes Avenue	2-way
Academy Avenue	Oak Lane	1-way
Alicia Court	Ashland Avenue	1-way
Ash Road	Burnside Road	3-way
Ash Road	Clifton Avenue	3-way
Ash Road	Pine Road	3-way
Ash Road	Sharon Avenue	1-way
Ashland Avenue	Briarcliffe Road	3-way
Ashland Avenue	Garfield Road	4-way
Ashland Avenue	Glenhaven Road	3-way
Ashland Avenue	Poplar Avenue	1-way
Ashland Avenue	Stratford Road	4-way
Barker Road	Ash Road	1-way
Barker Road	Laurel Road	1-way
Bartram Avenue	Ashland Avenue	3-way
Bartram Avenue	Chestnut Street	3-way (new)
Bartram Avenue	Cooke Avenue	3-way
Bayard Avenue	Calcon Hook Road	1-way

Stop Street	Intersecting or Through Street	Direction of Travel
Beech Avenue	Ashland Avenue	3-way
Beech Avenue	Madison Avenue	4-way
Beech Avenue	Maple Avenue	3-way
Beech Avenue	Maple Street	2-way
Beech Avenue	Poplar Avenue	4-way
Brookwood Lane	Westbridge Road	2-way
Burnside Road	Hook Road	1-way
Burnside Road	Laurel Road	1-way
Burton Avenue	Forrester Avenue	4-way
Burton Avenue	Hook Road	1-way
Burton Avenue	Lincoln Avenue	3-way
Burton Avenue	Newlin Avenue	4-way
Burton Avenue	Noblet Avenue	3-way
Burton Avenue	Walter Avenue	3-way
Calcon Drive	Clifton Avenue	1-way
Calcon Hook Road	Tribbett Avenue	3-way
Cedarwood Road	Briarcliffe Road	3-way
Cedarwood Road	Glenhaven Road	3-way
Clifton Avenue	Forrester Avenue	3-way
Clifton Avenue	Laurel Road	4-way
Clifton Avenue	Linden Avenue	3-way
Clifton Avenue	Roosevelt Drive	3-way
Clifton Avenue	Tribbett Avenue	3-way
Cooke Avenue	Garfield Avenue	3-way
Cooke Avenue	Hopkins Avenue	3-way
Felton Avenue	Linden Avenue	4-way
Felton Avenue	Orange Avenue	3-way
Greenhill Road	Hook Road	1-way
Greenhill Road	Laurel Road	2-way
Greenhill Road	Linden Avenue	3-way
Hopkins Avenue	Ashland Avenue	1-way
Industrial Drive	Hook Road	1-way
Jackson Street	Calcon Hook Road	1-way
Jackson Street	Felton Avenue	3-way
Jackson Street	Sharon Avenue	2-way
Keighler Avenue	Poplar Avenue	1-way
Laurel Road	Clifton Avenue	4-way

Stop Street	Intersecting or Through Street	Direction of Travel
Laurel Road	Felton Avenue	1-way
Laurel Road	Sharon Avenue	1-way
Lawnton Terrace	Ashland Avenue	4-way
Lawnton Terrace	Madison Avenue	1-way
Lawnton Terrace	Maple Avenue	3-way
Lawnton Terrace	Poplar Avenue	3-way
Magnolia Avenue	Madison	3-way
Magnolia Avenue	Oak Lane	1-way
Maple Avenue	Keighler Avenue	1-way
Oakwood Drive	Briarcliffe Road	1-way
Oakwood Drive	Brookwood Lane	3-way
Oakwood Drive	Meridian Road	3-way
Oakwood Drive	Westbridge Road	1-way
Orange Avenue	Clifton Avenue	2-way
Orange Avenue	Sharon Avenue	2-way
Park Drive	Crescent Drive	3-way
Park Drive	Hillcrest Drive	1-way
Park Drive	Oakwood Drive	3-way
Park Drive	Stratford Road	1-way
Park Drive	Surrey Lane	3-way
Pine Road	Laurel Road	2-way
Pine Street	Beech Avenue	2-way
Rively Avenue	Beech Avenue	3-way
Rively Avenue	Madison Avenue	4-way
Rively Avenue	Maple Avenue	2-way
Rively Avenue	School Lane	3-way
Sharon Avenue	Linden Avenue	2-way
Spruce Street	340 Spruce Street	1-way
Stratford Road	Hillcrest Drive	1-way
Stratford Road	Oakwood Drive	4-way
Stratford Road	Surrey Lane	3-way
Stratford Road	Westbridge Road	3-way
Tremont Drive	Brookwood Lane	3-way
Tremont Drive	Meridian Road	3-way
Tremont Drive	Westbridge Road	2-way
Tribbett Avenue	Forrester Avenue	4-way
Tribbett Avenue	Hermesprota Drive	3-way

Stop Street	Intersecting or Through Street	Direction of Travel
Tribbett Avenue	Kaiser Drive	3-way (Folcroft)
Tribbett Avenue	Lincoln Avenue	3-way
Tribbett Avenue	Newlin Avenue	3-way
Tribbett Avenue	Noblet Avenue	4-way
Tribbett Avenue	Walter Avenue	3-way
Walter Avenue	Hermesprota Drive	2-way

4. Signs in the shape provided for by law shall be erected at each of the intersections indicating the stops hereinbefore provided. The word "Stop" in letters at least six inches high shall be imprinted on said signs.
5. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this section, its supplements or amendments; and, upon conviction for any violation before a justice of the peace of any of the provisions of this section, said violator shall be fined not less than \$25 nor more than \$1,000 for each violation; and upon default of payment of the fine imposed and costs, said violator shall be sentenced to the Township lockup for a period not exceeding five days or the county jail for a period not exceeding 30 days.

§ 15-215. Yield Intersections Established. [Ord. 572, 10/10/1990]

1. The following intersections (in addition to intersections with the through highways established by § 15-213) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Vehicle Code and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	(Reserved)	

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-216. Play Highways Established and Authorized. [Ord. 572, 10/10/1990]

1. The following areas upon the streets in the Township are established as play highways:

Street	Between	Days	Hours
		(Reserved)	

2. The Township Manager is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Township, where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the Township Manager.
3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Township Manager or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-217. Snowmobile Roads Designated. [Ord. 572, 10/10/1990]

1. The following roads and streets within the Township are designated as special snowmobile roads:

Street or Road	Between	Used by Snowmobiles Only When Closed to Vehicular Traffic?	Shared with Vehicular Traffic
		(Reserved)	

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Township other than as provided above; provided that nothing in this section shall prohibit any person from operating a snowmobile on any other street in the Township:
 - A. As authorized by Section 7721 of the Vehicle Code for emergency and bridge crossings and for direct crossing of streets or two-lane highways; or
 - B. For special snowmobile events where authorized in advance and the street is blocked off as provided in Section 7723 of the Vehicle Code.
3. Any person who violates any provision of this section shall be subject to the penalties prescribed in Section 7752(a) of the Vehicle Code.

§ 15-218. Restrictions on Use of Pushcarts. [Ord. 572, 10/10/1990]

1. The word "pushcart," as used in this section, shall mean a vehicle, other than a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from Board of Commissioners as provided in Subsection 3 of this section.
3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from Board of Commissioners. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Township, of \$100 for any calendar year, \$50 for any six-month period, or \$25 for any three-month period. The permit shall be granted to the applicant, upon payment of the fee, and upon his signing an agreement with Board of Commissioners that he shall be bound by the conditions imposed by Board of Commissioners and made a part of the permit, dealing with the following matters:
 - A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location;
 - B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;
 - C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
4. Any person who violates any provision of this section, or any condition of any permit granted under this section, shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-219. Skates, Coasters, Sleds and Other Toy Vehicles. [Ord. 572, 10/10/1990]

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 15-105 of Part 1 or § 15-216 of Part 2 of this chapter; provided that nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

2. It shall be unlawful for any person to engage in rollerskating or to ride upon or propel any coaster or other toy vehicle upon:
 - A. Any street except in order to cross the roadway; or
 - B. Any sidewalk located in a business district, except that nothing in this paragraph shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

§ 15-220. Driving Without Current Driver's License. [Added by Ord. 681, 11/16/2009]

1. Driving within the corporate limits of Darby Township without a current driver's license is prohibited.
2. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay \$25 and costs.

§ 15-221. Driving Without Current Inspection Stickers. [Added by Ord. 681, 11/16/2009]

1. Driving within the corporate limits of Darby Township without current inspection stickers is prohibited.
2. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay \$25 and costs.

PART 3

RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD

§ 15-301. Vehicle Weight Limits Established on Certain Streets and Bridges. [Ord. 572, 10/10/1990]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
	(Reserved)	

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

§ 15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges. [Ord. 572, 10/10/1990]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restriction
	(Reserved)	

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

§ 15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges. [Ord. 572, 10/10/1990]

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restriction
	(Reserved)	

- 2. Any person who violates any provision of this section shall be prosecuted under Section 4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

§ 15-304. Truck Traffic Restricted on Certain Streets. [Ord. 572, 10/10/1990; as amended by Ord. 647, 3/12/2003]

- 1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between
Ash Street	Sharon Avenue to Clifton Avenue
Clifton Avenue	Hook Road to Tribbet Avenue
Laurel Avenue	Clifton Avenue to Sharon Avenue
Linden Avenue	Clifton Avenue to Sharon Avenue
Orange Street	Sharon Avenue to Clifton Avenue
Tribbet Avenue	Hook Road to Hermesprota Creek
Tribbet Avenue	Hermesprota Creek to Calcon Hook Road

Provided, nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

- 2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

PART 4

GENERAL PARKING REGULATIONS

§ 15-401. Vehicles to be Parked Within Marked Spaces. [Ord. 572, 10/10/1990]

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this section for any person to park a vehicle or allow it to remain parked otherwise.

§ 15-402. Angle Parking Required on Portions of Certain Streets. [Ord. 572, 10/10/1990]

1. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
		(Reserved)

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

§ 15-403. Parking Prohibited at All Times in Certain Locations. [Ord. 572, 10/10/1990]

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Academy Avenue	North	Oak Lane and Cook Avenue
Ashland Avenue	East	Glenolden Borough line to Upper Darby Township line
Bartram Avenue	South	Oak Lane to Cook Avenue
Beech Street	Even numbers	Poplar Avenue and Maple Avenue
Beech Street	North	Ashland Avenue to Madison Avenue
Briarcliffe Road	North	Cedarwood Road and Oakwood Drive
Brookwood Lane	East	Westbridge Road to street end
Burton Street	Both	Hook Road and Noblet Street
Calcon Hook Road	Both	Entire length
Cedarwood Road	East	Westbridge Road to Briarcliffe Avenue
Clifton Avenue	West	Jackson to Linden Avenue
Crescent Drive	Even numbers	Entire length
Garfield Drive	Even numbers	Entire length
Greenhill Road	East	Hook Road and Sharon Hill Borough line
Hillcrest Drive	Even numbers	Entire length
Hook Road	Both	Industrial Drive and Delaware Drive

Street	Side	Between
Hook Road	Both	Philadelphia city limits to Darby Township boundary
Hook Road	North	Clifton Avenue and a point 200 feet east thereof
Hook Road	South	Fisher Street and Tribbett Avenue
Howard Street	East	Hook Road to Newlin Street
Keighler Avenue	East	Maple Avenue south to street end
Keighler Avenue	South	Poplar Avenue to Maple Avenue
Lawnton Terrace	South	Ashland Avenue and Madison Avenue
Madison Avenue	East	Rively Avenue to street end
Magnolia Avenue	North	Madison Avenue to Oak
Maple Avenue	East	Keighler Avenue to Beech Street
Meridian Road	South	Tremont Drive to Oakwood Drive
Oak Avenue	Both	Entire length in Township
Oak Lane	Both	MacDade Boulevard and Bartram Avenue
Oak Lane	East	Bartram Avenue to Groce Street
Oakwood Drive	East	Westbridge Road and Brookwood Lane
Oakwood Drive	Odd numbers	Entire length
Park Drive	Even numbers	Entire length
Pine Street	South	Oak Street and Spruce Street
Poplar Avenue	South	Ashland Avenue to Beech Street
Rively Avenue	North	Maple Avenue to Oak Street
Sharon Avenue		Laurel Road and Jackson Street
Sharon Avenue		Orange Avenue and here to corner
Stratford Drive	Odd numbers	Between numbers 401 to 519
Stratford Road	East	Westbridge Road and Brookwood Lane
Surrey Lane	Even numbers	Entire length
Tremont Drive	East	Westbridge Road and Brookwood Lane
Westbridge Road	North	West end thereof to Cedarwood Road

§ 15-404. Parking Prohibited in Certain Locations Certain Days and Hours. [Ord. 572, 10/10/1990]

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this section, as follows:

Street	Side	Between	Days	Hours
Ash Road	Both	1000 and 1100 blocks	Tuesday	12:00 noon and 2:00 p.m.
Barker Road	Both	900 and 1000 blocks	Tuesday	12:00 noon and 2:00 p.m.

Street	Side	Between	Days	Hours
Beech Avenue	Both	600 block	Friday	12:00 noon and 2:00 p.m.
Burnside Road	Both	900 and 1000 blocks	Tuesday	12:00 noon and 2:00 p.m.
Laurel Road	Both	1000 and 1100 blocks	Tuesday	12:00 noon and 2:00 p.m.
Lawnton Terrace	Both	Ashland Avenue and Madison Avenue	Every day	3:00 a.m. and 6:00 a.m.
Madison Avenue	Both	800 block	Friday	12:00 noon and 2:00 p.m.
Orange Road	Both	1000 and 1100 blocks	Tuesday	12:00 noon and 2:00 p.m.
Pine Avenue	Both	900 and 1000 blocks	Tuesday	12:00 noon and 2:00 p.m.
Sharon Avenue	Both	900 and 1000 blocks	Tuesday	12:00 noon and 2:00 p.m.

§ 15-405. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations. [Ord. 572, 10/10/1990]

It shall be unlawful for any person to park, or to allow to remain parked, on any street within Darby Township, between the hours of 6:00 p.m. and 6:00 a.m., prevailing time, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind).

§ 15-406. Parking Time Limited in Certain Locations Certain Days and Hours. [Ord. 572, 10/10/1990]

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours	Parking Time Limit
			(Reserved)		

§ 15-407. Special Purpose Parking Zones Established; Parking Otherwise Prohibited. [Ord. 572, 10/10/1990]

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked in any such zone except as specifically provided for that zone:

Street	Side	Location	Authorized Purpose or Vehicle
		(Reserved)	

§ 15-408. Standing or Parking on Roadway for Loading or Unloading. [Ord. 572, 10/10/1990]

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

Street	Side	Between
	(Reserved)	

§ 15-409. Residential Permit Parking. [Ord. 572, 10/10/1990; as amended by Ord. 573, 11/26/1990; by Ord. 601, 3/9/1994; and by Ord. 689, 12/8/2010]

1. Findings and Purpose. The Township finds that:
 - A. Certain residential areas in the Township are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles;
 - B. Those residential streets are also subjected to a high degree of commuter traffic, which substantially reduces the quality of the ambient air level; and
 - C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Township considers it to be in the interest of the people of the Township to provide for the establishment of a residential permit parking program to ensure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

2. Definitions. For the purpose of this section, words and terms listed in this subsection, as follows, shall have the following meanings:

COMMUTER VEHICLE — A motor vehicle parked in a residential area by a person not a resident of that residential area.

PROPRIETOR — A person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address; for the purpose of this section, a proprietor shall be entitled to one parking permit for that business or professional office address.

RESIDENT — A person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

RESIDENTIAL AREA — A contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria. The residential areas designated in Subsection 4 of this section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:
 - A. During any period between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
 - B. During the same period as specified in Subsection 3A directly above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used. In determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:
 - (1) The local and metropolitan needs with respect to clean air and environment;
 - (2) The possibility of a reduction in total vehicle miles driven in the Township;
 - (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards;
 - (4) The proximity of public transportation to the residential area;
 - (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it; and
 - (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the

residential permit parking area and used by the general public for religious, health or educational purposes.

4. Designation of Residential Permit Parking Areas.
 - A. The following are designated as residential permit parking areas:

Area	Bounded by and Including
	(Reserved)
 - B. Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.
5. Application for Permit. Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee of \$20, which shall be for the use of the Township, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
6. Issuance of Permit. Upon receipt of the application and the permit fee, and a determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking number and the expiration date. The permit shall be renewed annually before the expiration date, upon making application for renewal and payment of the permit fee of \$20. It shall be unlawful and a violation of this section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
7. Temporary and Exemption Parking Permits. Temporary parking permits may be issued by the Chief of Police, upon payment of a fee of \$10, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

8. Responsibility of Permit Holder.
- A. Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
 - B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
 - C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this section by the permit holder and by the person who so used or displayed the parking permit.
 - D. It shall constitute a violation of this section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.
 - (1) Revocation of Permits. The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to him of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this section; provided that any person receiving such a notice may, within 10 days after the date of the notice, appeal to the Board of Commissioners for a hearing on the revocation, and the decision of the Board of Commissioners shall be final.

§ 15-410. Penalties. [Ord. 572, 10/10/1990; as amended by Ord. 573, 11/26/1990; by Ord. 646, 12/11/2002; and by Ord. 689, 12/8/2010]

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine as set forth below and costs; provided that it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part, indicating, in each case, the section violated, the license number of the vehicle

involved in the violation, the location where the violation took place, and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to, or place upon, every such vehicle a notice stating that the vehicle was parked in violation of this Part.

A. The notice shall contain instructions to the owner and/or driver of the vehicle that if he or she reports to the office of the Chief of Police or special boxes provided by the Township within 48 hours, the fine will be \$15. After 48 hours, the fine increases to \$20. After seven days, the fine will be \$50.

(1) Once a citation is filed in District Court regarding the following, the fine will increase to \$100. **[Added by Ord. 722, 12/9/2015]**

- (a) Overnight parking.
- (b) Street sweeping.
- (c) Parked too near corner.
- (d) Blocking driveway.
- (e) Parked 12 inches from curb.
- (f) Parked too near fire hydrant/within 15 feet.
- (g) Obstructing sidewalk.
- (h) Parked in fire zone.

B. In the case of illegal parking in handicapped parking areas, within 48 hours, the fine will be \$100. The fine increases to \$125 after 48 hours. After seven days, the fine increases to \$150.

(1) Once a citation is filed in District Court regarding handicapped parking, the fine will increase to \$200. **[Added by Ord. 722, 12/9/2015]**

C. In the case of violation of illegal parking of commercial vehicles and/or trucks within the Township, within 48 hours, the fine will be \$50. After 48 hours, the fine increases to \$55. After seven days, the fine will be \$75.

(1) Once a citation is filed in District Court regarding commercial parking, the fine will increase to \$150. **[Added by Ord. 722, 12/9/2015]**

PART 5

TOWING AND STORAGE OF MOTOR VEHICLES

§ 15-501. Purpose. [Ord. 568, 2/14/1990, § 1]

It shall be unlawful for the owner of any motor vehicle to allow, or for any person to park a disabled motor vehicle or permit a disabled motor vehicle to stand, whether attended or unattended, upon any private property within the Township of Darby for a period of more than 72 consecutive hours.

§ 15-502. Prohibited Act. [Ord. 568, 2/14/1990, § 2]

It shall be unlawful for the owner of any motor vehicle to allow or permit any person to repair, fix or service a disabled motor vehicle upon a private property within the Township of Darby except in an emergency situation.

§ 15-503. Definitions. [Ord. 568, 2/14/1990, § 3 and 4]

DISABLED VEHICLE — A vehicle which is rendered inoperative or immobile by reason of mechanical or other difficulty or by reason of damage to said motor vehicle, or a motor vehicle which does not have affixed to it a current registration plate, or a current inspection sticker.

EMERGENCY SITUATION — One which is caused by accident, casualty or other unexpected circumstances which render a motor vehicle inoperative or immobile, provided that no such emergency situation shall be deemed to exist for a period of more than 24 consecutive hours after such accident, casualty or other unexpected circumstances.

§ 15-504. Authority to Tow. [Ord. 568, 2/14/1990, § 5]

In any proceeding for a violation of the provisions of this Part, the registration plate, if any, displayed on such motor vehicle shall be prima facie evidence that the owner of the said motor vehicle was in possession and control of said motor vehicle at the time of said violation. In addition the ownership of any private property on which a violation occurs shall also be prima facie evidence that the owners of said property were also in possession and control of the said motor vehicle at the time of said violation. Proceedings may be brought either against the owners of the motor vehicle, the owners of the property or both.

§ 15-505. Tow-Away Zone Designated. [Ord. 568, 2/14/1990, § 6]

Any motor vehicle found upon private property within the Township of Darby in violation of any provisions of this Part may be removed and impounded. Prior to removal of any vehicle in accordance with this section, the Township shall first give notice to anyone in possession of the motor vehicle as determined in accordance with § 15-505 hereof. Notice shall be in writing and sent by certified mail (return receipt requested) and regular mail and shall inform the recipient that the subject vehicle is in violation of this Part and provide a date on or after which it will be

removed and impounded. (Said date shall be no sooner than seven days from the date in which the notice is mailed). The notice shall also state the Township's intention to proceed to collect fines and fees as set-forth herein.

§ 15-506. Approved Storage Garages or Lots. [Ord. 568, 2/14/1990, § 7]

The place of impounding and the amount of indemnity shall be as provided herein.

§ 15-507. Storage Charges. [Ord. 568, 2/14/1990, § 8; as amended by Ord. 602, 6/8/1994; and by Ord. 726, 9/14/2016]

The charges for the removal and towing of motor vehicles in violation of this Part shall not exceed \$150 for each vehicle, and the charges for the storage and impounding of such motor vehicles shall not exceed \$40 per day for automobiles and \$100 per day for trucks for each day or fraction thereof. Such charges shall be paid by the owners of said motor vehicles, by the owners of the property upon which found, by the person who was deemed to have caused the violation of this Part, or by all of them.

§ 15-508. Notice Procedure. [Ord. 568, 2/14/1990, § 9]

Within 12 hours from the time of the removal of any motor vehicle as provided under this Part, notice of the fact that such motor vehicle has been impounded shall be sent by the Township of Darby Police Department to the owner of record of such motor vehicle, the owner of or the person in possession of the property which removed, or to the person who was deemed to have caused the violation of this Part, designating the place from which said motor was removed, the reason for its removal and impounding, and the pound it has been impounded.

§ 15-509. Payment of Charges Under Protest. [Ord. 568, 2/14/1990, § 10 and 11]

1. The payment of any charges imposed under this Part, unless such payment shall be made "under protest," shall be final and conclusive and shall constitute a waiver of any right to recover this money so paid.
2. In the event that the removal, towing, storage and impounding charges are paid "under protest," the person so paying shall be entitled to a hearing before the Justice of the Peace, in which case said person shall be proceeded against and receive such notice as is provided by the Motor Vehicle Code of the Commonwealth of Pennsylvania. The period of time in which the information under the said motor vehicle code need be filed shall be computed from the date of the removal or towing or the date of payment under protest, whichever is later.

§ 15-510. Penalties. [Ord. 568, 2/14/1990, § 12]

Any person violating any of the provisions of this Part shall be liable in addition to the other charges hereinbefore provided to a penalty of not more than \$1,000 nor less than \$25 for each and every offense, to be collectible before any Justice of the

Peace. The costs of any proceeding here-under shall be in addition to the penalty imposed.

§ 15-511. Exceptions. [Ord. 568, 2/14/1990, § 13]

Nothing in this Part shall be deemed to prohibit or prevent any person from parking, storing or repairing a motor vehicle within an enclosed building or garage where such parking, storing or repairing is not prohibited by the Zoning ordinance of the Township of Darby.

§ 15-512. Approved Storage Garages. [Ord. 568, 2/14/1990, § 14]

Nothing in this Part shall be deemed to prohibit or prevent any person who has been granted permission by law, ordinance or zoning authority to park, store or repair a motor vehicle from so doing, provided further that the zoning order does not itself prohibit or prevent such parking, storing or repairing.

§ 15-513. Emergency Powers. [Ord. 654, 9/8/2004]

Nothing in this chapter shall prevent duly authorized police officials from removing from public or private property, without notice, any attended or unattended automobile or vehicle, the presence of which constitutes an immediate hazard or threat to the life, health, safety, welfare and morals of the citizens of the Township of Darby and which is imminently dangerous and, in the opinion of the authorized police officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

PART 6

SNOW AND ICE EMERGENCY

§ 15-601. Declaration of Snow and Ice Emergency. [Ord. 572, 10/10/1990]

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in § 15-603 of this Part, the Township Manager, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency may be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

§ 15-602. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes During Emergency. [Ord. 572, 10/10/1990]

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

1. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in § 15-603 of this Part; or
2. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

§ 15-603. Snow Emergency Routes Designated. [Ord. 572, 10/10/1990]

The following are designated as snow emergency routes:

Street	Between	
	(Reserved)	

§ 15-604. Penalty for Violation. [Ord. 572, 10/10/1990]

1. If, at any time during a period of snow emergency declared under § 15-601 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.
2. If, at any time during a period of snow emergency declared under § 15-601 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-605. Reserving Parking Spaces During Periods of Snow. [Added by Ord. 692, 1/12/2011]

1. It is hereby declared to be unlawful for any person, from December 1 of any year and continuing until March 31 of the following year, to place or cause to be placed any item whatsoever for the purpose of reserving parking spaces on any street in the Township during any periods of precipitation, whether or not a snow emergency has been declared.
2. Any person, association, firm, partnership, corporation or any such similar entity violating any provision herein shall, upon conviction, be subject to a fine of not more than \$300 and/or imprisonment for up to 90 days for each offense. For purposes of this section, each day's violation of the provisions hereof shall be deemed to be a separate offense and subject to the penalties herein.

PART 7

PEDESTRIAN REGULATIONS

§ 15-701. Pedestrians to Obey Traffic-Control Signs. [Ord. 572, 10/10/1990]

At all locations in the Township where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under § 15-802 of this Part, shall obey the directions of those traffic-control signals, as follows:

1. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;
2. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway;
3. When facing a steady red signal, a pedestrian shall not enter the roadway.

§ 15-702. Pedestrian-Control Signal Locations Established. [Ord. 572, 10/10/1990]

At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

(Reserved)

Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:

1. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
2. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of a summary offense and a violation of this Part.

§ 15-703. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted. [Ord. 572, 10/10/1990]

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
	(Reserved)	

§ 15-704. Locations Where Pedestrians May Cross Only in Crosswalk. [Ord. 572, 10/10/1990]

It shall be unlawful for any pedestrian:

1. To cross any roadway in a business district within the Township except in a crosswalk;
2. To cross the roadway, in any of the following portions of streets in the Township, except in a crosswalk:

Street	Between
	(Reserved)

Provided: nothing in this section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by § 15-802 of this Part.

§ 15-705. Penalty for Violation. [Ord. 572, 10/10/1990]

Any pedestrian who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 8

MOTOR DRIVEN VEHICLES OR DEVICES**§ 15-801. Use of Motor-Driven Vehicles or Devices. [Ord. 649, 1/14/2004]**

1. No person shall operate a motor vehicle, motorcycle or tractor upon any sidewalk in the Township; nor shall any person operate a motor vehicle, tractor or motorcycle upon or across any sidewalk, except in order to gain access to or egress from a driveway or alley for said purpose.
2. No person shall operate any motor driven vehicle or devices, including, but not limited to, all-terrain vehicles, snowmobiles, mini-bikes, scooters, skateboards, power-wheels, pedalcycles, or motorized go-carts upon any sidewalk located in the Township.
3. No person shall operate a motor driven vehicle, or devices, including, but not limited to: all-terrain vehicle, snowmobiles, mini-bikes, scooters, skateboards, powerwheels, pedalcycles, or motorized go-carts upon any street, way, alley or highway located in the Township of Darby. This section does not apply to any passenger motor vehicle, tractor or motorcycle which is a properly registered motor vehicle provided that said vehicle is operated by a properly licensed driver.
4. Penalty. Any person, firm or corporation who shall violate provisions of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs and in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days.
5. This section shall not apply to any person who is physically handicapped, physically disabled, or is physically challenged and is operating a motorized device as a result of said handicap, disability or physical challenge, which device is recognized by the Americans with Disabilities Act as a proper mode of conveyance.

CHAPTER 16

PARKS AND RECREATION

Part 1

General Regulations

- §101. Cleanliness**
- §102. Prohibited Acts**
- §103. Hours of Operation**
- §104. Penalties**

Part 1

General Regulations

§101. Cleanliness.

Each person, firm or corporation using the public parks and grounds shall clean up all debris, and leave the premises in good order, and the facilities in a neat and sanitary condition. (Ord. 486, 7/14/1976, §1)

§102. Prohibited Acts.

It shall be unlawful for any person, firm or corporation using such parks and facilities to either perform or permit to be performed any of the following acts:

1. Wilfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
2. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
3. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse; or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
4. Disturb the peace, or use any profane, obscene or blasphemous language.
5. Endanger the safety of any person by any conduct or act.
6. Commit any assault, battery, or engage in fighting.
7. Carry, possess, or drink any alcoholic liquor in any park.
8. Violate any rule for the use of the park, made or approved by the Board of Commissioners.

PARKS AND RECREATION

9. Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this Part and the rules applicable to such use.
10. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth or may be hereafter adopted.
11. Appear in bathing costume at any place in the parks.
12. Dress or undress in any park or in any vehicle, toilet or other place in said park or park area of the Township of Darby.
13. The walking of dogs or horses, whether on leash or not, is prohibited in the Township parks and facilities. All animals are prohibited in the park or park area.
14. Engaging in golfing, gambling or the discharge or display of firearms is hereby prohibited.
15. All motor vehicles, excepting police, fire or ambulance, are prohibited from said park or park area, including but not limited to motorcycles, minibikes or any other vehicle which may be, or are being operated by motor.
16. The throwing of javelins, discuses, or the use of bow and arrow or any other life endangering or limb endangering projectiles.
17. The possession or use of any prohibited drug or narcotic substances shall be deemed a violation of this Part.
18. The operation, flying or use of model airplanes are hereby prohibited.
19. Persons under the influence of alcohol or other prohibited forms of drugs or narcotics shall be in violation of this Part and shall further be immediately expelled from said park.
20. The alteration, removal, damaging or destruction of any Township sign located in said park shall be in violation of this Part.

(Ord. 486, 7/14/1976, §2; as amended by Ord. 505B, 8/8/1978, §1)

§103. Hours of Operation.

The parks of the Township of Darby shall be opened daily to the public during the hours of 9:00 a.m. to 9:00 p.m. of any one day; and it shall be unlawful for any person, or persons to occupy or be present in said parking during any hours in which the park is not open to the public excepting the use of facilities in any seasonal operation beyond said stated hours.

Any section or part of the park, may be declared closed to the public by the Board of Commissioners at any time and for any interval of time, either temporarily or at regular or stated intervals.

(Ord. 486, 7/14/1976, §3)

§104. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 486, 7/14/ 1976, §4; as amended by Ord. 572, 10/10/1990)

CHAPTER 17
PLANNED RESIDENTIAL DEVELOPMENT

(See Chapter 27, Zoning)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Sewer Regulations

- §101. Connection Required**
- §102. Duty to Connect**
- §103. Prohibited Substances**
- §104. Penalties**

Part 2

Sewer Rates

- §201. Sewer Rates**

Part 3

Wastewater Treatment

- §301. Purpose**
- §302. Wastewater Treatment Regulations**
- §303. Local Limitations**

Part 4

Sanitary Sewer Lateral Inspections

- §401. Definitions**
- §402. Prohibition of Stormwater Discharges into Sanitary Sewer System; Penalties**
- §403. Inspection by Township**
- §404. Mandatory Inspection Prior to Issuance of a Certificate of Occupancy**

Part 1

Sewer Regulations

§101. Connection Required.

It is unlawful for any house adjacent to a sanitary sewer line not to be connected there-
to.

(Ord. 257, 11/20/1957, §1)

§102. Duty to Connect.

In every instance it is the duty of the owner of the house to have the house connected to the said sewer line. In addition, wherever the owner of the house is not a resident of Darby Township, the agent of the owner in charge of the real estate shall also have the duty to have the house connected to the said sewer line.

(Ord. 257, 11/20/1957, §2)

§103. Prohibited Substances.

1. It shall be unlawful to permit or cause to be introduced any of the following substances into the storm sewer systems of the Township of Darby:
 - A. Grass, leaves, paper or refuse collected from lawns or otherwise.
 - B. Any grease, fatty material, offal, or garbage.
 - C. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer.
 - D. Milk or any liquid milk waste products.
2. Chemicals. It shall be unlawful to cause or permit to flow into the storm sewer system any cyanide, phenols or any other chemical or substance which interferes with or prevents the functioning of said system.

(Ord. 501, 5/10/1978, §§1 and 2)

§104. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in de-

SEWERS AND SEWAGE DISPOSAL

fault of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 257, 11/20/1957, §3; and Ord. 501, 5/10/1978, §3; as amended by Ord. 572, 10/10/1990)

Part 2

Sewer Rates

§201. Sewer Rates.

1. A sewer rental charge is hereby assessed, imposed and levied against all properties within the Township of Darby connected with the sewer system of the said Township. All ordinances hereinbefore adopted and applicated hereto are amended to conform herewith.
2. The said sewer rental charges are hereby imposed, levied and assessed at the following schedule, on a per-annum basis, for the year 2007:

Residences	\$190
Churches, firehouses	\$255
Taprooms	\$960
Restaurants, hoagie shops, etc.	\$472
Hotels	\$1,045
Offices (in home)	\$350
Theaters, drive-ins	\$2,875
Schools	\$4,366
Stores, drugs, cleaners, delicatessen, shoe, repair, etc.	\$472
Large stores, department, supermarket	\$4,915
Professional offices	\$472
Public garage, including gas stations	\$472
Car washeries	\$1,395
Launderies, including laundromats	\$2,615
Swim clubs	\$1,045
Shops, auto repairs, light commercial variety storage type	\$785
Apartment house (per unit)	\$190
Industry – light/heavy	
1 unit	\$350
2 units	\$700
3 units	\$1,050
10 units	\$3,500
40 units	\$14,000

SEWERS AND SEWAGE DISPOSAL

70 units

\$24,500

3. Water Closets.
 - A. Every residence having more than one water closet shall, in addition to the rental provided for in Subsection 2, be assessed \$35 for each additional unit.
4. Professional Offices. Wherever the words "professional office" are used in this Part, they shall be construed to mean any person, firm, corporation, partnership, unincorporated association, association or similar entity maintaining a professional office or studio, including that of a doctor, physician, dentist, masseur, teacher, artist, architect, musician, lawyer, magistrate or practitioner of a similar nature or character as well as personal service shops, including but not limited to tailor, barber, beauty, shoe repair and dress making.
5. In any case where there is not an applicable rate, the said rate will be fixed by the Board of Township Commissioners, upon application thereto.
6. The above rates shall be due and payable on the first day of March of each year to the Township Treasurer, and all sewer rents, charges, penalties and interest shall be and are a lien against the property served until paid.
 - A. The Township Treasurer shall receive as compensation for services rendered in the collection of said sewer taxes the sum of \$1 per bill paid in 12 equal monthly installments.
7. A discount of 2% will be allowed on sewer rent paid prior to April 1 of each year and a penalty of 10% will be added to all sewer rent charges on and after June 1 of each year.
8. Failure to receive a bill will not exempt the owner from the sewer rental due.
9. Solicitor.
 - A. All sewer rents remaining unpaid on December 1, 1989, shall be forwarded to the Solicitor for collection, whether by the institution of a suit or by the filing of a lien against the premises served, together with all penalties and interest.
 - B. The Solicitor shall receive as compensation the necessary expenses incurred in filing said liens, in satisfying said liens, and a per-unit fee for all liens filed or satisfied and a fee for all suits instituted.

(Ord. 119, 3/13/1939; as amended by Ord. 120, 4/6/1949; Ord. 140, 4/6/1949; by Ord. 141, 4/6/1949; by Ord. 148, 2/17/1951; by Ord. 179, 4/7/1954; by Ord. 206, 6/7/1955; by Ord. 228, 5/2/1956; by Ord. 231, 6/12/1956; by Ord. 240, 12/5/1956; by Ord. 261, 12/5/1957; by Ord. 287, 12/2/1959; by Ord. 298, 12/7/1960; by Ord. 310, 2/13/1962; by Ord. 319, 12/29/1962; by Ord. 329, 12/11/1963; by Ord. 337, 12/2/1964; by Ord. 344, 3/3/1965; by

Ord. 355, 12/1/1965; by Ord. 377, 3/1/1967; by Ord. 416, 12/17/1969; by Ord. 418, --/1970; by Ord. 429, 12/8/1971; by Ord. 448, 3--/1974; by Ord. 459, 12--/1974; by Ord. 476, 12/10/1975; by Ord. 518, 12/30/1980; by Ord. 535, 12/30/1982; by Ord. 566, 12/18/1989; by Ord. 578, 2/16/1991; by Ord. 584, 12/14/1992; by Ord. 604, 1/1/1995; by 659, 12/14/2005; and by Ord. 666, 12/13/2006)

Part 3

Wastewater Treatment

§301. Purpose.

This Part 3 is adopted to promote and protect the public health, safety, comfort, convenience and other aspects of the general welfare. These general goals include, among other things, the specific enforcement of the Clean Water Act, the Pennsylvania Clean Streams Law and the various regulations promulgated by DELCORA, the City of Philadelphia, the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, and such other agencies which may succeed the aforementioned agencies, and the implementation of the Delaware County Wastewater Management Plan and the National Pretreatment Standards, 40 CFR 401 et seq.

(Ord. 622, 4/9/1997; as amended by Ord. 697, 11/14/2011)

§302. Wastewater Treatment Regulations.

The DELCORA Standards, Rules and Regulations of 2011, attached hereto as Exhibit A, and the City of Philadelphia's Sewer and Wastewater Control Regulations, attached hereto as Exhibit B, are hereto collectively adopted as the Wastewater Treatment Regulations for the Township of Darby. Where any conflict exists between any portions of Exhibit A and B, the most stringent of the portions in conflict shall apply.ⁱ

(Ord. 622, 4/9/1997; as amended by Ord. 697, 11/14/2011)

§303. Local Limitations.

The DELCORA Local Limitations for the Eastern Service Area (the "Eastern Limitations") and the DELCORA Local Limitations for the Western Service Area (the "Western Limitations"), as set forth in DELCORA Resolution 2011-01, attached hereto as Exhibit C, are hereby adopted as the local limitations for all discharges of wastewater in the Township of Darby. All such discharges of wastewater shall comply with the Eastern Limitations.

(Ord. 622, 4/9/1997; as amended by Ord. 697, 11/14/2011)

Part 4

Sanitary Sewer Lateral Inspections

§401. Definitions.

When used in this Part 4, the following terms shall have the following meanings:

APPLICANT — any person applying for a certificate of occupancy.

CERTIFICATE OF OCCUPANCY — the certificate required pursuant to Chapter 11, §102, of the Code of Ordinances of the Township of Darby.

PERSON — includes any individual, entity, partnership, business, corporation, company or other such similar entity.

PROPERTY — any real property located within the Township of Darby.

SANITARY SEWER SYSTEM — includes piping, lines, sewers and connections thereto transporting wastewater within the Township of Darby to a destination for sanitization and treatment.

SEWER LATERAL — any pipe, line or sewer running across or through any property and connecting to a pipe, line or sewer owned by any municipality or municipal authority for the purpose of transporting wastewater for treatment.

STORMWATER — includes all stormwater, rainwater, surface water, groundwater, roof runoff or subsurface drainage.

(Ord. 691, 12/8/2010)

§402. Prohibition of Stormwater Discharges into Sanitary Sewer System; Penalties.

1. It shall be unlawful for any person to discharge any stormwater into the sanitary sewer system or to permit the discharge of stormwater from any property owned by any such person into the sanitary sewer system. For the purpose of this subsection, any discharge of stormwater into the sanitary sewer system shall be deemed to have been permitted by the owner of the property upon which or within which such stormwater enters the sanitary sewer system.
2. No person who owns any property serviced by the sanitary sewer system shall connect any roof drain or foundation drain thereto or permit any such drain to remain connected thereto.
3. Each violation of the terms of any provision of this section shall be punishable by a fine of not less than \$300 nor more than \$1,000. For the purpose of this provi-

SEWERS AND SEWAGE DISPOSAL

sion, each day on which a discharge or connection that violates this section occurs shall constitute a separate violation.

(Ord. 691, 12/8/2010)

§403. Inspection by Township.

The Township of Darby, and/or its agents, employees, designees, or assigns, may, upon 10 days' notice, undertake such inspection or test at it may deem appropriate to determine the condition of any sewer lateral. Any such inspection or test may only take place during the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday. The owner of the affected property shall make all areas to be inspected or tested available to the Township or its designee upon request. If, in its sole discretion, the Township determines that the sewer lateral is in an unacceptable condition, unless said terms are extended by the owner, the sewer lateral shall be repaired or replaced by the owner of the property at such owner's expense within 30 days, or at the expiration of any such extension as outlined above, of the date the Township notifies such owner that the sewer lateral is in an unacceptable condition.

(Ord. 691, 12/8/2010)

§404. Mandatory Inspection Prior to Issuance of a Certificate of Occupancy.

1. As a precondition to the issuance by the Township of Darby of any certificate of occupancy, the applicant shall contract a plumber to perform a dye test, smoke test or air test of the sewer lateral on the affected property and provide the results of same to the Township. Any smoke test shall involve the use of nontoxin, non-staining smoke, forced through the sewer lateral by way of forced air. The plumber performing such test shall notify the Township at least seven business days in advance of same, so that the Township may have the opportunity to witness the test. The Township shall have the right to approve the test as performed or require additional testing. The plumber performing such test shall certify the results to the Township of Darby. Should there be any connection to the sewer lateral in violation of §402 of this Part, or should the sewer lateral be in a condition that the Township, in its sole discretion, deems unsatisfactory, then, except as otherwise provided herein, the applicant shall not receive a certificate of occupancy until such connection is removed or such condition is remedied to the satisfaction of The Township of Darby.
2. In the event that a sewer lateral is in an unsatisfactory condition, the Township of Darby may, in its discretion, issue a temporary certificate of occupancy upon the applicant's placing an amount of money in escrow that the Township of Darby, in its sole discretion, deems sufficient to remedy such unsatisfactory condition. In the event that the applicant fails to remedy such unsatisfactory condition within 30 days, the Township may, in its discretion: revoke the temporary certificate of occupancy or undertake such repairs or replacement of the sewer lateral as may

be necessary to remedy the unsatisfactory situation, applying the escrowed monies toward such repairs or replacement. Should the Township of Darby undertake the repair or replacement of any sewer lateral in accordance with this Subsection 2, and the amount by which the costs of such repairs or replacement may exceed the amount of money placed in escrow, such difference shall be a liability of both the property and the applicant and may be assessed against the property in accordance with Pennsylvania's Municipal Claims Act, in which case it shall constitute a lien against the property until paid. Any money remaining in escrow after the sewer lateral is repaired to a satisfactory condition or replaced in accordance with this Subsection 2 shall be returned to the applicant.

3. Except as provided in this section of this Part 4, nothing herein is intended to amend, reduce or remove any existing prerequisite to an applicant obtaining a certificate of occupancy pursuant to Chapter 11, §102, of the Code of Ordinances of the Township of Darby.

(Ord. 691, 12/8/2010)

ⁱ Editor's Note: Exhibits A and B are on file in the Township offices.

CHAPTER 19

SIGNS AND BILLBOARDS

(See also Chapter 27, Zoning)

Part 1

Overhead Signs and Banners

- §101. Permitted Signs and Banners**
- §102. Issuance of Permits**
- §103. Compliance**
- §104. Requirements**
- §105. Copy of Permit Forwarded to Department of Transportation**
- §106. Responsibility and Liability of Applicant**

Part 1

Overhead Signs and Banners

§101. Permitted Signs and Banners.

The provisions of this Part shall apply to all overhead signs and banners in Darby Township and duly issued permits shall constitute the inclusion of the permitted sign under the provisions of this Part. (Res. 97-14, 12/10/1997, §1)

§102. Issuance of Permits.

Permits for overhead signs and banners shall be issued by the Township Zoning Officer only in accord with this Part and all applicable zoning requirements. (Res. 97-14, 12/10/1997)

§103. Compliance.

As required by Pennsylvania Department of Transportation policy, overhead signs and banners shall conform to the following and permits for such signs shall include the information necessary to document compliance with same:

- A. Location. SR number and segment/offset.
- B. Vertical Clearance Above Roadway. Minimum of 17 feet and six inches.
- C. Size of Banner. As specified on permit.
- D. Description of Activity. Must constitute a national, State, regional or local function or nonprofit activity sponsored by a political subdivision or agency thereof, or nonprofit organization recognized by the Commonwealth of Pennsylvania.
- E. Message. No more than 20% of the message shall relate to naming or advertising a commercial product, enterprise, business or company regardless of whether such entity is sponsoring the activity or banner installation.
- F. Duration of Display. Approximate dates of installation or removal. Not to exceed 21 days.
- G. The banner will be removed within five days or less from the ending date of the event for which the banner was displayed.

SIGNS AND BILLBOARDS

- H. The banner shall be installed under the supervision and control of the Township on permanent cables at locations approved by and in accord with specifications provided by the Township.
- I. Traffic control shall be performed in accord with the most current Department Publication 203.

(Res. 97-14, 12/10/1997)

§104. Requirements.

The dates of installation, duration and removal, as well as the size, the message, event and/or organization will vary, but in all cases the requirements of this Part will be satisfied. (Res. 97-14, 12/10/1997)

§105. Copy of Permit Forwarded to Department of Transportation.

Upon the issuance of any permit pursuant to this Part, the Township Zoning Officer shall promptly forward a copy of the permit to the District Office of the Pennsylvania Department of Transportation. (Res. 97-14, 12/10/1997)

§106. Responsibility and Liability of Applicant.

By applying for a permit, the applicant assumes full responsibility for erecting, maintaining and removing such sign or banner and all liability for damages occurring to any person or property arising from any act of omission associated with the sign or banner, and a statement to that effect shall be included on the application for the permit. (Res. 97-14, 12/10/1997)

**CHAPTER 20
SOLID WASTE**

**PART 1
REFUSE COLLECTION**

- § 20-101. Short Title.
- § 20-102. Definitions.
- § 20-103. Administration.
- § 20-104. Precollection Practices.
- § 20-105. Collection Practices.
- § 20-106. Penalties.

**PART 2
REFUSE COLLECTION FEES**

- § 20-201. Definitions.
- § 20-202. Fees.
- § 20-203. Collection.

**PART 3
RECYCLABLE REFUSE**

- § 20-301. Definitions.
- § 20-302. Program Established.
- § 20-303. Separation of Recyclables and Placement For Removal.
- § 20-304. Collection by Unauthorized Person.
- § 20-305. Penalties.
- § 20-306. Additional Methods of Disposal.
- § 20-307. Soliciting and Receiving of Bids.
- § 20-308. Recycling Reports From Business and Commercial Establishments.

**PART 4
DISPOSAL OF SOLID WASTE**

- § 20-401. Definitions.
- § 20-402. Prohibitions.

- § 20-403. County/Authority Operations and Charges.
- § 20-404. Operations by Licensed Collectors.
- § 20-405. Disposal at Designated Site.
- § 20-406. Private Dumps, Transfer Stations, and Landfills Prohibited.
- § 20-407. Penalties.
- § 20-408. Abatement of Nuisance.
- § 20-409. Regulations.
- § 20-410. Amendments; Contracts.
- § 20-411. Joint Cooperation agreement.
- § 20-412. Adoption of Solid Waste Management Plan.
- § 20-413. Effective Date.

PART 5

REGULATING AND LICENSING REFUSE CONTAINERS

- § 20-501. Prohibition.
- § 20-502. Application.
- § 20-503. Permits.
- § 20-504. License Fee.
- § 20-505. Times.
- § 20-506. Insurance.
- § 20-507. Penalties.
- § 20-508. Confiscation of Container.

PART 1
REFUSE COLLECTION

§ 20-101. Short Title. [Ord. 657, 9/14/2005]

This Part shall be known as the "Darby Township Refuse and Recycling Collection Ordinance."

§ 20-102. Definitions. [Ord. 657, 9/14/2005]

The following words, when used in this Part, shall have the meanings ascribed to them in this section, except those instances where the context clearly indicates otherwise:

BULK TRASH — The removal of any washers, dryers, window air conditioners, refrigerators, stoves, dishwashers, furniture, or bedding, as long as it does not remove all items from the house. If the house is cleaned out, then the Township would require a container for the trash.

CLEAN OUT HOUSE/APARTMENT — When a house or apartment is cleaned out of all furniture and debris, a container will be required. The owner must make private arrangements.

COMMERCIAL RUBBISH — Will not be picked up as part of residential rubbish and recycling. All commercial rubbish must make their own collections.

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

PERSON — A natural person, firm, association, cooperation or housing authority.

REFUSE — Garbage, rubbish and recycling as herein defined.

RUBBISH — All waste material not included in garbage, except building rubbish from construction or renovations, street refuse, industrial refuse, dead animals, abandoned machinery or vehicles or parts, or such other waste materials as are not commonly produced in homes or apartments.

§ 20-103. Administration. [Ord. 657, 9/14/2005]

1. All rubbish, garbage and recycling accumulated in any single-family or two-family dwelling, or apartments of less than four units in Darby Township shall be collected, conveyed and disposed of by the Township, and the cost of such service shall be paid either by the Township or as set forth in subsequent amendments to this Part, except for the cleanout of a house or apartment.

2. The Board of Commissioners may from time to time make regulations concerning the days of collection, type and location of waste.
3. It shall be unlawful for any person to collect and dispose of any refuse, except as provided in this Part.
4. By reason of the great amount of refuse being accumulated by shopping centers, manufacturing plants, hotels, restaurants and business establishments, the collection of which would unduly burden the facilities of the Township, all mentioned above will have their trash collected privately, in watertight vehicles provided with tight covers and so operated as to prevent offensive odors escaping and refuse being blown, dropped or spilled. It shall be unlawful for any shopping center, hotel, restaurant or business establishment to dispose of any such rubbish within the Township of Darby.

§ 20-104. Precollection Practices. [Ord. 657, 9/14/2005]

1. All rubbish shall be drained of liquid before being deposited for collection.
2. All cans and clear glass which have contained food shall be thoroughly rinsed and drained before being deposited for recycling (see schedule).
3. Tree trimmings, hedges and similar material, shall be cut to two foot lengths and securely tied in bundles, not more than two feet thick, before being placed out for collection.
4. Points of Collection. Refuse receptacles shall be placed at ground level on the property and not within the right-of-way of a street, highway or alley, and accessible. The receptacles must be outside of any fenced-in areas for collection.

§ 20-105. Collection Practices. [Ord. 657, 9/14/2005]

1. Frequency.
 - A. Refuse will be collected twice a week. Recycling will follow the schedule published yearly by the Township. Bulk refuse will be collected once a week on the last collection day of the week. If your trash days are Monday and Thursday, bulk pickup will be on Thursday. If your trash days are Tuesday and Friday, bulk pickup will be on Friday.
 - B. Holidays that will affect your collection are New Year's Day, Martin Luther King Day, Good Friday, Primary Election Day, Memorial Day, Independence Day, Labor Day, General Election Day, Thanksgiving Holiday and Christmas Day.
 - C. Stores, shopping centers, supermarkets, manufacturing plants, hotels, restaurants, and industrial parks are required to dispose of their

trash at least once a week, or more, if instructed by the Township Health Officer or designee.

2. Refuse containers.
 - A. All rubbish and recycling containers shall be of such kind that shall securely contain their contents and can be easily handled and must have a cover.
 - B. All refuse and recycling containers shall be maintained in good condition and must not have ragged or sharp edges. Failure to comply with this provision will result in refusal to collect refuse.
3. Storage of Refuse.
 - A. No person shall place any refuse on any street, highway, alley or other public place, nor upon any private property, whether owned by such persons or not, within the Township of Darby, except that the same be in receptacles as above defined for collection, or under an express approval granted by the Board of Commissioners. No person shall throw or deposit any refuse in any stream or any body of water.
 - B. Any accumulation of refuse on any premises is deemed to be a health hazard and is hereby prohibited. Failure to remove any existing accumulation of refuse within 10 days shall be deemed a violation.
4. Special Refuse Problems.
 - A. No volatile liquids, flammables, explosives, radioactive material in containers which would explode upon contact with heat or fire shall be placed for collection, except small (retail sold) spray cans.
 - B. Contagious Disease Refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Township Health Officer. Such refuse shall not be placed in containers for regular collections.

§ 20-106. Penalties. [Ord. 657, 9/14/2005]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, and costs, or in default of payment thereof shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues, shall constitute a separate offense.

PART 2

REFUSE COLLECTION FEES

§ 20-201. Definitions. [Ord. 534, 12/-/1982, § 1]

The following words, when used in this Part, shall have the meaning ascribed them in this section, except in those instances where the context clearly indicates otherwise:

DWELLING UNIT — Any permanent structure or portion of any permanent structure utilized as a residence by persons within the Township of Darby.

GARBAGE — All refuse of animal or vegetable matter which has been used as food for human consumption or was so intended to be used.

RESIDENCE BUILDING — Any permanent structure or portion of any structure utilized as a residence by persons within the Township of Darby.

TRASH — Any and all refuse other than garbage and non-combustibles.

§ 20-202. Fees. [Ord. 534, 12/-/1982, § 2; as amended by Ord. 609, 12/11/1995; by Ord. 641; by Ord. 655, 12/8/2004; by Ord. 676, 12/10/2008; by Ord. 705, 12/5/2012; and by Ord. 727, 12/14/2016]

1. There is hereby imposed a fee for collection and disposal of trash and garbage as follows:
 - A. Beginning with the calendar year 2017, and for such year thereafter, there is hereby imposed upon the owners of residence buildings to whom such service is available, whether or not such owners choose to utilize such service, an annual charge for the collection of trash and garbage in the Township of Darby.
 - B. The owner of record of any residence building as herein defined shall be charged the sum of \$185 per calendar year for each dwelling unit contained in said residence building for the collection of trash and garbage from that residence building.
 - C. All bills for the collection of trash and garbage under this Part shall be forwarded to the owner of the property which is the subject of such trash and garbage collection service.
 - D. All bills shall be forwarded on or before March 1 of each and every calendar year, commencing with the year 2017.
 - E. The face amount of all bills shall be payable by the property owner on or before the deadline stated on said bills, which said deadline shall not be less than 30 days from the date of mailing said bill. If said bills

are not paid by the stated deadline, they shall bear a penalty of 10% of the face amount of the bill per month, or any fraction thereof, until paid. Any and all bills which have not been paid within one year from the date of mailing shall be certified to the Township Solicitor, who may proceed to collect said charges, together with penalties and costs accrued thereon, and lawful interest, by action at law.

- F. The date of mailing shall be indicated on the face of all bills issued pursuant to this Part and shall be synonymous with the bill date.

§ 20-203. Collection. [Ord. 534, 12/-/1982, § 3; as amended by Ord. 590, 2/10/1993]

1. The charges herein imposed shall be paid to the Township Treasurer upon whom is imposed the duty of collecting the charges imposed under this Part.
2. The Township Treasurer shall receive as compensation for services rendered in collecting the charges imposed under this Part, the sum of one \$1 per bill paid in 12 equal monthly installments.
3. It shall be the Treasurer's duty to keep records showing the date of billing, the amount of charge, funds received by him in payment of charges and the date of their receipt.
4. The accounts of the Treasurer shall be subject to annual audit by the Township Controller upon whom is placed the duty of making such audit on or before March 1 of each year.

PART 3

RECYCLABLE REFUSE**§ 20-301. Definitions. [Ord. 542, 2/13/1985, § 1]**

The following words and phrases shall have the meanings respectively assigned to them by this section:

NEWSPAPER — Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered newspaper.

RECYCLABLES — Material having an economic value in the secondary materials market. The following materials have such economic value. Aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated.

§ 20-302. Program Established. [Ord. 542, 2/13/1985, § 2]

There is hereby established a recycling program for the mandatory separating of recyclables from garbage and rubbish in the Township of Darby.

§ 20-303. Separation of Recyclables and Placement For Removal. [Ord. 542, 2/13/1985, § 3; as amended by Ord. 571, 9/12/1990]

1. Newspapers shall be kept separate from other refuse and shall be collected by the Township or under subcontract by its designated agent. Individual household units shall separate and prepare for collection these materials in the following manner: Newspapers shall be tied both across and lengthwise in easy-to-manage bundles or placed in paper bags, and kept dry. These materials shall be placed either at the curbside to be collected at times designated by the Township or placed in recycling shelters at any time.
2. All persons, as defined by Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act of July 1988, Act 101, shall be required to separate from the trash stream, aluminum, steel and bimetallic cans and store such material until collection. Aluminum, steel and bimetallic cans being generated at private homes, apartments and other residential establishments shall be placed at curbside according to the schedule and conditions established by the institutional structures will be permitted to make special arrangements for collection of aluminum, steel and bimetallic cans as approved by the Township.

§ 20-304. Collection by Unauthorized Person. [Ord. 542, 2/13/1985, § 4; as amended by Ord. 571, 9/12/1990]¹

From the time of placement of recyclables at the curb or in recycling shelters for collection in accordance with the terms hereof, items shall be and become the property of the Township of Darby or its authorized agent. It shall be a violation of this Part for any person unauthorized by the Township to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

It shall be unlawful for a person to collect, remove or dispose of solid waste which contains newspapers, aluminum, steel or bimetallic cans combined with other forms of solid waste.

The Township of Darby, or its agent, is empowered to designate the day(s) of the month on which recyclables shall be collected, removed and disposed of from a particular area.

§ 20-305. Penalties. [Ord. 542, 2/13/1985, § 5; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 20-306. Additional Methods of Disposal. [Ord. 542, 2/13/1985, § 6]

Any resident may donate or sell used newspapers to any person, partnership or corporation whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said used newspapers from the curbside in the Township of Darby; curbside means the normal location of trash pickup.

§ 20-307. Soliciting and Receiving of Bids. [Ord. 571, 9/12/1990]

The Township may from time to time cooperate with surrounding municipalities to jointly solicit and receive bids, quotations or proposals for the purchase and use of equipment, materials, supplies and services in order to take advantage of high-volume purchasing to procure lower costs.

§ 20-308. Recycling Reports From Business and Commercial Establishments. [Ord. 668, 9/12/2007]

Business and commercial establishments in the Township of Darby are required, under Act 101, to recycle and to report annually to the Township of Darby their totals on forms provided by the Township.

¹Editor's Note: Ord. 599, 3/9/1994, added "§ 4a" to Ord. 542, 2/13/1985. Ord. 599 was repealed by Ord. 608, 11/29/1995 (Part 5).

PART 4

DISPOSAL OF SOLID WASTE**§ 20-401. Definitions. [Ord. 555, 6/10/1987, § 1]**

The following terms shall have the following meaning in this Part:

COLLECTOR — Any person collecting or transporting municipal solid waste for owners or occupants of property in the municipality, including the municipality itself if it undertakes the collection of municipal solid waste directly, and any business or institution within the municipality which generates municipal solid waste and uses its own employees and equipment for the collection and transport of the waste.

CONTRACTOR — One or more contractors with whom the Delaware County Solid Waste Authority (hereinafter referred to as "Authority") contracts for construction and operation of the proposed resource recover plant or plants, or other solid waste facilities.

MUNICIPAL SOLID WASTE — Any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semisolid material generated in residential, municipal, commercial, or institutional establishments or material recovery facility or facilities, transfer station or solid waste plants owned by the county or Authority of the contractor, including all associated property and equipment.

MUNICIPALITY — The Township of Darby.

PERSON — Any individual, partnership, association, corporation, or governmental entity, with the exception of the county, Authority or designated contractor.

PLANT — The energy and/or material recovery facility or facilities, transfer station or solid waste plants owned by the county or Authority of the contractor, including all associated property and equipment.

SOLID WASTE FACILITY — Any site owned and operated by the county, the Authority, or its designated contractor for the purpose of transfer, processing, or disposal of municipal solid waste, including landfills, resource recovery plants, and transfer station.

§ 20-402. Prohibitions. [Ord. 555, 6/10/1987, § 2]

It is hereby declared to be unlawful and a public nuisance for any person to accumulate upon any property in this municipality, any municipal solid waste or to dispose of it except in accordance with this Part, and other applicable laws, ordinances or regulations.

§ 20-403. County/Authority Operations and Charges. [Ord. 555, 6/10/1987, § 3]

The municipality has been advised by the county that the solid waste plan proposes to provide for a plant or plants which will be operated efficiently and economically by the contractor and/or by the county and in accordance with all applicable laws and regulations, and also that the contractor and/or the county will impose reasonable charges, which will be uniform among all classes of users of the plant or plants.

§ 20-404. Operations by Licensed Collectors. [Ord. 555, 6/10/1987, § 4]

Except as it pertains to municipal solid waste collected directly by this municipality, all collectors of municipality solid waste generated within the municipality shall be licensed by the municipality and shall be responsible for collecting municipality solid waste from properties in the municipality pursuant to a contract between them and the municipality and/or contracts between them and the owners or occupants of properties.

§ 20-405. Disposal at Designated Site. [Ord. 555, 6/10/1987, § 5]

All collectors shall deliver and dispose of all municipal solid waste collected within the municipality at the solid waste facility designated by the county subject to such reasonable regulations for the operation thereof as may be established by the county and/or contractor. Delivery and disposal at any other place shall be a violation of this Part and cause for revocation of the collector's license, except in special circumstances approved in advance by the municipality and the county and/or contractor. All collectors shall comply in their operation with all applicable laws, ordinances, and regulations pertaining to the collection and transportation of municipal solid waste.

§ 20-406. Private Dumps, Transfer Stations, and Landfills Prohibited. [Ord. 555, 6/10/1987, § 6]

No person shall use or permit to be used any property owned or occupied by him within the municipality as a public or private dump, transfer station, or landfill for municipal solid waste, whether generated within the municipality or elsewhere, without the express written approval of the municipality.

§ 20-407. Penalties. [Ord. 555, 6/10/1987, § 7; as amended by Ord. 572, 10/10/1990]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 20-408. Abatement of Nuisance. [Ord. 555, 6/10/1987, § 8]

In addition to the remedies provided in § 20-407 herein, any continued violation of this Part or other applicable law which shall constitute a nuisance in fact, or which

in the opinion of the governing body of this municipality shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

§ 20-409. Regulations. [Ord. 555, 6/10/1987, § 9]

The collection of municipal solid waste in the municipality and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the governing body of the municipality, including but without limitation regulations as to the form of license application, the amount of fee to be charged for said licenses, and the terms of the licenses and license issuance procedures; provided, however, that no such rules and regulations shall be contrary to the provisions of this Part, the county solid waste plan, or applicable law.

§ 20-410. Amendments; Contracts. [Ord. 555, 6/10/1987, § 10]

The municipality reserves the right to amend this Part or repeal it at any time; provided, however, that the requirement for use of the designated solid waste facility for disposal of municipality solid waste from the municipality shall not be amended or repealed without the prior written approval of the county during the term of the contract between the county (or Authority) and contractor providing for the construction and operation of the plant, which contract shall have a term of 25 years. For the purposes of securing the contractor's financing, such requirement shall be deemed to be a contract between the county, the contractor, and the municipality, which the municipality (subject to the terms of the joint cooperation agreement set forth below) agrees to enforce so that the municipal solid waste from the municipality will be available to provide a source of energy for the plant. If the municipality is not now a collector but in the future it becomes a collector it agrees to deliver all municipal solid waste so collected to the plant.

§ 20-411. Joint Cooperation agreement. [Ord. 555, 6/10/1987, § 11]

1. Municipality agrees to deliver or cause to be delivered during the term of this agreement all municipal solid waste, as defined herein, generated within the municipality for disposal at a facility designated by the county.
2. County agrees to accept for disposal all such municipal solid waste described in Subsection 1 above upon completion and commencement of operation of the plant in accordance with a contract, containing terms satisfactory to the county, with the contractor providing for construction and operation of the plant.
3. The term of this agreement shall be for a period of 25 years, and said term shall commence on January 1, 2017. The municipality at its option may terminate this agreement with 30 days' written notice to the county in the event that the municipality will incur substantial costs over and above the costs generally accepted by the other municipalities in delivering municipal solid waste to the county during the term of this agreement, provided the municipality has first obtained final approval from the Department of Environmental Resources for their own plan under the Act, or an approval from the Department for a modification that brings the municipality under

another plan that has already obtained final approval. It is understood, however, that (upon any such termination of this agreement by the municipality) the county, the Authority, and/or the county's contractor shall be relieved of any responsibility to accept and dispose of municipal solid waste generated within the municipality. It is further understood that any such termination of this agreement by the municipality shall constitute a repeal, whether express or implied, of § 20-412 of this Part. **[Amended by Res. R-2016-01, 1/13/2016]**

4. The county shall hold harmless and defend the municipality from any suit, claim or action challenging the illegality of this Part against the municipality. In the event that any such suit, claim or action is brought against the municipality, the municipality shall authorize the county, through its designated legal counsel, to defend against the same, and the municipality shall cooperate with the county in said defense and shall give the County Solicitor notice of any such suit, claim or action within five days of the municipality's receiving notice thereof.

§ 20-412. Adoption of Solid Waste Management Plan. [Ord. 555, 6/10/1987, § 12]

1. DER has recommended that the requirements of the Solid Waste Management Act can best be accomplished on a county-wide basis.
2. The municipality, by formal resolution dated June 10, 1987, authorized the county to prepare the solid waste management plan on the municipality's behalf.
3. The county, through the staff of its Public Works Department, its Planning Commission, and Charles M. Harris and Associates, Inc., Consulting Engineers, prepared a ten-year plan for solid waste management.
4. The appropriate municipal officials of this municipality have reviewed the findings and recommendations of the plan as it affects this municipality, have found the plan acceptable, and have recommended that the plan be adopted.
5. The municipality, accordingly, hereby accepts and adopts the solid waste management study prepared by the county as the ten-year plan for solid waste management required by the Act.
6. The county is hereby authorized to submit the plan to DER for the final approval on behalf of the municipality.

§ 20-413. Effective Date. [Ord. 555, 6/10/1987, § 13]

This Part shall become effective June 10, 1987. Notwithstanding the foregoing, this municipality shall have neither the right nor the obligation to dispose of its

municipal solid waste at the plant which is contemplated under this Part until said plant is constructed and fully operational.

PART 5

REGULATING AND LICENSING REFUSE CONTAINERS

§ 20-501. Prohibition. [Ord. 669, 9/12/2007; as amended by Ord. 683, 12/9/2009]

It is prohibited for any person, firm, corporation or entity to place any container on any of the following surfaces, including but not limited to streets, lots, driveways, aprons, and any other surfaces, within the Township of Darby unless first obtaining a permit from the Township.

§ 20-502. Application. [Ord. 669, 9/12/2007; as amended by Ord. 715, 12/10/2014]

Application forms shall be supplied by the Township and issued by the Township Manager. Upon approval, the container may be placed on the street or other parking surface for the time frame stated on the application, unless an extension has been applied for and approved by the Township.

§ 20-503. Permits. [Ord. 669, 9/12/2007]

Permits must be available for all Township inspectors and police to review at any given time while work is being done.

§ 20-504. License Fee. [Ord. 669, 9/12/2007; as amended by Ord. 689, 12/8/2010; and by Ord. 711, 12/4/2013]

1. The container fee shall be \$50 for five days and \$25 for each additional day.
2. Double Fees. In case any work for which a permit required by this Ordinance is started or proceeded with prior to obtaining same permit, the fee specified in this section of this Ordinance shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Ordinance in the execution of the work, nor from any other penalties prescribed herein.

§ 20-505. Times. [Ord. 669, 9/12/2007]

No container may be placed or picked up before 7:00 a.m. or after 7:00 p.m.

§ 20-506. Insurance. [Ord. 669, 9/12/2007]

Before any permit is issued, a certificate of insurance must be provided to the Township showing general liability in the amount of \$100,000.

§ 20-507. Penalties. [Ord. 669, 9/12/2007; as amended by Ord. 715, 12/10/2014]

Any person, firm or corporation placing a container on any street or parking surface on any street in Darby Township without the required permit shall be issued a

citation for the offense and, upon conviction thereof before a Magisterial District Justice for the Township of Darby, shall be liable for a fine of not more than \$1,000, and in default thereof, shall be sentenced to the county jail for a period not exceeding 30 days. Each violation shall constitute a new violation for each day.

§ 20-508. Confiscation of Container. [Ord. 669, 9/12/2007]

Any contractor who is found guilty before a Magisterial District Justice of violating any provision of this Part may cause the container(s) to be confiscated, and the cost of the removal of such container and storage thereof shall be paid in full by the owner of the container, including all fees and court costs.

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STREETS AND SIDEWALKS**

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PART 1

STREET EXCAVATION

§ 21-101. Definitions. [Ord. 481, 3/10/1976, § 1]

1. The following words, when used in this Part, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

PERSON — Any natural person, partnership, firm, association or corporation.

STREET — Any public street, avenue, road, square, alley, highway or other public place located in the Township of Darby and established for the use of vehicles.

2. In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 21-102. Excavation Location Restricted. [Ord. 481, 3/10/1976, § 2]

It shall be unlawful for any person to open or to make any excavations of any kind in any street in the Township of Darby except in and upon those portions thereof established for the use of vehicles.

§ 21-103. Permit Required. [Ord. 481, 3/10/1976, § 3]

It shall be unlawful for any person to open or to make any excavations of any kind in any of the streets in the Township of Darby without first securing a permit therefor, as hereinafter provided.

§ 21-104. Application. [Ord. 481, 3/10/1976, § 4]

1. Any person who shall desire to make any opening or excavation in any of the streets in the Township of Darby shall make application to the Township Secretary or his designee, in writing, for the purpose. Such application shall be made upon blanks to be furnished by the Township and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Township and the laws of the commonwealth in relation thereto and that the applicant shall well and truly save, defend and keep harmless the Township from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any matter, cause or thing relating thereto.

2. Before any permit can be issued for a street opening, the contractor or utility company shall have the sanitary sewer line videoed before and after the project and provide the Township with a copy of the tape or disk. **[Added by Ord. 701, 4/11/2012]**

§ 21-105. Fee. [Ord. 481, 3/10/1976, § 5; as amended by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. Before any permit shall be issued to open or excavate any street in the Township, the applicant shall pay to the Township Secretary a permit fee in the minimum amount of \$85 base fee, plus \$50 for less than 36 square feet. When applications shall be made to open or excavate any opening or excavation in excess of 36 square feet, before any permit shall be issued to so open or excavate, the applicant shall pay, in addition to such minimum fee, an additional fee at the rate of \$75, plus an additional \$75 for any opening in excess for every 100 linear feet. **[Amended by Ord. 711, 12/4/2013]**
2. Double Fees. In case any work for which a permit required by this code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with requirements of this code in execution of the work nor from any other penalties prescribed herein.

§ 21-106. Surface Restoration. [Ord. 481, 3/10/1976, § 6]

Any person who shall open or excavate any improved street in the Township shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavating; and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania, which are hereby adopted as specifications of the Township for the purpose of restoration of surfaces of streets in the Township; as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If, within two years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Township for the cost of all necessary repairs to the permanent paving.

§ 21-107. Property Owner's Responsibility. [Ord. 481, 3/10/1976, § 7]

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Roadmaster, provided that the Roadmaster may require that cutting of the surface of improved streets and the backfilling of all excavations therein shall be done by the Township, and a charge therefor shall be paid by the applicant on the basis of the actual costs of the work plus 20%.

§ 21-108. Excavation Restrictions. [Ord. 481, 3/10/1976, § 8; as amended by Ord. 696, 7/13/2011]

1. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
2. No more than 300 feet longitudinally shall be opened in any street at any one time.
3. The work of excavation shall be so conducted as not to interfere with the water mains, sewers, or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with said subsurface lines or constructions shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Township Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Township Engineer or an inspector designated by him and shall be done only in a method approved by him.
5. All openings or excavations shall be backfilled promptly with suitable material and thoroughly compacted in layers, each of which shall not exceed eight inches in depth. On improved streets, the backfilling shall be placed to within 10 inches of the surface.
6. On improved streets, a temporary paving in suitable stone materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.
7. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices; and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Township from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipes, apparatus, conduits, or any other matter placed in said excavation.
8. The applicant shall notify the Township Roadmaster when the opening or excavation is ready for backfilling, before any backfilling is done and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets.
9. In the event that any work performed by or for a permit holder shall, in the opinion of the Roadmaster, be unsatisfactory and the same shall not be

corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Township Secretary, the Township may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20%, to the applicant.

10. Paving Restoration.

A. Temporary.

- (1) After completion of trench backfill and compaction, place an eight-inch layer of select material in two lifts and compact.
- (2) Place a two-inch course of temporary bituminous material and compact with a roller weighing not less than eight tons. The temporary paving shall be maintained to provide a firm and level road surface until such time that permanent restoration is completed.
- (3) The temporary paving shall remain for a period of at least one month or as directed.

B. Permanent.

- (1) After expiration of the one-month period or as directed, the paving shall be mechanically cut back 12 inches from the edge of the trench. The area shall be excavated to a depth of eight inches, and the subgrade shall be compacted. All excavated material shall be removed from the site.
- (2) Place a minimum six-inch layer of bituminous concrete base course in two lifts of three inches each. Compact each lift with a roller weighing not less than eight tons.
- (3) Place a two-inch layer of wearing course and compact with a roller weighing not less than eight tons.
- (4) All joints in the paving shall be sealed with a twelve-inch wide strip of asphalt sealer applied by pressure distribution. The sealer shall be coated with sand or cement to allow traffic movement over point.
- (5) All striping and pavement markings shall be restored.

11. General Requirements.

- A. If the permittee opens pavement having a bituminous concrete surface and the wearing course is less than eight years old, the permittee shall mill and overlay the entire width of the street in that part of the block in which the opening(s) was (were) made, with the length of the

overlay to be determined by the Township Engineer, so that the street is repaved and not patched.

- B. If the permittee opens pavement having a bituminous concrete surface, regardless of the age of the wearing course, the permittee shall mill and overlay the lane width of the street in that part of the block in which the opening(s) was (were) made, with the length of the overlay to be determined by the Township Engineer, so that the street is repaved and not patched, in accordance with any one of the following conditions:
- (1) If more than 100 linear feet of longitudinal or transverse openings, or both, are made in the pavement and the pavement has not been impaired by any openings or defects.
 - (2) If four or more openings are made by the same permittee with 100 linear feet of pavement.
 - (3) If the trench width is more than 1/3 of the roadway width. The trench width measurement shall include the required twelve-inch cutback from the edge of the trench.

§ 21-109. Emergency Excavations. [Ord. 481, 3/10/1976, § 9]

In the case of any leak, explosion, or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that application for the permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Township Roadmaster, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of costs plus 20% to such owner or person.

§ 21-110. Notice; Reexcavation. [Ord. 481, 3/10/1976, § 10; as amended by Ord. 696, 7/13/2011]

The Township Secretary shall give timely notice to all persons owning property abutting on any street within the Township about to be paved or improved and to all public utility companies operating in the Township; and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street, within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Township Board of Commissioners. New paving shall not be opened for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency having necessity for the opening of such paving to be determined by the Board of Commissioners.

§ 21-111. Gas and Water Mains. [Ord. 481, 3/10/1976, § 11]

No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the Township until the exact location thereof and the plan therefor shall have been first approved by the Board of Commissioners of the Township.

§ 21-112. Payment for Work. [Ord. 481, 3/10/1976, § 12]

Payment for all work done by the Township by the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Township. Upon failure to pay such charges within such time, the same shall be collectable by the Township in the manner provided by law for the collection of municipal claims.

§ 21-113. Penalties. [Ord. 481, 3/10/1976, § 13; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 21-114. Applicability. [Ord. 481, 3/10/1976, § 14]

The provisions of this Part shall not apply to lanes, sidewalks or curbs or the planting poles.

PART 2

CURBS, GUTTERS AND SIDEWALKS**§ 21-201. Ground and Curb Improvement. [Ord. 422, 6/3/1970, § 1]**

From and after the passage of this Part, every person owning ground fronting or abutting upon any street in said Township, which is or shall be brought to the established grade, shall grade and pave the ground and construct curbs and gutters at the edge of sidewalks, in accordance with the provisions of this Part, and with the established lines and grades to be furnished by the Township Engineer, within 30 days after receiving the notice provided for in § 21-204 of this Part, or after service of such notice as hereinafter provided.

§ 21-202. Sidewalk Improvement. [Ord. 422, 6/3/1970, § 2]

It shall be the duty of all owners of ground fronting or abutting on any street in the Township of Darby to keep their sidewalks in good repair and passable condition, whether such sidewalks are at the established grade or not; and when notified to do so, they shall make all necessary repairs within 30 days after receipt of a notice as is required by § 21-204 of this Part or after the service of such a notice as hereinafter provided. When sidewalks are in a dangerous condition, they shall be temporarily repaired and rendered safe within 24 hours after the receipt of a notice to that effect, or after the service of such a notice, served as hereinafter provided, which notice shall be signed by the Building Inspector; and on failure of the owner or owners to comply with the notice, the Township shall have the necessary temporary repairs made, and the proper Township authorities shall collect the cost of the work and the materials from the owner or owners of such ground as such claims are by law recoverable.

§ 21-203. Improvements Adjacent to Existing Streets. [Ord. 422, 6/3/1970, § 3]

When any street is or shall be brought to the established grade, and it is found that the sidewalks, curbs and gutters already constructed do not conform to the established grade or width, or with the requirements of this Part, it shall be the duty of the owner or owners of the ground fronting or abutting on such sidewalks to repave or correct such sidewalks, curbs and gutters in accordance with the proper lines and grades and with the provisions of this Part, within 30 days after the receipt of a notice to that effect, or after the service of such notice served as hereinafter provided.

§ 21-204. Notice. [Ord. 422, 6/3/1970, § 4]

All notices directing and requiring the grading, paving, repaving, correcting or repairing of sidewalks or the construction, correcting or repairing of curbs and gutters at the edge of sidewalks shall be printed or written and shall specify the width to be paved and the location to which such notice refers by leaving the same at his place of residence or, if he has no residence in the Township, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address.

§ 21-205. Township May Do Work. [Ord. 422, 6/3/1970, § 5]

If any person or persons shall neglect or refuse to grade, pave, repave or repair any sidewalk, or to construct, correct or repair any curb or to keep the same in repair pursuant to notice given as above mentioned, for the space of 30 days after the receipt of a notice as required by this Part, or service of the same as hereinbefore provided, the said Township Board of Commissioners shall forthwith cause such grading, paving, repaving and repairing of sidewalks and such construction, correcting and repairing of curbs and gutters to be done, and the proper Township authorities shall collect the cost of the same, and in addition may collect a penalty of 10% from the owner or owners of such property by action in assumpsit or by filing a municipal lien against the property.

§ 21-206. Cost Recovery. [Ord. 422, 6/3/1970, § 6]

Whenever any sidewalk, curb or gutters shall be out of repair, like proceedings shall be in all respects, and like recovery of the cost of such repairs shall be had from the owner or owners of such ground abutting thereon, as hereinbefore provided for, as in the case of grading, paving, repaving, repairing, curbing or guttering.

§ 21-207. Encroachments. [Ord. 422, 6/3/1970, § 7]

It shall not be lawful for the owner or owners of any property to place, allow or maintain any encroachment upon the sidewalk fronting or abutting on such property, such as a porch, extension, steps, railings, fences, hedges or excavations for a basement, cellar windows or cellar doors, unless provided with protecting grating; or to place or allow any sign or branches of trees at less than a clear height of nine feet above any sidewalk; provided that, in case of young trees, the branches thereof under nine feet shall be permitted to extend over the sidewalk a distance of not more than three feet from either the building line or the curblines.

§ 21-208. Permit Required. [Ord. 422, 6/3/1970, § 8]

Hereafter it shall be unlawful for any person, firm or corporation to lay, construct or repair any sidewalk, curb or gutter, on any Township street, road or highway, without having first procured a permit therefor from the Building Inspector of the Township.

§ 21-209. Inspection. [Ord. 422, 6/3/1970, § 9]

All persons, firms or corporations laying, constructing or repairing sidewalks, curbs and gutters on Township streets, roads or highways, or property abutting thereon, shall lay, construct and repair said sidewalks, curbs and gutters in accordance with specifications formulated by the Building Inspector of the Township of Darby, whose duty it shall be to inspect the laying and construction or repair of all sidewalks, curbs and gutters on Township streets, roads or highways or properties abutting thereon.

§ 21-210. Fee. [Ord. 422, 6/3/1970, § 10; as amended by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. The charge for said permit shall be at the rate of \$50 for the first \$1,000 of cost or fraction thereof, and \$25 for each additional \$1,000 of cost or fraction thereof; and provided, further, that no charge shall be made for a permit for any work of eight linear feet or less; and that the permit fee shall be paid to the Township Treasurer for the use of the Township of Darby. **[Amended by Ord. 711, 12/4/2013]**
2. Double Fees. In case any work for which a permit required by this code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.

§ 21-211. Permits. [Ord. 422, 6/3/1970, §§ 11-13]

1. Any persons, firm or corporation laying, constructing or repairing sidewalks, curbs or gutters on Township streets, roads or highways or property abutting thereon without first obtaining a permit therefor, or laying, constructing or repairing said sidewalks, curbs and gutters contrary to Township specifications, shall be deemed guilty of a violation of this Part.
2. All persons, firms or corporations applying for a permit provided as above, upon payment of the proper permit fee, shall be furnished with a copy of the Township specifications for the laying and constructing of sidewalks, curbs and gutters in the Township of Darby, Delaware County, Pennsylvania.
3. Applications for permits required by this Part shall be made to the Building Inspector of Darby Township.

§ 21-212. Penalties. [Ord. 422, 6/3/1970, § 14; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 3

SNOW AND ICE REMOVAL

§ 21-301. Removal of Snow, Ice and Hail; Responsibility. [Ord. 693, 1/12/2011]

It shall be unlawful for any person, association, firm, partnership or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Township to fail to remove from the sidewalk abutting said property all snow, ice, hail or sleet within 24 hours after the same shall have ceased to fall thereon and to keep said sidewalks free and clear of all snow, ice, hail or sleet thereafter. In the case of multiple-tenant premises, it shall be the duty of the owner to remove the snow, ice, hail or sleet, notwithstanding any contracts and/or agreements between the owner and tenants to the contrary.

§ 21-302. Depositing on Street or Alley Unlawful. [Ord. 693, 1/12/2011]

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Township, in removing said snow, ice, hail or sleet as set forth in § 21-301 hereof, to deposit same on the traveled cartway of any dedicated or undedicated public street or alleyway within the Township.

§ 21-303. Fire Hydrants to Remain Visible and Accessible. [Ord. 693, 1/12/2011]

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Township, in removing said snow, ice, hail or sleet as set forth in § 21-301 hereof, to deposit same in such a manner as to do any of the following:

- A. Obscure visibility of any fire hydrant.
- B. Obstruct or impede access to any fire hydrant.

§ 21-304. Vehicles on Streets During Snow Emergencies. [Ord. 693, 1/12/2011]

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity to permit a vehicle, recreational vehicle, boat, trailer, or vehicle in or on which a person or thing is or may be carried from one place to another, to stand unattended upon streets dedicated to public use once a snow emergency by the Township, the County of Delaware or the Commonwealth of Pennsylvania has been declared. Any vehicle described above remaining on said streets after a snow emergency has been declared shall be towed at the owner's expense and, in addition, shall be subject to the penalties of § 21-305 of this Part 3.

§ 21-305. Violations and Penalties. [Ord. 693, 1/12/2011]

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning or possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Township to violate any provision of this Part 3; and any such person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Township so violating any provision herein shall, upon conviction in a summary proceeding before a District Justice, be subject to a fine of not more than \$300 and/or imprisonment for up to 90 days for each offense. For the purpose of this Part 3, each day's violation of the provisions hereof shall be deemed to be a separate offense and subject to the penalties herein.

§ 21-306. Municipal Liens and Enforcement. [Ord. 693, 1/12/2011]

1. Any matters referred to herein as being unlawful shall be declared to be nuisances and removable as such. If the cost of such removal is not promptly paid, a municipal lien may be filed therefor or at such cost otherwise collected as authorized by law.
2. Police officers, building inspectors, fire marshals, health officers, code enforcement officers, the Township Manager or any other designated officer of the Board of Commissioners of the Township of Darby shall be empowered to enforce any and all aspects of this Part 3.

§ 21-307. Repealed. [Ord. 693, 1/12/2011]

Any ordinance or part of an ordinance in conflict with this Part 3 shall be and is hereby repealed to the extent of the conflict of same.

PART 4

STREET AND SIDEWALK OBSTRUCTIONS

§ 21-401. Definitions. [Ord. 616, 9/11/1996, § 1]

As used in this Part, the following words or terms shall have the meanings indicated hereinafter:

PERSON — Any natural person or individual, association, partnership, firm, corporation or any other legal entity.

PUBLIC SIDEWALK — Any paved or other area created primarily for public pedestrian traffic.

PUBLIC STREETS — Any paved or other area of any public thoroughfare (street, avenue, road, square, alley, highway and/or other public place) created primarily for public vehicular traffic.

TOWNSHIP — The Township of Darby.

§ 21-402. Prohibitions. [Ord. 616, 9/11/1996, § 2]

It shall be unlawful for any person to erect and/or place, in any manner, any portable or fixed basketball upright/basket and/or other athletic/sporting equipment on or over any public sidewalk and/or public street within the Township.

§ 21-403. Notice. [Ord. 616, 9/11/1996, § 3]

In addition to the penalty set forth hereinafter, the Township shall have the right to require any person who has erected and/or placed any portable or fixed basketball upright/basket and/or other athletic/sporting equipment on or over any public sidewalk and/or public street within the Township in violation of this Part to immediately remove the same at such person's own cost and expense. Such notification by the Township can be either verbal or written.

§ 21-404. Township Rights. [Ord. 616, 9/11/1996, § 4]

Any person who has received any verbal or written notice set forth in § 21-403 of this Part shall immediately remove such portable basketball upright/basket and/or other sporting equipment at his, her, their or its sole cost and expense. If such person shall fail, refuse and/or neglect to immediately do so, the Township shall have the right to immediately remove the offending basket upright/basket and/or other athletic/sporting equipment at the sole cost and expense of such person. The Township shall have the right to collect such costs and expenses from the offending person in any manner provided by law.

§ 21-405. Penalties. [Ord. 616, 9/11/1996, § 5]

Any person who shall violate any provision of this Part shall, upon conviction before any District Justice having jurisdiction, be punished by a fine of not more than \$300, and all costs of such proceeding, or in default thereof, by imprisonment in the county jail for a term of not more than 90 days. Each and every violation of this Part and each day's failure to comply with any provision of this Part shall constitute a separate offense.

PART 5

TRENCH BACKFILL AND RESTORATION REGULATIONS**§ 21-501. General Regulations. [Res. 97-6, 6/11/1997, Part 1]**

1. Description.
 - A. Work Included. Backfill, compact and restore utility trenches to match the existing elevations as specified herein and as needed to meet the requirements of other local codes.
2. Quality Assurance.
 - A. Use an adequate numbers of skilled workmen, including supervisory personnel, who are thoroughly trained and experienced in the necessary crafts and who are completely familiar with the specified requirements and the methods needed for the proper performance of the work.
 - B. Use equipment adequate in size, capacity and number to accomplish the work in a timely manner.
 - C. Comply with requirements and directions of governmental agencies having jurisdiction.

§ 21-502. Materials. [Res. 97-6, 6/11/1997, Part 2]

1. Backfill Materials.
 - A. Suitable Material.
 - (1) Suitable material is that material removed from the excavation or imported from off-site borrow areas subject to the approval of the Board of Commissioners.
 - (2) Provide soil materials free from organic matter, debris and deleterious substances, containing no rocks or lumps over six inches in greatest dimension, and with no more than 15% of the rock or lumps larger than two inches in their greatest dimension.
 - (3) Provide material meeting the following specifications:
 - (a) Required density, percentage of standard proctor:
 - 1) Within top two feet: 95%.
 - 2) Below top two feet: 90%.

- (b) Tolerable range of moisture about optimum: 2%.
- (c) Minimum California bearing ratio: five.
- (d) For clay materials, compaction moisture and density shall be determined through material testing to minimize expansion and to provide the required CBR value.

B. Select Material.

- (1) If suitable material is unavailable or unacceptable, provide select material (2RC) consisting of durable bank or crushed gravel, stone or slag, mixed or blended with suitable filler materials to provide a uniform mixture.
- (2) Use material free from vegetation, organic matter, lumps, excessive clay, foreign substances and not more than 10% of deleterious shale by weight.
- (3) Material shall conform to the following gradation, determined in accordance with PTM No. 619:
 - (a) Passing two-inch sieve: 100%.
 - (b) Pass No. 4 sieve: 15% to 60%.
 - (c) Passing No. 100 sieve: 0% to 30%.

2. Bituminous Material.

- A. Bituminous Concrete Base Course. All material shall conform to PennDOT Publication 408, latest edition, § 305.
- B. Bituminous Wearing Course ID-2 (Standard). All material shall conform to PennDOT Publication 408, latest edition, § 420.
- C. Other Bituminous Materials. All material shall conform to PennDOT Publication 408, latest edition.

§ 21-503. Execution. [Res. 97-6, 6/11/1997, Part 3]

- 1. Surface Conditions. Upon completion of utility work, examine the work area and conditions and correct any detrimental conditions. These shall include but not be limited to trench dewatering, removal of unstable soils and removal of debris.
- 2. Backfilling.
 - A. Placing and Compacting.

- (1) Place backfill material in level horizontal layers not more than eight inches in loose depth.
- (2) Before compacting, moisten or aerate each layer as necessary to provide the optimum moisture content.
- (3) Compact each layer to the required percentage of maximum density as follows:
 - (a) Within top two feet: 95%.
 - (b) Below top two feet: 90%.
- (4) Do not place backfill on surfaces that are muddy or frozen or that contain frost or ice. Do not use backfill that is frozen or contains ice.
- (5) Place backfill evenly adjacent to structures. Take care to prevent wedging action of backfill against structures by carrying material uniformly around the structure.
- (6) Place backfill material to within 12 inches of the adjacent paving elevation.

3. Paving Restoration.

A. Temporary.

- (1) After completion of trench backfill and compaction, place an eight-inch layer of select material in two lifts and compact.
- (2) Place a two-inch course of temporary bituminous material and compact with a roller weighing not less than eight tons. The temporary paving shall be maintained to provide a firm and level road surface until such time as permanent restoration is completed.
- (3) The temporary paving shall remain for a period of at least one month or as directed.

B. Permanent.

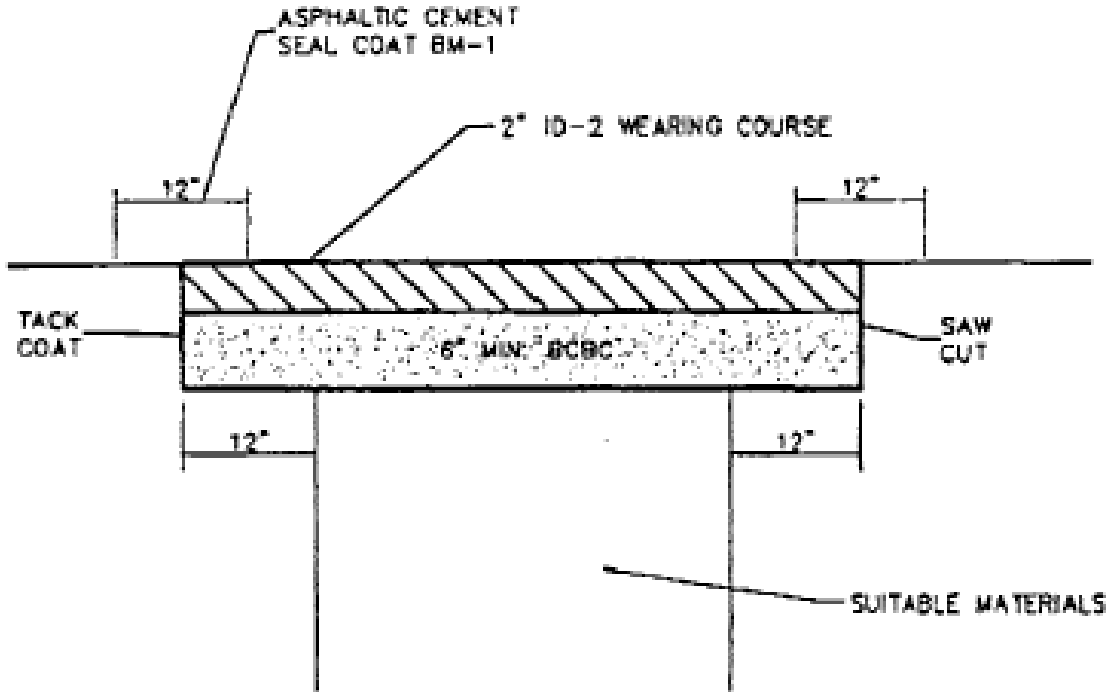
- (1) After expiration of the one-month period or as directed, the paving shall be mechanically cut back 12 inches from the edge of the trench. The area shall be excavated to a depth of eight inches, and the subgrade shall be compacted. All excavated material shall be removed from the site.
- (2) Place a minimum six-inch layer of bituminous concrete base course (BCBC) in two lifts of three inches each. Compact each lift with a roller weighing not less than eight tons.

- (3) Place a two-inch layer of ID-2 wearing course and compact with a roller weighing not less than eight tons.
 - (4) All joints in the paving shall be sealed with a twelve-inch-wide strip of AC-20 sealer applied by pressure distribution. The sealer shall be coated with sand or cement to allow traffic movement over the joint.
 - (5) All striping and pavement markings shall be restored.
4. Traffic and Maintenance Protection.
- A. All traffic control shall be in accordance with PennDOT Publication 203.
 - B. No road closures or detours shall be established without approval of the appropriate agency.
 - C. All trenches left below the existing road surface shall be protected by a steel plate to allow unimpeded traffic flow.

STREETS AND SIDEWALKS

21 Attachment 1

Township of Darby



1. PAINT MARKING OF PAVEMENT RESTORATION REQUIRED.
2. EXPOSED VERTICAL AND HORIZONTAL SURFACES SHALL BE PREPARED AS PER PUB. 408, SECT. 401.3(f)

PAVEMENT RESTORATION

N.T.S.

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

(Consult the Delaware County Ordinance)

CHAPTER 23
SWIMMING POOLS

PART 1
GENERAL REGULATIONS

- § 23-101. Definitions.
- § 23-102. Permit Required.
- § 23-103. Permits.
- § 23-104. Permit Fees.
- § 23-105. Approval of Plot Plan, Plans and Specifications.
- § 23-106. Construction and Maintenance.
- § 23-107. Water Supply.
- § 23-108. Location.
- § 23-109. Fencing.
- § 23-110. Other Regulations.
- § 23-111. Enforcement.
- § 23-112. Appeals.
- § 23-113. Penalties.

PART 1

GENERAL REGULATIONS

§ 23-101. Definitions. [Ord. 421, 7/1/1970, § 1]

Unless otherwise expressly stated, the following words shall, for the purpose of this Part, have the meanings herein indicated:

FENCE — An enclosure. Such enclosure shall be at least four feet in height, constructed of masonry, wood or metal, with apertures no larger than three inches, equipped with a self-closing gate and complete with a key-operated lock.

FRONT YARD — The area of a lot lying between the street and the dwelling extending across the full width of the lot, and, in the case of a corner lot, extending the full depth of the lot.

PRIVATE SWIMMING POOL — Any body of water, tank, pond, or other receptacle for water containment, whether artificially or semi-artificially constructed, or portable, having a depth at any point of 18 inches or over, or containing over 750 gallons of water; used, or intended to be used, for swimming or bathing by the owner, his family, his tenants and guests of the residents, and constructed, installed, established or maintained in or outside of any building, in or above the ground, on any premises as an accessory use to the residence. Any pools under 18 inches in depth or with a capacity less than 750 gallons of water are excluded herefrom.

§ 23-102. Permit Required. [Ord. 412, 7/1/1970, § 2]

It shall be unlawful for any person to construct, install, establish or maintain, or alter, remodel or reconstruct a private swimming pool, as herein defined, without having obtained a permit therefor in the manner prescribed in § 23-103 herein.

§ 23-103. Permits. [Ord. 421, 7/1/1970, § 3]

Application for a permit shall be submitted to the Township Building Inspector, together with a set of plans and specifications setting forth the details, area and depth of the proposed construction, alteration or remodeling, in all of its parts, together with a plot plan showing the location of the pool on the lot, the location of buildings on the lot, the fencing, existing and planned, and the height and aperture dimensions thereof, and all open spaces required by this Part, drawn to scale and dimensions. Applications shall be made on forms supplied by the Building Inspector.

§ 23-104. Permit Fees. [Ord. 421, 7/1/1970, § 4; as amended by Ord. 573, 11/26/1990; by Ord. 577, 10/9/1991; by Ord. 601, 3/9/1994; by Ord. 630, 12/9/1998; and by Ord. 689, 12/8/2010]

1. An application fee of \$200, plus \$150 per \$1,000, or fraction thereof, of cost of construction, alternation or remodeling will be required. **[Amended by Ord. 711, 12/4/2013]**
2. Double Fees. In case any work for which a permit required by this code is started or proceeded with prior to obtaining said permit, the fee specified in this section of this code shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.

§ 23-105. Approval of Plot Plan, Plans and Specifications. [Ord. 421, 7/1/1970, § 5]

1. The Building Inspector shall make such determinations of the plans and specifications submitted to assure compliance with all requirements of this Part, the Building and Plumbing Codes, and the Darby Township Zoning Code. All pools with a capacity of 10,000 gallons or over must obtain a special exception from the Township Zoning Hearing Board. All plans and specifications of pools of this capacity must be signed by a registered architect or a professional engineer.
2. The Building Inspector shall determine the method and manner of emptying all pools, but no swimming pool of any type can be emptied into or be connected to a sanitary sewer system.

§ 23-106. Construction and Maintenance. [Ord. 421, 7/1/1970, § 6]

All private swimming pools shall be constructed of materials so that they shall be waterproof and easily cleaned. Construction and design shall be such that they may be maintained and operated as to be clean and sanitary at all times. The owner of every private swimming pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing onto adjacent property. Footings shall be provided if required by Township Building Inspector.

§ 23-107. Water Supply. [Ord. 421, 7/1/1970, § 7]

There shall be no physical connection between a portable public or private water supply system and private swimming pools at a point below the maximum waterline of the pool or to a recirculating or heating system of said pool.

§ 23-108. Location. [Ord. 421, 7/1/1970, § 8]

No private swimming pool shall be constructed nearer than five feet to a property line, nor eight feet to a cellar or basement, nor shall it be constructed or placed in

the front yard of such property. Exceptions may be granted on locating private swimming pools in a front yard when approved by the Township Building Committee. Accessory buildings such as locker rooms, bathhouses, cabanas, shower rooms, toilets and other physical facilities or equipment incident to the operation of any private swimming pool shall conform to the requirements of the Township Building, Plumbing, and Zoning Codes.

§ 23-109. Fencing. [Ord. 421, 7/1/1970, § 9; as amended by Ord. 662, 3/8/2006]

1. Every private swimming pool shall be completely surrounded by a fence, as described in § 23-101. Every person maintaining a private swimming pool shall keep the gate closed and securely locked at all times when said pool is not in use by the person maintaining the same, his family or his guests. Within 30 days after the effective date of this Part, any person maintaining a private swimming pool within the limits of Darby Township, which has been constructed prior thereto, shall erect a fence surrounding his pool.
2. When a pool is removed, the six-foot fence must be lowered to a maximum of four feet.

§ 23-110. Other Regulations. [Ord. 421, 7/1/1970, § 10]

1. Lighting. No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties.
2. Vacant Residences. All private swimming pools shall be drained and maintained free of water during the period that the property is vacant, and the required fence shall at all times be secured and kept in proper repair by the owner.
3. Electrical Equipment. Construction, installation and use of electrical equipment and wiring in or adjacent to a swimming pool is to comply with the Electrical Code of Darby Township.

§ 23-111. Enforcement. [Ord. 421, 7/1/1970, § 11]

1. Every private swimming pool constructed, installed, established or maintained or to be constructed, installed, established or maintained in the Township of Darby shall at all times comply with the requirements of the Board of Health. Any nuisance or hazard to health which may exist or develop in, or in consequence of, or in connection with, any such private swimming pool shall be abated and removed by the owner, lessee or occupant of the premises on which said pool is located within 10 days of receipt of notice from the Building Inspector or the Health Officer of the Township of Darby. It shall be the duty of the Building Inspector and the Board of Health, respectively, to enforce the provisions of this Part.

2. The Building Inspector and/or Board of Health or any of their assistants or deputies shall have the right to enter any premises or any building or other structure for the performance of their duties to ascertain compliance with this Part.

§ 23-112. Appeals. [Ord. 421, 7/1/1970, § 12]

Whenever the owner of any private swimming pool about to be, or in the course of being, erected or altered takes exception to the decision of the Building Inspector in refusing to approve the issuance of a permit, or in refusing to approve the manner of construction, or the kinds of materials to be used in the construction, or alteration, or to his decision as to its safety or its compliance with the provisions of this Part, such owners or their duly authorized attorney or agent may, within 10 days after such decision, take an appeal therefrom to the Committee on Building Regulations of the Board of Township Commissioners. Such appeal shall be in writing, shall state the decision of the Building Inspector and the reasons for the exception taken thereto, shall be verified by affidavit, and shall be filed with the Township Secretary. The person appealing shall have the right to appear and to be heard within 15 days from the filing of the appeal, if he states his desire so to do in his written appeal. A prompt decision of such appeal shall be made by the Committee on Building Regulations or the Board of Commissioners within 15 days and shall be duly recorded, and the decision shall be final.

§ 23-113. Penalties. [Ord. 421, 7/1/1970, § 13; as amended by Ord. 572, 10/10/1990]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

CHAPTER 24
TAXATION, SPECIAL

Part 1

Amusement Admissions

- §101. Definitions**
- §102. Imposition of Tax**
- §103. Collection of Tax**
- §104. Payment of Tax Due; Report to be Submitted**
- §105. Rate of Tax**
- §106. Penalty; Tax**
- §107. Penalties**
- §108. Charitable Organizations; Exempt**
- §109. Applicability**
- §110. Severability**

Part 2

Business Privilege Tax

- §201. Short Title**
- §202. Definitions**
- §203. Imposition of Tax**
- §204. Returns**
- §205. License**
- §206. Posting**
- §207. Penalties**
- §208. Duties of the Tax Administrator and Treasurer**
- §209. Confidential Nature of Returns, Etc.**
- §210. Suit on Collection and Penalty**

Part 3

(Reserved)

Part 4

Local Services Tax

- §401. Definitions**
- §402. Levy of Tax**

TAXATION, SPECIAL

- §403. Exemptions and Refunds
- §404. Duty of Employers to Collect
- §405. Returns
- §406. Dates for Determining Tax Liability and Payment
- §407. Self-Employed Individuals
- §408. Individuals Engaged in More Than One Occupation or Employed in More Than One Political Subdivision
- §409. Nonresidents Subject to Tax
- §410. Administration of Tax
- §411. Suits for Collection
- §412. Violations and Penalties
- §413. Interpretation

Part 5

Per Capita Tax

- §501. Imposition of Tax
- §502. Collection
- §503. Tax Collector
- §504. Discounts and Penalties
- §505. Definitions
- §506. Exemptions
- §507. Tenant Registration
- §508. Penalties

Part 6

Realty Transfer Tax

- §601. Imposition of Tax
- §602. Administration
- §603. Interest
- §604. Effective Date

Part 7

Taxpayer Bill of Rights

- §701. Taxpayer Bill of Rights

Part 1

Amusement Admissions

§101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ADMISSION — the monetary charge, of any character whatsoever, including stated charges, donations, contributions charged or paid or inserted into machines primarily for the privilege of attending or engaging in amusements as hereinafter defined.

AMUSEMENT — all manner and form of entertainment including, inter alia, the following; theatrical performances, motion picture exhibitions, carnivals, circuses, concerts, musical review, sporting events or recreation; juke boxes, pin ball machines, pool or billiard type devices or machines, and any other form of mechanical and/or electronic device, coin operated or otherwise for which admission is charged or paid; provided that amusement shall not include any form of entertainment in conjunction with the serving of food, and/or beverages where the charge for admission is based solely upon the value of the food and beverages served.

PLACE OF AMUSEMENT — the area (whether) indoors or out-of-doors, building, room or location where the amusement is conducted or takes place.

PERSON — natural persons, firms, associations, partnerships and corporations.

(Ord. 451, 4/3/1974, §1)

§102. Imposition of Tax.

A tax is hereby imposed for general Township purposes at the rate of 10% of the amount paid for admission to any place of amusement within the Township of Darby for the year 1974.

(Ord. 451, 4/3/1974, §2)

§103. Collection of Tax.

The person conducting the amusement shall be responsible for collecting the tax from all persons attending the amusement and paying over the same to the Township Treasurer.

(Ord. 451, 4/3/1974, §3)

§104. Payment of Tax Due; Report to be Submitted.

Any person conducting an amusement within the Township shall file with the Township Treasurer and Secretary within 24 hours of such event a full and accurate report of all amounts charged or paid for admission thereto on a form to be supplied by the Township, which report shall be accompanied by the full amount of tax due; provided however, that any person who regularly and continuously operates a place of amusement within the Township shall be deemed to be in compliance with this Part if he shall file with the Township Treasurer and Secretary for each calendar month within 10 days after the close thereof, a report in a form supplied by the Township setting forth therein the total admissions received by him or his agents during such month and at the same time pay over to the Township Treasurer the tax due.

(Ord. 451, 4/3/1974, §4)

§105. Rate of Tax.

1. A tax is hereby imposed at the rate of \$35 per annum on the privilege of operating a juke box within the Township, said tax to be paid to the Township Treasurer by the person in charge of the building or operating the business wherein the juke box is located.
2. A tax is hereby imposed at the rate of \$25 per annum for the privilege of operating a pin ball machine, pool or billiard type device or machine, and any other form or mechanical and/or electronic device, coin operated or otherwise for which admission is charged or paid; within the Township, said tax to be paid to the Township Treasurer by the person in charge of the building or operating the business wherein the pin ball machine is located.

(Ord. 451, 4/3/1974, §§5 and 6)

§106. Penalty; tax.

1. If any tax levied in pursuance to this Part shall not be paid when due within 60 days of date of said tax bill or notice, a penalty of 5% of the amount of tax due and unpaid shall be added thereto with interest at the rate of 6% per annum.
2. All taxes imposed by this Part, together with all penalties and interest on unpaid taxes shall be recoverable by the Township Solicitor as other debts of like nature are recovered.

(Ord. 451, 4/3/1974, §7 and 8)

§107. Penalties.

Any person convicted before a Justice of the Peace of violating or failing to carry out any of the provisions or requirements of this Part shall be liable to a fine or penalty not to exceed \$600 for each and every offense, and the costs of prosecution thereof, and in default thereof to undergo imprisonment in the Township Lockup for five days or in the County jail for a period not to exceeding 30 days; provided that such fine or penalty shall be in addition to any other penalty imposed by any other section of this Part.

(Ord. 451, 4/3/1974, §9; as amended by Ord. 572, 10/10/1990)

§108. Charitable Organization Exempt.

Non-profit and charitable organizations shall not be required to collect or pay over any of the taxes imposed by this Part.

(Ord. 451, 4/3/1974, §10)

§109. Applicability.

The tax imposed herein is a continuation of the tax previously imposed by the Township of Darby, and the tax shall continue from year to year, unless specifically repealed by this Part.

(Ord. 451, 4/3/1974, §11)

§110. Severability.

If any section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining sections or parts of this Part.

(Ord. 451, 4/3/1974, §12)

Part 2

Business Privilege Tax

§201. Short Title.

This Part shall be known as the “Business Privilege Tax Ordinance.”

(Ord. 538, --/--, §1)

§202. Definitions.

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS — any activity carried on or exercised for gain or profit in the Township of Darby including, but not limited to the sale of merchandise or other tangible personalty and/or realty, the performance of services, and the rental of personalty and/or realty.

CALENDAR YEAR — the period January 1 to December 31, inclusive.

LICENSE YEAR — the period from January 1 to December 31, inclusive.

PERSON — any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term “person” as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

TAXPAYER — a person subject to the payment of the tax imposed by this Part.

TAX ADMINISTRATOR — the person or firm contracted with to collect said tax.

TAX YEAR — the period from January 1 to December 31, inclusive.

TEMPORARY, SEASONAL OR ITINERANT BUSINESS — any business that is conducted at one location for less than 60 consecutive calendar days.

TOWNSHIP — the Township of Darby.

TREASURER — TAX COLLECTOR — the Treasurer — Tax Collector of the Township of Darby.

WHOLESALE DEALER — any person who sells to dealers in, or vendors of goods, wares and merchandise and to no other persons.

(Ord. 538, --/--, §2; as amended by Ord. 575, 2/13/1991)

§203. Imposition of Tax.

There is hereby levied for the tax year 1984 and annually thereafter a tax for general revenue purposes on the privilege of doing business as herein defined in the Township of Darby as follows:

1. Rate and Basis of Tax — The rate of the tax on each and every dollar of the whole or gross volume of business transacted within the territorial limits of the Township of Darby shall be 1 1/2 mills, 1 1/2 mills shall mean \$1.50 per \$1,000 of gross volume of business; except that the rate of tax on each and every dollar of the whole or gross volume of business transacted by wholesale dealers or wholesale vendors within the territorial limits of the Township of Darby shall be one mill. All nonwholesale business of such wholesale dealers or wholesale vendors shall be taxed at the general rate of 1 1/2 mills.
2. Computation of Volume of Business -
 - A. Every person subject to the payment of the tax hereby imposed who has commenced his business prior to the full calendar year prior to the tax year shall compute his annual estimated gross volume of business upon the actual gross amount of business transacted by him during said immediately preceding calendar year.
 - B. Every person subject to the payment of the tax hereby imposed who has commenced or who commences his business before the beginning of the tax year but after the beginning of the full calendar year prior to the tax year, shall compute his estimated annual gross volume of business for the tax year upon the gross volume of business transacted by him during prior calendar year, taking the monthly average during said period and multiplying the same by 12. In the event that he shall be in business fewer than 90 days in the prior calendar year, he shall be permitted to use sufficient days in the calendar year in which the tax year begins to equal 90 successive days after commencement of business, to take a monthly average thereon, and to multiply the average by 12.
 - C. Every person subject to the payment of the tax hereby imposed who has commenced or commences his business subsequent to the beginning of the tax year, if there shall be less than three months from the commencement of his business to the end of the tax year, shall compute his annual gross volume of business upon the actual gross amount of business transacted by him during the tax year; if there shall be more than three months from the commencement of his business to the end of the tax year he shall compute his estimated gross volume of business for such tax year upon the gross volume of business transacted by him during the period from the commence-

ment of his business to the end of the tax year, taking the monthly average during the first three months of business and multiplying the same by the number of months from the commencement of business to the end of the tax year.

- D. Every person subject to the payment of the tax hereby imposed who engages in a business temporary, seasonal or itinerant by nature, shall compute his estimated gross amount of business to be transacted by him for the period said person engages in such temporary, seasonal or itinerant business within the Township by a method to be determined by the Tax Administrator.
- E. The Tax Administrator is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the Township in any case where the taxpayer disputes the validity or amount of the Township's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the Township has been overpaid, the amount of the overpayment shall be refunded to the taxpayer. The provisions of this section shall be applicable to cases in which the facts are similar to those in a case litigated in a court of competent jurisdiction.

3. Persons, Business and Receipts Exempted -

- A. Persons and Business — Persons employed for a wage or salary, non-profit corporations or associations organized for religious, charitable or educational purposes, agencies of the Government of the United States of the Commonwealth of Pennsylvania and the business of any political subdivision, or of any authority created or organized under and pursuant to any act of assembly are exempt from the provisions of this Part.
- B. No such tax shall be assessed and collected on a privilege, transaction, subject, or occupation which is subject to a state tax or license fee has been held by the Courts of Pennsylvania to be the basis for the exemption from the imposition of a privilege tax by a municipality.
- C. Utilities – No such tax shall be assessed and collected on the gross receipts from utility service or any person or company whose rates of service are fixed and regulated by the Pennsylvania Public Utility Commission; or on any public utility service rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service.
- D. State Tax on Tangible Property – No such tax shall be assessed and collected on the privilege of employing such tangible property as is subject to a State tax except on sales of admission to places of amusement or on sales or other transfers of title or possession of property.

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4. Determination of Gross or Whole Volume Business – Gross or whole volume of business upon which the tax hereunder is computed shall include the gross consideration credited or received for or on account of sales made, rentals and/or services rendered, subject only to the following allowable deductions and exemptions:
 - A. The dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise taken by any dealer as trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade in allowance.
 - B. Refunds, credits, or allowances given by a taxpayer to a purchaser on account of defects in goods, wares or merchandise sold, or on account of goods, water or merchandise returned.
 - C. Any commissions paid by a broker to another broker on account of a purchase or sales contract initiated, executed or cleared with such other broker.
 - D. Bad debts where the deduction is also taken in the same year for Federal Income Taxation purposes.
 - E. Taxes collected as agent for the United States of America, Commonwealth of Pennsylvania or the Township of Darby.
5. Partial Exemptions – Where gross or whole volume of business in its entirety cannot be subjected to the tax imposed by this Part by reason of the provisions of the Constitution of the United States or any other provision of law, the Tax Administrator with the approval of the Board of Commissioners of the Township of Darby shall establish rules and regulations and methods of allocation and evaluation so that only that part of the gross or whole volume of business which is properly attributable and allowable to doing business in the Township shall be taxed hereunder.
6. Rate when same Tax is Imposed by Two Taxing Bodies – If any person is liable for the same tax on the same subject imposed under the Local Tax Enabling Act of 1965, December 31, Pamphlet Law 1257 and its amendments, to the Township and one or more political subdivisions of the State then, and in that event, the tax shall be apportioned by such percentage as may be agreed upon by such political subdivisions, but, in no event, shall the combined taxes of both subdivisions exceed a maximum rate of tax as fixed by the Enabling Act permitting the imposition of such taxes.
7. Records – The taxpayer, to obtain the foregoing enumerated exclusions and deductions, shall keep books and records of his business so as to show clearly, accurately, and separately the amount of such sales and services as are excluded from the tax and the amounts of such sales and services which he is entitled to deduct from the gross volume of business as hereinbefore provided.

(Ord. 538, --/--, §3)

§204. Returns.

1. Every return shall be made upon a form furnished by the Tax Administrator. Every person making a return shall certify the correctness thereof by affidavit.
2. Every person subject to the tax imposed by this Part who commenced his business on or before January 1 of the full calendar year previous to the beginning of any tax year shall on or before the 15th day of May of the tax year file with the Tax Administrator a return setting forth his name, his business, his business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year, and the amount of the tax due.
3. Every person subject to the tax imposed by this Part who has commenced his business before the beginning of the tax year but after January 1st of the full calendar year previous to the beginning of the tax year shall on or before the 15th day of May of the tax year file with the Tax Administrator a return setting forth his name, his business, business address, and such other information as may be necessary in arriving at the estimated gross amount of business transacted by him as calculated under §203(2B) hereof and the amount of tax due.
4. Every person subject to the tax imposed by this Part who commences business subsequent to the beginning of any tax year shall within 100 days from date of commencing such business if said 100 day period ends after May 15 of the tax year and if prior thereto on May 15 of the tax year file a return with the Tax Administrator setting forth his name, his business and business address, and such information as may be necessary in arriving at the estimated or actual gross amount of business transacted by him as calculated under §203(2C) hereof and the amount of the tax due.
5. Every person subject to the payment of the tax imposed by this Part who engages in a business, temporary, seasonal or itinerant by its nature shall at the time application is made for the business privilege license file a return with the Tax Administrator setting forth his name, his business, his business address and such information as may be necessary in arriving at the estimated gross amount of business to be transacted by him as calculated in accordance with §203(2D).
6. Any person going out of or ceasing to do business shall, within seven days from the date of ceasing to do business, file a return showing the actual gross volume of business conducted and done by such person during that tax year in which said person ceased doing business, and pay the tax due as computed thereon at the rate as provided for at the time of filing said return. If such tax has been previously paid based upon estimated gross receipts, the taxpayer shall be entitled to a refund, without interest, of any excess tax paid for the tax year in which business was terminated.

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7. Payment of Tax and Penalties for Late Payment – The Business Privilege Tax levied pursuant to this Part shall be due and payable on the date on which the taxpayer is required to file a return as set forth above and if the same is not paid on said date, 10% shall be added thereto, plus an additional 1% per month or fractional part thereof, until paid.
8. Receipt – The Treasurer shall, upon payment to him of the Business Privilege Tax, give the person paying the same a receipt therefor.

(Ord. 538, ---, §4)

§205. License.

After the effective date of this Part, any person desiring to conduct, or to continue to conduct, any business, as herein defined, within the Township of Darby, shall file with the Tax Administrator an application for a business privilege license and shall pay a fee of \$25 for an annual license and \$25 for each annual renewal thereof.

(Ord. 538, ---, §5; as amended by Ord. 573, 11/26/1990)

§206. Posting.

The license issued shall be conspicuously posted in the place of business for which the such license is issued, and shall remain in effect for the license year or fraction of year for which said license was issued. In cases where more than one place of business is conducted, a separate license shall be issued for each place of business. Any taxpayer who is in default in payment of tax due hereunder shall be refused a license until such tax is paid in full.

(Ord. 538, ---, §6)

§207. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 538, ---, §§7 and 8; as amended by Ord. 572, 10/10/1990)

§208. Duties of the Tax Administrator and Treasurer.

1. The Treasurer is charged with the duties of collecting and receiving the taxes, fines and penalties imposed by this Part. It shall be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipt.
2. The Tax Administrator and his duly appointed deputies under the direction of the Treasurer, are hereby empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination and correction of returns, and payments alleged or found to be incorrect, or as to which an overpayment is claimed, or found to have occurred, and charged with enforcing the provisions of this Part and any rules and/or regulations promulgated pursuant hereto.
3. In the event the person to be assessed neglects or refuses to make a return, then in such case the Tax Administrator or his duly appointed deputies shall assess said person or persons on such an amount of whole or gross volume of business as the said Tax Administrator or his deputies deem reasonable and appropriate. In all cases of assessment, the Tax Administrator or his duly appointed deputies shall give the parties assessed a notice in which shall be stated the trade, business, occupation or class, and the amount of the Business Privilege Tax imposed or levied.
4. The taxpayer shall maintain such records and books of accounts as will enable him to make a true and accurate return in accordance with the provisions of this Part. Such accounts and records must disclose in detail the gross volume of business, and must be sufficiently complete to enable the Tax Administrator or his deputies to verify all transactions. The Tax Administrator or his deputies are hereby authorized to examine the books, papers and records of any person or persons subject to or supposed to be subject to the tax imposed by this Part, in order to verify the accuracy of the return made, or if no return was made, ascertain the tax due.
5. Any person aggrieved by any decision of the Tax Administrator shall have the right to appeal to the Court of Common Pleas, as in other cases.

(Ord. 538, -/-/, §9)

§209. Confidential Nature of Returns, Etc.

Any information gained by the Tax Administrator or any other official, agent or employee of the Township, as a result of any returns, investigations, hearings, or verifications required or authorized by this Part, shall be confidential except in accordance with proper judicial order or as otherwise provided by law.

(Ord. 538, -/-/, §10)

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§210. Suit on Collection and Penalty.

1. The Tax Administrator or his duly appointed deputies shall have the power in the name of the Township to institute proceedings against any and all persons who violate the provisions of this Part.
2. If for any reason the tax is not paid when due and suit is brought for the recovery of any such tax, the person liable therefor, shall, in addition, be liable for the costs of collection and interest and penalties herein imposed.

(Ord. 538, -/-/, §11)

Part 3

(Reserved for future enactments)

Part 4

Local Services Tax

§401. Definitions.

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

COLLECTOR — the person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

DCED — the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME — compensation, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

EMPLOYER — an individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM — indicates the singular or plural number, as well as male, female and neuter genders.

INDIVIDUAL — any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

NET PROFITS — the net income from the operation of a business, profession, or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965. P.L. 1251, §13, as amended, 53 P.S. §6913, as amended.

OCCUPATION — any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION — the area within the corporate limits of the Township of Darby.

TAX — the local services tax at the rate fixed in §402 of this Part.

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TAX YEAR — the period from January 1 until December 31 in any year; a calendar year.

(Ord. 678, 12/10/2008)

§402. Levy of Tax.

1. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2009, upon the privilege of engaging in an occupation with a primary place of employment within the Township of Darby during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro-rata basis, in accordance with the provisions of this Part.
2. This tax may be used solely for the following purposes, as the same may be allocated by the Township of Darby from time to time:
 - A. Emergency service, which shall include emergency medical services, police services and/or fire services;
 - B. Road construction and/or maintenance;
 - C. Reduction of property taxes; or
 - D. Property tax relief through implementation of a homestead property exclusion in accordance with 53 Pa.C.S.A. Chapter 85, Subchapter F (relating to homestead property exclusion).
3. The political subdivision shall use no less than 25% of the funds derived from the tax for emergency service.
4. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision.
5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which each person may be employed.

(Ord. 678, 12/10/2008)

§403. Exemptions and Refunds.

1. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment for that calendar year. In addition, the following persons are exempt from payment of the tax:

- A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee, or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% disability.
 - B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania National Guard or the Pennsylvania Air National Guard.
2. Procedure to Claim Exemption.
- A. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certified is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until others are instructed by the political subdivision or except as required by Subsection 2B, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the form provided by the political subdivision.
 - B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of \$12,000 in the calendar year, an employer shall withhold the local services tax from the person under Subsection 2C.

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- C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under Subsection 2B, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection 2B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per-payroll amount due for that payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this Part.
- D. Except as provided in Subsection 2B, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.
3. Refunds. The Township of Darby, in consultation with the collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Township of Darby or the collector shall determine eligibility for exemption and provide refunds to exempt persons.

(Ord. 678, 12/10/2008)

§404. Duty of Employers to Collect.

1. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission, and whether or not all such services are performed within the political subdivision.
2. A person subject to the tax shall be assessed by the employer a pro-rata share of that tax for each payroll period in which the person is engaging in an occupation. The pro-rata share of the tax assessed on the person for a payroll period shall be

determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro-rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection 4 of this section. For purposes of this subsection, combined rate shall be the aggregate annual rate of tax levied by the school district and the municipality.

3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.
4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by the DCED.
5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.
6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in the amount exceeding the amount withheld by the employer if the employer complies with the provisions of §403, Subsection 2, of this Part and this section and remits the amount so withheld in accordance with this Part.
7. Employers shall be requested to remit the local services taxes 30 days after the end of each quarter of a calendar year.

(Ord. 678, 12/10/2008)

§405. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided

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hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

(Ord. 678, 12/10/2008)

§406. Dates for Determining Tax Liability and Payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the collector on or before the 30th day following the end of each calendar quarter of each such tax year.

(Ord. 678, 12/10/2008)

§407. Self-Employed Individuals.

Each self-employed individual who performs services of any type or kind or engages in any occupation with a primary place of employment within the political subdivision shall be required to comply with this Part and pay the pro-rata portion of the tax due to the collector on or before the 30th day following the end of each quarter.

(Ord. 678, 12/10/2008)

§408. Individuals Engaged in More Than One Occupation or Employed in More Than One Political Subdivision.

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:
 - A. First, the political subdivision in which a person maintains his or her principal office or is principally employed;
 - B. Second, the political subdivision in which a person resides and works if the tax is levied by the political subdivision;
 - C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.
2. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(Ord. 678, 12/10/2008)

§409. Nonresidents Subject to Tax.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by giving virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

(Ord. 678, 12/10/2008)

§410. Administration of Tax.

1. The collector shall be appointed by resolution of the political subdivision. It shall be the duty of the collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer.
2. The collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998.
3. The collector is hereby authorized to examine the books and payroll records of any employers in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

(Ord. 678, 12/10/2008)

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§411. Suits for Collection.

1. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.
2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax, and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

(Ord. 678, 12/10/2008)

§412. Violations and Penalties.

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

(Ord. 678, 12/10/2008)

§413. Interpretation.

1. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.
2. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 678, 12/10/2008)

Part 5

Per Capita Tax

§501. Imposition of Tax.

A per capita tax of \$10 for the Township fiscal year 1984 be and the same is hereby levied, assessed and enacted upon each resident or inhabitant of the Township of Darby over 21 years of age under the authority and provisions of "The Local Tax Enabling Act," 53 P.S. 6901 etc. Act of December 31, 1965, P.L. 1256, as amended.

(Ord. 537, 12/31/1989, §1)

§502. Collection.

Said tax shall be collected by the duly elected or appointed Tax Collector in the same manner and at the same time as other Township taxes are collected.

(Ord. 537, 12/31/1989, §2)

§503. Tax Collector.

1. The Tax Collector shall be, and is hereby empowered with the authority to collect said tax by distress and sell all goods and chattels of the taxpayer as provided therefor by the "Local Tax Collection Law of 1945," as amended and supplemented.
2. There is hereby conferred upon the Tax Collector the power and authority to demand, receive and collect from all corporations, political subdivisions, association, companies, firms or individuals, employing persons owing per capita taxes, upon the presentation of written notice and demand containing the name of the taxable, or husband thereof, and the amount of tax due. Upon presentation of such written notice and demand, it shall be the duty of such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees owing or that shall within 60 days thereafter become due, or from any unpaid commissions or earnings of any taxable in its or his possession, or that shall within 60 days thereafter come into its or his possession, a sum sufficient to pay the respective amount of the per capita taxes and costs shown upon the written notice or demand, and to pay the same to the Tax Collector of the Township of Darby within 60 days after such notice shall have been given. The employer shall be entitled to deduct not more than 2% for his expenses for such monies paid over the Tax Collector. Upon failure of such employer to make such deduction when properly notified as herein provided such employer shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over to the Tax Collector as herein provided, which amount

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may be recovered by an action of assumpsit in a suit to be instituted by the Tax Collector on behalf of the Township of Darby.

3. The Tax Collector shall keep a correct account of all per capita taxes collected by authority of this Part. He shall mark the same paid on each duplicate and the name of each taxable, and the date on which payment was made. The Tax Collector shall remit said taxes to the Township of Darby.

(Ord. 537, 12/31/1989; §§3 - 5; as amended by Ord. 572, 10/10/1990)

§504. Discounts and Penalties.

All taxpayers subject to the payment of per capita taxes herein levied and assessed shall be entitled to a discount of the 2% of the amount of such tax upon making payment of the whole amount thereof within two months after the date of the tax notice. All taxpayers who fail to make payment of such taxes charged against them for a period of four months after the date of the tax notice shall be charged a penalty of 5% which penalty shall be added to the taxes by the Tax Collector and be collected by him.

(Ord. 537, 12/31/1989, §6)

§505. Definitions.

PERSON — anyone who voted from a residence or domicile in the Township of Darby in the year 1983, or anyone who by the last official census indicated that his or her residence or domicile was in the Township of Darby or anyone who gives as his or her residence or domicile the Township of Darby, or anyone who has given as his or her residence or domicile the Township of Darby for any official purposes including but not limited to motor vehicle registration, motor vehicle operating privileges, selective service registration, or anyone who is known or reputed by his friends and associates to be a resident or inhabitant of the Township of Darby.

RESIDENT OR INHABITANT — the same class of subjects upon whom the aforesaid tax is imposed and by whom the aforesaid tax shall be paid.

SAME CLASS OF SUBJECTS — the person who reaches or achieves his or her eighteenth birthday by the calendar year 1984.

(Ord. 537, 12/31/1989, §8)

§506. Exemptions.

The tax imposed by this Part need not be paid by the following class of subjects:

1. Any member of any recognized clergy such as priest, rabbi, minister, pastor, nun and sister.
2. Any person who is completely disabled, physically or mentally, and has not received any earned income for the year 1983.
3. Any person who has not achieved or reached his or her 18th birthday during the calendar year 1984 and thereafter, except any accredited student who has not achieved or reached his or her 23rd birthday.
4. Any person who has achieved or reached his or her 65th birthday during the calendar year 1984.
5. Any service man or service woman on full time active duty in the armed forces of the United States.
6. All widows and widowers are exempt if annual earned income is less than the amount authorized by the Social Security Administration.

(Ord. 537, 12/31/1989, §9)

§507. Tenant Registration.

Every apartment owner within the Township shall be required to provide to the Tax Collector upon request a complete list of all his tenants, with their names and addresses, on the first day of each year.

(Ord. 537, 12/31/1989, §10)

§508. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 537, 12/31/1989, §13; as amended by Ord. 572, 10/10/1990)

Part 6

Realty Transfer Tax

§601. Imposition of Tax.

The Township of Darby adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that Article subject to the rate limitations therein. The tax imposed under this Section shall be at the rate of 1% of the value of the real estate.

(Res. R-2006-5, 9/13/2006)

§602. Administration.

The tax imposed under §601 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as the "Local Tax Enabling Act"), provided that if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Darby, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. §8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

(Res. R-2006-5, 9/13/2006)

§603. Interest.

Any tax imposed under §601 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No 153) (53 P.S. §7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No.176) (72 P.S. §806), as amended, known as the "Fiscal Code," or the minimum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

(Res. R-2006-5, 9/13/2006)

TAXATION, SPECIAL

§604. Effective Date.

The provisions of this Part shall become effective on and be applicable to any document made, executed, delivered, accepted, or presented for recording on or after October 5, 2006.

(Res. R-2006-5, 9/13/2006)

Part 7

Taxpayer Bill of Rights

§701. Taxpayer Bill of Rights.

1. The Rules and Regulations attached hereto as Schedule 1 and incorporated herein are hereby approved and adopted.
2. The Disclosure Statement, substantially in the form set forth in Schedule 2 attached hereto and incorporated herein, is hereby approved and adopted.
3. The form of Petition for Appeal and Refund, substantially in the form set forth in Schedule 3 attached hereto and incorporated herein, is hereby approved and adopted.
4. The Governing Body hereby determines that Administrative Appeal Procedures relating to Petitions for Appeal and Refund submitted by taxpayers in connection with the assessment, determination or refund of an Eligible Tax under the LTBR shall be undertaken by Appeals Board.
5. The Governing Body hereby appoints James Lavin, John Hennessy and Sol White to the Appeals Board.
6. The Administrative Appeal Procedures set forth in the Rules and Regulations and substantially in the form set forth in Schedule 4, attached hereto and incorporated herein, are hereby approved and adopted.
7. This Part shall become effective in accordance with the provisions of law and shall be applicable to Eligible Taxes as of January 1, 1999.
8. In the event of any provision, section, sentence, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair remaining provision, section, sentence, clause or part of this Part, it being the intent of this Governing Body that the remainder of the Part shall remain in full force and effect.

(Ord. 631, 6/2/1999, §§1-8)

CHAPTER 25

TREES

(Reserved to accommodate future ordinances)

CHAPTER 26

WATER

Part 1

Water Conservation

- §101. General Policy**
- §102. Water Conservation Performance Standards for Plumbing Fixtures and Fittings**
- §103. Special Provisions**
- §104. Official Review and Modification**
- §105. Penalties**

Part 2

Stormwater Management

Part 1

Water Conservation

§101. General Policy.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which a construction permit is required to be obtained from Darby Township, or would be required but for an exemption from a permit requirement for public or governmental agencies, unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §102 of this Part. The provisions of this Part shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued but for such an exemption, on or after February 12, 1992.

(Ord. 580, 2/12/1992, §1)

§102. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. Water Closets and Associated Flushing Mechanisms. The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements for the ANSI A112.19.2M and ANSI A112.19.6M.
2. Urinals and Associated Flushing Mechanisms. Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.
3. Showerheads. Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A119.19.1M.
4. Faucets. Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A119.18.1M.

(Ord. 580, 2/12/1992, §2)

§103. Special Provisions.

WATER

1. Special Purpose Equipment. The performance standards of §102 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
2. Exemptions. Any person(s) may apply to Darby Township for an exemption to the terms of this Part, which may be granted by the Board of Commissioners upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with without undue hardship.

(Ord. 580, 2/12/1992, §3)

§104. Official Review and Modification.

The Board of Commissioners may, from time to time, modify, add to or remove from the standards and restrictions herein.

(Ord. 580, 2/12/1992, §4)

§105. Penalties.

It shall be a summary offense for any person to use or apply water within Darby Township contrary, or in violation of, the restrictions herein and upon conviction thereof, such persons shall be punished by being imprisoned in the County jail for not more than 90 days or by fine of not more than \$300 or by both such fine and imprisonment. Each day of the aforesaid violation shall constitute a repeat offense of this Part.

(Ord. 580, 2/12/1992, §5)

Part 2

Stormwater Management

Ordinance No. 663, adopted May 10, 2006, and any amendments thereto, which establish stormwater management regulations, are on file in the office of the Township Secretary.

**CHAPTER 27
ZONING**

PART 1

TITLE, PURPOSE, INTERPRETATION, CONFLICT AND VALIDITY

- § 27-100. Short Title.**
- § 27-101. Purpose.**
- § 27-102. Interpretation.**
- § 27-103. Conflict.**
- § 27-104. Validity.**

PART 2

**OBJECTIVE, PURPOSES, INTERPRETATION, SHORT TITLE,
DEFINITION OF TERMS**

- § 27-200. Statement of Community Development Objectives.**
- § 27-201. Purposes.**
- § 27-202. Interpretation.**
- § 27-203. Short Title.**
- § 27-204. Definition of Terms.**

PART 3

CLASSIFICATION OF DISTRICTS

- § 27-300. Classes of Districts.**
- § 27-301. Zoning Map.**
- § 27-302. District Boundaries.**

PART 4

R-A RESIDENTIAL DISTRICTS

- § 27-400. Use Regulations.**
- § 27-401. R-A Residential Lot Regulations.**
- § 27-402. Regulations For Uses Permitted By Special Exceptions.**
- § 27-403. Regulations for Decks and Garages.**

PART 5

R-B RESIDENCE DISTRICTS

- § 27-500. **Applicability.**
- § 27-501. **Use Regulations.**
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PART 6

R-C RESIDENCE DISTRICTS

- § 27-600. **Applicability.**
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R-D RESIDENCE DISTRICTS

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- § 27-800.
- § 27-801. **Use Regulations.**

PART 9

COMMERCIAL DISTRICTS

- § 27-900. **Intent.**
- § 27-901. **Neighborhood Commercial District — C-1.**
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PART 10

LI LIGHT INDUSTRIAL DISTRICTS

- § 27-1000. **Specific Intent.**
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PART 11
REC RECREATION DISTRICTS

§ 27-1100. Recreation Districts.

PART 12
MUNICIPAL DISTRICTS

§ 27-1200. Municipal Districts.

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OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 27-1300. Off-Street Parking.

§ 27-1301. Off-Street Loading.

PART 14
SIGNS

§ 27-1400. Signs.

§ 27-1401. Purposes.

§ 27-1402. Scope and Applicability.

§ 27-1403. Determination of Size of Signs.

§ 27-1404. Sign Restrictions and Standards.

§ 27-1405. Signs for Which a Permit is Not Required (Exempt Signs).

§ 27-1406. Signs for Which a Permit is Required.

§ 27-1407. Billboards.

§ 27-1408. Permits.

§ 27-1409. Nonconforming Signs.

§ 27-1410. Causes of Action.

§ 27-1411. Jurisdiction.

§ 27-1412. Enforcement Remedies.

PART 15
WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

§ 27-1500. Purpose.

§ 27-1501. Definitions.

§ 27-1502. Applicability.

- § 27-1503. General Requirements.
- § 27-1504. Permitted Uses.
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- § 27-1506. Special Exception Permits.
- § 27-1507. Buildings or Other Equipment Storage.
- § 27-1508. Removal of Abandoned Antennas and Towers.
- § 27-1509. Nonconforming Uses.

**PART 16
ADMINISTRATION**

- § 27-1600. Enforcement.
- § 27-1601. Zoning Permit Requirements.
- § 27-1602. Zoning Permit Application.
- § 27-1603. Issuance of Permits.

**PART 17
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- A. Establishment; Organization.
 - § 27-1700. Establishment and Membership.
 - § 27-1701. Organization of the Zoning Hearing Board.
- B. Procedures Before the Board.
 - § 27-1702. Hearings.
 - § 27-1703. Persons Entitled to Initiating Action Before the Board.
 - § 27-1704. Manner of Initiating Before the Board.
 - § 27-1705. Time Limitations.
 - § 27-1706. Notice of Hearing.
 - § 27-1707. Parties.
 - § 27-1708. Witnesses.
 - § 27-1709. Representation.
 - § 27-1710. Rules of Evidence.
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 - § 27-1713. Decisions.
 - § 27-1714. Copies of Decisions.
 - § 27-1715. Appeals to the Courts.
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- C. Functions of the Board.**
- § 27-1716. Appeals from the Zoning Officer.**
- § 27-1717. Challenge to the Validity of the Ordinance or Map.**
- § 27-1718. Variance.**
- § 27-1719. Special Exceptions.**

PART 18

AMENDMENTS, REMEDIES, PENALTIES, COMPLAINTS AND EFFECTIVE DATE

- § 27-1800. Power of Attorney.**
 - § 27-1801. Notice of Public Hearing.**
 - § 27-1802. Submission to the Township Planning Commission.**
 - § 27-1803. Enforcement.**
 - § 27-1804. Enforcement Remedies.**
 - § 27-1805. Complaints of Violations.**
 - § 27-1806. Effective Date.**
- Appendix A, Diagrams of Requirements
Zoning Map**

PART 1

TITLE, PURPOSE, INTERPRETATION, CONFLICT AND VALIDITY**§ 27-100. Short Title. [Ord. 670, 12/12/2007]**

This chapter shall be known and may be cited as the "Darby Township Zoning Ordinance of 2007."

§ 27-101. Purpose. [Ord. 670, 12/12/2007]

This chapter is enacted for the following purposes: To promote the health, safety, morals, and general welfare of the inhabitants of Darby Township by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, conserving the value of buildings, and encouraging the most appropriate use of land.

§ 27-102. Interpretation. [Ord. 670, 12/12/2007]

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of the Township.

§ 27-103. Conflict. [Ord. 670, 12/12/2007]

It is not intended by this chapter to interfere with, or abrogate or annul the Darby Township Building Code, or any rules, regulations, permits or codes previously adopted, or issued thereunder, or the rules and regulations, or permits previously adopted, or issued thereunder, and not in conflict with any of the provisions of this chapter, provided that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed or required by such Code, rules and regulations, or permits, the provisions of this chapter shall control.

§ 27-104. Validity. [Ord. 670, 12/12/2007]

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the chapter as a whole, or of any other part thereof.

PART 2

**OBJECTIVE, PURPOSES, INTERPRETATION, SHORT TITLE,
DEFINITION OF TERMS****§ 27-200. Statement of Community Development Objectives. [Ord. 670, 12/12/2007]**

It shall be, and is hereby declared to be, the objective of the Darby Township to provide for the orderly development of the community through its Zoning Ordinance and Subdivision Regulations as presently in effect or hereafter amended in order to carry into effect the purposes, plans and guidelines as set forth in the Darby Township Comprehensive Plan, which plan is herein incorporated by reference.¹

§ 27-201. Purposes. [Ord. 670, 12/12/2007]

This chapter is enacted in accordance with the Pennsylvania Municipal Planning Code, for the following purposes:

1. To promote, protect and facilitate one or more of the following:
 - the public health,
 - safety,
 - morals,
 - general welfare,
 - coordinated and practical community development,
 - proper density of population,
 - civil defense,
 - disaster evacuation,
 - national defense facilities,
 - the provisions of adequate light and air,
 - police protection,
 - vehicle parking and loading space,
 - transportation,
 - water,
 - sewerage,
 - schools,
 - public grounds,
 - other public requirements, and
 - protect the environment.

2. To prevent one or more of the following:

¹Editor's Note: The Comprehensive Plan is on file in the office of the Township Secretary.

- Overcrowding of land,
 - blight,
 - danger and congestion in travel and transportation,
 - loss of health, life or property from fire, flood or panic dangers.
3. The Zoning Ordinance shall be made in accordance with the spirit and intent of the Comprehensive Plan, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

§ 27-202. Interpretation. [Ord. 670, 12/12/2007]

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

§ 27-203. Short Title. [Ord. 670, 12/12/2007]

This chapter shall be known and may be cited as the "Darby Township Zoning Ordinance of 2007."

§ 27-204. Definition of Terms. [Ord. 670, 12/12/2007]

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged," "designed," "or intended to be used." The word "building" shall include the word "structure." The present tense shall include the future tense. The word "shall" is always mandatory.

ACCESSORY BUILDING — A building subordinate to the main building on a lot and used for purposes customarily and clearly incidental to those of the main building.

ACCESSORY USE — A use subordinate to the main use of land or of a building on the same lot and customarily and clearly incidental thereto.

ALLEY — Land over which there is a right-of-way, municipally or privately owned, on which no dwellings or stores front, serving as a secondary means of access to two or more lots.

ALTERATION — An alteration, as applied to a building, is any change or rearrangement in the structural parts, or any enlargement, whether by

extending on any side by increasing in height, or moving from one location or position to another.

APARTMENT — A room or group of rooms in an apartment house designed for and used exclusively as a residence for only one family.

APARTMENT HOUSE — A building designed for and occupied exclusively as a residence for three or more families living independently of one another and which building is a single building unit for purpose of operation, management and maintenance. A basement in an apartment house shall not contain habitable rooms except for janitor's living quarters.

BASEMENT — A story, partly underground, but having more than half of its clear height below average level of adjoining ground.

BUFFER YARD — A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this chapter and on which is placed year-round shrubbery, hedges, evergreens, or other suitable plantings.

BUILDING — Any structure, including a trailer, having a roof supported by columns, piers, or walls used for the housing or enclosure of persons or animals.

- A. **DETACHED** — A building which has no party wall.
- B. **SEMIDETACHED** — A building which has only one party wall in common with an adjacent building.
- C. **ATTACHED** — A building which has two party walls in common with adjacent buildings.

BUILDING AREA — The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 30 inches; steps, one-story open porches not extending more than one story and not projecting more than five feet; and balconies and terraces.

BUILDING LINE — The line parallel to the street line at a distance therefrom at least equal to the depth of the front yard required for the district in which the lot is located and which equals or exceeds the required lot width.

CELLAR — See "basement."

CLEAR-SIGHT TRIANGLE — No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot that unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require height not exceeding 2 1/2 feet above the street grade within 35 feet of the intersecting street lines bordering corner lots.

CONDITIONAL USE — A use which may be allowed or denied by the Township Board of Commissioners in accordance with the Municipalities Planning Code (Act 247).

CORNER LOT — A lot which abuts two intersecting streets. There shall be a front yard on each street on which the lot abuts.

DAY-CARE CENTER — A facility that provides care and feeding during the business day for more than five children, babies or elderly adults who must not be left alone.

DENSITY, OVERALL — The total number of dwelling units on a given tract divided by the total number of acres in the tract, not including existing dedicated roads, but including all residential streets to be built in conjunction with subdivision development and all land set aside and dedicated for public use.

DWELLING —

- A. SINGLE-FAMILY — A building, on a lot, designed and occupied exclusively as a residence for one family.
- B. TWO-FAMILY — A building, on a lot designed and occupied exclusively as a residence for two families with one family living wholly or partly over the other.
- C. MULTIFAMILY — A building, on a lot, designed and used exclusively as a residence for three or more families.
- D. SINGLE-FAMILY SEMIDETACHED — A building designed for and occupied exclusively as a residence for only one family and having a party wall in common with an adjacent building; a single-family twin dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.
- E. TWO-FAMILY DETACHED — A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and having no party wall in common with an adjacent building; a detached duplex dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.
- F. TWO-FAMILY SEMIDETACHED — A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and having a party wall in common with an adjacent building; a semidetached duplex dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.
- G. TOWNHOUSE — One of a structurally connected series of three or more buildings arranged in a row, each designed for and occupied exclusively as a residence for only one family, and each having a party

wall in common with one or more of the other buildings in a series adjacent to it, any or all of which buildings may be under different ownership. The maximum number of townhouses connected as one group is eight.

DWELLING UNIT — One or more rooms designed and equipped for one family, or persons living together as one family, to occupy as a residence, but shall not include tourist homes, or cabins, lodging houses, hotels, motels, or other similar places offering overnight accommodations for transients.

EMPLOYEES OR NUMBER OF EMPLOYEES — The greatest number of persons to be employed on the premises in question at any one time of the day or night.

FAMILY — Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage, or adoption, including foster children; or no more than five unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

FAMILY-BASED COMMUNITY RESIDENCE FACILITY — A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped, or similar groups unable to live without supervision. The maximum number of residents shall not exceed five. These facilities shall not be used to accommodate persons recovering from the effects of drugs or alcohol or inmates of penal institutions.

FLOOR AREA or GROSS FLOOR AREA — The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two buildings. The term shall include basement, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of six feet, six inches or more), penthouses, attic space (whether or not a floor has actually been laid providing structural headroom of six feet, six inches or more), interior balconies, and mezzanines. It shall not include stair and elevator penthouses or cellars unless said cellars are utilized for anything other than storage rooms, utility rooms, mechanical equipment rooms, etc.

GARAGE —

- A. **PRIVATE GARAGE** — An accessory building used for the storage of motor vehicles.
- B. **STORAGE GARAGE** — A building or group of buildings, other than a private garage, one story in height, used for the storage of automobiles and not used for making repairs thereto.

- C. PUBLIC GARAGE — A building, other than a private garage or storage garage, one story in height, used for the storage, sale, service or repair of motor vehicles.

HEIGHT OF BUILDING — A building's vertical measurement from the main level of the ground abutting the building to the highest point in the roofline of a flat roof or a roof having a slope of less than 15° from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15° or more; provided that chimneys, spires, towers, elevator penthouses, tanks, and similar projections of the building shall not be included in calculating the height.

HOME OCCUPATION or ACCESSORY PROFESSIONAL OFFICE USE — An occupation or professional use which is carried on in a dwelling unit, or a structure accessory thereto, clearly secondary and incidental to the dwelling in which the practitioner resides.

HOSPITAL — A hospital is a building designed for the diagnosis, treatment or other care of human ailments, and includes facilities for the overnight care of patients.

LOT — A parcel of land which conforms to the zoning requirement for the zone in which it is located and has the required lot area and width and frontage on an improved street.

LOT AREA — Lot area shall not include any public easement, public rights-of-way, and does include wetlands and floodplains.

MOTOR VEHICLE SERVICE STATION — Any area of land, including structures thereon, or any building or part thereof, that is used for sale of gasoline or other vehicle fuel or accessories, and which may or may not include facilities for lubrication, washing, or otherwise servicing motor vehicles, but which shall not include painting, body and fender repairs, or sale, rental and storage of vehicles.

NONCONFORMING BUILDING, LOT, OR USE — A building or other structure, use or lot, lawful when created, which for reason of design, size, or use does not conform to revisions of the requirements of the district or districts in which it is located.

OFF-STREET LOADING SPACE — An on-the-property space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be not less than 14 feet in width, 15 feet in height, and 55 feet in length, exclusive of access aisles and maneuvering space.

OFF-STREET PARKING SPACE — A space containing a minimum area of 180 square feet with a minimum width of nine feet, for the parking of an

automobile. In determining the dimension of such space, access drives and aisles shall not be included. Minimum vertical clearance shall be 80 inches.

PRINCIPAL BUILDING — A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located. In residential districts, only one principal building may be erected on each lot.

PROFESSIONAL OFFICE USE — See "home occupation."

PUBLIC SEWER — A public sewer is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system and approved by the Delaware County Department of Public Health.

PUBLIC WATER — Public water is any municipally or privately owned water system for the distribution and sale of water, in accordance with the laws of the Commonwealth of Pennsylvania.

SEATS — The seating capacity of a particular building as determined by the specifications and plans and filed with the Zoning Officer; in the event individual seats are not provided, each 20 inches of benches or similar seating accommodations shall be considered as one seat for the purpose of this chapter.

SHED — An accessory structure for the storage of household and garden-related items, personal use automotive parts or similar items, products, tools, equipment or items such as lawnmowers, tires, etc. Sheds shall not be used for storage, parking or repair of motor vehicles.

SIGN — Any structure, device, display, or part thereof, or device attached thereto, or painted or represented thereon, located outside, on, or within the building in such a manner that the sign is viewed from outside the building, which shall be used for the purpose of bringing the subject thereof to the attention of the public or which displays or includes any letter, work, motto, banner, flag, insignia, device or representation which is in the nature of an advertisement, announcement, direction, or attraction, but not including the flag, insignia of the United States of America, the Commonwealth of Pennsylvania or any political subdivision thereof.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

STORY — That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of that wall area above grade level.

STREET — A public street, road, highway which is legally open or officially plotted by the Township or a private street, road, or way, over which the

owners or tenants of two or more lots held in single and separate ownership have the right-of-way. Maximum of two houses are permitted on a private street.

STREET LINE — The dividing line between a lot and a street. The street line shall be determined by the legal right-of-way of street.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including a trailer.

SWIMMING POOL — A swimming pool (above or below ground level) including any container designed to hold 750 gallons or more of water, and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

TOWNSHIP SPECIFICATIONS — Specifications duly adopted by the Board of Commissioners by formal resolution for a specific purpose.

TRAILER (MOBILE HOME) — Any vehicle designed, intended, arranged, or used for living, eating, sleeping, business or other similar purposes, whether arranged to stand on wheels or rigid supporters.

TRAILER COURT — A lot or premises used for occupancy by two or more house trailers or mobile home units for any length of time.

VARIANCE — A modification given by the Zoning Hearing Board to a landowner relieving the landowner from the strict application of the requirements of the Zoning Ordinance as provided in the Municipalities Planning Code.

YARDS —

- A. **FRONT** — The required open space, the full width of the lot extending from the street line to the nearest structure on the lot, exclusive of overhanging eaves, gutters, or cornices.
- B. **SIDE** — The required open space, from front to rear yards, extending from the side line of the lot to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.
- C. **REAR** — The required open space, the full width of the lot extending from the rear property line of the lot to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.
- D. **INTERIOR** — The open space separating any buildings situate on a lot held single and separate ownership.

PART 3

CLASSIFICATION OF DISTRICTS**§ 27-300. Classes of Districts. [Ord. 670, 12/12/2007]**

For the purpose of this chapter, the Township of Darby is hereby zoned in districts as follows:

R-A Single-Family Detached

R-B Single-Family Semidetached Two-Family Detached

R-C Single-Family Attached

R-D Single-Family Attached

A Apartment

C Commercial

LI Light Industrial

M Municipal Use

REC Recreation

§ 27-301. Zoning Map. [Ord. 670, 12/12/2007]

The boundaries of said districts shall be shown on the map attached to and made a part of this chapter, which map shall be known as the "Zoning Map of Darby Township." Said map and all notations, references, and dates, shown thereon are hereby incorporated by reference into this chapter, and shall be as much a part of this chapter as if all were fully described herein.²

§ 27-302. District Boundaries. [Ord. 670, 12/12/2007]

1. The boundaries between districts are, unless otherwise indicated, either the center lines of streets of railroad rights-of-way, or such lines extended or lines parallel thereto.
2. Where a district boundary line divides a lot in simple and separate ownership at the effective date of this chapter, the use regulations applicable to the more restricted district shall apply.

²Editor's Note: A copy of the Zoning Map is included as an attachment to this chapter.

PART 4

R-A RESIDENTIAL DISTRICTS

§ 27-400. Use Regulations. [Ord. 670, 12/12/2007]

A building may be erected, altered or used, and a lot or premises may be used or occupied for the following purposes and no other:

1. Single-family detached dwelling.
2. A public school or any other educational use when operated by the Central Delaware County School District.
3. A private school, parochial school, church or other place of worship, religious use, philanthropic use, hospital or sanitarium for human beings, when authorized as a special exception, excluding penal or correctional institutions.
4. Municipal building or municipal use.
5. Accessory use on the same lot that is incidental to any of the above permitted uses, and not seriously detrimental to a residential neighborhood. The term "accessory use" shall not include a business, but shall include:
 - A. A private garage, shed, gazebo.
 - B. "No-impact home-based business," a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2) The business shall employ no employees other than family members residing in the dwelling.
 - (3) There shall be no display or sale of retail goods and not stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (6) The business activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8) The business may not involve any illegal activity.
- C. Personal service shops, such as barbershops, beauty salons and massage parlors are not permitted in residential districts.
6. Family-Based Community Residence Facility. A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped or similar groups unable to live without supervision. The maximum number of residents and supervisors in a facility shall not exceed five, which is the maximum number of unrelated persons permitted in a "family." See the definition of "family."

§ 27-401. R-A Residential Lot Regulations. [Ord. 670, 12/12/2007]

Single-Family Detached Dwelling

Minimum Lot Area	5,000 square feet
Minimum Lot Width at the Building Line	50 feet
Minimum Frontage	20 feet
Minimum Front Yard Setback	30 feet from the street line on each street on which the lot abuts
Minimum Side Yard Setback	2 side yards are required with an aggregate of 20 feet, neither of which may be less than 8 feet. A side yard containing a parking space or driveway must be at least 12 feet wide
Minimum Rear Yard Setback	25 feet
Maximum Building Coverage	35% of the lot area
Maximum Impervious Coverage	
Maximum Height	35 feet
Minimum Number of Off-Street Parking Spaces (behind the building line)	2

§ 27-402. Regulations For Uses Permitted By Special Exceptions. [Ord. 670, 12/12/2007]

Churches permitted by special exception in residential zones must meet the following requirements:

Minimum Lot Area	25,000 square feet
Minimum Lot Width	100 feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Coverage	40 feet
Maximum Impervious Coverage	80%
Maximum Height	40 feet
Minimum Number of Off-street Parking Spaces	5 + 1 space for each 3 seats

§ 27-403. Regulations for Decks and Garages. [Ord. 670, 12/12/2007]

Sheds, decks and garages shall be considered accessory structures that shall comply with the requirements below:

1. Sheds.
 - A. Not more than one shed shall be placed on a lot.
 - B. Sheds shall be permitted only in rear yards and side yards.
 - C. There shall be a distance of not less than two feet between the shed and a side or three feet to rear lot line.
 - D. On corner lots, sheds shall not be placed in a front yard.
 - E. The maximum height of a shed shall not exceed eight feet.
 - F. The area of a shed shall not exceed 120 square feet.
 - G. In residential districts, sheds shall not be used for automobile repair work or similar high-impact activities incompatible with residential uses.
 - H. Prior to the construction or placement of a shed, the owner shall obtain a permit from the Building Official.
 - I. Sheds shall be constructed and located in accordance with all applicable ordinances and regulations.
2. Decks.

- A. Decks shall be permitted in the building envelope.
 - B. On corner lots, decks shall not be placed in the front yard.
 - C. The deck shall not be placed closer than one foot from the party wall of an attached (row) or semidetached (twin) dwelling or building, to allow access for maintenance and repair.
 - D. There shall be a distance of not less than three feet between the outer edge of a deck and an adjacent common driveway easement.
 - E. Prior to construction of a deck, a permit must be obtained from the Building Official.
 - F. All materials used in the construction of a deck shall comply with the most recently adopted Township Building Code.³
 - G. All decks may be inspected by the Building Official at any time during and after construction. Such official may at any time require the builder or homeowner to delay or close construction, if he determines that the materials or building methods used are unsafe or questionable.
 - H. After a building permit is issued for a deck, no change in plans regarding setbacks, dimensions or heights is permissible without first receiving written permission from the Building Official.
3. Garages (Private).
- A. Garages shall be located in rear yards only.
 - B. Garages shall be located not less than 10 feet behind the rearmost portion of the principal dwelling.
 - C. The height of garages shall not exceed 15 feet.
 - D. There shall be a setback of not less than three feet between the garage and the rear property line and not less than two feet to side property line.
 - E. Garages shall not be used for permanent or temporary human habitation.

³Editor's Note: See chapter 5, Code Enforcement.

PART 5

R-B RESIDENCE DISTRICTS

§ 27-500. Applicability. [Ord. 670, 12/12/2007]

In R-B Residence Districts, the following regulations shall apply.

§ 27-501. Use Regulations.

A building may be erected, altered or used, and a lot or premises may be used or occupied for the following purposes and no other:

1. Any use permitted in R-A Residence Districts, but R-A uses in the R-B District must conform with the R-A regulations.
2. Single-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.

Minimum Lot Area Per Dwelling	2,500 square feet
Minimum Lot Width	35 feet
Minimum Frontage	35 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	25 feet
Maximum Building Coverage	35%
Maximum Impervious Coverage	80%
Maximum Height	25 feet
Minimum Number of Off-Street Parking Spaces	2 per dwelling

3. Two-family detached dwelling.

Minimum Lot Area per Two-Family Dwelling	5,000 square feet
Minimum Lot Width	50 feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	An aggregate of 20 feet — a minimum of 8 feet. A side yard containing a parking space or driveway must be at least 12 feet wide
Minimum Rear Yard Setback	25 feet
Maximum Building Coverage	35%
Maximum Impervious Coverage	80%

Maximum Height	35 feet
Minimum Number of Off-Street Parking Spaces	2 per dwelling

§ 27-502. Uses Permitted by Special Exception. [Ord. 670, 12/12/2007]

1. Day-care centers for five or fewer children.
2. Day-care centers for more than five children. Day-care centers for children and adults operating during normal business hours (7:00 a.m. to 6:00 p.m.) are permitted by special exception in churches and other buildings on the same premises as the church in residential zones.
3. Day-care centers for five or more children are permitted in Commercial Districts.
4. Care facilities that do not operate during normal business hours are permitted only in the Commercial Districts.

PART 6

R-C RESIDENCE DISTRICTS

§ 27-600. Applicability. [Ord. 670, 12/12/2007]

In R-C Residence Districts, the following regulations shall apply.

§ 27-601. Use Regulations.

A building may be erected, altered or used, and a lot or premises may be used or occupied for the following purposes and no other.

1. Any use permitted in R-B Residence Districts but R-B uses in the R-C district must conform with the R-B regulations.
2. Single-family attached dwelling — maximum number of dwellings per group is 10

Minimum Lot Area	2,200 square feet
Minimum Lot Width	18 feet
Minimum Frontage	18 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	0 feet; 8 feet at break
Minimum Rear Yard Setback	30 feet
Maximum Building Coverage	45%
Maximum Impervious Coverage	80%
Maximum Height	25 feet
Minimum Number of Off-Street Parking Spaces	2

PART 7

R-D RESIDENCE DISTRICTS

§ 27-700. Applicability. [Ord. 670, 12/12/2007]

In R-C Residence Districts, the following regulations shall apply.

§ 27-701. Use Regulations.

This section is for an existing neighborhood which does not comply with the other residential neighborhood district. The permitted use in this district is a single-family attached unit only. No permanent additions or enclosed porches are permitted, but fences are permitted in the front and rear yard. Maximum height of these fences is four feet high. No accessory buildings are permitted. No business or accessory use is permitted. No off-street parking is required.

Minimum Lot Area	1,100 square feet
Minimum Lot Width	18 feet
Minimum Frontage	18 feet
Minimum Front Yard Setback	16 feet
Minimum Side Yard Setback	8 feet
Minimum Rear Yard Setback	10 feet
Maximum Building Coverage	60%
Maximum Impervious Coverage	70%
Maximum Height	12 feet
Minimum Number of Off-Street Parking Spaces	0

PART 8
APARTMENT DISTRICTS

§ 27-800. [Ord. 670, 12/12/2007]

In Apartment Districts, the following regulations shall apply.

§ 27-801. Use Regulations.

A building may be erected or used and a lot may be used or occupied for the following purposes and no other.

1. Apartment Buildings.

A. Area and Bulk Standards.

Minimum Lot Area	3,000 square feet per dwelling unit
Minimum Lot Width	70 feet
Minimum Frontage	20 feet
Minimum Front Yard Setback	20
Minimum Side Yard Setback	35 feet aggregate, 15 feet minimum — 14 feet with driveway
Minimum Rear Yard Setback	40 feet
Maximum Building Coverage	30%
Minimum Number of Units per Building	12
Maximum Impervious Coverage	
Maximum Height	35 feet
Minimum Number of Off-Street Parking Spaces	2 spaces per apartment with 2 or more bedrooms 1 1/2 spaces per apartment with 1 bedroom 1 space per efficiency apartment
Minimum Distance Between Buildings on the Same Lot	25 feet when the length of both facing buildings is 50 feet or less and will be 40 feet when the length of either facing building is greater than 50 feet. In no case will buildings be closer than 25 feet

2. Two-Family Attached Dwellings.

A. Area and Bulk Standards.

Minimum Lot Area	3,000 square feet per dwelling unit 6,000 square feet per two-family dwelling
Minimum Lot Width	20 feet
Minimum Frontage	20 feet
Minimum Front Yard Setback	10 feet — end units 14 feet with private driveway or parking space
Minimum Side Yard Setback	
Minimum Rear Yard Setback	20 feet
Maximum Building Coverage	30%
Maximum Number of Attached Two-Family Units	6
Maximum Impervious Coverage	
Maximum Height	35 feet
Minimum Number of Off-Street Parking Spaces	2 spaces per dwelling unit and as required by Part 13

PART 9

COMMERCIAL DISTRICTS

§ 27-900. Intent. [Ord. 670, 12/12/2007]

In addition to the statement of legislative intent and objectives contained in § 27-200, it is further intended that the purpose of the regulations contained in this Part shall achieve the following:

- A. Facilitate the development and/or maintenance of appropriate locations for the conduct of commercial and service-oriented businesses in areas of Darby Township which are appropriate to meet the needs of the community and which are consistent with the Township's Comprehensive Plan and supplemental detailed land use plans.
- B. Encourage the development of a unique architectural complex of office and commercial uses in the Central Business area.
- C. Insure that such establishments are protected from the intrusion of incompatible uses.
- D. Protect and maintain the values of property located within and adjacent to Commercial Districts.
- E. Strengthen the Township's tax base, employment base and the economic viability of commercial areas.
- F. Encourage a pattern of vehicular circulation and pedestrian accessways that will minimize traffic congestion and hazards while promoting free pedestrian movement.

§ 27-901. Neighborhood Commercial District — C-1. [Ord. 670, 12/12/2007]

- 1. Use Regulations — C-1.
 - A. Primary Uses Permitted by Right.
 - (1) Meat, produce, grocery and similar food stores.
 - (2) Drugstores and pharmacies.
 - (3) Variety, hobby, gift, book, card and art stores.
 - (4) Bakery, provided that goods are baked for sale on the premises only.
 - (5) Funeral homes.
 - (6) Day-care center.

- (7) Township use.
- (8) Barber- and beauty shops.
- (9) Tailor, dressmaking, shoe repair shops.
- (10) Jewelry, watch, clock, or optical goods repair.
- (11) Laundromat or dry cleaners.
- (12) Offices, including but not limited to those of attorneys, architects, engineers, doctors, opticians, and similar health care professionals, excepting veterinarians.
- (13) Bank, savings and loan or similar financial institutions.
- (14) Real estate or insurance broker offices; offices of accountants.

2. Prohibited Uses.

- A. No residential use permitted in conjunction with one of the above uses.

3. Area and Bulk Standards.

Minimum Lot Area	5,000 per store or office
Minimum Lot Width	100 feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	5 feet
Minimum Side Yard Setback	25 feet minimum must be provided for each side
Minimum Rear Yard Setback	40 feet, when adjoining a resident district an additional ten-foot buffer planting strip must be included
Maximum Building Coverage	50%
Maximum Impervious Coverage	70%
Maximum Height	35 feet
Minimum Distance Between Structures	30 feet; groups of attached structures may not exceed 100 feet

4. Off-Street Parking and Loading.

5. Signs.

6. Performance and Design Standards.

7. General Regulations.

§ 27-902. General Commercial Districts. [Ord. 670, 12/12/2007]

1. The purpose of this section is to make provisions in appropriate locations for general business activities having a Township-wide or larger trading area.
2. Use Regulations.
 - A. Primary Uses Permitted by Right.
 - (1) Retail store.
 - (2) Office.
 - (3) Bank, savings and loan, or similar financial institutions.
 - (4) Artist or craft studio. No more than 1,000 square feet.
 - (5) Schools such as martial arts, dance or similar.
 - (6) Personal service shops.
 - (7) Shop for the repair of jewelry, watches, home appliances, bicycles.
 - (8) Printing shops not exceeding 1,000 square feet of floor area.
 - (9) Restaurants, taverns, and catering establishments.
 - (10) Indoor theatre.
 - (11) Business or trade school.
 - (12) Funeral home.
 - (13) Physical fitness and weight-control salon.
 - (14) Gas service station providing only sale of gasoline and petroleum products and performing state inspection and related minor repairs (three service bays or less); body work and painting of automobiles is prohibited.
 - (15) Hotels, motels, tourist homes.
 - (16) Shopping centers.
 - (17) Township use.
 - (18) Commercial parking lot.
 - (19) Car wash.
 - B. Accessory Uses Permitted by Right.

- (1) Storage and warehousing of goods and supplies associated with a primary use at the same location, provided that said warehousing and storage shall be conducted entirely within an enclosed structure or screened in such a way that it is not visible from the exterior of the property.
- (2) Accessory uses customarily incidental to any of the above permitted uses.

C. Uses Permitted by Special Exception.

- (1) Office of a veterinarian, veterinary hospital, animal grooming establishment and animal boarding home.
- (2) New motor vehicle sales agency, provided that repair, lubrication, painting and washing of vehicles shall be done within an enclosed structure.
- (3) Used car sales with sales office only. No repair facilities.
- (4) Lodge halls, clubhouses, and public or private auditoriums.
- (5) Drive-in banks, provided that stacking lines for five automobiles are provided for each teller window.
- (6) Similar uses of the same general character as those specifically permitted in C-1 Commercial Districts.

3. Area and Bulk Standards.

Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Minimum Frontage	80 feet
Minimum Front Yard Setback	5 feet
Minimum Side Yard Setback	10 feet minimum; aggregate of 35 feet; 25 feet if side yard includes a driveway
Minimum Rear Yard Setback	45 feet
Maximum Building Coverage	35%
Maximum Impervious Coverage	85%
Maximum Height	40 feet
Minimum Number of Off-Street Parking Spaces	

4. Off-Street Parking and Loading.

5. Signs.

6. Performance and Design Standards.
7. General Regulations.

PART 10

LI LIGHT INDUSTRIAL DISTRICTS

§ 27-1000. Specific Intent. [Ord. 670, 12/12/2007]

It is the purpose of this District to make special provisions for office, research and light industrial development in appropriate areas of the Township. The Light Industrial District classification is designed: (1) to provide a compatible environment for non-nuisance, light industrial development which is free from offensive noise, vibration, smoke, dust, odor, glare, hazard or other objectionable effects and which is subject to special requirements relating to tract size, low lot coverage, building placement, landscaping and buffering and (2) to strengthen and diversify the Township's property tax base. All uses must be in accordance with all Township, county, state and federal requirements.

§ 27-1001. Use Regulations. [Ord. 670, 12/12/2007]

1. Primary Uses Permitted by Right. In any Light Industrial District, land, buildings or premises shall be used by right only for one or more of the following, provided that such buildings or use does not create any substantial hazard or amount of noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influence, and meets other requirements of this chapter.
 - A. As permitted in Commercial Districts.
 - B. Scientific or industrial research, testing or experimental laboratory or product development.
 - C. An office building or offices of an administrative, executive, governmental or similar agency.
 - D. Repair, assembly, distribution and service of the following: home, commercial and industrial E electrical appliances, supplies and equipment. Manufacturing, repair assembly, distribution and service of the following: electrical appliances, supplies and equipment, electric instruments and devices, such as precision instruments and measuring control devices; medical, dental, drafting, and similar scientific and professional instruments; optical goods and equipment, clocks and watches; office machines and equipment; sporting goods, jewelry; cameras and photographic equipment other than film, musical instruments, toys and novelties.
 - E. Printing, publishing, bookbinding, engraving, lithographing, reproducing, photofinishing, film processing or similar establishment.
 - F. Indoor storage building, warehouse, distribution centers, packaging and crating.
 - G. Township use.

- H. Monument establishment.
 - I. Cold storage plants, frozen food plants and lockers, and catering plants.
 - J. Cinema studios, radio and TV stations.
 - K. Commercial laundry, laundry services, cleaning and dyeing plants.
 - L. General service or contractor's shop, lumber, millwork, carpenter, cabinet making, furniture repair, light metal working, electrical, plumbing, roofing or similar shop.
 - M. Automobile repair shop, including auto body work and painting.
 - N. Mail-order merchandise business.
 - O. Manufacture, compounding, assembly, processing, and distribution of confections, candy, chewing gum and food products (excluding meat, fish), cosmetics, pharmaceuticals, ink, hat bodies, textiles and hosiery.
 - P. Manufacture, compounding, assembly, processing and distribution of products from the following previously prepared materials: sheet cellophane, polyethylene and similar material, canvas, cloth, rope, cord, twine, glass, china, plastic, feathers, felt, fiber, fur, hair (excluding washing, curling and dyeing), leather, paper, cardboard, ceramics, textiles, wood (excepting chemical treatment or preservation, rubber and synthetic processing).
 - Q. Commercial greenhouse, nursery, wholesale florist.
 - R. All industrial uses which are of the same general character as those enumerated above shall be permitted.
 - S. Crematorium.
 - T. Wireless telecommunication towers and antennas (see Part 15).
2. Adult Use Regulations.
- A. Purpose and Objectives. Because adult entertainment businesses tend to bring with them secondary concerns that impact the health, safety and general welfare of Darby Township, the Township desires to limit the location where such uses may locate to the LI Light Industrial District and to enact provisions designed to minimize the impact of these secondary characteristics on the Township. The Township does not intend to suppress activities protected by the First Amendment of the United States Constitution but instead to address these secondary effects. Neither is it the intent of this § 27-1001, Subsection 2, to condone or legitimize the distribution of obscene material. The

purpose of the provisions in § 27-1001, Subsection 2, is to minimize these secondary effects which include difficulties for law enforcement, municipal maintenance, trash, declines in business and residential property values, increased crime, particularly corruption of the morals of minors and prostitution, and which encourage residents to move elsewhere. This section includes permitting requirements for adult entertainment businesses. The Township of Darby has concluded that permitting requirements are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment businesses comply with reasonable regulations and do not knowingly allow their establishments to be used for places of illegal sexual activity or solicitation.

B. Definitions.

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE — A commercial establishment in which not more than 15% of the sales floor area is occupied by materials devoted to:

- (1) Books, magazines, periodicals or other printed matter, photographs, motion pictures, video cassettes, slides or other visual representations which contain or depict material characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia designed to be used in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be characterized as an adult bookstore, adult novelty store or adult video store. Such other business purpose or inventory will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its business purposes and activities is the offering for sale or rental for consideration the materials characterized by the description or depiction of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT BUSINESS — Any of the businesses enumerated in § 27-1001, Subsection 2C.

ADULT MOTION-PICTURE THEATER — A motion picture theater where not more than 15% of the movies or other visual presentations depict or show specified sexual activities or specified anatomical areas.

ESTABLISHMENT — This term denotes the following:

- (1) The opening or commencement of any sexual oriented establishment as new business.
- (2) The conversion of an existing establishment, whether sexually oriented or not, to any sexually oriented business.
- (3) The addition of any sexually oriented business to any other sexually oriented business.
- (4) The relocation of any sexually oriented business.

PLANTED VISUAL SCREEN — A strip of trees or hedges adjacent to the boundary of a property which, at the time of planting, shall be not less than six feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven feet from one another. Such screens shall be permanently maintained. Deciduous trees may be added to create interest and variety.

SPECIFIED ANATOMICAL AREAS — Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES —

- (1) The fondling or touching of human genitals, pubic region, buttocks, anus or female breasts.
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy.
- (3) Excretory functions as part of or in connection with any of the activities set forth in Subsection (1) or (2) above.

C. Permitted Uses. The adult entertainment uses listed below shall be permitted only as a conditional use reviewed by the Board of Commissioners of Darby Township, subject to the applicable provisions of the Light Industrial District.

- (1) Adult bookstore, adult novelty store and adult video store, provided that not more than 16% of the sales floor area shall be devoted to materials describing or depicting specified sexual activities or specified anatomical areas.
- (2) Adult motion-picture theater, provided that not more than 15% of all movies or other filmed productions shall be devoted to showing or depicting specified sexual activities or specified anatomical areas.

D. Special Development Regulations.

- (1) All applicable provisions of the supplementary regulations shall be followed where they do not conflict with the provisions below.
- (2) Signs.
 - (a) All signs shall comply with the applicable provisions of the Sign Ordinance.⁴
 - (b) Signs shall not depict or display any obscene words or graphics.
 - (c) The content of signs shall be limited to the name, address and listing or products or services that the adult entertainment business provides.
 - (d) Illumination of signs shall be directed at the sign only and shall not be placed so that it casts direct or excessive light on adjacent or nearby properties, streets or sidewalks.
 - (e) Roof signs shall not be permitted on buildings devoted to adult entertainment uses.
 - (f) Not less than two "no loitering" signs shall be prominently displayed on the exterior of the adult entertainment business or at other conspicuous locations on the premises. Such signs shall have an area of not less than two and not more than four square feet.
- (3) Parking.
 - (a) Adult entertainment uses shall provide one off-street parking space for every 200 square feet of floor area. (See Part 13.)
 - (b) Parking shall comply with all applicable provisions of Part 13.
- (4) Screening.
 - (a) There shall be a planted visual screen consisting of evergreen plantings, which shall be not less than five feet high at the time of planting.
 - (b) The planted visual screen shall be placed inside the property line and shall constitute an effective visual

⁴Editor's Note: See Part 14 of this chapter.

barrier between the adult entertainment business and adjacent uses.

- (5) Refuse.
 - (a) All refuse shall be placed in covered, verminproof containers.
 - (b) There shall be an opaque fence or planted screen to shield the refuse container from the principal use, adjacent and nearby uses and streets and sidewalks.

E. Area and Bulk Requirements.

- (1) The front yard setback of an adult entertainment business shall be not less than 50 feet.
- (2) Except for the front yard setback, all other dimensional regulations in the Light Industrial District shall apply to adult entertainment businesses.

F. Permit Process; Licensing; Revocation. The Building Official, upon submission of an application to the Township, shall present the applicant with a building permit for an adult entertainment business as follows:

- (1) In the Light Industrial District, a permit shall be issued only if the applicant is successful in obtaining conditional use approval for the proposed type of adult entertainment use, the application meets all health use and occupancy and or building permits as required in the pertinent ordinances and their amendments and the location of said use is in the LI District.
- (2) The application for a permit to operate an adult entertainment business must be made on a form provided by the Building Official of the Township. The application must be accompanied by a sketch or diagram showing the configuration of the premises occupied by the business. The sketch or diagram need not be professionally prepared but a least be drawn to a designated scale or drawn with marked dimensions on the interior and exterior of the premises to an accuracy of plus or minus six inches.
- (3) The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with all applicable ordinances by the Building Official, Fire Chief and the police.
- (4) If a person wishes to operate an adult entertainment business as an individual, he/she must sign the application for a permit

as an applicant. If a person who wishes to operate such business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of an adult entertainment business or as the entity that wishes to operate such business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for permit as an applicant.

- (5) The fact that a person possesses other types of Township permit(s) does not exempt the person from the requirement of obtaining an adult entertainment business permit.
- (6) The Building Official shall approve the issuance of a permit to an applicant within 30 days after the Board of Commissioners awards the applicant a conditional use permit, but the Building Official will not approve a permit if the finds one or more of the following to be true:
 - (a) Applicant is under 18 years of age.
 - (b) Applicant or applicant's spouse is overdue on his or her Township taxes, fees, fines or penalties assessed against him or her in relation to the operation of an adult entertainment business.
 - (c) Applicant has failed to provide information required in this section and reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 - (d) The permit fee required in this section has not been paid or the permit fees for health, use, occupancy and/or building permits have not been satisfied.
 - (e) Applicant for the proposed use is in violation of or is not in compliance with any provision of this Part.
- (7) The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date and the address of the adult entertainment business. The permit shall be posted in a conspicuous place at or near the entrance of the business so that it can be read at any time.
- (8) The permit, if granted, shall have an effective duration of one year from the date of issuance. At that time, the applicant must file another application before the expiration of the permit in order to continue doing business without interruption.

Application for renewal must be made at least 30 days before the expiration date. When an application is made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit. All the regulations of this section must be complied with as if a new permit is being issued.

- (9) The Building Official, Fire Chief, and the police shall complete their certification that the premises is in compliance or not in compliance within 30 days of receipt of the application by the Building Official.
 - (10) If the Building Official denies a renewal of a permit, the applicant shall not be issued a permit for one year from the date of such denial, except that after 90 days of lapse since the date of denial, the applicant may be granted a permit if the Building Official finds that the basis for denial of the renewal permit has been corrected or abated.
- G. Inspection. An applicant or permittee shall permit a representative of the police, Fire Chief, Building Official or other Township departments or agencies to inspect the premises of an adult entertainment business for the purpose of ensuring compliance with this section or other applicable laws at any time the adult entertainment business is open for business. These departments/agencies shall certify, in writing, whether the business is in compliance.
- H. Fees. The annual fee for an adult entertainment business is \$1,000.
- I. Suspension of Permit. The Building Official shall suspend a permit for a period not to exceed 30 days if he or she determines that a permittee or an employee of the permittee has:
- (1) Violated or is not in compliance with any provision of this section or the Zoning Ordinance.
 - (2) Engaged in excessive use of alcoholic beverages while on the premises of the adult entertainment business.
 - (3) Refused to allow an inspection of the adult entertainment business as authorized by this section.
- J. Revocation of Permit.
- (1) The Building Official shall revoke a permit if a cause of suspension set forth in Subsection I above has occurred and the permit has been suspended within the preceding 12 months.

- (2) The Building Official shall also have the power to revoke a permit if he determines that:
 - (a) A permittee or any of the persons specified has given false or misleading information or materials to the Township during the application process.
 - (b) A permittee or employee has knowingly allowed prostitution on the premises, as defined by the Pennsylvania Crime Codes.
 - (c) A permittee or employee of the permittee knowingly operated the adult entertainment business during a period of time when the permittee's permit was suspended or revoked.
 - (d) A permittee or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur on the permitted premises.
 - (e) A permittee is delinquent in the payment of Township or state taxes or fees.
 - (3) When the Building Official revokes the permit, the revocation shall continue for one year and the permittee shall not be issued an adult entertainment business permit for one year from the date that the revocation became effective. If subsequent to the revocation, the Building Official determines that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.
 - (4) After denial of an application or denial of a renewal of an application or suspension or revocation of a permit, the applicant, licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- K. Transfer of Permit. A permittee shall not transfer his permit to another person or business entity nor shall a permittee operate an adult entertainment business under the authority of a permit at any place other than the address designated within the application.
- L. Injunction. A person who operates or causes to be operated an adult entertainment business without a valid, permit or in violation of this section is subject to an action in equity or a suit for injunction, as well as citations for violations of the Zoning Ordinance.

- M. Violations and Penalties. For any and every violation of this section, the permittee, owner, tenant, general agent, managing company, realtor or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of any building or premises in which such violation has been committed or shall exist, and the owner, permittee, general agent or contractor, lessee or tenant of a building or premises in which part such violation has been committed or shall exist, and the owner, permittee, lessee, general agent, architect, builder, realtor, contractor or any other person who knowingly commits, takes part, or assists in any such violation or maintains any building or premises in which any such violation shall exist shall be liable, upon conviction, to a fine or penalty not exceeding \$600. Such fine shall be paid to the Township of Darby. In default of payment thereof, the District Justice may, at his discretion, commit the offender to prison in the county jail for a period not exceeding 30 days for each and every offense. Whenever such person shall have been officially notified by the Township of Darby or by service of a summons in a prosecution or in any other official manner that he is committing a violation, each day's continuance of such violation shall constitute a separate offense punishable by like find or penalty.
3. Accessory Uses Permitted by Right.
- A. Accessory uses on the same lot with and customarily incidental to any of the uses permitted in the district, including signs, off-street parking facilities, living quarters for watchmen, and restaurant or cafeteria facility for employees and occupants of the permitted use; subject, however, to such safeguards as are necessary to insure that any such use shall comply with the requirements of § 27-1001, Subsection 20, and shall not be detrimental to the surrounding area.
4. Uses Permitted by Special Exception.
- A. The storage of flammable material refined or processed at another location.
- B. Any use of the same general character as any of the uses hereinbefore specifically permitted above, when authorized as a special exception by the Zoning Hearing Board.
5. Prohibited Uses.
- A. No residential dwellings are permitted in the Light Industrial Districts.
6. Area and Bulk Standards. The following regulations shall be observed with regard to individual tracts or parcels within the LI Light Industrial District:
- | | |
|------------------|----------|
| Minimum Lot Area | 1/2 acre |
|------------------|----------|

Minimum Lot Width	100 feet
Minimum Frontage	35 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	20 feet each yard
Minimum Rear Yard Setback	25 feet
Maximum Building Coverage	40%
Maximum Impervious Coverage	70%
Maximum Height	35 feet

7. Occupancy Permit. When an approval or a permit is required from a state or federal agency, then such approval or permit (or a certified copy of same) shall be filed with the Township before the issuance of an occupancy permit.
8. Sewerage. The applicant shall provide the Township with a DEP permit or other proof acceptable to the Township that the waste products of the light industrial use will be acceptable for introduction into the municipal sanitary sewer system.

PART 11

REC RECREATION DISTRICTS**§ 27-1100. Recreation Districts. [Ord. 670, 12/12/2007]**

1. Recreation Districts are other than municipal use, which are owned and operated by private clubs and provide recreation for families of its members, for indoor and outdoor athletic games and outdoor swimming.
2. There are only two Recreation District sites, which are adjacent to each other. Expansion for other facilities or creation of new recreation facilities is permitted by special exception only.

PART 12
MUNICIPAL DISTRICTS

§ 27-1200. Municipal Districts. [Ord. 670, 12/12/2007]

1. Municipal uses include, but are not limited to, recreation parks and playgrounds, administration buildings, libraries, community centers, senior citizen centers, and highway and maintenance buildings and grounds.
2. Municipal uses are permitted in all zoning districts by right.

PART 13

OFF-STREET PARKING AND LOADING REQUIREMENTS**§ 27-1300. Off-Street Parking. [Ord. 670, 12/12/2007]**

1. General Regulations.
 - A. Off-street parking spaces, as herein defined, shall be provided for every building or other structure erected, altered, converted or used, and for every lot used or occupied after the effective date of this chapter.
 - B. Off-street parking spaces existing at the effective date of this chapter shall not hereinafter be reduced to an amount less than that required under this chapter.
 - C. Provision for adequate access to required off-street parking spaces shall be made. At the minimum, this will include aisles of 24 feet wide. Parking spaces and traffic flow directions shall be clearly marked.
 - D. The minimum requirements for each parking space shall be as follows:
 - (1) Area: 180 square feet.
 - (2) Width: nine feet for angle or perpendicular parking.
 - (3) Length: 18 feet for angle or perpendicular parking and 22 feet for parallel parking.
 - (4) All parking spaces must have hard surfaces.
2. Parking in Front Yard Areas. In any residence, it is prohibited to park, store or have standing any passenger motor vehicle, commercial motor vehicle, bus, trailer, boat, motorcycle, motor scooter or other similar type means of conveyance in the front yard. In all residential districts all required off-street parking must be behind the building line.
3. Off-Street Parking Standards. The following standards shall be applied for all uses hereinafter established, either on original construction or by conversion, in Darby Township. If the computation results in a fraction, a parking space shall be required for each fractional amount. Net floor area shall be taken to mean all usable floor space, including all areas occupied by equipment or furnishings, but not including corridors, toilet rooms, and such other accessory rooms as may be provided.
 - A. Automobile repair, body and fender shop, more than three bays: five spaces per bay plus 1 1/2 spaces per bay for employee parking.

- B. Automobile service station, three bays or less: five spaces for each bay, five spaces for employees.
- C. Bowling alley: eight spaces per lane.
- D. Church, theater, auditorium, meeting place all purpose room: one space for every three fixed seats or one space for each 30 square feet devoted to assembly purposes. A church which has an assembly or recreational building or hall in addition to the church must provide off-street parking for either the hall or the church whichever is largest. Bleachers, pews or benches without arms between seats will be computed on the basis of one person for every 18 inches in length of the bleachers, pews or bench.
- E. Day-care center: one space per staff member.
- F. Funeral home: one space for each 10 square feet of viewing room.
- G. Hospital, nursing home: three spaces for each bed plus one space for each 400 square feet of floor area devoted to outpatient services. Parking required for medical offices, auditoriums or other accessory uses as required.
- H. Hotel, motel, tourist home, and boardinghouse: one space for each rental room, plus one space for each five rooms for employee parking.
- I. Medical or dental office: one space for each 120 square feet of net area.
- J. Multifamily dwelling units including retirement homes.
 - (1) Apartment with two or more bedrooms: three spaces per dwelling unit.
 - (2) Apartment with one bedroom: 1 1/2 spaces per dwelling unit.
 - (3) Efficiency apartment: one space per dwelling unit.
- K. Nursing or convalescent homes: two spaces per patient bed.
- L. Office or bank, excepting medical or dental office: one space for each 300 square feet of net floor area.
- M. One- and two-family dwellings: two spaces per dwelling unit.
- N. Recreation facilities.
 - (1) Tennis courts: four spaces per court.
 - (2) Outdoor swimming pool: one space for every 300 square feet pool area.

- (3) Indoor swimming pool: one space for every 150 square feet pool area.
- (4) Skating rink, roller or ice: one space for every 300 square feet of rink area.
- O. Restaurant or tavern: one space for each 100 square feet of net floor area plus one space for each 250 square feet of net floor area for noncustomer parking.
- P. Retail store, including shopping centers: one space for each 150 square feet of net floor area.
- Q. Retirement home: 1 1/2 spaces per living unit.
- R. School, college or trade: 12 spaces for each classroom.
- S. School; middle, elementary or nursery: three spaces for each classroom.
- T. School, secondary: 10 spaces for each classroom.
- U. Veterinarian hospital or office: one space for each 10 square feet of waiting room area.
- V. Wholesale establishment; warehouse or industrial building: one space for every 300 square feet of net floor area.
- W. All other uses: one space for each 100 square feet of net floor area.

§ 27-1301. Off-Street Loading. [Ord. 670, 12/12/2007]

Off street loading spaces as defined herein shall be provided for all commercial, office and retail uses, and manufacturing and industrial uses or structures. A minimum of one such space shall be provided for all uses except wholesale establishments and light industrial establishments in which case one such space shall be required for every 10,000 square feet of gross floor area. Loading areas shall not intrude onto sidewalks nor interfere with traffic and not extend into the right-of-way. Truck backing onto street is prohibited.

PART 14

SIGNS

§ 27-1400. Signs. [Ord. 670, 12/12/2007]**§ 27-1401. Purposes. [Ord. 670, 12/12/2007]**

The purposes of this Part are to regulate the type and dimensions of signs in the various zoning districts of Darby Township, to recognize the commercial communication requirements of all sectors of the business community, to protect the public from damage or injury caused or attributable to distractions and obstructions caused by improperly designed or located signs, to safeguard property values and to assure that signs are consistent and harmonious in relation to the buildings and areas where they are placed.

§ 27-1402. Scope and Applicability. [Ord. 670, 12/12/2007]

1. Any sign hereafter erected shall conform to the provisions of this Part and any other ordinance or regulations of the Township relating thereto. Any sign not specifically authorized by the provisions of this Part shall not be erected in the Township.
2. It shall be unlawful for any person, firm, corporation or individual to erect signs listed in § 27-1406 without first obtaining a permit from the Township, except for those signs listed specifically in § 27-1405.
3. No sign shall hereafter be erected or attached to, suspended from or supported on a building or structure, and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated until a permit for the same has been obtained, except those listed specifically hereafter in § 27-1405.
4. Applications for such permits shall be made in writing to the Township in accordance with § 27-1406 and shall present full particulars as to size, shape, material, supports, location and height above the sidewalk or ground, together with the written consent of the owner of the property on which the sign is to be located. All applications shall be accompanied by a plan drawn to scale, showing the sign, its size and its location with respect to the building and to the boundaries of the lot upon which it is situated.
5. Nonconforming signs. Signs and their respective illumination existing at the time of the passage of this chapter and which do not conform to the requirements of this Part shall be considered nonconforming signs and, once discontinued for 60 days, or damaged more than 50% of their market value, or removed for any reason, shall be replaced with conforming signs. Nonconforming signs may be painted, repaired (including lighting) and altered in their wording, provided that such modifications do not exceed the dimensions of the existing signs.

6. Abandoned Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him, a sign that has been abandoned. An abandoned sign for the purpose of this Part is a sign erected on and/or related to the use of a property which becomes vacant and unoccupied for a period of 60 days or more; or any sign which was erected for a prior occupant or business; or any sign which relates to a time, event or purpose which is past. Any such abandoned sign shall be removed by the landowner or person controlling the property within 10 days of the abandonment as described above.
7. The Building Inspector is hereby authorized and empowered to revoke any permit issued by the Township, upon failure of the holder thereof to comply with any provision of this Part.
8. The provisions of this Part shall not apply where signage is erected and maintained by the Township for Township purposes, provided that all other required governmental permits are obtained by the Township prior to such Township use.

§ 27-1403. Determination of Size of Signs. [Ord. 670, 12/12/2007]

1. The size of any sign shall be determined in accordance with the provisions of this Part and the following:
 - A. When a sign consists of letters, numbers and/or logos and not a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the geometric shape formed by the extreme outside edge of the largest letters, numbers or logos contained in the sign.
 - B. When a sign consists of a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.
 - C. When a sign is a freestanding sign or ground sign, the size of such freestanding sign shall be determined by calculating the area of the lettered board or the area of the combination of letters, numbers and/or logos without a lettered board, as the case may be.

§ 27-1404. Sign Restrictions and Standards. [Ord. 670, 12/12/2007]

1. Prohibited Signs. It is unlawful to erect or maintain the following signs:
 - A. Flashing, blinking, twinkling, spinning, animated, inflatable, aerial, crane signs or lighted moving signs including automatic color changing and rotating lamps and other moving objects that call attention to the sign.

- B. Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for temporary banners which may be permitted through special permission of the Township to be determined by the Board of Commissioners.
 - C. Wall bulletins or any other signs painted directly on the facade of a building or other structure.
 - D. Curb or sidewalk signs or signs painted, attached or suspended from any outdoor bench, chair or other structure.
 - E. Swinging and hanging signs.
 - F. Signs, letters, posters and advertisements which are tacked, pasted, tied or otherwise affixed to poles, posts, buildings, fences or other structures located on public property or within public right-of-way in the Darby Township.
 - G. No sign shall be temporarily or permanently placed, erected, attached or painted on any vehicle if such sign identifies, advertises or gives information with respect to a premises or a part thereof, or any sale or special event of other circumstances. A sign is permitted on a vehicle when:
 - (1) Such sign is required by law;
 - (2) Such sign is in transit from one location to another, for permanent installation, for a time not to exceed three days;
 - (3) The sign which is permanently painted or affixed to a vehicle and is incidental to the use of a currently licensed vehicle when that use is a means of transportation; or
 - (4) The vehicle, capable of sheltering a use or occupancy, is used as a construction shed or is located as prescribed for buildings in the zoning provision regulating the premises and is used and occupied for a purpose permitted by the zoning regulation. In such a case, the sign shall otherwise comply with this Part.
 - H. Signs placed, inscribed or supported upon the roofline or any structure that extends above the roofline of any building.
 - I. Signs indicating the location and direction of premises in the process of development.
2. Projecting Signs Prohibited. No new projecting signs shall be erected after the date of enactment of this chapter. Projecting signs in existence at the enactment of this chapter shall be considered nonconforming signs and shall be allowed to continue, however, such signs shall be removed after five years

from enactment of this chapter, as noted in § 27-1409, Subsection 2C, of this Part.

3. **Unsafe and Unlawful Signs.** If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign or other advertising structure that is immediate peril to persons or property to be removed summarily and without notice.
4. **Inspections.** The Building Inspector shall cause a routine inspection of all signs in the Township to be made at least once every two years and at any other time when he deems such inspection necessary. He shall report to the Board of Commissioners all unsafe signs, all signs failing in any respect to conform to the requirements of this Part and all signs not licensed by the Township.
5. **General Restrictions and Standards.** The following restrictions shall apply to all permitted signs:
 - A. No sign shall be located, arranged or placed in a position where it will cause danger to traffic or will interfere with traffic through glare; blocking of required sight lines for streets, sidewalks or driveways; confusion with a traffic control device by reason of color, location, shape or other characteristics; or through any other means.
 - B. All signs constructed or erected under the provisions of this Part shall comply with the standards set forth in the latest applicable BOCA Code.
 - C. No sign shall be erected within the right-of-way lines of any public street, nor shall any such sign be closer than five feet to the right-of-way line of a public street, unless specifically authorized by other ordinances and regulations of Darby Township or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.
 - D. No sign shall be designed or lighted in such a manner or placed in such a position or location that it will cause danger to traffic on a street by obstructing or hindering the view.

- E. No sign shall be designed or lighted in such a manner or placed in such a position or location where it will present an unreasonable risk of injury to persons or damage to property.
 - F. All external illuminated signs shall be turned off not later than 1/2 hour after closing of the business or entity that they identify or advertise.
 - G. No illuminated sign shall be lighted on days when the business or permitted use is not open for business.
 - H. Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.
 - I. Every sign must be kept in good condition and repair. Any sign that is allowed to become dilapidated shall be removed by and at the expense of the landowner or lessee of the property on which it is located.
6. Double-Faced Signs.
- A. A sign may be double-faced, provided that it has two parallel surfaces that are directly opposite and matching in size and shape and are not over 24 inches apart. Should the two surfaces deviate from being parallel, the sign shall be considered as two signs.
 - B. Should the faces of a double-faced sign be parallel, the sign shall be considered as one sign and only one face shall be used to calculate the total size of the sign.
 - C. Each face of a double-faced sign shall be equal in size. Should the faces of a double-faced sign differ in size, then the area of both faces shall be used to calculate the size of the sign.
7. Multi-Faced Signs. A freestanding sign may be multi-faced beyond two faces, provided that:
- A. The combined area of all of the sign faces is no more than 50% greater than the combined area of both faces of a permitted double-faced sign in that district.
 - B. No plane or planes of any multi-face signs shall be open.
 - C. All sign faces shall be of the same dimensions.
8. Freestanding Signs.
- A. The bottom or lowest edge of any freestanding sign shall be no closer to the ground than seven feet. At least five feet of the upper portion of the seven-foot space shall be open and unobstructed. No more than

two feet above the ground level can be devoted to and maintained for flowers, ground covers and low spreading shrubs. If such plantings are installed, they shall be maintained at the maximum height of two feet and shall be free of weeds, debris and other undesirable material.

- B. All single-post freestanding signs shall be made of metal, except for those used in residential districts which may be made of pressure treated timbers. All such posts shall be embedded in the ground at least three feet six inches unless otherwise so directed by the Zoning Officer.
 - C. Freestanding signs will be permitted in residential areas only when set back a minimum distance of 10 feet from the street line.
 - D. Freestanding signs shall be illuminated only by concealed or indirect lighting attached to the sign itself.
9. Ground Signs.
- A. The top edge of a ground sign shall be a maximum of five feet above ground level and shall have an area of not more than 36 square feet.
 - B. Ground signs shall be supported and permanently placed by embedding, anchoring or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
 - C. Illumination. See Subsection 8D above relating to freestanding signs.
10. Each sign shall be removed within 10 days of the time when the circumstances leading to its erection no longer apply, or as provided otherwise herein.
11. All sign provisions of this Part shall apply to smoke stacks, water towers, silos and other similar structures.

§ 27-1405. Signs for Which a Permit is Not Required (Exempt Signs). [Ord. 670, 12/12/2007]

The following signs, exactly as described below, are exempt from the need to secure a permit and are allowed within all zoning districts of the Township but are subject to the provisions of §§ 27-1402 and 27-1403.

- 1. Real Estate Signs. Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that:
 - A. No more than one such sign shall be erected for any premises or lot held in single and separate ownership, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.

- B. No such sign shall be illuminated.
 - C. All such signs must be removed on or before the date of settlement.
 - D. All real estate signs which do not exceed six square feet do not require a permit.
 - E. All real estate signs from six square feet to 20 square feet do require a permit pursuant to this Part.
 - F. No signs that direct traffic to real estate that is for sale or rent can be placed on another property.
 - G. Directional real estate signs pertaining to open houses may be placed 1/2 hour prior to the open house and must be removed 1/2 hour after the open house.
- 2. Decorations for a recognized officially designated holiday, provided they do not create a traffic or fire hazard.
 - 3. Official and governmental signs, which shall include safety signs, trespassing signs, signs indicating scenic or historical points of interest and traffic signs.
 - 4. Signs designated the name of the owner or occupant of a property, the address of such property, the private ownership or roadways or other property, provided that:
 - A. Such sign is not in excess of two square foot in area.
 - B. Not more than one such sign is erected for each use.
 - 5. Temporary yard sale or garage sale signs, provided that signs:
 - A. Do not exceed two square feet in area.
 - B. Shall be removed within 24 hours after said sale.
 - 6. Temporary signs announcing a public, educational, charitable, civic, or religious event, provided that:
 - A. Such sign may be erected for a period not to exceed 30 days nor more than three times in any calendar year.
 - B. Such sign shall not exceed eight square feet.
 - C. Such sign shall not be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

- D. Such sign shall be no closer than five feet to the right-of-way line of a public street, unless specifically approved by the Township Zoning Officer.
 - E. All temporary signs shall be removed within 24 hours after the event.
7. Window Signs. Such signs shall be used to serve as an accessory sign to the sign associated with the principal use.
- A. Window signs shall be permitted in the Commercial District and where nonconforming commercial uses occur in other districts.
 - B. The total area of window signs shall not exceed 25% of the total glass area of the window in which it is placed.
8. Official traffic signs.
9. Trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet.
10. Signs of contractors, mechanics and artisans, provided that:
- A. Such signs shall be erected only on the premises or lot where such work is being performed.
 - B. The size of any such sign shall not exceed 12 square feet.
 - C. No such sign shall be illuminated, except that all signs for detours may be illuminated and flashing amber.
 - D. Such signs shall be removed promptly upon completion of the work by the contractor, mechanic or artisan.
11. Signs advertising sale of farm products grown on the premises, provided that:
- A. The size of any such sign shall not exceed six square feet.
 - B. Not more than one such sign shall be erected on the premises, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
 - C. No such sign shall be illuminated.
 - D. Such sign shall be displayed only when farm products are on sale.
12. Informational signs such as "entrance," "exit," "no parking," "visitors parking," "no hunting," "no trespassing," "keep off the grass," and the like, on the same lot as the use to which the sign relates or the prohibition of the use to which the sign relates, provided that:

- A. The area of said sign shall not exceed two square feet in area.
- B. Such sign shall not contain any advertising.

§ 27-1406. Signs for Which a Permit is Required. [Ord. 670, 12/12/2007]

The following signs are permitted, provided that a sign permit has been obtained for such sign.

1. Temporary signs advertising political parties or candidates for election.
 - A. The size of any such sign is not in excess of four square feet.
 - B. The erector of such signs or an authorized agent of the political party or candidate applies for and obtains a permit for the Township Zoning Officer and deposits with the Township at the time of his application, the sum of \$25 per each 100 such signs, or fraction thereof, as a guarantee that all such signs will be removed promptly within 20 days after the date of the election to which such signs relate. If such signs are not removed at the end of 30 days, the Township shall have them removed and keep the full sum deposited to reimburse the expenses incurred by it and for the general Township purposes.
2. Signs in residential and similar districts. The following types of signs and no others shall be permitted in R-1, R-3, Apartment, Townhouse, Mobile Home and Planned Residential Development Districts.
 - A. Professional, accessory use or name signs indicating the name, profession or activity of the occupant of a dwelling, provided that:
 - (1) The size of any such sign shall not exceed two square feet.
 - (2) Not more than one such sign shall be erected for each permitted use or dwelling.
 - (3) No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
 - B. Identification signs for apartment complexes, schools, colleges, churches, hospitals, and other permitted uses other than dwellings, provided that:
 - (1) The size of any such signs shall not exceed 20 square feet.
 - (2) Not more than one such sign shall be erected on the premises.
 - (3) No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
 - C. Signs advertising the development of the premises upon which they are erected, provided that:

- (1) The size of any such sign shall not exceed 20 square feet.
- (2) Not more than one such sign shall be erected on the premises or lot unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
- (3) No such sign shall be illuminated.
- (4) All such temporary signs shall be removed upon settlement of all lots on the premises in all approved phases of the development.
- (5) Permanent signs designating the name of a development shall be limited to 32 square feet, may be double-faced and are limited to one such sign at each entrance to the development.

3. Signs in Nonresidential Districts.

A. General Provisions. The following types of signs shall be permitted in the Commercial and Industrial Districts.

- (1) Any sign permitted in a residential district.
- (2) Real estate signs advertising the sale or rental of the premises upon which they are erected, provided that:
 - (a) Not more than one such sign shall be erected for any premises held in single and separate ownership, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
 - (b) The size of any such signs shall not exceed 32 square feet.
 - (c) No such sign shall be illuminated.
 - (d) All such signs shall be removed not later than on the date of settlement.

B. Freestanding Signs. Except where specifically noted otherwise, not more than one freestanding sign shall be erected for each building or group of buildings. However, one additional freestanding sign may be erected in the case of a property with more than one street frontage.

- (1) The height of freestanding signs shall not exceed the following:
 - (a) Commercial Districts: 25 feet.
 - (b) Limited Industrial Districts: 35 feet.

- (2) Size of freestanding signs.
 - (a) Commercial Districts.
 - 1) One sign with a maximum of 50 square feet is permitted for a detached building or buildings with nine or fewer attached establishments.
 - 2) One sign with a maximum of 60 square feet is permitted for two or more detached buildings in single ownership or buildings with 10 or more attached establishments.
 - (b) Limited Industrial District.
 - 1) One freestanding sign listing all establishments in a development shall be erected at the main roadway and one such sign in the interior of the development.
 - 2) The size of the roadway sign shall not exceed 70 square feet while that in the interior of the development shall not exceed 50 square feet.
- C. Freestanding Signs at Drive-Through Restaurants. A restaurant with drive-through service may erect one additional freestanding sign, which shall be a menu sign, provided that such sign shall not exceed 25 square feet.
- D. Temporary Mobile Signs. Signs on mobile stands, which can be moved from place to place and thereby not permanently affixed to the ground and other portable signs, be they freestanding, on the ground or temporarily attached to a building or other support. Said signs shall require a permit and a permit fee of \$25. Such temporary signs may be erected for a period not to exceed 30 days nor more than three times in any calendar year. Only one sign per business shall be permitted.
- E. Wall Signs.
 - (1) Not more than one wall sign shall be permitted for every establishment with direct access to a parking area, except that establishments on corner properties may erect one additional wall sign.
 - (2) Size of Wall Signs.
 - (a) Detached buildings in Commercial District: 25 square feet.

- (b) Limited Industrial District: 40 square feet.
 - (3) Establishments with no direct access to parking area (establishments in interior of building) shall be permitted one wall sign, which shall be no larger than six square feet.
 - (4) Establishments on second or upper floors shall be permitted one wall sign, the size of which shall not exceed 10 square feet.
- F. Awning Signs. Awning signs shall conform to the dimensional regulations relating to wall signs in Subsection E above.

§ 27-1407. Billboards. [Ord. 670, 12/12/2007]

1. Billboards shall be permitted only in the C-2 District.
2. No billboard shall be erected within 1,000 feet of another billboard.
3. Size. The maximum size of billboards shall be as follows:
 - A. One hundred square feet by right.
 - B. Two hundred square feet by special exception.
4. The minimum distance from a street right-of-way shall be 35 feet.
5. The maximum height of billboards shall be 35 feet.
6. No billboard shall be placed within the sight triangle as defined in the Township's Subdivision and Land Development Ordinance.

§ 27-1408. Permits. [Ord. 670, 12/12/2007]

1. Except as otherwise provided in § 27-1405, no sign shall be erected in the Township until a permit therefor has been obtained in the following manner:
 - A. An application in writing shall be made to the Township's Zoning Officer by the person desiring the permit.
 - B. The application submitted to the Township's Zoning Officer shall give full particulars regarding the size, shape, material and supports of the sign as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curblin and the height of the sign. The application shall be sufficiently specific to enable the Zoning Officer to determine if the sign complies with the Township's Zoning Ordinance as well as any other ordinance or regulation of the Township relating thereto. Such application shall be accompanied by a fee as the Township Commissioners may establish.

- C. If the person submitting the application is not the owner of the property upon which the sign is to be erected, the written consent of the owner of the property on which the sign is to be erected shall accompany the application.
2. Except as otherwise provided in § 27-1409, whenever any sign is replaced by another sign, enlarged in any manner or altered, dismantled, damaged or otherwise destroyed to the extent of more than 50% of its value, a permit shall be required as provided in Subsection 1 above before the sign is replaced, enlarged, altered or repaired.

§ 27-1409. Nonconforming Signs. [Ord. 670, 12/12/2007]

1. Signs which are nonconforming and signs which identify nonconforming uses shall be permitted in accordance with the following regulations, except as otherwise provided in this chapter.
 - A. A sign which is nonconforming at the effective date of this chapter may remain, but the size of any such nonconforming sign may not be enlarged.
 - B. A nonconforming sign may be changed to or replaced by another nonconforming sign, when authorized as a special exception by the Zoning Hearing Board.
 - C. A nonconforming sign which has been damaged, or otherwise destroyed to the extent of more than 50% of its value, shall be repaired or rebuilt only as a conforming sign, unless the Zoning Hearing Board grants a special exception to allow the sign to be repaired or rebuilt as a nonconforming sign.
 - D. If a nonconforming use of a building ceases or is discontinued for a continuous period of one year or more and such nonconforming use is deemed to be abandoned by virtue of the applicable provisions of other ordinances and regulations of the Township of Darby, any nonconforming sign on the premises shall also be considered abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this Part.
2. Amortization. The signs listed below shall be removed or otherwise brought into conformity with the provisions of this chapter in accordance with the following schedule.
 - A. Temporary, sidewalk, sandwich or "A" frame signs, movable freestanding signs, banners, pennants and similar types of signs shall be abated, removed or brought into compliance within 90 days after enactment of this chapter.

- B. Signs painted on buildings, walks, fences or benches shall be removed, abated or brought into compliance within two years after enactment of this chapter.
- C. All other nonconforming signs shall be abated, removed or brought into compliance within five years after enactment of this chapter.

§ 27-1410. Causes of Action. [Ord. 670, 12/12/2007]

If any sign is in violation of this Part, the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute an appropriate action or proceeding to prevent, restrain, correct or abate such violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

§ 27-1411. Jurisdiction. [Ord. 670, 12/12/2007]

District Justices shall have initial jurisdiction over proceedings brought under Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

§ 27-1412. Enforcement Remedies. [Ord. 670, 12/12/2007]

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continue shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid to the Township.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be constructed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

PART 15

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS**§ 27-1500. Purpose. [Ord. 670, 12/12/2007]**

1. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Part are to:
 - A. Protect residential areas and land uses from potential adverse impacts of towers and antennas.
 - B. Encourage the location of towers in nonresidential areas.
 - C. Minimize the total number of towers throughout the community.
 - D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
 - E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape, screening and innovating camouflaging techniques.
 - G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
 - H. Consider the public health and safety of communication towers.
 - I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
2. In furtherance of these goals, the Township of Darby shall give due consideration to the Township's Comprehensive Plan, Zoning Map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

§ 27-1501. Definitions. [Ord. 670, 12/12/2007]

As used in this Part, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURES — Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

BACKHAUL NETWORK — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switched telephone network.

FAA — The Federal Aviation Administration.

FCC — The Federal Communications Commission.

HEIGHT — When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the case pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS — Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the Part, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TELECOMMUNICATIONS OVERLAY DISTRICT or TO — All that property owned, leased or otherwise controlled by the Township of Darby, including its rights-of-way and including the rights-of-way of state highways located in the Township with the permission of acquiescence of the state.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

ZONING ADMINISTRATOR — Hereby designated as the Township Manager for purposes of this Part.

§ 27-1502. Applicability. [Ord. 670, 12/12/2007]

1. New Towers and Antennas. All new towers or antennas in the Township of Darby shall be subject to these regulations, except as provided in Subsections 2 through 4, inclusive.
2. Amateur Radio Station Operators/Receive Only Antennas. This Part shall not govern any tower or the installation of any antenna that complies with the pertinent host requirement in this chapter and is owned and operated by

a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of § 27-1503, Subsections 6 and 7.
4. AM Array. For purposes of implementing this Part, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

§ 27-1503. General Requirements. [Ord. 670, 12/12/2007]

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district zoning regulations including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of Township of Darby or within one mile of the border thereof including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this Part or other organizations seeking to locate antennas within the jurisdiction of the Township of Darby; provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Towers and antennas meet the following requirements:
 - A. Towers shall either maintain a galvanized steel finish or, subject to all applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

- C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
5. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 6. **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Part shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. All towers shall be designed by a licensed professional engineer registered in the Commonwealth of Pennsylvania, and all drawings submitted for approval shall be signed and sealed by the same engineer responsible for the design. All construction shall be supervised by qualified personnel, and a certification shall be prepared and presented to the Township by a licensed professional engineer registered in the Commonwealth of Pennsylvania that the design and construction conform to the highest standards of engineering and construction. If, upon inspection, the Township of Darby concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons, or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 8. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township of Darby irrespective of municipal and county jurisdiction boundaries.

9. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Part and shall not be regulate or permitted as essential services, public utilities or private utilities.
10. Franchises. Owners and/or operators of towers or antennas shall certify that all licenses and/or franchises required by law for the construction and/or operation of a wireless communication system in the Township of Darby have been obtained and shall file a copy of all required licenses and/or franchises with the Zoning Administrator.
11. Public Notice. For purpose of this Part, any special exceptions request, variance request or appeal of an administrative decision use or special exception shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in § 27-1506, Subsection 2E(2), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
12. Signs. No signs shall be allowed on an antenna or tower.
13. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of § 27-1507.
14. Multiple Antenna/Tower Plan. The Township of Darby encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
15. Co-Location. In order to reduce the number of towers in the Township of Darby in the future, the proposed tower, if required by the Zoning Administrator and/or Zoning Hearing Board and/or Planning Board shall be designed to accommodate future other communications users, including commercial wireless communications companies, local police, fire and ambulance companies.
16. Service to the Township. A provider of telecommunications service within the Township of Darby shall make its telecommunications services available to the Township at its most favorable rate for similarly situated users, unless otherwise provided for in a lease, license or franchise agreement.

§ 27-1504. Permitted Uses. [Ord. 670, 12/12/2007]

1. General. The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
2. Permitted Uses. The following uses are specially permitted:
 - A. A Telecommunications Overlay District is hereby created. This Telecommunication Overlay Zoning District applies to all zoning

districts in the Township of Darby. The Telecommunications Overlay District ("TO") shall consist of property owned, leased or otherwise controlled by the Township of Darby including its rights-of-way and including the rights-of-way of the state.

- B. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in § 27-1506, Subsection 2A and B, of this Part and a nonrefundable fee as established by resolution of the Board of Commissioners of the Township of Darby to reimburse the Township of Darby for the costs of reviewing the application.
- C. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with §§ 27-1503, 27-1506, Subsection 2D, and 27-1506, Subsection 2E, of this Part.
- D. The Zoning Administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
- E. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in § 27-1506, Subsection 2E, by up to 50%.
- F. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
- G. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to § 27-1506 prior to filing any appeal that may be available under the Township of Darby Zoning Ordinance.

§ 27-1505. List of Administratively Approved Uses. [Ord. 670, 12/12/2007]

The following uses may be approved by the Zoning Administrator after conducting an administrative review.

- A. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any Telecommunications Overlay District.
- B. Locating antennas on existing structures or towers consistent with the terms of Subsections (1) and (2) below.

- (1) **Antenna on Existing Structures.** Any antenna that is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional or multifamily structure of eight or more dwelling units, provided:
 - (a) The antenna does not extend more than 30 feet above the highest point of the structure.
 - (b) The antenna complies with all applicable FCC and FAA regulations.
 - (c) The antenna complies with all applicable building codes.
- (2) **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the Zoning Administrator, and to minimize adverse, visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following.
 - (a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - (b) **Height.**
 - 1) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - 2) The height change referred to in Subsection (c)1) may only occur one time per communication tower.
 - 3) The additional height referred to in Subsection (c)1) shall not require an additional distance separation as set forth in § 27-1506. The tower's pre-modification height shall be used to calculate such distance separations.
 - (c) **On-Site Location.**
 - 1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location.
 - 2) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

- 3) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to § 27-1506, Subsection 2E, and shall only be permitted when approved by the Zoning Administrator.
 - 4) The on-site relocation of a tower which comes within the separation distances to residential units for residentially zoned lands as established in § 27-1506, Subsection 2E, shall be permitted when approved by the Zoning Administrator.
- C. New Towers in Nonresidential Zoning Districts. Locating any new tower in a nonresidential zoning district other than Telecommunications Overlay District, provided a Pennsylvania licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in § 27-1500 and the requirements of § 27-1506, Subsection 2E; and the tower meets the following height and usage criteria:
- (1) For single user, up to 90 feet in height.
 - (2) For two users, up to 120 feet in height.
 - (3) For three or more users, up to 150 feet in height.
- D. Locating any alternative tower structure in a zoning district other than Telecommunication Overlay District that in the judgment of the Zoning Administrator is in conformity with the goals set forth in § 27-1500 of this Part.
- E. Installing a cable micro-cell network through the use of multiple low-powered transmitters/receivers attached to existing wire-line systems, such as conventional cable or telephone wires or similar technology that does not require the use of towers.

§ 27-1506. Special Exception Permits. [Ord. 670, 12/12/2007]

1. General. The following provisions shall govern the issuance of special exception permits for towers or antennas by the Zoning Hearing Board of the Township of Darby:
 - A. If the tower or antenna is not a permitted use under § 27-1504 of this Part or permitted to be approved administratively pursuant to § 27-1505 of this Part, then a special exception permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

- B. Applications for special exception permits under this section shall be subject to the procedures and requirements of this chapter, except as modified in this section.
 - C. In granting a special exception permit, the Zoning Hearing Board may impose conditions to the extent the Zoning Hearing Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - D. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a Pennsylvania licensed and registered professional engineer.
 - E. An applicant for a special exception permit shall submit the information described in this section and a nonrefundable fee as established by resolution on the Board of Commissioners of the Township of Darby to reimburse the Township of Darby for the costs of reviewing the application.
2. Towers.
- A. Information Required. In addition to any information required for applications for special exception permit for a tower all submit the following information:
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in § 27-1506, Subsection 2E, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Part.
 - (2) Legal description of the parent tract and leased parcel (if applicable).
 - (3) The setback distance between the proposed tower and the nearest residential unit platted residentially zoned properties and unplatted residentially zoned properties.
 - (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 27-1503, Subsection 3, shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the

existing tower(s) and the owner/operator of the existing tower(s), if known.

- (5) A landscape plan showing specific landscape materials.
- (6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with § 27-1503, Subsections 3, 4, 5, 6, 7, 10, 12, 13, and 15, and § 27-1506, Subsection 2D and E, and all applicable federal, state or local laws.
- (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (11) A description of the feasible location(s) of future towers or antennas within the Township of Darby based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

B. Factors Considered in Granting Special Exception Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to this chapter, the Zoning Hearing Board shall consider the following factors in determining whether to issue a special use permit, although the Zoning Hearing Board may waive or reduce the burden on the applicant of one or more of these criteria if the Zoning Hearing Board concludes that the goals of this Part are better served thereby.

- (1) Height of the proposed tower.
- (2) Proximity of the tower to residential structures and residential district boundaries.
- (3) Nature of uses on adjacent and nearby properties.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.

- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Proposed ingress and egress.
 - (8) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures, as discussed in § 27-1506, Subsection 2D, of this Part.
 - (9) Administrative review and recommendation by the Zoning Administrator.
- C. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Hearing Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Zoning Hearing Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna a related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs or contractual provisions required by the owner in order to share an existing towers or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- D. **Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Zoning Hearing Board may reduce the standard setback requirements if the goals of this Part would be better served thereby.
- (1) Towers must be set back a distance equal to at least twice the applicable setback requirements but in no case less than 50 feet from any adjoining lot line.
 - (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- E. **Separation.** The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Zoning Hearing Board may reduce the standard separation requirements if the goals of this Part would be better served thereby.
- (1) **Separation From Off-Site Uses/Designated Areas.**
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 2.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

Off-Site Use	Designated Area Separation Distance
Single-family or duplex residential units ¹	500 feet or 300% height of tower, whichever is greater.

TABLE 1

Off-Site Use	Designated Area Separation Distance
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet or 300% height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ³	250 feet or 150% height of tower ² whichever is greater
Existing multifamily residential units greater than duplex units	250 feet or 150% height of tower whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closes building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

(2) **Separate Distances Between Towers.**

- (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

TABLE 2
Existing Towers; Types

	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole less than 75 feet in height
Lattice	9,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

- F. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Zoning Hearing Board may waive such requirements, as it deems appropriate.
- G. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Zoning Hearing Board may waive such requirements if the goals of this Part would be better served thereby.
 - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
 - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

§ 27-1507. Buildings or Other Equipment Storage. [Ord. 670, 12/12/2007]

- 1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure in association with antennas shall comply with the following:

- A. The cabinet or structure shall not contain more than 10 square feet of gross floor area or be more than eight feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 10 square feet of gross floor area or eight feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - B. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 1% of the roof area.
 - C. Equipment storage buildings or cabinets shall comply with all applicable building codes.
2. All Other Legally Placed Antennas. For all other legally placed antennas, the related unmanned equipment cabinet or structure shall comply with all applicable building codes and shall contain no more than 16 square feet of gross floor area not more than 12 feet in height and may be located:
 - A. In a front or side yard, provided the cabinet or structure is no greater than six feet in height or 16 square feet of gross floor area and the cabinet/structures is located a minimum of five feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 60 inches — 66 inches and a planted height of at least 36 inches.
 - B. In a rear yard, provided the cabinet or structure is no greater than six feet in height or 16 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
 3. Modification of Building Size Requirements. The requirements of § 27-1507, Subsections 1 through 3, may be modified by the Zoning Administrator in the case of administratively approved uses or by the Zoning Hearing Board in the case of uses permitted by special use to encourage collocation.

§ 27-1508. Removal of Abandoned Antennas and Towers. [Ord. 670, 12/12/2007]

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Township of Darby notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall become effective until all users cease using the tower.

§ 27-1509. Nonconforming Uses. [Ord. 670, 12/12/2007]

1. No Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed in accordance with the provisions of this Part shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other routine maintenance on a preexisting tower shall comply with the requirements of this Part.
3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding § 27-1508, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in § 27-1806, Subsection 2D and E. The type, height and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in § 27-1508.

PART 16
ADMINISTRATION

§ 27-1600. Enforcement. [Ord. 670, 12/12/2007]

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority, to enforce the provisions of this chapter by the issuance of stop, cease, or desist orders or by other means. Permits for construction and uses which are a special exception to the requirement of this chapter shall be issued only upon order of the Zoning Hearing Board.

§ 27-1601. Zoning Permit Requirements. [Ord. 670, 12/12/2007]

A permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, and prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use.

§ 27-1602. Zoning Permit Application. [Ord. 670, 12/12/2007]

Applications for permits shall be made to the Zoning Officer on such forms as may be furnished by the Township. Each application shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use or change of use complies with the provisions of this chapter.

§ 27-1603. Issuance of Permits. [Ord. 670, 12/12/2007]

No building or plumbing permit or use and occupancy certificate shall be issued until the Building Inspector has certified that the proposed building or alteration and proposed use of the property complies with all the provisions of this chapter. No construction shall begin and no building or property shall be used or occupied until all Township fees have been paid, a building permit has been issued, or occupancy certificate has been issued and all fees paid to Darby Township Sewer Authority.

PART 17

ZONING HEARING BOARD**A. Establishment; Organization.****§ 27-1700. Establishment and Membership. [Ord. 670, 12/12/2007]**

A Zoning Hearing Board, consisting of five members appointed by the Commissioners of overlapping terms of five years each, is established for the purpose of carrying out the function of a Zoning Hearing Board as approved by law. Members of the Board shall be residents of the Township except that no more than one member of the Board may also be a member of the Planning Board.

§ 27-1701. Organization of the Zoning Hearing Board. [Ord. 670, 12/12/2007]

The Board shall elect a Chairman from its membership and, within the limits of funds appropriated by the Township Commissioners; the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

B. Procedures Before the Board.**§ 27-1702. Hearings. [Ord. 670, 12/12/2007]**

The Board shall meet within 60 days of receipt of an application to hear and consider such matters which shall properly come before it. All such meetings shall be open to the public.

§ 27-1703. Persons Entitled to Initiating Action Before the Board. [Ord. 670, 12/12/2007]

Appeals from the Zoning Officer pursuant to § 27-1716 hereof and proceedings to challenge an ordinance under § 27-1717 hereof may be filed by an officer or agency of the Township or by any person aggrieved. Requests for variance under § 27-1718 and for special exception under § 27-1719 hereof may be filed by any landowner or tenant with the permission of such landowner.

§ 27-1704. Manner of Initiating Before the Board. [Ord. 670, 12/12/2007]

All actions before the Board shall be initiated by a written application for hearing, which shall be filed with the Zoning Officer at which the particular matter is to be heard. All applications shall be made on forms specified by the Board, and no application form shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached.

§ 27-1705. Time Limitations. [Ord. 670, 12/12/2007]

All appeals from the Zoning Officer and all requests for variances, as approved in §§ 27-1716 and 27-1717 hereof, respectively, shall be filed within 30 days following the refusal of the Zoning Officer to grant a building permit.

§ 27-1706. Notice of Hearing. [Ord. 670, 12/12/2007]

Notice of the time and place of all hearings shall be given by mail to the applicants and to all persons who shall own real estate within 500 feet of any property that shall be the subject of the application. Notice of the hearing of any particular application shall also be given to any person who shall timely request the same in writing. Notice of the time and the place of all hearings shall be given by publishing the same in a newspaper of general circulation within the Township. All notices required by this section shall be given at least five days prior to the date of the hearing for which notice is given. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

§ 27-1707. Parties. [Ord. 670, 12/12/2007]

Parties to any hearing shall be any person entitled to notice under § 27-1706 without special request therefor who has given timely appearance of record before the Board and any other person permitted by the Board to appear.

§ 27-1708. Witnesses. [Ord. 670, 12/12/2007]

The Chairman or Acting Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

§ 27-1709. Representation. [Ord. 670, 12/12/2007]

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues.

§ 27-1710. Rules of Evidence. [Ord. 670, 12/12/2007]

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

§ 27-1711. Record. [Ord. 670, 12/12/2007]

The Board shall keep a record of the proceedings, stenographical, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

§ 27-1712. Communications. [Ord. 670, 12/12/2007]

The Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surrounding after commencement of hearings, with any party or his representative unless all parties are given an opportunity to be present. "Board" as used herein shall include not only the members, but also the secretary, clerk, legal counsel or consultant of the Board.

§ 27-1713. Decisions. [Ord. 670, 12/12/2007]

The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusion based thereon together with the reasons therefor. Conclusions based on any provisions of any statute, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board has power to render a decision and fails to do so within the forty-five-day period above prescribed, the decision shall be deemed to have been rendered in favor of the applicant.

§ 27-1714. Copies of Decisions. [Ord. 670, 12/12/2007]

A copy of the final decision or, when no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their names and addresses with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or finding and a statement of the place at which the full decision or findings may be examined.

§ 27-1715. Appeals to the Courts. [Ord. 670, 12/12/2007]

Zoning appeals may be taken to the court by any party before the Board or any officer or agency of the Township, as provided by law.

§ 27-1715.1. Appeals to the Zoning Hearing Board. [Added by Ord. 711, 12/4/2013]

1. Appeals to the Zoning Hearing Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Township affected by any decision of the Building Inspector. Each appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken, and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appellant or an applicant for a special exception or for a variance shall, at

the time of filing of the appeal or application, pay a filing fee to the Township Secretary in accordance with the following schedule:

- A. For a variance: \$850 toward expenses, plus \$150 nonrefundable deposit.
 - B. For a special exception: \$850 toward expenses, plus \$150 nonrefundable deposit.
2. If the expenses are less, that amount will be refunded. If expenses are more, that amount will be assessed to the applicant prior to determination of the issue.

C. Functions of the Board.

§ 27-1716. Appeals from the Zoning Officer. [Ord. 670, 12/12/2007]

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the Zoning Ordinance or Map.

§ 27-1717. Challenge to the Validity of the Ordinance or Map. [Ord. 670, 12/12/2007]

Except as provided in § 27-1718 relating to variances, the Board shall have no power to pass upon the validity of any provision of the ordinance or map adopted by the Commissioners. Recognizing that challenges to the validity of the ordinance or map may present issues of fact and of interpretation which may lie within the special competence of the Board, and to facilitate speedy disposition of such challenges by the Court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as herein prescribed. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the Court.

§ 27-1718. Variance. [Ord. 670, 12/12/2007]

1. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the appellant. The Board may grant a variance, provided that the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created

by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- B. That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - C. That such unnecessary hardship has not been created by the appellant;
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter.

§ 27-1719. Special Exceptions. [Ord. 670, 12/12/2007]

- 1. Where this chapter has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this act and the Zoning Ordinance.
- 2. Standards for Review of Special Exceptions.
 - A. In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors, where appropriate:
 - (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.

- (2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signage.
 - (3) That the proposed special exception will serve the best interests of the Township, and convenience of the community, and the public health, safety and welfare.
 - (4) That the proposed use is consistent with the Darby Township Comprehensive Plan.
 - (5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
 - (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
 - (7) That the proposed use will provide for adequate off-street parking, as required in Part 13.
- B. Financial hardship shall not be construed as a basis for granting special exceptions.
- C. In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Zoning Code as it may deem necessary to implement the purposes of the Planning Code and this Zoning Code, which conditions and safeguards may relate to, but not be limited to screening, lighting, off-street parking, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Such special exceptions shall be clearly authorized by the provisions in this Zoning Code and shall comply with the more specific standards relating to such special exception contained in sections of this Zoning Code relating to uses by special exception.
3. Standards of Proof.
- A. For Variances. An applicant for a variance shall have the burden of establishing both:
- (1) That a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship, as the term is defined by law, including court decisions; and

- (2) That the allowance of the variance will not be contrary to the public interest.
 - B. For Special Exceptions. An applicant for a special exception shall have the burden of establishing both:
 - (1) That his application falls within the provisions of this Zoning Code which affords to the applicant the right to seek a special exception, and
 - (2) That the allowance of a special exception will not be contrary to the public interest.
 - C. Evaluation of the Impact of an Application on the Public Interest. In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:
 - (1) Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics;
 - (2) Be in accordance with the Darby Township Comprehensive Plan;
 - (3) Provide required parking in accordance with Part 13.
 - (4) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.
 - (5) Otherwise adversely affect the public health, safety or welfare.
4. Expiration of Special Exception and Variances. Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof.
5. Conditional Uses Where Specific Dimensional Standards Are Not Provided. In cases where this Zoning Code does not provide specific dimensional standards for uses permitted by special exception, the following general dimensional standards will be applied by the Board of Commissioners:
 - A. In residential districts, the area, bulk and any other applicable requirements shall be not less than those for single-family dwellings in that district or in the next more restrictive district in which single-family dwellings are permitted.

- B. In nonresidential districts, the area, bulk and any other applicable requirements shall be not less than those for the use which requires the greatest dimensions in the applicable nonresidential district.
 - C. The governing body may require additional, reasonable but more stringent requirements than those required herein, provided that the Board of Commissioners makes one or more of the following determinations:
 - (1) Insufficient to accommodate the proposed building, facility, or use, and that larger dimensional requirements would substantially alleviate that condition.
 - (2) Insufficient to provide adequate area for parking and loading, as required by Part 13, and that larger dimensional requirements would substantially alleviate that condition.
 - (3) Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution and similar impacts, and that larger dimensional requirements would substantially alleviate that condition.
 - D. All parking requirements of Part 13 must be followed.
6. Regulations for Home Occupations. Home occupations with one employee shall be permitted in Residential Districts.
- A. The occupation (or profession) shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the residential use of the dwelling.
 - B. Only one occupation per dwelling shall be permitted.
 - C. Not more than one person other than the resident shall be engaged as an employee or volunteer.
 - D. Not more than 25% of the gross floor area of the dwelling shall be used for the home occupation. Areas used for storage shall be included in this calculation.
 - E. No external alterations inconsistent with the residential use shall be permitted.
 - F. There shall be no display of materials or products visible from outside the dwelling.
 - G. No noise, vibration, smoke, glare or any other impact shall be noticeable at or beyond the property line.

- H. There shall be no outdoor storage of equipment, materials or supplies.
- I. Parking shall be provided subject to Part 13.
- J. Deliveries from commercial suppliers may not be made more than once each week and shall not restrict traffic circulation.
- K. A home occupation shall in no case be operated before 7:00 a.m. or after 10:00 p.m. Monday through Friday.
- L. All home occupations shall be subject to periodic inspection by a local official.
- M. A special exception shall not be granted when it appears to the Zoning Hearing Board that the proposed home occupation will constitute a fire hazard to neighboring residences, will adversely affect neighboring property value or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odor, or other negative circumstances.

PART 18

**AMENDMENTS, REMEDIES, PENALTIES, COMPLAINTS AND EFFECTIVE
DATE****§ 27-1800. Power of Attorney. [Ord. 670, 12/12/2007]**

The Board of Commissioners may, from time to time, amend this chapter, including the Zoning Map.

§ 27-1801. Notice of Public Hearing. [Ord. 670, 12/12/2007]

Before voting on the enactment of any amendment, the Board of Commissioners shall hold a public hearing. "Public notice" as used in this section shall mean notice given not more than 30 days and not less than 14 days in advance of the said hearing. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include the full text of the amendment and shall state the time and place of the hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

§ 27-1802. Submission to the Township Planning Commission. [Ord. 670, 12/12/2007]

In case of an amendment, the Board of Commissioners shall submit each such amendment to the Township Planning Commission and to the Delaware County Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations.

§ 27-1803. Enforcement. [Ord. 670, 12/12/2007]

Any person, partnership or corporation who shall violate the provisions of this chapter shall be subject to a civil penalty which penalty shall amount to \$600 per day each day the violation shall continue.

§ 27-1804. Enforcement Remedies. [Ord. 670, 12/12/2007]

In case any building, structure, or land is erected, proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any of the provisions of this chapter, the Board of Commissioners or, with the approval of the Board, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

§ 27-1805. Complaints of Violations. [Ord. 670, 12/12/2007]

Whenever a violation of this chapter occurs, any person may file a written complaint with the Zoning Officer in regard thereto. The Zoning Officer shall

promptly investigate all complaints and make report thereon to the Board of Commissioners.

§ 27-1806. Effective Date.

This chapter shall become effective the 12th day of December 2007.

27 Attachment 1

Township of Darby

APPENDIX A

**DIAGRAMS OF
REQUIREMENTS**

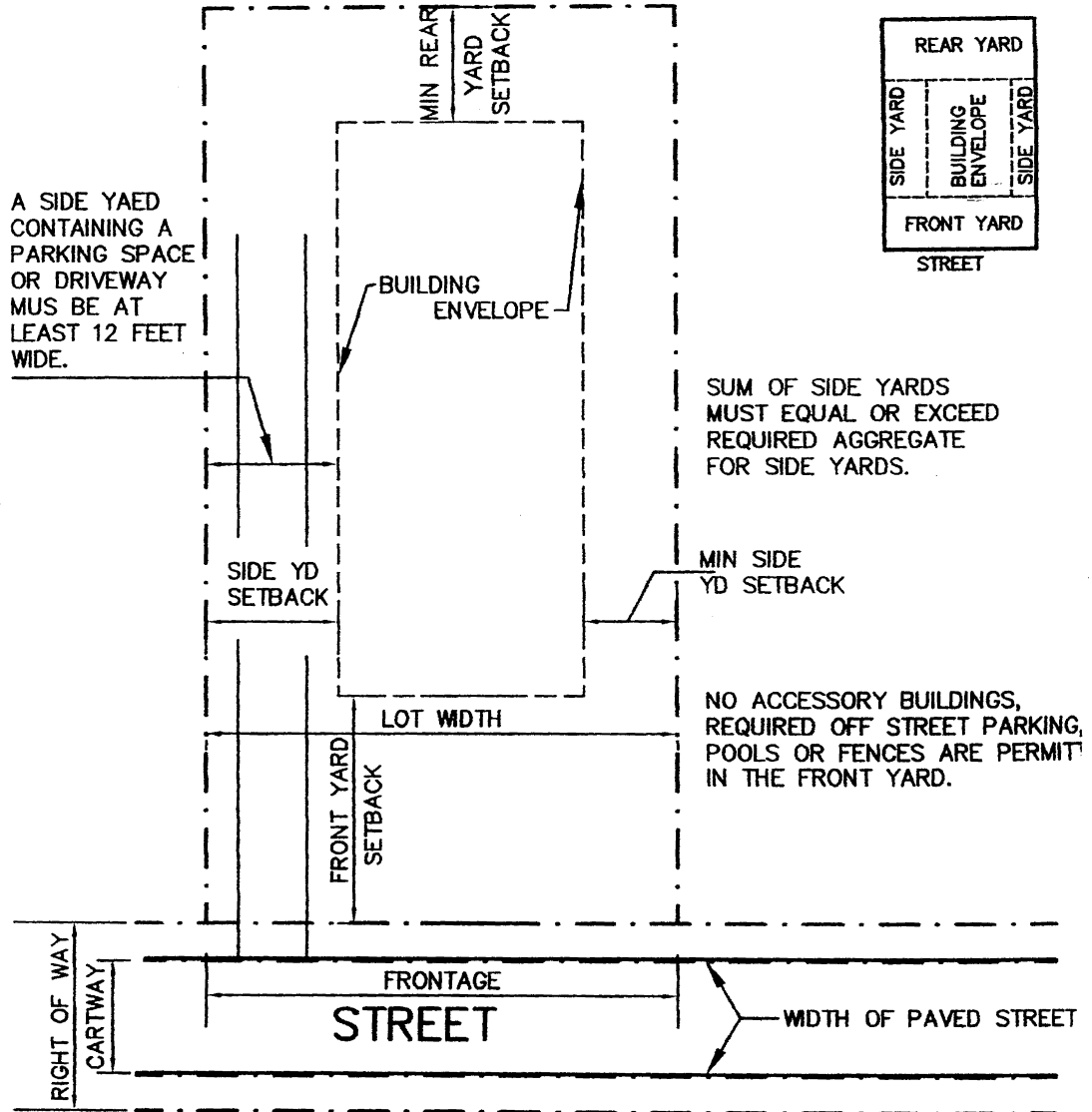
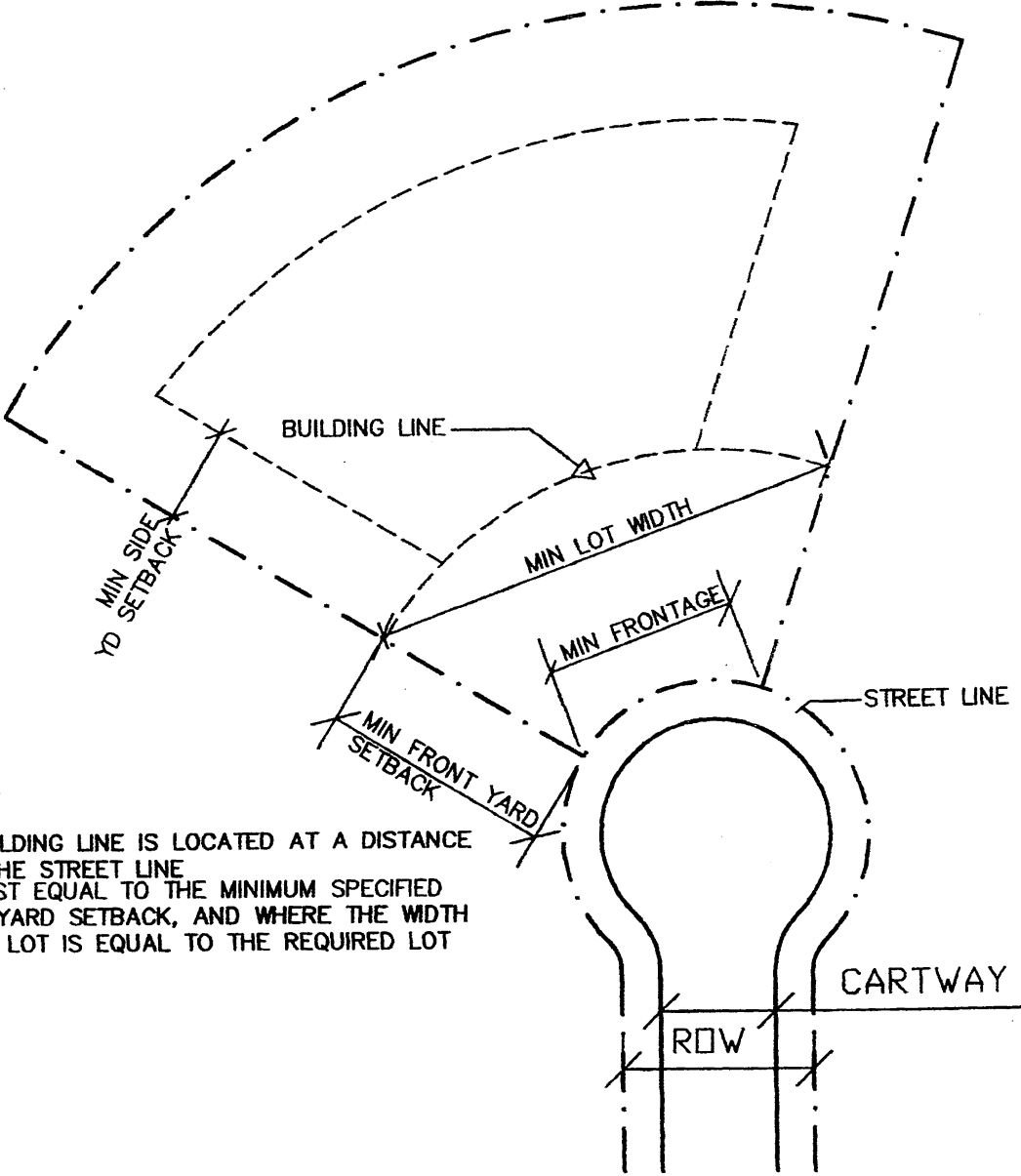


DIAGRAM OF REQUIREMENTS
RECTANGULAR LOT

D-1



THE BUILDING LINE IS LOCATED AT A DISTANCE FROM THE STREET LINE AT LEAST EQUAL TO THE MINIMUM SPECIFIED FRONT YARD SETBACK, AND WHERE THE WIDTH OF THE LOT IS EQUAL TO THE REQUIRED LOT WIDTH.

DIAGRAM OF REQUIREMENTS IRREGULAR LOT **D-2**

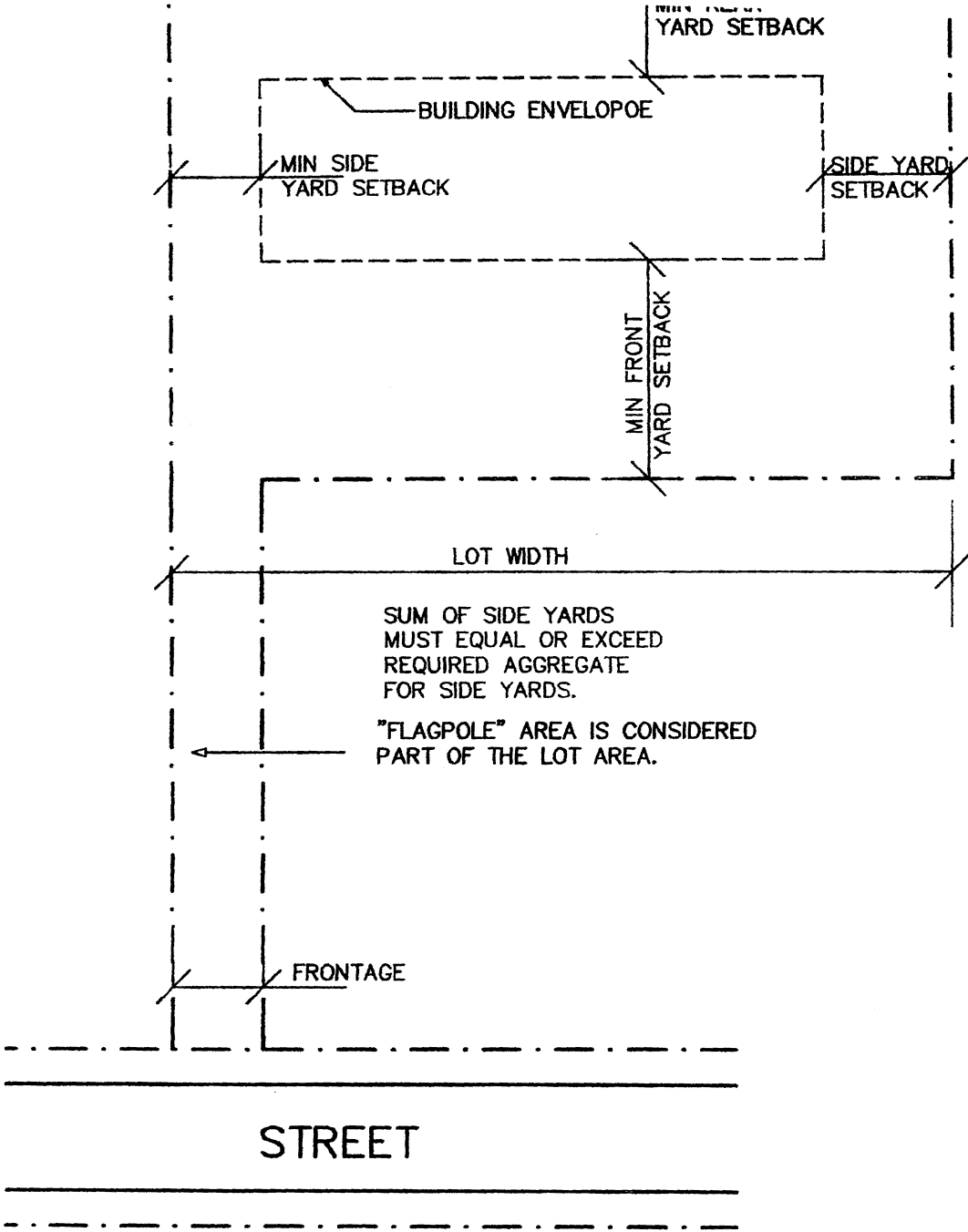


DIAGRAM OF REQUIREMENTS **D-3**
"FLAG LOT"

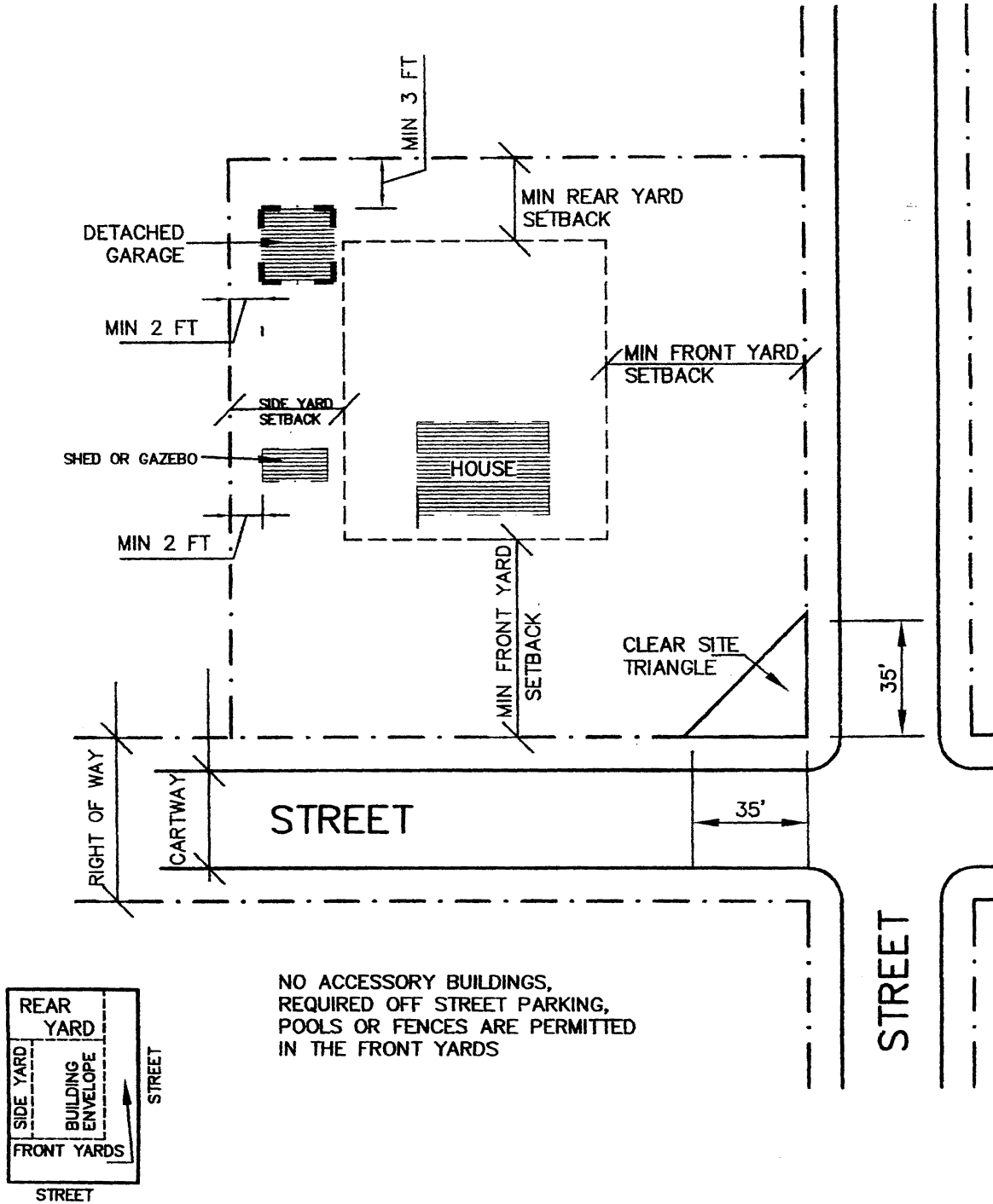


DIAGRAM OF REQUIREMENTS **D-4**
CORNER LOT

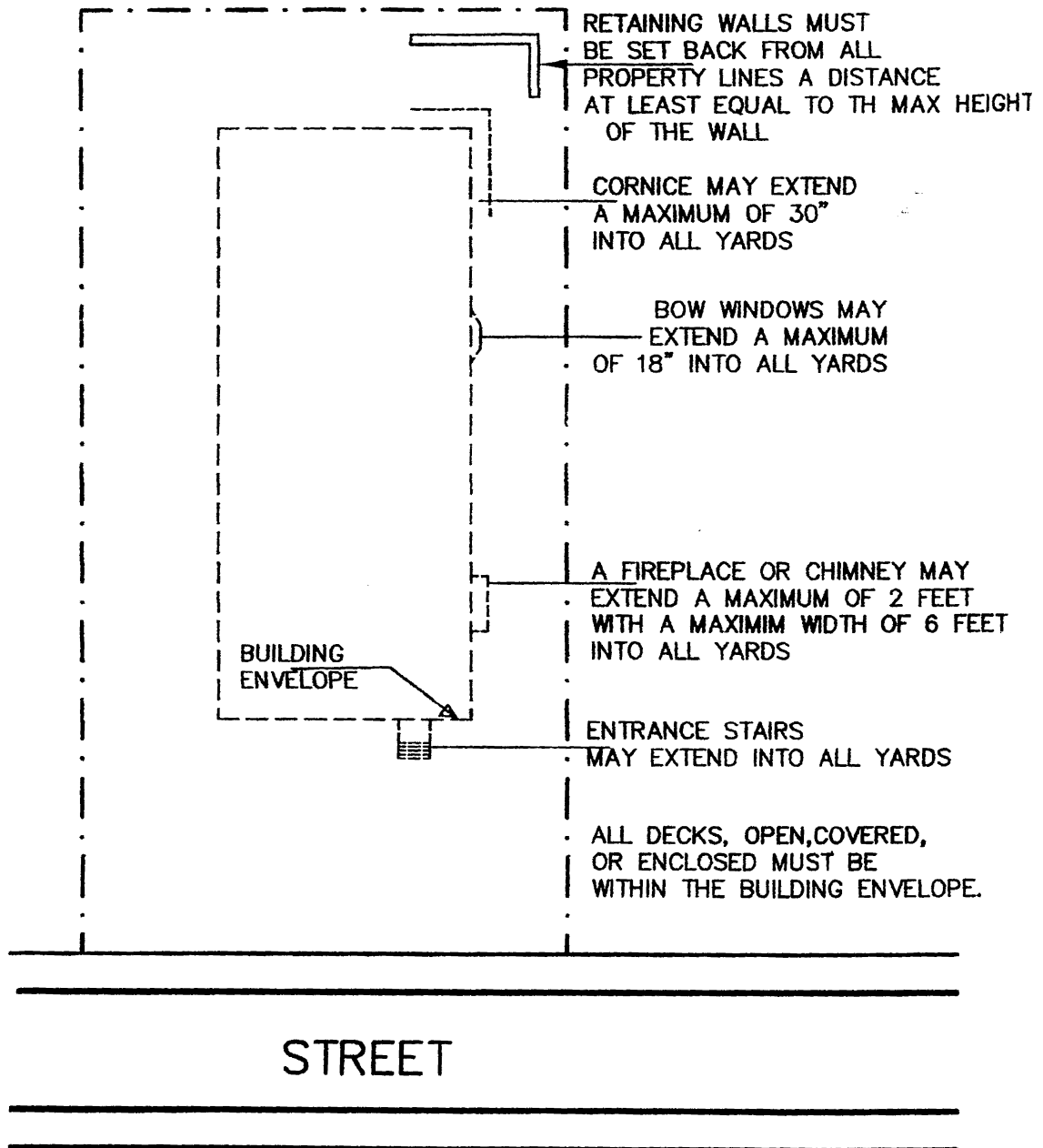


DIAGRAM OF PERMITTED ENCROACHMENTS
TYPICAL FOR ALL LOTS

D-5

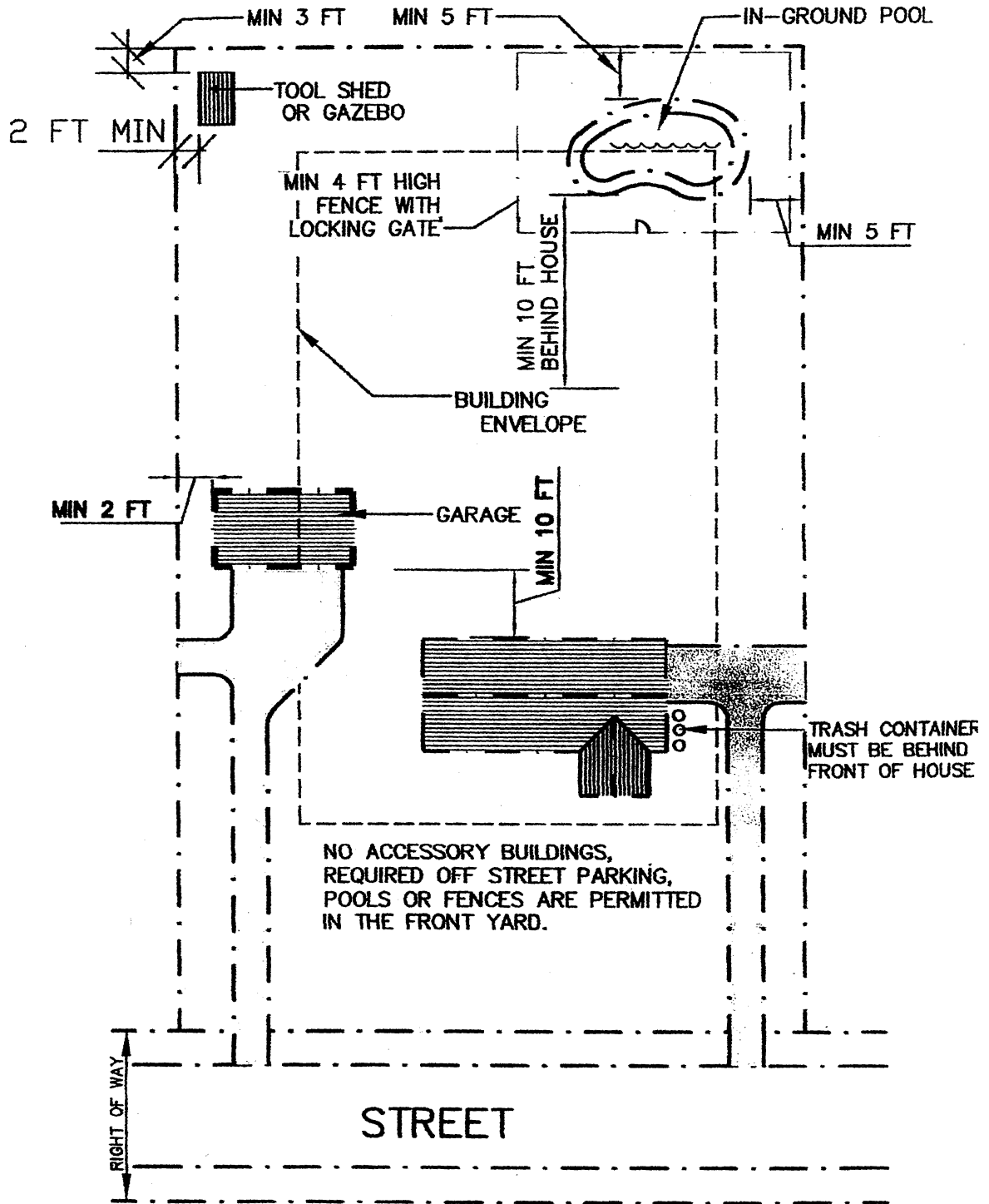
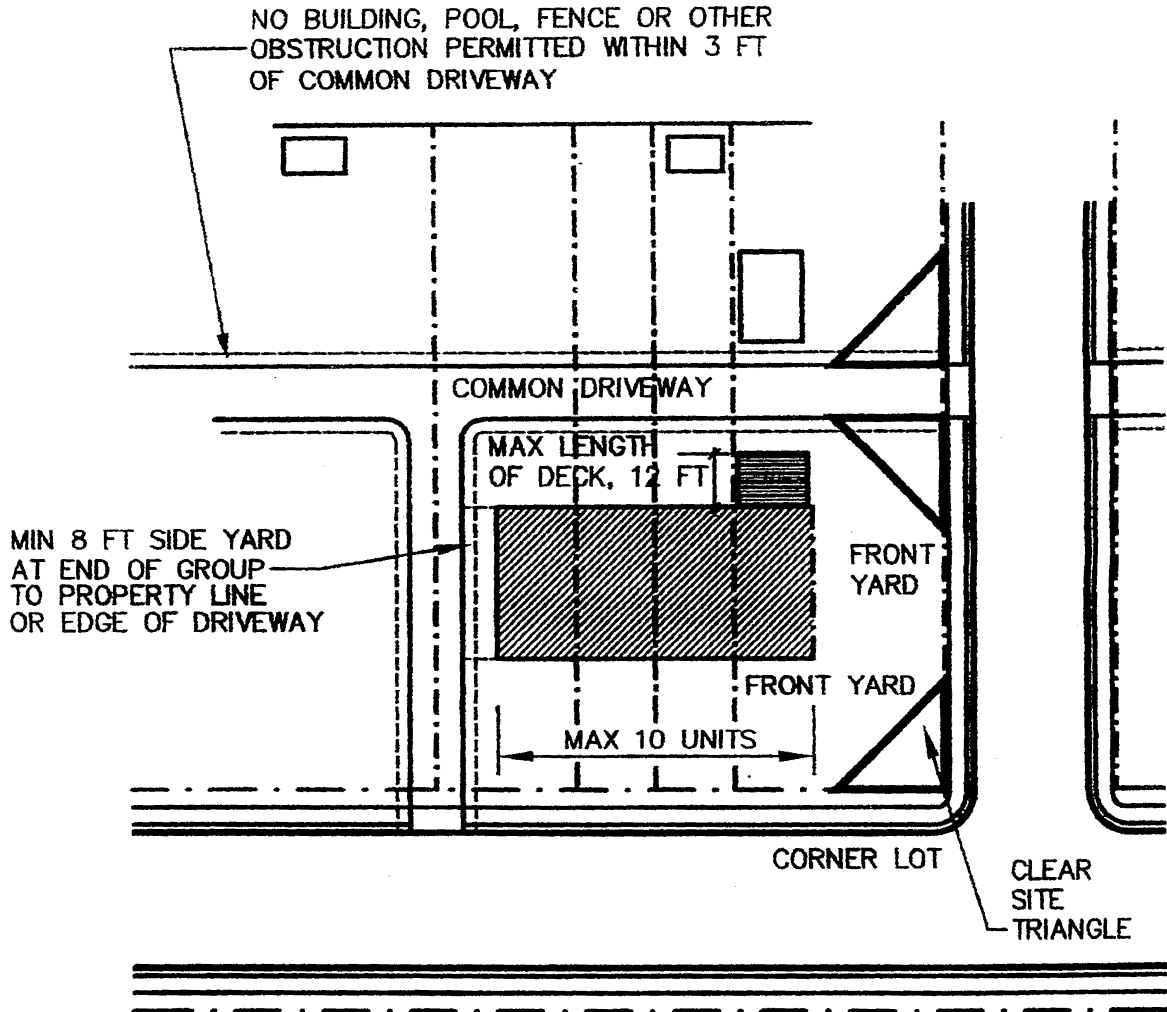


DIAGRAM OF REQUIREMENTS
ACCESSORY BUILDINGS

D-6



NO ACCESSORY BUILDINGS,
REQUIRED OFF STREET PARKING,
POOLS OR FENCES ARE PERMITTED
IN THE FRONT YARD.

DIAGRAM OF REQUIREMENTS ATTACHED DWELLINGS

D-7

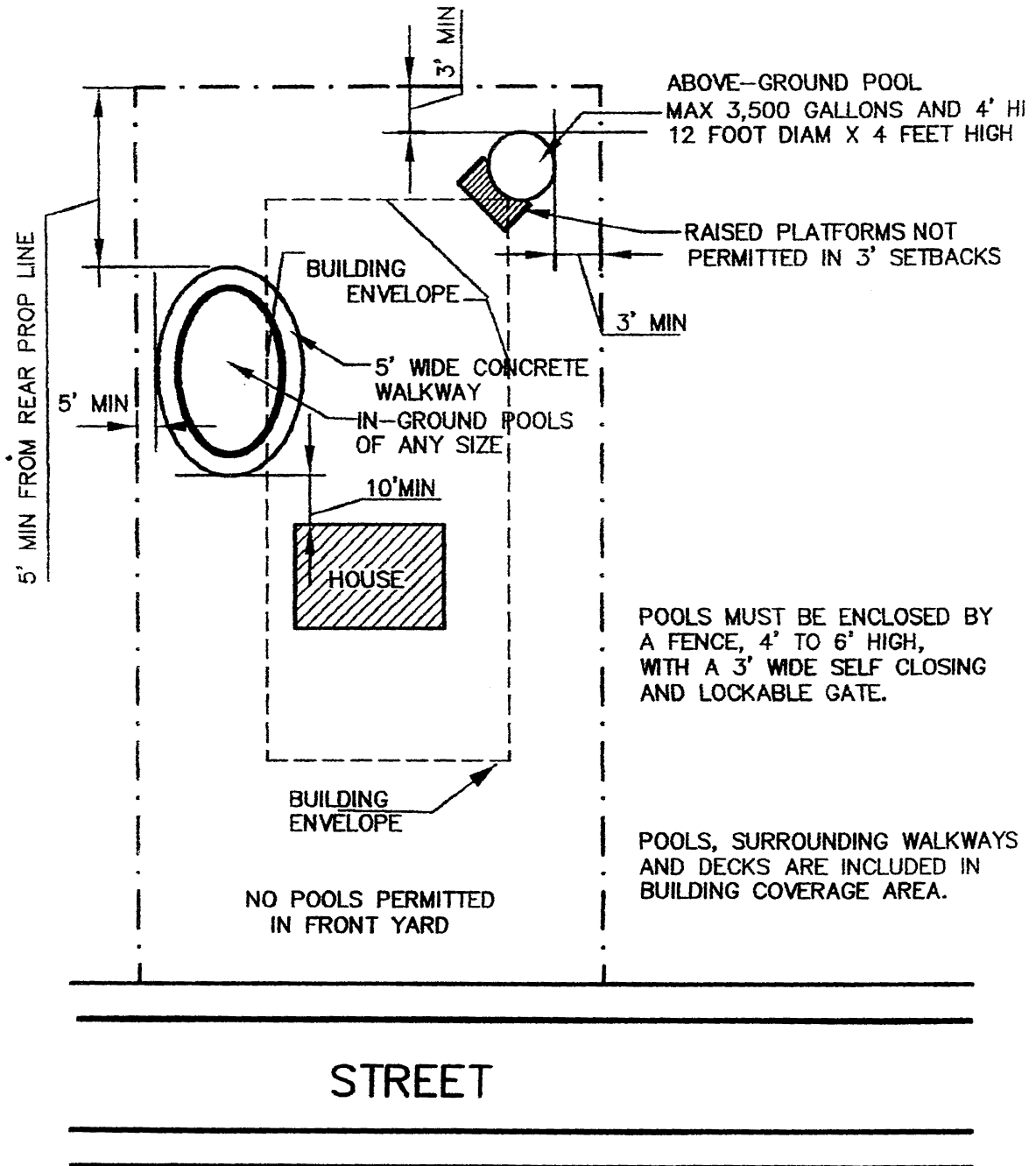
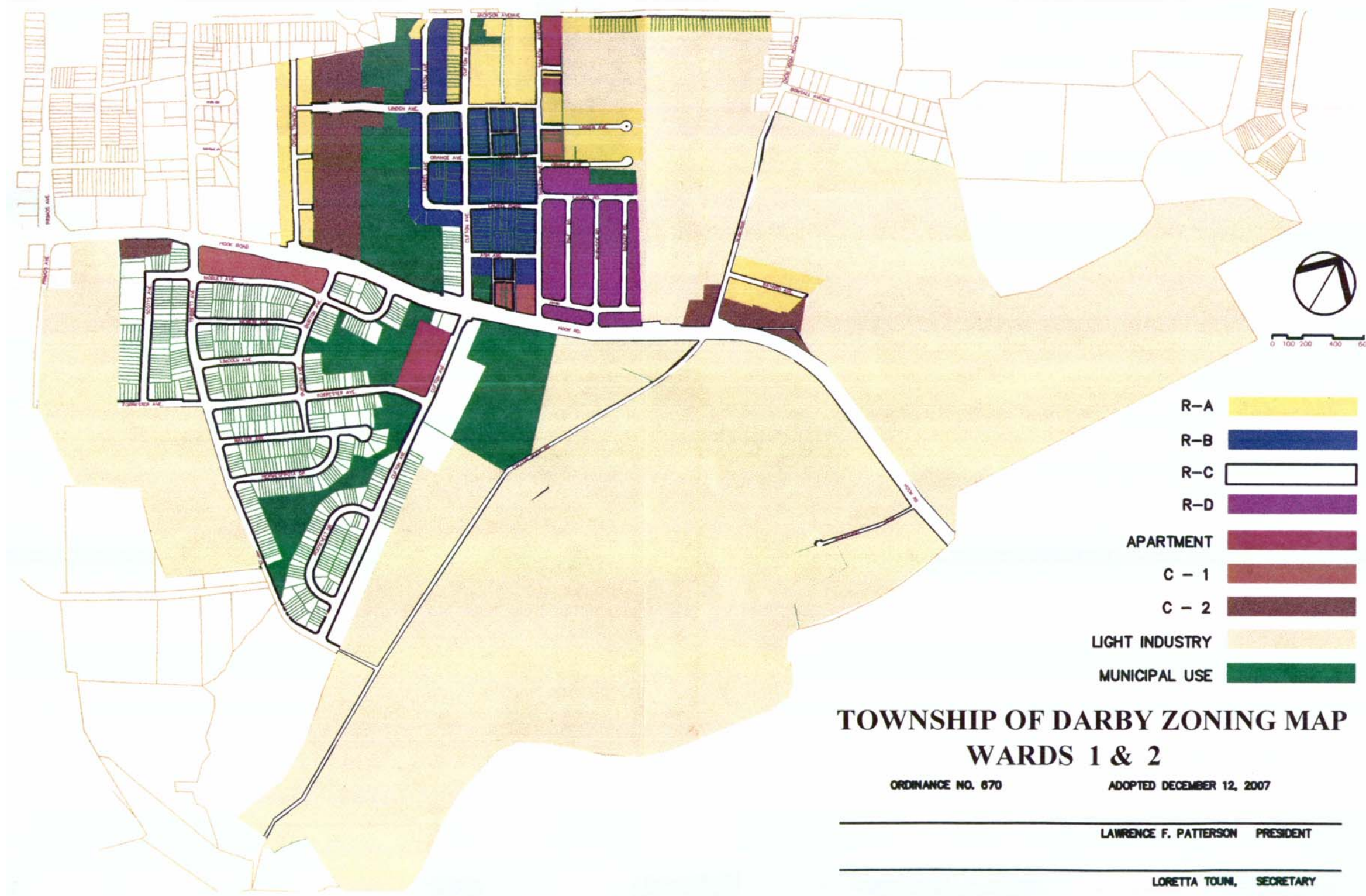


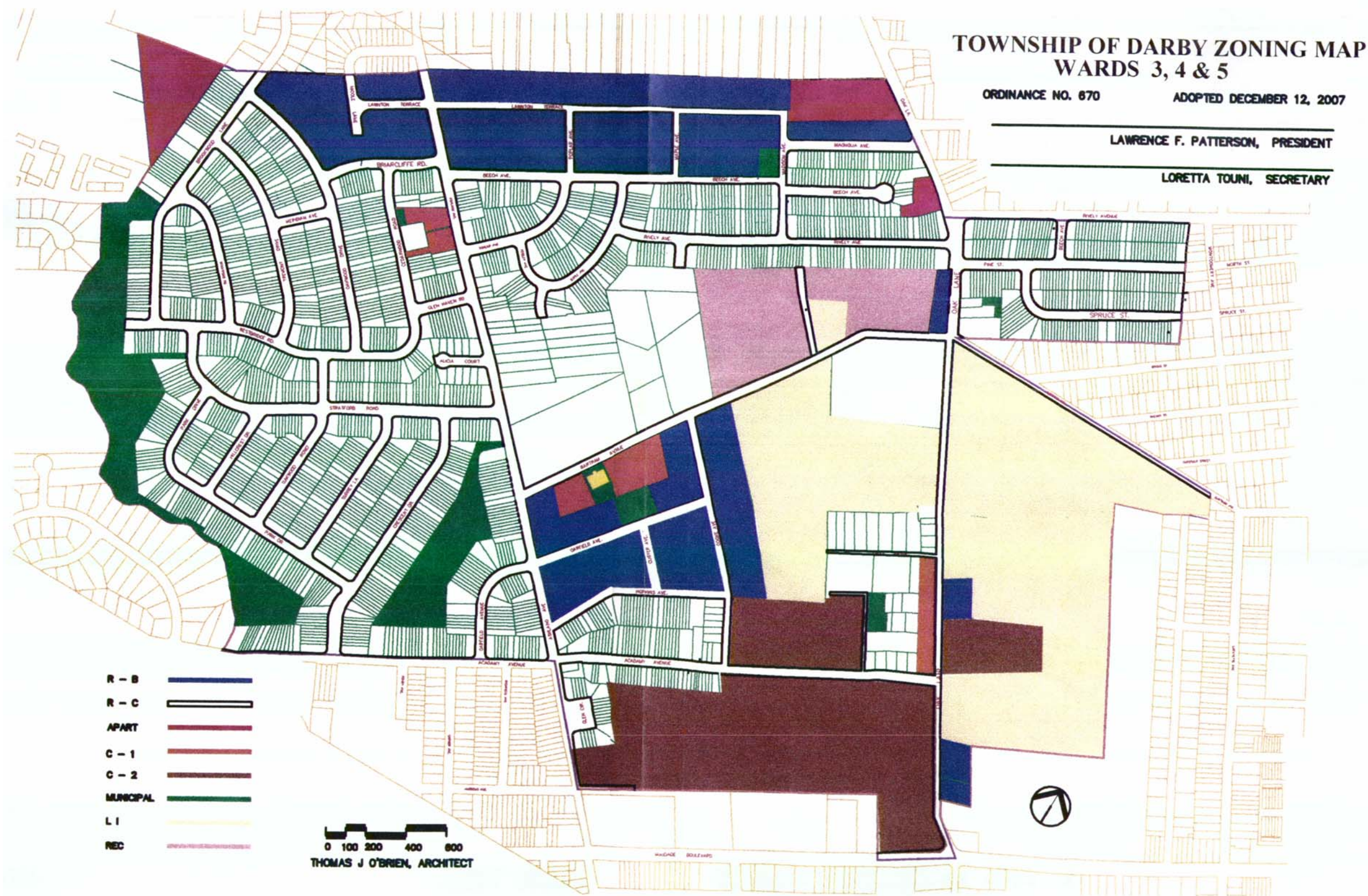
DIAGRAM OF SWIMMING POOL REQUIREMENTS

D-8

27 Attachment 2

Township of Darby





ORDINANCE NO. 572

An Ordinance adopting, by reference, the Code of Ordinances of the Township of Darby, Delaware County, Pennsylvania; consolidating, revising, amending and repealing certain ordinances; enacting certain new provisions; adopting standard codes by reference; providing a procedure for amending the Code and for the citation of the Code and the effective date thereof; establishing responsibility for maintenance of the Code; saving certain provisions from repeal; and prescribing penalties for violation.

The Township of Darby hereby ordains:

Section 1. Adoption.

The “Code of Ordinances, Township of Darby,” as prepared and published for the said Township of Darby, by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of Darby. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Township of Darby organized as follows:

- Chapter 1. Administration and Government
- Chapter 2. Animals
- Chapter 4. Buildings
- Chapter 5. Code Enforcement
- Chapter 6. Conduct
- Chapter 7. Fire Prevention and Fire Protection
- Chapter 8. Flood Plain Regulations
- Chapter 9. Grading and Excavation
- Chapter 10. Health and Safety
- Chapter 11. Housing
- Chapter 13. Licenses, Permits and General Business Regulations
- Chapter 15. Motor Vehicles and Traffic
- Chapter 16. Parks and Recreation
- Chapter 18. Sewers and Sewage Disposal
- Chapter 20. Solid Waste
- Chapter 21. Streets and Sidewalks
- Chapter 23. Swimming Pools
- Chapter 24. Taxation, Special
- Chapter 27. Zoning

Appendix:

- B..... Bond Issues and Loans
- D Governmental and Intergovernmental Affairs
- E..... Plan Approval
- F..... Public Property
- G Sewers
- H Streets and Sidewalks
- J Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature

Section 2. Citation and Effective Date.

The codification referred to in section 1 of this ordinance shall be known and cited officially as the “Darby Township Code of Ordinances”, and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause.

The provisions of the Darby Township Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Darby Township Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation, Codification and Revision.

As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Chapter, Section	Part,	Subject
15, complete		Motor Vehi- cles

Ordinance Nos superseded.

127, 162, 177, 199, 200, 202, 236, 243, 292, 304, 314, 321, 333, 335, 336B, 347, 350, 353, 363, 367, 368, 383, 384, 400, 440, 441, 442, 454, 467, 469, 474, 485, 490, 491, 520, 523, 543, 545, 559

B. Revisions

Chapter, Section	Part,	Subject	Ordinance No.
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5, §§101 to 104	BOCA Building Code	528
5, §§201 to 216	National Electrical Code	529
5, §§301 to 304	BOCA Fire Prevention Code	532
5, §§401 to 405	BOCA Existing Structures Code	439
5, §§501 to 505	BOCA Mechanical Code	530
5, §§601 to 604	BOCA Plumbing Code	531
6, §§101 to 105	Alcoholic Beverages	494
6, §§301, 302	Disorderly Conduct	399, 494
6, §§401 to 404	Firearms	144
6, §§501 to 504	Loitering	399
13, §§601 to 609	Transient Retail Merchants	415, 464
24, §§101 to 111	Amusement Admissions Tax	451

Section 5. New Enactments, Amendments and Repeals.

As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Chapter, Section	Part,	Short Title
1, §§601 to 603		Recognizing the Firemen's Relief Association.
15, Complete		Regulating traffic and parking of motor vehicles.

B. Amendments

Chapter, Section	Part,	Short Title	Ordinance No.
1, 3, §301		Planning Commission	332
24, 5, §503		Per Capita Tax	537

C. Repeals

Ord. No.	Short Title
95	Gunning
128	Temporary Structures
129	House Cars

165	Switchblades
171	Drainage
188	Keeping of Hogs
212	Burial Grounds
235	Excavation Fencing
253	Scavengers
254	Compensation
260	Compensation
276	Controller
311	Treasurer Bond
373	Private Dumps and Landfills
386	Nuisances
405	Trash Dumping Permit
406	Trash Dumping Permit
419	Nuisances
431	Trash Dumping Permit
478	Dairy Products
503	Dairy Products
505A	Nuisances
506	Pest Control

Section 6. Adoption of Standard Codes by Reference.

As a necessary part of codification, the following ordinances are hereby reenacted by reference as standard codes summarized by short title:

Chapter, Part	Short Title	Ord. No.
5, 1	BOCA National Building Code	528
5, 2	National Electrical Code	529
5, 3	BOCA National Fire Prevention Code	532
5, 4	CABO National Existing Struc- tures Code	439
5, 5,	BOCA National Mechanical Code	530
5, 6,	BOCA National Plumbing Code	531

Section 7. Land Use Ordinances.

As a necessary part of codification, the following land use ordinances are hereby enacted and amended as follows:

- A. Revised Provisions.

Chapter, Section	Part,	Short Title
27, 15, §1501		Zoning Hearing Board
27, 15, §1502		Hearings
27, 15 §1503		Jurisdiction
27, 15, §1504		Variances
27, 15, §1505		Special Exceptions
27, 15, §1508		Parties Appellant Before the Board
27, 15, §1509		Time Limitations
27, 15, §1510		Stay of Proceedings
27, 16, §1601		Enactment of Zoning Ordinance Amendments
27, 16, §1602		Procedure for Landowner Curative Amendments
27, 16, §1603		Procedure for Township Curative Amendments
27, 17, §1701		Enforcement Notice
27, 17, §1702		Causes of Action
27, 17, §1703		Enforcement Remedies

B. Amendments.

Chapter, Sec- tion	Short Ti- tle	Ordinance No.
27, §201	Defini- tions	349

C. Repeals

Chapter, Sec- tion	Short Title	Ordinance No.
27, 1505(7)	Satellite Dishes	541, 551

Section 8. Procedural Changes.

The following minor procedural changes have been made to existing Township of Darby Code of Ordinances:

- A. grammatical and spelling errors have been corrected where necessary;
- B. minor changes have been made to correct obsolete terms and usages;
- C. the penalty provisions have been revised where necessary to comply with the Pennsylvania Township of Darby Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances.

The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision – “Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended [revised] to read as follows . . .”
- B. Additions – “Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended by the addition of the following . . .”
- C. Repeal – “Chapter _____, Part _____, Section _____, Subsection _____ is hereby repealed in its entirety.”

Section 10. Responsibility for Code of Ordinances.

It shall be the responsibility of the Township of Darby Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Township’s Code of Ordinances and shall be available for public inspection.

Section 11. Penalties.

It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Township of Darby. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

Section 12. Severability of Parts of Codification.

It is hereby declared to be the intention of Board of Commissioners that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 10th day of October, 1990

TOWNSHIP OF DARBY

By: /s/Lawrence F. Patterson
President, Board of
Commissioners

ATTEST:

/s/ Loretta Touni
Secretary

EXAMINED AND APPROVED this 10th day of October, 1990.

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township Offices.

The enactments included in this Appendix are grouped under the following headings:

- A..... Annexation of Territory
- B..... Bond Issues and Loans
- C..... Franchises and Services
- D. Governmental and Intergovernmental Affairs
- E..... Plan Approval
- F..... Public Property
- G. Sewers
- H. Streets and Sidewalks
- I..... Water
- J. Zoning Reclassification

APPENDIX A

ANNEXATION OF TERRITORY

(Reserved to accommodate future ordinances)

APPENDIX B
BOND ISSUES AND LOANS

§ B-101. Bond Issues and Loans.

§ B-101. Bond Issues and Loans.

Ord. or Res.	Date	Type of Action	Amount	Purpose
223	4/4/1956	General Obligation Bonds	\$60,000	Street Improvements
387	10/18/1967	Increasing Indebtedness	\$100,000	Township Improvements
443	6/13/1973	Increasing Indebtedness	\$400,000	Various Purposes
473	9/29/1975	General Obligation Note	\$85,000	Funding Debt
515	2/13/1980	General Obligation Note	\$250,000	Township Improvements
516	10/29/1980	Amendment to Ord. 515		
563	9/25/1989	General Obligation Note	\$450,000	Township Improvements
R-90-7	12/12/1990	Tax and Revenue Anticipation Note	\$300,000	Township Improvements
R-91-5	12/16/1991	Tax and Revenue Anticipation Note	\$300,000	Township Improvements
596	9/8/1993	General Obligation Note	\$500,000	Capital Improvements
603	10/12/1994	General Obligation Note	\$510,000	Capital Projects
606	12/12/1994	Tax and Revenue Anticipation Note	\$150,000	Township Improvements
611	12/11/1995	Tax and Revenue Anticipation Note	\$150,000	Unspecified
619	11/18/1996	General Obligation Bond	\$1,500,000	Township Improvements
621	12/9/1996	Tax and Revenue Anticipation Note	\$150,000	Unspecified
R-97-18	12/10/1997	Tax and Revenue Anticipation Note	\$150,000	Unspecified
R-98-9	12/9/1998	Tax and Revenue Anticipation Note	\$150,000	Unspecified

Ord. or Res.	Date	Type of Action	Amount	Purpose
R-99-7	12/8/1999	Tax and Revenue Anticipation Note	\$150,000	Unspecified
644	10/9/2002	Nonelectoral Debt by General Obligation Bonds	\$1,785,000	Capital Improvements
R-01-9	12/12/2001	Tax and Revenue Anticipation Note	\$150,000	Unspecified
R-02-12	12/11/2002	Tax and Revenue Anticipation Notes	\$150,000	Unspecified
R-2003-12	12/10/2003	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
653	7/14/2004	General Obligation Note	\$200,000	Unspecified
R-2004-10	12/8/2004	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2005-9	12/14/2005	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2006-10	12/13/2006	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2007-8	12/12/2007	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2008-11	12/10/2008	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2009-07	12/9/2009	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
687	6/2/2010	General Obligation Note	\$300,000	Acquisition of Equipment
R-2010-08	12/8/2010	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2011-12	12/7/2011	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2012-05	12/5/2012	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2013-07	7/10/2013	Loan to Fire Company	\$16,000	Operational Obligations
R-2013-12	12/4/2013	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2015-06	12/9/2015	Tax and Revenue Anticipation Notes	\$200,000	Unspecified
R-2016-09	12/14/2016	Tax and Revenue Anticipation Notes	\$200,000	Unspecified

APPENDIX C

FRANCHISES AND SERVICES

Ord. or Res.	Date	Subject
499	3/8/1978	Granting nonexclusive rights to the Delaware County Cable Television Company to construct, own, operate and maintain a cable television system in the Township
536	2/9/1983	Amendment to Ord. 499
593	6/9/1993	Amendment to Ord. 499
635	6/14/2000	Granting nonexclusive rights to RCN Telecom Services of Philadelphia, Inc., to construct, own, operate and maintain a cable television system in the Township
637	10/11/2000	Amendment to Ord. 635
638	10/11/2000	Amendment to Ord. 499
674	5/13/2008	Granting nonexclusive rights to Comcast of Southeast Pennsylvania, LLC, to construct, own, operate and maintain a cable communications system in the Township
675	10/8/2008	Granting nonexclusive rights to Verizon Pennsylvania, Inc., to construct, own, operate and maintain a cable communications system in the Township

APPENDIX D

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

§ D-101. Governmental and Intergovernmental Affairs.

§ D-101. Governmental and Intergovernmental Affairs.

Ord./Res.	Date	Subject
112	12/16/1935	Providing for the execution of a joint agreement between the Townships of Darby, Springfield and Upper Darby, and the Boroughs of Aldan, Clifton Heights, Collingdale, Colwyn, Darby, Lansdowne, Sharon Hill and Yeadon for the construction by them through the Darby Creek Joint Sewer Board of a trunk line sewer along the Darby Creek, and for the maintenance thereof
147	11/29/1950	Signifying the desire of the Township of Darby to become a member of the Darby Creek Joint Authority, a joint municipal authority, as provided by the Municipality Authorities Act of 1945 as supplemented and amended, setting forth in full the proposed articles of joinder therein
155	11/7/1951	Signifying the desire of the Township of Darby to become a member of the Muckinipates Authority, a joint municipal authority, as provided by the Municipality Authorities Act of 1945 as supplemented and amended, setting forth in full the proposed articles of joinder therein
160	7/19/1952	Authorizing an agreement between the Townships of Darby, Springfield and Upper Darby and the Boroughs of Aldan, Clifton Heights, Collingdale, Colwyn, Darby, Folcroft, Lansdowne, Sharon Hill and Yeadon and the Darby Creek Joint Authority, providing for construction of a sewage treatment plant, the construction of the Cobbs Creek outfall sewer, the construction of the Hermesprota run outfall sewer connection and the maintenance, operation and financing thereof; the refunding of certain existing loans to the authority; and authorizing an agreement between the said Townships and Boroughs and the said authority amending certain agreements dated February 15, 1940, and July 20, 1944
167	5/6/1953	Police Department established (amended by Ords. 176, 204, and 259)
191	4/11/1956	Establishing curbs in certain area of the Township

Ord./Res.	Date	Subject
256	10/30/1957	Conveying the Township sewer system to the Darby Township Authority; assigning present and future sewer rentals to the Darby Township Authority; assigning the duty to maintain, operate and meet obligations to the Authority; requiring the Authority to pay the Township for the cost of certain sewer installations; defining the duty to set future sewer rentals
258	11/20/1957	Establishing sidewalks in certain areas of the Township
260	11/20/1957	Establishing salaries for certain Township employees
R-90-5	12/12/1990	Certifying to the Pennsylvania Department of Community Affairs that RIRA funded improvements at Okeola Playground, Westbridge Playground and South Hermesprota Run Park were completed satisfactorily and were in accordance with the state grant contract
R-90-6	12/12/1990	Ratifying the Delaware County Municipal Solid Waste Management Plan revision
R-91-1	2/13/1991	Requesting the Delaware County Board of Elections to place a question concerning local option small games of chance on the ballot for the municipal primary election to be held May 21, 1991
R-91-2	3/6/1991	Resolving to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining funds
R-91-3	3/13/1991	Declaring March, 1991, Women's History Month
R-91-4	10/9/1991	Resolving to comply with the requirements of the RIRA program and the Department of Community Affairs for the purpose of obtaining funds
R-92-1	2/12/1992	Declaring March, 1992, Women's History Month
R-92-2	2/12/1992	Declaring February 14-22, 1992, Engineers' Week
R-92-5	9/16/1992	Requesting permission to participate in the Commonwealth of Pennsylvania Cooperative Purchasing Program
R-92-6	9/16/1992	Adopting a schedule of fees to be imposed on subdividers or land developers for plan application processing
R-92-9	10/14/1992	Declaring October 24 to November 1, 1992, Red Ribbon Week
R-92-10	11/23/1992	Resolving to comply with the requirements of the RIRA program and the Department of Community Affairs for the purpose of obtaining funds
R-93-1	1/13/1993	Authorizing the President and Vice President of the Board of Commissioners to sign an agreement on behalf of the Township
R-93-2	2/10/1993	Recognizing and commemorating the 90th anniversary of the First African Baptist Church
R-93-3	3/10/1993	Proclaiming March, 1993, Women's History Month

GOVERNMENTAL AND
INTERGOVERNMENTAL AFFAIRS

§ D-101

Ord./Res.	Date	Subject
R-93-4	4/7/1993	Approving the application for state planning assistance and authorizing said application to be forwarded to the Pennsylvania Department of Community Affairs in the amount of \$15,000
R-93-5	4/14/1993	Resolving to comply with the requirements of the Community Development Block Program for the purpose of obtaining funds
R-93-6	5/12/1993	Requesting authorization to participate in purchase contracts of the Department of General Services
R-93-7	7/14/1993	Supporting the Legislative Initiative Program and requesting its continuation
R-93-8	9/8/1993	Resolving to comply with the requirements of the RIRA program and the Department of Community Affairs for the purpose of obtaining funds
R-94-1	2/9/1994	Proclaiming February 13-19, 1994, Child Passenger Safety Awareness Week
R-94-2	2/9/1994	Declaring February 13-20, 1994, to be Engineers' Week
R-94-3	2/9/1994	Declaring March, 1994, to be Women's History Month
600	3/9/1994	Authorizing the Board of Commissioners to join with other local government units as a settlor of the Pennsylvania Local Government Investment Trust for the purpose of purchasing shares in the trust
R-94-4	3/23/1994	Resolving to comply with the requirements of the Community Development Block Program for the purpose of obtaining grant funds
R-94-5	10/12/1994	Resolving to join with various municipalities in a joint project for the installation of handicapped curb cuts
R-94-6	10/12/1994	Declaring October 22-30, 1994, to be Red Ribbon Week
R-95-1	1/11/1995	Resolving to comply with the requirements of the Keystone Community Grant Program and the Department of Community Affairs for the purpose of obtaining funds
R-95-2	2/8/1995	Approving a fee schedule for the review of planning modules
R-95-3	2/8/1995	Authorizing the President of the Board of Commissioners to sign a joint agreement for establishing regional qualifications and examination of master and journeyperson plumbers and for reciprocal recognition of licenses on its behalf
R-95-4	2/8/1995	Resolving to comply with the requirements of the Community Development Program for the purpose of obtaining funds
R-95-5	3/8/1995	Declaring March, 1995, to be Women's History Month

Ord./Res.	Date	Subject
R-95-7	6/14/1995	Resolving that all back taxes on 1122 Laurel Avenue are satisfied; granting amnesty for all taxes, penalties and interest on Folio Number 15-0001884-01; eliminating the tax folio for 1122 Laurel Avenue; and resolving that the proper folio number for 821 Clifton Avenue is 15-0001029-00
R-96-1	1/10/1996	Agreeing to comply with the requirements of the Keystone Community Grant Program and the Department of Community Affairs for the purpose of obtaining grant funds
R-96-2	2/7/1996	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds
R-96-3	9/11/1996	Agreeing not to convert the PRD-9-20 site to a nonpublic park or community center without first receiving written approval from the Department of Community Affairs
R-96-4	10/17/1996	Authorizing the President of the Board of Commissioners to sign an agreement on behalf of the Township
R-96-5	12/4/1996	Agreeing to comply with the requirements of the Keystone Acquisition and Development Grant Program and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds
R-96-6	12/9/1996	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds
R-97-1	2/12/1997	Honorably discharging Corporal Joseph A. Parco from the Darby Township Police Department and placing him on permanent service-connected disability pension
R-97-2	2/12/1997	Authorizing the President of the Board of Commissioners and the Township Manager to release funds to W.I. Development, Inc., and the Township of Darby for the completion of improvements for Bonsall Village
R-97-4	5/14/1997	Declaring the intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved July 16, 1993
R-97-5	5/14/1997	Authorizing the disposition of the following public records: applications for business licenses, business privilege tax returns, occupational privilege tax forms, per capita tax forms, accounting ledgers and reports, correspondence, work papers of accountants, and bank deposit slips and bank statements for the years 1983 through 1989, inclusive
R-97-7	6/11/1997	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$1,072.75

GOVERNMENTAL AND
INTERGOVERNMENTAL AFFAIRS

§ D-101

Ord./Res.	Date	Subject
R-97-8	7/9/1997	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$27,178.75
R-97-10	10/8/1997	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$14,530
R-97-11	11/17/1997	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$33,365.40
R-97-12	11/17/1997	Endorsing an application to the Pennsylvania Department of Conservation and Natural Resources by the Darby Creek Watershed, which will act as the lead agency in undertaking the general program component for the Keystone Rivers Conservation Grant Program
R-97-13	11/17/1997	Agreeing to comply with the requirements of the Keystone Acquisition and Development Grant Program and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds
R-97-15	12/10/1997	Proclaiming Friday, December 19, as "Lights On for Life Day" in Darby Township and calling upon all motorists to drive with their vehicle headlights on throughout the day as a memorial for victims of impaired driving and as a reminder of the dangers of drunk and drugged driving
R-97-16	12/10/1997	Resolving to make this resolution a part of the permanent minutes and that a signed and dated copy be given to Lee M. Taliaferro on the occasion of his final meeting as an elected Commissioner of the Township of Darby
R-97-17	12/10/1997	Agreeing to comply with the requirements of the Community Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area of the Township
R-98-1	1/30/1998	Commending, honoring and recognizing Robert H. Thompson for his installation as President of the Delaware County Police Chiefs' Association
R-98-2	4/15/1998	Authorizing and directing the President and Vice President to sign a traffic signal maintenance agreement and authorizing and directing the Secretary and Assistant Secretary to attest and seal the same
R-98-4	6/14/1998	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$16,020

Ord./Res.	Date	Subject
R-98-6	10/14/1998	Agreeing to comply with the requirements of the Keystone Acquisition and Development Grant Program and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds to implement this project
R-98-8	12/9/1998	Proclaiming Friday, December 18, as "Lights On for Life Day" in Darby Township and calling upon all motorists to drive with their vehicle headlights on throughout the day as a memorial for victims of impaired driving and as a reminder of the dangers of drunk and drugged driving
R-98-10	12/9/1998	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area of the Township
R-99-1	6/2/1999	Requesting permission to participate in the Pennsylvania Department of General Services' Cooperative Purchasing Program
R-99-2	7/14/1999	Authorizing and directing the President of the Board of Commissioners of the Township to sign an agreement for adjustment of incorporated utility facilities
R-99-3	9/15/1999	Agreeing to comply with the requirements of the Keystone Acquisition and Development Grant Program and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds to implement this project
R-99-4	10/14/1999	Authorizing all required forms and documents to obtain financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
R-99-6	11/15/1999	Entering into a ground lease for the Studevan School parcel with the Studevan School Housing Partnership, L.P., with said ground continuing to be owned by the Township of Darby and utilized for municipal purposes
R-99-8	12/8/1999	Proclaiming Friday, December 17, as "Lights On for Life Day" in Darby Township and calling upon all motorists to drive with their vehicle headlights on throughout the day as a memorial for victims of impaired driving and as a reminder of the dangers of drunk and drugged driving
R-99-9	12/8/1999	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to construct a library in the eligible area of the Township
R-2000-1	2/9/2000	Honoring and celebrating the achievements of Engineers during Engineers' Week held February 20, 2000, through February 26, 2000
R-2000-2	2/9/2000	Agreeing to comply with the requirements of the grant program to establish two public libraries

GOVERNMENTAL AND
INTERGOVERNMENTAL AFFAIRS

§ D-101

Ord./Res.	Date	Subject
R-2000-5	10/11/2000	Authorizing the extension of the Articles of Incorporation and Amendment thereto of the Muckinipates Authority for a period of 50 years or until the year 2050
R-2000-6	12/13/2000	Resolving that John J. O'Neill be and is hereby appointed as the representative of the Township of Darby to the Muckinipates Authority to serve for a term of 4 years, commencing January 1, 2001, and fixing the compensation of John J. O'Neill
R-2000-7	12/13/2000	Proclaiming Friday, December 15, as "Lights On for Life Day" in Darby Township and calling upon all motorists to drive with their vehicle headlights on throughout the day as a memorial for victims of impaired driving and as a reminder of the dangers of drunk and drugged driving
R-2000-9	12/13/2000	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to construct a community building in the eligible area of the Township
R-2001-1	2/14/2001	Honoring and celebrating the achievements of Engineers during Engineers' Week held February 18, 2000, through February 24, 2000
R-2001-2	2/14/2001	Declaring February 11, 2001, through February 17, 2001, Child Passenger Safety Awareness Week
R-2001-3	7/31/2001	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Secretary to release escrow funds in the amount of \$73,870.02
R-2001-4	9/12/2001	Declaring October 23-October 31 as "Red Ribbon Week: Working Toward a Drug Free Community"
R-2001-5	9/12/2001	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Secretary to release escrow funds in the amount of \$1,338
R-2001-7	10/10/2001	Authorizing the President of the Board of Commissioners to sign a grant application and agreement for the Okeola Park rehabilitation project
R-2001-8	11/19/2001	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$6,132
R-2001-10	12/12/2001	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area for the Township
R-2001-11	12/12/2001	Resolving to execute such action as required by the President of the Board of Commissioners and the Township Manager to release escrow funds in the amount of \$31,600

Ord./Res.	Date	Subject
R-2002-1	2/13/2002	Declaring February 10-16, 2002, "Child Passenger Safety Awareness Week"
R-2002-2	2/13/2002	Joining the Nation in honoring and celebrating the achievements of engineers during Engineers' Week held February 15-23, 2002
R-2002-5	5/8/2002	Authorizing the President of the Board of Commissioners to sign an agreement and the Secretary to attest the same
R-2002-5	(amended) 6/11/2002	Authorizing the President of the Board of Commissioners to sign an agreement and the Secretary and/or Assistant Secretary to attest the same
R-2002-6	x/x/2002	Proclaiming May 6-12, 2002, as "Suicide Awareness Week"
R-2002-7	9/11/2002	Recognizing and commemorating the 50th anniversary of Our Lady of Fatima Parish, congratulating the church for its continued efforts to serve the needs of the residents of the Township
R-2002-8	9/11/2002	Authorizing the procedure for disposal of surplus personal property with an estimated fair market value of less than \$1,000
R-2002-9	9/11/2002	Declaring the value of a certain 1974 Ford fire truck to be less than \$1,000
643	10/9/2002	Providing a special ad hoc post-retirement cost-of-living adjustment to members of the Police Pension Plan
R-2002-10	10/9/2002	Declaring October 23-31, 2002, to be "Red Ribbon Week: Working Toward a Drug Free Community"
R-2002-11	12/11/2002	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area of the Township
R-2003-2	2/12/2002	Accepting and adopting the "Pennsylvania Department of Environmental Resources Protocol" to be incorporated into the Township Stormwater Management Plan
R-2003-3	3/12/2003	Approving guidelines and procedures concerning requests for funding by the various marching units within the Township
R-2003-4	4/9/2003	Authorizing John B. Ryan, Jr., Township Manager, to execute for the Township all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
R-2003-5	6/18/2003	Authorizing John B. Ryan, Jr., Township Manager, to act on behalf of the Darby Township Police Pension Plan concerning disposition of stock
R-2003-7	9/10/2003	Adopting the Emergency Operations Plan of Darby Township
R-2003-8	8/10/2003	Honoring Thomas J. Judge, Sr., on his 75th birthday

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Ord./Res.	Date	Subject
R-2003-9	9/10/2003	Authorizing the President of the Board of Commissioners to sign an agreement for an application for a grant with the Department of Conservation and Natural Resources
R-2003-11	12/10/2003	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area of the Township
R-2004-1	1/10/2004	Commemorating the opening of the new First African Baptist Church
R-2004-2	2/11/2004	Joining the Nation in honoring and celebrating the achievements of engineers during Engineers' Week
R-2004-4	5/12/2004	Commemorating the Briarcliffe Fire Company for its 50th anniversary of dedicated service
652	7/14/2004	Approving the action of the Board of Commissioners as the Board of Trustees of the Darby Township Nonuniformed Employee Pension Fund in their selection of KDB Resources, Inc., as investment advisor
R-2004-5	9/8/2004	Declaring September 6 to 10, 2004, to be Suicide Awareness Week
R-2004-6	10/13/2004	Declaring October 23 to 31 to be Red Ribbon Week: Working Toward a Drug Free Community
R-2004-7	12/8/2004	Entering into an intermunicipal agreement with Delaware County for the establishment and governance of a Uniform Construction Code Board of Appeal
R-2004-8	12/8/2004	Fixing the compensation of John J. O'Neill as Township representative on the Board of Muckinipates Authority at the rate of \$1,000 per year
R-2004-9	12/8/2004	Granting an intermunicipal transfer of liquor license for Anthony's Caterers, Inc., from Middletown Township to Darby Township
R-2005-1	1/12/2005	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to rehabilitate various sections of the eligible area of the Township
R-2005-2	2/9/2005	Declaring February 20 to 24, 2005, to be National Engineers' Week
R-2005-3	4/13/2005	Endorsing the Township's participation in the Delaware County Consortium of Governments
R-2005-4	4/13/2005	Calling on Congress to preserve the Community Development Block Grant Program
R-2005-5	4/13/2005	Entering into a joint agreement with other townships, boroughs, and agencies to create the Delaware County Council of Governments
R-2005-6	5/11/2005	Declaring May 16 to 20, 2005, to be Bike to Work Week
R-2005-7	9/14/2005	Declaring September 4 to 10, 2005, to be Suicide Awareness Week

Ord./Res.	Date	Subject
R-2005-8	9/14/2005	Authorizing and directing the President of the Board of Commissioners of the Township to sign an agreement for adjustment of incorporated utility facilities
R-2006-1	1/11/2006	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to renovate Westbridge Playground
R-2006-2	4/12/2006	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to renovate 1063 Cedarwood Road
R-2006-3	5/10/2006	Declaring May 15 to 18, 2006, to be Bike to Work Week
R-2006-4	6/13/2006	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to renovate Studevan Field
R-2006-6	9/13/2006	Declaring September 10 to 16, 2006, to be Suicide Awareness Week
R-2006-7	9/13/2006	Amending the Joint Municipal Authority Agreement to provide for apportionment of financial responsibility among member municipalities based on each municipality's proportionate share of metered sewage flow
R-2006-8	12/13/2006	Adopting the Delaware County Hazard Vulnerability Assessment and Hazard Mitigation Plan - Natural Hazards
R-2006-9	12/13/2006	Amending the Muckinipates Authority Agreement to provide for apportionment of financial responsibility among member municipalities based on each municipality's proportionate share of metered sewage flow
R-2007-1	1/9/2007	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to extend storm sewers
R-2007-2	4/11/2007	Declaring May 14 to 18, 2007, to be Bike to Work Week
R-2007-3	5/9/2007	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to replace the Crescent Park footbridge
R-2007-4	5/6/2007	Congratulating the Briarcliffe Athletic Association on their 50th anniversary
R-2007-6	9/12/2007	Declaring September 9 to 15, 2007, to be Suicide Prevention Week
R-2007-7	10/10/2007	Approving an application for a permit to install and operate flashing warning devices at Ashland Avenue and Bartram Road for Darby Elementary School
R-2008-1	1/16/2008	Authorizing application to the Department of Conservation and Natural Resources for a grant to replace the Crescent Park footbridge

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Ord./Res.	Date	Subject
R-2008-2	2/13/2008	Adopting provisions for the certification of responsible contractors for public works projects in the Township
R-2008-3	1/16/2008	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to renovate the Hermesprotta Park Playground
R-2008-4	2/13/2008	Proclaiming February 15 to 23, 2008, as National Engineers' Week
R-2008-5	3/12/2008	Proclaiming May 4 to 10, 2008, as Children's Mental Health Awareness Week
R-2008-6	3/12/2008	Proclaiming April 13 to 19, 2008, as National Crime Victims' Rights Week
R-2008-07	9/10/2008	Proclaiming September 8 to 14, 2008, as Suicide Prevention Week
R-2008-09	12/10/2008	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to renovate the Spruce Street Playground
R-2009-02	2/11/2009	Proclaiming February 15 to 21, 2009, as National Engineers' Week
R-2009-03	3/11/2009	Setting Township priorities for spending federal economic renewal grants
R-2009-04	5/13/2009	Proclaiming May 3 to 9, 2009, as Children's Mental Health Awareness Week
R-2009-05	10/14/2009	Declaring the intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008
R-2009-06	11/23/2009	Honoring Thomas J. Judge, Sr., on his retirement
R-2010-01	1/4/2010	Honoring Lee Taliaferro on his retirement
R-2010-02	1/13/2010	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to fix the drainage problem at Studevan Field
R-2010-03	1/13/2010	Agreeing to the requirements and obligations of the on-line reporting program for the filing of liquid fuels forms
R-2010-04	2/10/2010	Celebrating the achievements of engineers during National Engineers' Week, February 14 through 22, 2010
R-2010-05	4/14/2010	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to pave Forrester Avenue, Orange Avenue, Groce Avenue, Stratford Road, and Rively Avenue
R-2010-06	9/8/2010	Proclaiming September 5 through 11, 2010, as Suicide Prevention Week
R-2010-07	9/8/2010	Opposing forced mergers and consolidations of local governments in Pennsylvania

Ord./Res.	Date	Subject
R-2011-01	1/12/2011	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to pave Scott Avenue, Lincoln Avenue, Calcon Hook Road, Greenhill Road, Orange Avenue, Groce Avenue, Academy Avenue, Westbridge Road, Tremont Drive, Oakwood Drive, Rively Avenue, and Poplar Avenue
R-2011-02	4/13/2011	Proclaiming May 1 through 7, 2011, as Children's Mental Health Awareness Week
R-2011-03	4/13/2011	Authorizing the transfer of a service revolver to Leonard A. Arcure as part of his severance from the Township Police Force
R-2011-04	5/11/2011	Approving the selection of TD Ameritrade as custodian for the Township Police and Nonuniform Pension Plans
R-2011-05	6/8/2011	Authorizing the Manager to submit an Energy Smart Communities Municipal Energy Efficiency Grant Program application on behalf of the Township
R-2011-06	7/13/2011	Agreeing to participate in the preparation of an Act 537 Plan at the multimunicipal level through the Delaware County Planning Department
R-2011-07	8/27/2011	Declaring a disaster emergency in the Township due to Hurricane Irene and activating the Township's Emergency Management Plan
R-2011-08	9/14/2011	Correcting a typographical error in the Civil Service Regulations of Darby Township
R-2011-10	10/12/2011	Recognizing Lawrence F. Patterson for 30 years of service to the community as President of the Board of Commissioners
R-2011-11	12/7/2011	Authorizing the execution of an agreement with the Animal Protection Board of Delaware County for stray animal services
R-2012-01	1/11/2012	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to replace the sanitary sewer lines in the eligible area of 1045-1097 Academy Avenue in the Township
R-2012-02	2/8/2012	Agreeing to the requirements and obligations of the PennDOT dotGrants online reporting program and designating persons to execute and provide information for completion of the application to execute all necessary documents
702	6/13/2012	Amending the Police Pension Plan to revise the service increment
703	7/11/2012	Authorizing the Township to enter into an intermunicipal agreement with the County of Delaware whereby the Delaware County Uniform Construction Code Appeals Board would serve as the Township's Board of Appeals

GOVERNMENTAL AND
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Ord./Res.	Date	Subject
R-2012-03	10/23/2013	Declaring October 23-31, 2012, to be "Red Ribbon Week: Working Toward a Drug Free Community"
R-2012-04	10/28/2012	Declaring a disaster emergency for the Township owing to Hurricane Sandy
R-2012-06	12/5/2012	Adopting the Delaware County 2011 Hazard Mitigation Plan as the official hazard mitigation plan of the Township and identifying officials and agencies to implement the activities assigned to them
708	1/9/2013	Changing the Civil Service Rules of the Township with respect to the age requirement for submitting completed applications
709	2/13/2013	Approving the Eastern Delaware County Stormwater Intergovernmental Agreement and the forms of an addendum and the application to join in the agreement and authorizing persons to execute the addendum and the application on behalf of the Township
R-2013-01	2/13/2013	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to replace the sanitary sewer lines in the eligible area of 1045-1097 Academy Avenue in the Township
R-2013-02	4/10/2013	Appointing the chief administration officer of the municipal pension plans
R-2013-03	4/10/2013	Approving application for membership in the Stormwater Collaborative
R-2013-04	5/1/2013	Approving a police cooperative agreement/mutual aid agreement
R-2013-05	7/10/2013	Adopting an amendment to the Articles of Incorporation of the Darby Creek Joint Authority to increase the term of its existence to the year 2063
710	9/18/2013	Requiring that all arrangements for hiring off-duty police officers for public assemblies be made through the Chief of Police or his designee and setting rates therefor
R-2013-11	10/9/2013	Declaring 10/23/2013 to 10/31/2013 to be Red Ribbon Week: Working Toward a Drug-Free Community
R-2014-02	2/12/2014	Honoring and celebrating the achievements of engineers during Engineers' Week, 2/16/2014 through 2/22/2014
R-2014-03	2/12/2014	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to replace playground equipment in the Township
R-2015-01	1/7/2015	Appointing Joseph DiLuzio to fill the vacancy on the Board of Commissioners
R-2015-02	2/11/2015	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to construct pole buildings in the Township

Ord./Res.	Date	Subject
R-2015-03	6/10/2015	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to install handicap walkways in the playgrounds in the Township
720	9/9/2015	Amending the Police Pension Plan to include an Act 44 Retirement Program
R-2015-04	9/9/2015	Reducing police officers' contributions to the Police Pension Plan for the year 2015
R-2015-05	10/14/2015	Renaming Crescent Park to James J. Sandone Park as a tribute to former Commissioner Jim Sandone in recognition of his many years of service to the Township
R-2016-03	1/13/2016	Reducing police officers' contributions to the Police Pension Plan for the year 2016
725	2/2/2016	Amending Ord. 710 regarding rates for hiring off-duty police officers
R-2016-04	4/20/2016	Applying to the county for the allocation of county liquid fuels tax funds
R-2016-05	6/15/2016	Congratulating Michael Fisher for attaining the rank of Eagle Scout
R-2016-06	7/13/2016	Recognizing Dickie Stewart for his contributions as a member of the Volunteer Fire Company
R-2016-07	12/14/2016	Authorizing the submission of an application for traffic signal approval to PennDOT
R-2016-08	12/14/2016	Reducing police officers' contributions to the Police Pension Plan for the year 2017
R-2017-01	1/11/2017	Increasing the fee for duplicate tax bills
R-2017-02	2/8/2017	Proclaiming April 2017 as Pennsylvania 811 Safe Digging Month
R-2017-03	2/8/2017	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to resurface various streets in the Township
R-2017-04	2/8/2017	Congratulating Patricia Dolan for her years of service to the Township
R-2017-05	3/8/2017	Adopting the Delaware County 2016 Hazard Mitigation Plan
R-2017-06	3/8/2017	Extending the Eastern Delaware County Stormwater Intergovernmental Agreement

APPENDIX E
PLAN APPROVAL

Ord./Res.	Plan Approved
152, 10/3/1951	Westbrook Park No. 7
R-92-4, 8/26/1992	Hook Road 3 and 3 West Urban Renewal Area
R-92-7, 9/16/1992	Hook Road 3 and 3 West Urban Renewal Area

APPENDIX F
PUBLIC PROPERTY

§ F-101. Public Property.

§ F-101. Public Property.

Ord./Res.	Date	Comments
133	10/27/1947	Selling certain land at Hook Road and Sharon Avenue
196	3/22/1955	Acquiring certain property by eminent domain
197	3/22/1955	Acquiring certain property by eminent domain
452	5/1/1974	Appropriating and condemning property on Grobes Street
457	11/22/1974	Purchasing certain lots on Cedarwood Road
492	8/16/1977	Condemning certain land for park purposes
R-95-9	9/13/1995	Condemning lots 11, 12 and 13 Bartram Avenue
R-97-9	9/10/1997	Acquiring property at 601 Clifton Avenue by eminent domain
R-98-3	5/6/1998	Acquiring property at 603 Clifton Avenue by eminent domain
R-99-5	9/15/1999	Acquiring property at 308 Clifton Avenue by eminent domain
R-00-3	6/14/2000	Acquiring property at 35 North Garfield Avenue by eminent domain
R-02-3	2/13/2002	Authorizing the acceptance of lots donated by Bonsall Village for recreational and/or open space purposes
R-2003-10	11/17/2003	Transferring Township property, Lots 2, 8, 10, 11, 13, and 17, to the Redevelopment Authority to develop said parcels in an appropriate manner
R-2004-3	3/17/2004	Transferring Township property, Lot 18, to the Redevelopment Authority to develop said parcel in an appropriate manner
R-2013-06	7/10/2013	Acquiring property at 11 Bartram Avenue by purchase in lieu of condemnation

APPENDIX G
SEWERS

§ G-101. Sewers.

§ G-101. Sewers.

Ord./Res.	Date	Subject
143	7/19/1950	Providing for the payment to the Township of Darby of certain sums by person or persons constructing branch sanitary sewers, said payments to be used toward the cost of outfall sanitary sewers constructed or to be constructed by the said Township
R-92-8	9/16/1992	Adopting and submitting to the Department of Environmental Resources for its approval a revision to the official sewage facilities plan for Bonsall Tract
R-95-6	4/5/1995	Adopting and submitting to the Department of Environmental Resources for its approval a revision to the official sewage facilities plan for the proposed inspection facility of Envirotest Partners
R-95-8	7/12/1995	Adopting and submitting to the Department of Environmental Resources for its approval a revision to the official sewage facilities plan for 911 Ashland Avenue
R-95-10	9/13/1995	Assigning to Darby Creek Joint Authority a concurrent right and interest in certain easements or rights-of-way granted to the Township to operate, maintain and repair the trunk line sewer along Darby Creek
R-02-4	3/13/2002	Accepting and adopting the "Delaware County Act 537 Sewage Facilities Plan Update – Eastern Plan of Study," prepared by the Delaware County Planning Department, February 2002, as the official plan for sewage facilities in compliance with the Pennsylvania Sewage Facilities Act of 1966
R-2013-08	9/18/2013	Adopting the "Delaware County Act 537 Sewage Facilities Plan Update: Eastern Service Area"
R-2013-09	9/18/2013	Agreeing to continue the planning requirements of Act 537 at the multimunicipal level by the Delaware County Planning Department with cooperation by the Township
R-2014-01	1/15/2014	Adopting the "Delaware County Act 537 Sewage Facilities Plan Update: Eastern Service Area"
R-2016-02	1/13/2016	Agreeing to comply with the requirements of the Community Development Block Grant Program for the purpose of obtaining grant funds to do sanitary sewer rehabilitation in the Township

APPENDIX H
STREETS AND SIDEWALKS

Street	Activity	Ord./Res.
Academy Avenue	sewers	195, 3/3/1955
Academy Avenue	sewers	232, 7/18/1956
Academy Avenue	sewers	251, 8/14/1957
Academy Avenue	sewers	250, 8/14/1957
Alicia Court	laying out/opening	R-01-6, 9/12/2001
Andrews Avenue	vacating	380, 4/5/1967
Andrews Avenue	vacating portions	R-2003-6, 7/9/2003
Ash Street	curbs/sidewalks	145, 8/2/1950
Ash Street	paving	233, 7/18/1956
Ash Street	paving	251, 8/14/1957
Ashland Avenue	sewers	151, 10/3/1951
Ashland Avenue	sewers	182, 4/14/1954
Ashland Avenue	curbs/sidewalks	233, 7/18/1956
Ashland Avenue	curbs/sidewalks	251, 8/14/1957
Ashland to terminus	laying out/opening	R-01-6, 9/12/2002
Bartram Avenue	sewers	324, 10/2/1963
Beech Street	sewers	151, 10/3/1951
Bonsall Avenue	vacating	R-92-3, 7/8/1992
Bonsall Avenue	vacating	582, 9/16/1993
Brenman Avenue	vacating	R-92-3, 7/8/1992
Brenman Avenue	vacating	582, 9/16/1993
Brennan Avenue	vacating	R-2007-5, 6/13/2007
Burton Street	vacating	281, 5/6/1958
Burton Street	vacating	299, 12/7/1960
Calcon Drive	naming	180, 4/7/1954
Cooke Avenue	vacating	238, 10/24/1956
Cooke Avenue	sewers	250, 8/14/1957
Evans Street	vacating	281, 5/6/1958

STREETS AND SIDEWALKS

Street	Activity	Ord./Res.
Evans Street	vacating	299, 12/7/1960
Felton Street	vacating	281, 5/6/1958
Felton Street	vacating	299, 12/7/1960
Fisher Street	vacating	281, 5/6/1958
Fisher Street	vacating	299, 12/7/1960
Forrester Avenue	vacating	281, 5/6/1958
Forrester Avenue	vacating	299, 12/7/1960
Garfield Avenue	sewers	250, 8/14/1957
Greenhill Road	curbs/sidewalks	142, 4/5/1950
Greenhill Road	paving	172, 8/8/1953
Greenhill Road	paving	181, 4/14/1954
Grobe Street	sewers	195, 3/3/1955
Grobe Street	sewers	232, 7/18/1956
Grobe Street	sewers	251, 8/14/1957
Groce Street	sewers	232, 7/18/1956
Groce Street	sewers	195, 3/3/1955
Groce Street	sewers	251, 8/14/1957
Hibbs Avenue	vacating	380, 4/5/1967
Hopkins Avenue	sewers	195, 3/3/1955
Hopkins Avenue	sewers	232, 7/18/1956
Hopkins Avenue	sewers	251, 8/14/1957
Howard Street	vacating	281, 5/6/1958
Howard Street	vacating	299, 12/7/1960
Keighler Avenue	vacating	222, 3/1/1956
Keighler Avenue	vacating	R-00-08, 12/13/2000
Laurel Street	curbing/paving	233, 7/18/1956
Laurel Street	curbing/paving	251, 8/14/1957
Lawnton Terrace	curbs	185, 7/7/1954
Lawnton Terrace	paving	190, 8/17/1954
Lawnton Terrace	paving	193, 12/1/1954
Lawnton Terrace	curbs	194, 12/1/1954

Street	Activity	Ord./Res.
Lawnton Terrace, Ashland to Nicole Lane	laying out/opening	R-01-6, 9/12/2001
Lincoln Avenue	vacating	281, 5/6/1958
Lincoln Avenue	vacating	299, 12/7/1960
Linden Avenue	vacating	R-92-3, 7/8/1992
Linden Avenue	vacating	582, 9/16/1992
Linden Street	curbing/paving	233, 7/18/1956
Linden Street	curbing/paving	251, 8/14/1957
Madison Avenue	sewers	151, 10/3/1951
Madison Street	curbs	194, 12/1/1954
Newlin Street	vacating	281, 5/6/1958
Newlin Street	vacating	299, 12/7/1960
Nicole Lane, Lawnton Terrace to terminus (north and south)	laying out/opening	R-01-6, 9/12/2002
Noblet Street	vacating	281, 5/6/1958
Noblet Street	vacating	299, 12/7/1960
Oak Lane	sewers	195, 3/3/1955
Oak Lane	sewers	232, 7/18/1956
Oak Lane	sewers	251, 8/14/1957
Olive Avenue	vacating	R-92-3, 7/8/1992
Olive Avenue	vacating	582, 9/16/1992
Orange Street	curbing/paving	233, 7/18/1956
Orange Street	curbing/paving	251, 8/14/1957
Scott Avenue	vacating	281, 5/6/1958
Scott Avenue	vacating	299, 12/7/1960
Sharon Avenue	improvements	233, 7/18/1956
Sharon Avenue	improvements	251, 8/14/1957
Tribbett Avenue	vacating	281, 5/6/1958
Tribbett Avenue	vacating	299, 12/7/1960
Unnamed Street	laying out	109, 5/27/1935

APPENDIX I

WATER

(Reserved to accommodate future ordinances)

APPENDIX J

ZONING RECLASSIFICATION

Ord./Res.	Land Reclassified
237, 9/28/1956	From unspecified to B-Business
275, 1/7/1959	From I-Manufacturing to L-Light Manufacturing
282, 12/2/1959	Numerous tracts of land being changed
374, 12/7/1966	From unspecified to LI-Light Industry
425, 4/14/1971	From RC-Residence to LI-Light Industry
468, 4/30/1975	From RA-Residence to LI-Light Industry
493, 8/16/1977	From RA-Residence to LI-Light Industry
525, 12/8/1981	From unspecified to LI-Light Industry
552, 5/21/1986	From RA-Residence to LI-Light Industry
567, 12/21/1989	From RB-Residence to LI-Light Industry

CHAPTER KO
KEY TO THE DISPOSITION OF ALL ORDINANCES

§ KO-101. Key To The Disposition Of All Ordinances.

§ KO-101. Key To The Disposition Of All Ordinances.

Ordinance	Disposition	Number
1-30	Missing	
31	Repealed by	399
2-87	Missing	
88	Repealed by	365
89-93	Missing	
94	Budget	1930
95	Repealed by	572
96	Chapter 13	§§ 701-704
97-105	Missing	
106	Budget	1934
107, 108	Missing	
109	Appendix	H
110, 111	Missing	
112	Appendix	D
113-118	Missing	
119	Chapter 18	§ 201
120	Chapter 18	§ 201
121-126	Missing	
127	Superseded by	572
128	Repealed by	572
129	Repealed by	572
130, 131	Missing	
132	Repealed by	365
133	Appendix	F
134	Superseded by	349
135	Missing	
136	Superseded by	349
137	Repealed by	385
138	Repealed by	365
139	Superseded by	349
140	Chapter 18	§ 201
141	Chapter 18	§ 201

Ordinance	Disposition	Number
142	Appendix	H
143	Appendix	G
144	Chapter 6	§§ 401-404
145	Appendix	H
146	Missing	
147	Appendix	D
148	Chapter 18	§ 201
149, 150	Missing	
151	Appendix	H
152	Appendix	E
153	Missing	
154	Repealed by	209
155	Appendix	D
156-159	Missing	
160	Appendix	D
161	Missing	
162	Superseded by	572
163	Superseded by	192
164	Missing	
165	Repealed by	572
166	Chapter 1	§§ 341-345
167	Appendix	D
168	Repealed by	382
169, 170	Missing	
171	Repealed by	572
172	Appendix	H
173	Missing	
174	Repealed by	376
175	Missing	
176	Superseded by	548
177	Superseded by	572
178	Chapter 10	§§ 201, 202
179	Chapter 18	§ 201
180	Appendix	H
181	Appendix	H
182	Appendix	H
183	Missing	
184	Budget	1954
185	Appendix	H
186	Repealed by	435
187	Repealed by	365

KEY TO THE DISPOSITION OF ALL
ORDINANCES

§ KO-101

Ordinance	Disposition	Number
188	Repealed by	572
189	Repealed by	232
190	Appendix	H
191	Appendix	D
192	Superseded by	219
193	Appendix	H
194	Appendix	H
195	Appendix	H
196	Appendix	F
197	Appendix	F
198	Repealed by	235
199	Superseded by	572
200	Superseded by	572
201	Missing	
202	Superseded by	572
203	Repealed by	365
204	Superseded by	548
205	Repealed by	254
206	Chapter 18	§ 201
207	Budget	1955
208	Missing	
209	Repealed by	352
210	Budget	1955
211	Chapter 1	§§ 321-324
212	Repealed by	572
213-218	Missing	
219	Superseded by	239
220	Repealed by	274
221	Repealed by	332
222	Appendix	H
223	Appendix	B
224	Repealed by	483
225	Meetings	1956
226	Budget	1956
227	Budget	1956
228	Chapter 18	§ 201
229	Superseded by	349
230	Superseded by	349
231	Chapter 18	§ 201
232	Appendix	H
233	Appendix	H

Ordinance	Disposition	Number
234	Repealed by	360
235	Repealed by	572
236	Superseded by	572
237	Appendix	J
238	Appendix	H
239	Superseded by	262
240	Chapter 18	§ 201
241	Repealed by	435
242	Chapter 1	§ 143
243	Superseded by	572
244	Missing	
245	Chapter 1	§§ 201-204
246	Tax Reassessment	1957
247	Superseded by	349
248	Repealed by	269
249	Superseded by	263
250	Appendix	H
251	Appendix	H
252	Repealed by	434
253	Repealed by	572
254	Repealed by	572
255	Repealed by	382
256	Appendix	D
257	Chapter 18	§§ 101, 102, 104
258	Appendix	D
259	Superseded by	548
260	Appendix	D
261	Chapter 18	§ 201
262	Superseded by	554
263	Superseded by	272
264	Repealed by	269
265A	Meetings	1958
265B	Superseded by	586
266	Budget	1958
267	Repealed by	274
268	Superseded by	294
269	Repealer	
270	Missing	
271	Superseded by	286
272	Superseded by	283
273	Meetings	1959

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Ordinance	Disposition	Number
274	Repealed by	285
275	Appendix	J
276	Repealed by	572
277	Repealed by	435
278	Chapter 1	§ 142
279	Tax Rate	1959
280	Repealed by	435
281	Appendix	H
282	Appendix	J
283	Superseded by	295
284	Missing	
285	Repealed by	296
286	Superseded by	297
287	Chapter 18	§ 201
288	Meetings	1960
289	Repealed by	435
290	Missing	
291	Repealed by	373
292	Superseded by	572
293	Repealed by	434
294	Superseded by	497
295	Superseded by	307
296	Repealed by	308
297	Superseded by	309
298	Chapter 18	§ 201
299	Appendix	H
300	Meetings	1961
301	Repealed by	365
302	Repealed by	560
303	Budget	1961
304	Superseded by	572
305	Repealed by	411
306	Superseded by	307
307	Superseded by	315
308	Repealed by	316
309	Superseded by	317
310	Chapter 18	§ 201
311	Repealed by	572
312	Meetings	1962
313	Budget	1962
314	Superseded by	572

Ordinance	Disposition	Number
315	Superseded by	325
316	Repealed by	328
317	Superseded by	326
318	Meetings	1963
319	Chapter 18	§ 201
320	Repealed by	560
321	Superseded by	572
322	Missing	
323	Chapter 4	§§ 101-104
324	Appendix	H
325	Superseded by	341
326	Superseded by	339
327	Meetings	1964
328	Repealed by	338
329	Chapter 18	§ 201
330	Tax Reassessment	1964
331	Budget	1964
332	Chapter 1	§§ 301-309
333	Superseded by	572
334	Superseded by	572
335	Superseded by	572
336A	Tax Reassessment	1965
336B	Superseded by	572
337	Chapter 18	§ 201
338	Pole Inspection	1965
339	Superseded by	358
340	Meetings	1965
341	Superseded by	359
342	Chapter 1	§ 142
343	Chapter 1	§ 143
344	Chapter 18	§ 201
345	Tax Rate/Budget	1965
346	Repealed by	382
347	Superseded by	572
348	Repealed by	434
349	Superseded by	670
350	Superseded by	572
351	Chapter 13	§§ 501-504
352	Superseded by	489
353	Superseded by	572
354	Meetings	1966

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Ordinance	Disposition	Number
355	Chapter 18	§ 201
356	Tax Reassessment	1996
357	Pole Inspection	1966
358	Superseded by	371
359	Superseded by	369
360	Repealed by	439
361	Tax Rate/Budget	1966
362	Repealed by	499
363	Superseded by	572
364	Repealed by	472
365	Repealed by	420
366	Repealed by	433
367	Superseded by	572
368	Superseded by	572
369	Superseded by	392
370	Pole Inspection	1967
371	Superseded by	390
372	Tax Reassessment	1967
373	Repealed by	572
374	Appendix	J
375	Meetings	1967
376	Chapter 13	401, 403-406
377	Chapter 18	§ 201
378	Repealed by	412
379	Missing	
380	Appendix	H
381	Repealed by	410
382	Repealed by	415
383	Superseded by	572
384	Superseded by	572
385	Repealed by	494
386	Repealed by	572
387	Appendix	B
388	Repealed by	416
389	Pole Inspection	1968
390	Superseded by	447
391	Tax Reassessment	1968
392	Superseded by	451
393	Repealed by	461
394-396	Missing	
397	Repealed by	416

Ordinance	Disposition	Number
398	Repealed by	416
399	Chapter 6	§§ 301, 302, 501-504
400	Superseded by	572
401	Repealed by	420
402	Repealed by	420
403	Repealed by	439
404	Pole Inspection	1969
405	Repealed by	572
406	Repealed by	572
407	Superseded by	450
408	Missing	
409	Chapter 1	§ 142
410	Repealed by	414
411	Superseded by	657
412	Repealer	
413	Missing	
414	Repealed by	478
415	Repealed by	576
416	Chapter 18	§ 201
417	Pole Inspection	1970
418	Chapter 18	§ 201
419	Repealed by	572
420	Repealed by	436
421	Chapter 23	§§ 101-113
422	Chapter 21	§§ 201-212
423	Pole Inspection	1971
424	Missing	
425	Appendix	J
426	Superseded by	670
427	Pole Inspection	1972
428	Superseded by	449
429	Chapter 18	§ 201
430	Tax Rate	1972
431	Repealed by	572
432	Repealed by	478
433	Superseded by	455
434	Repealed by	477
435	Repealed by	531
436	Repealed by	528
437, 438	Missing	
439	Chapter 5	§§ 401-405

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Ordinance	Disposition	Number
440	Superseded by	572
441	Superseded by	572
442	Superseded by	572
443	Appendix	B
444-446	Missing	
447	Superseded by	554
448	Chapter 18	§ 201
449	Superseded by	498
450	Chapter 11	§§ 101-110
451	Chapter 24	§§ 101-111
452	Appendix	F
453	Pole Inspection	1974
454	Superseded by	572
455	Repealed by	529
456	Chapter 13	§§ 301-383
457	Appendix	F
458	Superseded by	498
459	Chapter 18	§ 201
460	Missing	
461	Chapter 1	§ 101
462	Chapter 4	§§ 101-104
463	Missing	
464	Repealed by	576
465	Repealed by	478
466	Repealed by	477
467	Superseded by	572
468	Appendix	J
469	Superseded by	572
470	Repealed by	539
471	Chapter 9	§§ 101-109
472	Repealed by	480
473	Appendix	B
474	Superseded by	572
475	Repealed by	539
476	Chapter 18	§ 201
477	Repealed by	532
478	Repealed by	572
479	Repealed by	532
480	Superseded by	568
481	Chapter 21	§§ 101-114
482	Missing	

Ordinance	Disposition	Number
483	Chapter 2	§§ 101-115
484	Superseded by	541
485	Superseded by	572
486	Chapter 16	§§ 101-104
487	Chapter 1	§§ 121-126
488	Missing	
489	Chapter 1	§ 141
490	Superseded by	572
491	Superseded by	572
492	Appendix	F
493	Appendix	J
494	Chapter 6	§§ 101-302
495	Missing	
496	Repealed by	575
497	Superseded by	507B
498	Superseded by	519
499	Appendix	C
500	Repealed by	531
501	Chapter 18	§§ 103, 104
502	Superseded by	522
503	Repealed by	572
504	Superseded by	538
505A	Repealed by	572
505B	Chapter 16	§ 102
506	Repealed by	572
Ord. -/-/1979	Chapter 11	§ 105
507A	Never Adopted	
507B	Superseded by	537
508	Missing	
509	Repealed by	528
510	Missing	
511	Chapter 11	§ 105
512-514	Missing	
515	Appendix	B
516	Appendix	B
517	Missing	
518	Chapter 18	§ 201
519	Superseded by	534
520	Superseded by	572
521	Chapter 4	§§ 101-104
522	Chapter 7	§§ 101-114

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Ordinance	Disposition	Number
523	Superseded by	572
524	Superseded by	670
525	Appendix	J
526	Missing	
527	Chapter 13	§§ 101-108
528	Chapter 5	§§ 101-104
529	Chapter 5	§§ 201-215
530	Chapter 5	§§ 501-505
531	Chapter 5	§§ 601-604
532	Chapter 5	§§ 301-304
533	Budget	1983
534	Chapter 20	§§ 201-203
535	Chapter 18	§ 201
536	Appendix	C
537	Chapter 24	§§ 601-608
538	Chapter 24	§§ 201-210
539	Superseded by	678
540	Superseded by	704
541	Superseded by	670
542	Chapter 20	§§ 301-306
543	Superseded by	572
544	Repealed by	545
545	Superseded by	572
546	Chapter 1	§ 141
547	Superseded by	555
548	Chapter 1	§§ 401-406
549	Chapter 13	§§ 401-406
550	Chapter 13	§ 703
551	Superseded by	670
552	Appendix	J
553	Budget	1987
554	Superseded by	R-2006-05
555	Chapter 20	§§ 401-413
556	Budget	1988
557	Chapter 4	§§ 201-207
558	Chapter 7	§ 114
559	Superseded by	572
560	Repealed by	693
561	Budget	1989
562	Superseded by	572
563	Appendix	B

Ordinance	Disposition	Number
564	Chapter 7	§§ 201-207
565	Budget	1990
	Repeal	#5
566	Chapter 20	§ 201
567	Appendix	J
568	Chapter 15	§§ 501-512
569	Chapter 5	§ 102
570	Chapter 13	§§ 801-814
571	Chapter 20	§§ 303, 304, 307
572	Adopting Ordinance	
573	Chapter 4	§ 102
	Chapter 5	§§ 102, 212, 302, 602
	Chapter 9	§ 104
	Chapter 11	§ 105
	Chapter 13	§§ 104, 403, 404
	Chapter 13	§ 602
	Chapter 15	§§ 409, 410
	Chapter 21	§§ 105, 210
	Chapter 23	§ 104
	Chapter 24	§ 204
R-90-5	Appendix	D
R-90-6	Appendix	D
R-90-7	Appendix	B
574	Budget	1991
R-91-1	Appendix	D
575	Chapter 24	§ 202
R-91-2	Appendix	D
R-91-3	Appendix	D
576	Chapter 13	§§ 601-613
577	Chapter 4	§ 102
	Chapter 5	§§ 212, 302, 602
	Chapter 9	§ 104
	Chapter 11	§ 105
	Chapter 21	§§ 105, 210
	Chapter 23	§ 104
R-91-4	Appendix	D
578	Chapter 18	§ 201
579	Budget	1992
R-91-5	Appendix	B
580	Chapter 26	§§ 101-105
R-92-1	Appendix	D

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Ordinance	Disposition	Number
R-92-2	Appendix	D
581	Chapter 13	§ 407
R-92-3	Appendix	H
R-92-4	Appendix	E
582	Appendix	H
583	Not Codified	
R-92-5	Appendix	D
R-92-6	Appendix	D
R-92-7	Appendix	E
R-92-8	Appendix	G
R-92-9	Appendix	D
R-92-10	Appendix	D
585	Budget	1993
586	Superseded by	671
587	Superseded by	622
R-93-1	Appendix	D
588	Chapter 1	§ 142
589	Chapter 1	§ 143
590	Chapter 20	§ 203
591	Chapter 18	§ 201
592	Chapter 11	§§ 111, 112
R-93-2	Appendix	D
R-93-3	Appendix	D
R-93-4	Appendix	D
R-93-5	Appendix	D
R-93-6	Appendix	D
593	Appendix	C
R-93-7	Appendix	D
594	Chapter 5	§ 602
595	Chapter 1	§§ 701-707
596	Appendix	B
R-93-8	Appendix	D
597	Superseded by	704
598	Budget	1994
R-94-1	Appendix	D
R-94-2	Appendix	D
R-94-3	Appendix	D
599	Repealed by	608
600	Appendix	D
601	Chapter 4	§ 102
	Chapter 5	§§ 102, 212, 302, 602

Ordinance	Disposition	Number
	Chapter 9	§ 104
	Chapter 11	§ 105
	Chapter 13	§§ 104, 403, 404, 602, 810
	Chapter 15	§ 409
	Chapter 21	§§ 105, 210
	Superseded by	670
R-94-4	Appendix	D
602	Chapter 15	§ 507
603	Appendix	B
R-94-5	Appendix	D
R-94-6	Appendix	D
604	Chapter 18	§ 201
605	Budget	1995
606	Appendix	B
R-95-1	Appendix	D
R-95-2	Appendix	D
R-95-3	Appendix	D
R-95-4	Appendix	D
R-95-5	Appendix	D
R-95-6	Appendix	G
R-95-7	Appendix	D
R-95-8	Appendix	G
R-95-9	Appendix	F
R-95-10	Appendix	G
607	Chapter 1	§ 701
608	Superseded by	669
609	Chapter 20	§ 202
610	Budget	1996
611	Appendix	B
R-96-1	Appendix	D
612	Superseded by	672
R-96-2	Appendix	D
613	Chapter 1	§ 515
614	Superseded by	671
615	Chapter 4	§§ 301-315
616	Chapter 21	§§ 401-405
617	Repealed by	R-98-7
618	Chapter 5	§§ 101, 201, 301, 501, 601
R-96-3	Appendix	D
R-96-4	Appendix	D
619	Appendix	B

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Ordinance	Disposition	Number
R-96-5	Appendix	D
620	Budget	1997
621	Appendix	B
R-96-6	Appendix	D
R-97-1	Appendix	D
R-97-2	Appendix	D
622	Chapter 18	§§ 301-303
623	Chapter 1	§ 515
R-97-3	Chapter 1	§§ 901-903
R-97-4	Appendix	D
R-97-5	Appendix	D
R-97-6	Chapter 21	§§ 501-503
R-97-7	Appendix	D
R-97-8	Appendix	D
R-97-9	Appendix	F
R-97-10	Appendix	D
R-97-11	Appendix	D
R-97-12	Appendix	D
R-97-13	Appendix	D
624	Budget	1998
R-97-14	Chapter 19	§§ 101-105
R-97-15	Appendix	D
R-97-16	Appendix	D
R-97-17	Appendix	D
R-97-18	Appendix	B
625	Superseded by	670
R-98-1	Appendix	D
626	Chapter 1	§ 515
R-98-2	Appendix	D
R-98-3	Appendix	F
R-98-4	Appendix	D
R-98-5	Not used	
R-98-6	Appendix	D
627	Superseded by	670
628	Tax Rate	1999
629	Chapter 1	§ 515
630	Chapter 1	§ 102;
	Chapter 5	§§ 102, 212, 302, 602;
	Chapter 9	§ 104;
	Chapter 11	§ 105;
	Chapter 13	§§ 104, 403, 404, 602, 810;

Ordinance	Disposition	Number
	Chapter 21	§§ 105, 210;
	Chapter 23	§ 104;
	Superseded by	670
	"Dairy Products"	Not Codified
	"Health Permits"	Not Codified
R-98-7	Superseded by	672
R-98-8	Appendix	D
R-98-9	Appendix	B
R-98-10	Appendix	D
631	Chapter 24	§ 701
R-99-1	Appendix	D
R-99-2	Appendix	D
R-99-4	Appendix	D
R-99-5	Appendix	F
R-99-6	Appendix	D
632	Tax Rate	2000
R-99-7	Appendix	B
R-99-8	Appendix	D
R-99-9	Appendix	D
633	Chapter 1	§ 515
R-2000-1	Appendix	D
R-2000-2	Appendix	D
634	Chapter 1	§ 1001
635	Appendix	C
636	Chapter 13	§§ 901-911
R-2000-3	Appendix	F
R-2000-4	Repealed by	R-9-13-2000
R-9-13-2000	Repeals	R-2000-4
637	Appendix	C
638	Appendix	C
R-2000-5	Appendix	D
R-2000-6	Appendix	D
R-2000-7	Appendix	D
R-2000-8	Appendix	H
R-2000-9	Appendix	D
R-2000-10	Appendix	B
R-2001-1	Appendix	D
R-2001-2	Appendix	D
639	Tax Rate	2001
R-2001-3	Appendix	D
R-2001-4	Appendix	D

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Ordinance	Disposition	Number
R-2001-5	Appendix	D
R-2001-6	Appendix	H
640	Superseded by	704
R-2001-7	Appendix	D
R-2001-8	Appendix	D
641	Chapter 20	§ 202
642	Tax Rate 2002	
R-2001-9	Appendix	B
R-2001-10	Appendix	D
R-2001-11	Appendix	D
R-2002-1	Appendix	D
R-2002-2	Appendix	D
R-2002-3	Appendix	F
R-2002-4	Appendix	G
R-2002-5	Appendix	D
R-2002-5 (amended)	Appendix	D
R-2002-6	Appendix	D
R-2002-7	Appendix	D
R-2002-8	Appendix	D
R-2002-9	Appendix	D
643	Appendix	D
644	Appendix	B
R-2002-10	Appendix	D
645	Tax Rate	2003
646	Chapter 15	§ 410
R-2002-11	Appendix	D
R-2002-12	Appendix	B
R-2003-1	Superseded by	R-2008-10
R-2003-2	Appendix	D
R-2003-3	Appendix	D
647	Chapter 15	§ 304
R-2003-4	Appendix	D
R-2003-5	Appendix	D
R-2003-6	Appendix	H
R-2003-7	Appendix	D
R-2003-8	Appendix	D
R-2003-9	Appendix	D
R-2003-10	Appendix	F
648	Tax Rate	2004
R-2003-11	Appendix	D
R-2003-12	Appendix	B

Ordinance	Disposition	Number
R-2004-1	Appendix	D
649	Chapter 15	§ 801
R-2004-2	Appendix	D
R-2004-3	Appendix	F
650	Chapter 5	§ 701
R-2004-4	Appendix	D
651	Chapter 15	§ 214
R-2004-5	Appendix	D
R-2004-6	Appendix	D
652	Appendix	D
653	Appendix	B
654	Chapter 15	§ 513
655	Chapter 20	§ 202
656	Tax Rate	2005
R-2004-7	Appendix	D
R-2004-8	Appendix	D
R-2004-9	Appendix	D
R-2004-10	Appendix	B
R-2005-1	Appendix	D
R-2005-2	Appendix	D
R-2005-3	Appendix	D
R-2005-4	Appendix	D
R-2005-5	Appendix	D
R-2005-6	Appendix	D
R-2005-7	Appendix	D
R-2005-8	Appendix	D
657	Chapter 20	§§ 101-106
658	Chapter 4	§ 312, 313
659	Chapter 18	§ 201
660	Tax rate	2006
R-2005-9	Appendix	B
R-2006-1	Appendix	D
661	Chapter 6	§§ 601-605
662	Chapter 23	§ 109
663	Chapter 26	(Part 2, reference statement only)
R-2006-2	Appendix	D
R-2006-3	Appendix	D
R-2006-4	Appendix	D
R-2006-5	Chapter 24	§§ 601-604
R-2006-6	Appendix	D

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Ordinance	Disposition	Number
R-2006-7	Appendix	D
664	Chapter 6	§ 201A
665	Tax Rate	2007
666	Chapter 18	§ 201
R-2006-8	Appendix	D
R-2006-9	Appendix	D
R-2006-10	Appendix	B
R-2007-1	Appendix	D
R-2007-2	Appendix	D
667	Chapter 1	§§ 1201-1202
R-2007-3	Appendix	D
R-2007-4	Appendix	D
R-2007-5	Appendix	H
R-2007-6	Appendix	D
668	Chapter 20	§ 308
669	Chapter 20	§§ 501-508
670	Chapter 27	§§ 101-1806
671	Chapter 1	§ 501
672	Chapter 1	§ 801
673	Tax Rate	2008
R-2007-7	Appendix	D
R-2007-8	Appendix	B
R-2008-1	Appendix	D
R-2008-2	Appendix	D
R-2008-3	Appendix	D
R-2008-4	Appendix	D
R-2008-5	Appendix	D
R-2008-6	Appendix	D
674	Appendix	C
R-2008-07	Appendix	D
675	Appendix	C
676	Chapter 20	§ 202
677	Tax rate	2009
678	Chapter 24	Part 4
679	Chapter 1	Part 13
R-2008-08	Not used	
R-2008-09	Appendix	D
R-2008-10	Chapter 1	Part 11
R-2008-11	Appendix	B
R-2009-01	Not used	
R-2009-02	Appendix	D

Ordinance	Disposition	Number
R-2009-03	Appendix	D
R-2009-04	Appendix	D
R-2009-05	Appendix	D
680	Superseded by	704
R-2009-06	Appendix	D
681	Chapter 15	§§ 205, 220, 221
682	Chapter 5	§ 302
R-2009-07	Appendix	B
683	Chapter 20	§ 301
684	Budget and Tax Rate	2010
R-2010-01	Appendix	D
R-2010-02	Appendix	D
R-2010-03	Appendix	D
R-2010-04	Appendix	D
685		
686	Chapter 15	§§ 207, 214
R-2010-05	Appendix	D
687	Appendix	B
688	Chapter 11	§§ 105, 112
R-2010-06	Appendix	D
R-2010-07	Appendix	D
689	Chapter 4	§ 102
	Chapter 5	§§ 102, 212, 602
	Chapter 9	§ 104
	Chapter 13	§§ 104, 403, 404, 602, 810
	Chapter 15	§§ 409, 410
	Chapter 20	§ 504
	Chapter 21	§§ 105, 210
	Chapter 23	§ 104
	Chapter 27	Fees (not in Code)
690	Budget and Tax Rate	2011
691	Chapter 18	Part 4
R-2010-08	Appendix	B
692	Chapter 15	§ 605
693	Chapter 21	§§ 301 through 307
R-2011-01	Appendix	D
694	Chapter 2	Part 2
R-2011-02	Appendix	D
R-2011-03	Appendix	D
695	Chapter 15	§ 207
R-2011-04	Appendix	D

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Ordinance	Disposition	Number
R-2011-05	Appendix	D
R-2011-06	Appendix	D
696	Chapter 21	§§ 108, 110
R-2011-07	Appendix	D
R-2011-08	Appendix	D
R-2011-09		
R-2011-10	Appendix	D
697	Chapter 18	Part 3
698	Chapter 11	Part 2
699	Budget and Tax Rate	2012
700	Chapter 4	Part 4
R-2011-11	Appendix	D
R-2011-12	Appendix	B
R-2012-01	Appendix	D
R-2012-02	Appendix	D
701	Chapter 21	§ 104
702	Appendix	D
703	Appendix	D
704	Repealed by	719
R-2012-03	Appendix	D
R-2012-04	Appendix	D
705	Chapter 20	§ 202
706	Budget and Tax Rate	2013
R-2012-05	Appendix	B
R-2012-06	Appendix	D
707	Not adopted	
708	Appendix	D
709	Appendix	D
R-2013-01	Appendix	D
R-2013-02	Appendix	D
R-2013-03	Appendix	D
R-2013-04	Appendix	D
R-2013-05	Appendix	D
R-2013-06	Appendix	F
R-2013-07	Appendix	B
710	Appendix	D
R-2013-08	Appendix	G
R-2013-09	Appendix	G
R-2013-10	Chapter 1	Part 14
R-2013-11	Appendix	D
711	Chapter 4	§ 102

Ordinance	Disposition	Number
	Chapter 5	§§ 102, 212, 302, 602
	Chapter 9	§ 104
	Chapter 13	§§ 104, 403, 404, 602, 810
	Chapter 20	§ 504
	Chapter 21	§§ 105, 210
	Chapter 23	§ 104
	Chapter 27	§ 1715.1
712	Budget and Tax Rate	2014
R-2013-12	Appendix	B
R-2014-01	Appendix	G
R-2014-02	Appendix	D
R-2014-03	Appendix	D
713	Voided	
714	Budget and Tax Rate	2015
715	Chapter 20	§§ 502, 507
716	Chapter 13	§§ 101, 103, 105, 109
R-2014-04	Fees amendment	Not in Code
R-2015-01	Appendix	D
R-2015-02	Appendix	D
717	Chapter 4	§§ 315 through 317
718	Chapter 4	§ 313
719	Chapter 8	§§ 101 through 1001
R-2015-03	Appendix	D
720	Appendix	D
721	Chapter 1	§ 501
R-2015-04	Appendix	D
R-2015-05	Appendix	D
722	Chapter 15	§ 15-410
723	Chapter 11	§ 11-207
724	Budget and Tax Rate	2016
R-2015-06	Appendix	B
R-2016-01	Chapter 20	§ 20-411
R-2016-02	Appendix	G
R-2016-03	Appendix	D
725	Appendix	D
R-2016-04	Appendix	D
R-2016-05	Appendix	D
R-2016-06	Appendix	D
726	Chapter 15	§ 15-507
727	Chapter 20	§ 20-202
728	Budget and Tax Rate	2017

KEY TO THE DISPOSITION OF ALL
ORDINANCES

§ KO-101

Ordinance	Disposition	Number
R-2016-07	Appendix	D
R-2016-08	Appendix	D
R-2016-09	Appendix	B
R-2016-01	Appendix	D
R-2016-02	Appendix	D
R-2016-03	Appendix	D
R-2016-04	Appendix	D
R-2016-05	Appendix	D
R-2016-06	Appendix	D
R-2016-07	Appendix	D

