

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3145

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA AMENDING ORDINANCE NO. 2879 AND CHAPTER 489,
TAXATION, TO CONSOLIDATE AND AMEND FEES FOR BUSINESS AND
MERCANTILE LICENSES; REPEALING ALL INCONSISTENT ORDINANCES,
RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to the provisions of the Home Rule Charter, 53 Pa. C.S. § 2962 (b) of the General Local Government Code, and Article XXIX of the First Class Township Code, Upper Darby Township is empowered to regulate and license merchants and businesses within the Township; and

WHEREAS, pursuant to Article XXIX of the First Class Township Code, license fees may be imposed for regulated merchants and businesses which bear a reasonable relationship to the cost of regulating, inspecting, and supervising each business or merchant.

WHEREAS, Upper Darby Township desires to consolidate the two existing subsections of the Code relating separately to Mercantile Licenses and Business Licenses;

WHEREAS, Township Council recognizes that there is a certain increased expenditure of time and money by the Township in regulating, inspecting, and supervising businesses and merchants within the Township; and

WHEREAS, this Council deems it desirous that the Township recover such costs by amending the current fee imposed for Business Licenses and Mercantile Licenses; and

WHEREAS, the purpose of such fees shall be to recover expenses related to regulating, inspecting, and supervising businesses and merchants within the Township only, and not to raise

revenue.

NOW, THEREFORE, Upper Darby Township hereby ordains that Chapter 489, Taxation, is amended as follows (text to be deleted shown as ~~strikethrough~~, text to be added shown as underline):

SECTION 1.

Ordinance No 2879

~~Section 3. Registration.~~

~~For the tax year beginning April 1, 1998, and for each year thereafter, beginning on January 1, every person desiring to continue to engage in or hereafter to begin to engage in a business, trade, occupation, or profession at an actual place of business in the Township shall, on or before the 15th day of May 1998 or on or before the 15th day of January of any tax year thereafter, or prior to commencing business in such tax year, make application with the Director for registration for each place of business in the Township, and if such person has no actual place of business within the Township, then one (1) registration. Such registration shall be made by the completion of an application furnished by the Director and the payment of a fee of Fifteen Dollars (\$15.00) for each place of business. Each application for registration shall be signed by the applicant, if a natural person, and in the case of an association or partnership, by a member of partner thereof, and in the case of a corporation, by an officer thereof, or by the authorized person of any other legal entity. Each applicant shall receive a Certificate of Registration from the Director, which shall not be assignable. In the case of loss, defacement, or destruction of any certificate, the person to whom the certificate was issued shall apply to the Director for a new certificate, for which a fee of Fifteen Dollars (\$15.00) shall be charged. Such Certificate shall be conspicuously posted at each place of business within the Township at all times.~~

Chapter 489 Taxation

Article II

~~§489-12 License.~~

~~For the license year beginning every April 1, every person desiring to continue to engage in or hereafter to begin to engage in, either regularly or on a temporary, occasional or itinerant basis, the business of wholesale or retail, or wholesale and retail, vendor or dealer, or as a peddler, solicitor or off-street retail seller of goods, wares and merchandise, and any person operating a restaurant or other place where food, drink or refreshments~~

~~are sold in the Township shall, on or before the first day of April of each license year, or prior to commencing business in any such license year, apply for and procure a mercantile license for his place of business, or if more than one, for each of his places of business in the Township. Application shall be made to the Collector or his designee and shall be accompanied by payment of a fee in the amount of \$20 for a wholesale, retail or restaurant license and \$20 for a wholesale and retail license for each place of business, or if more than one, for each place of business in the Township for such license year. Each application for a license shall be signed by the applicant, if a natural person, and in the case of an association or partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof. Such licenses shall not be assignable and shall be conspicuously posted at any place of business or each of the places of business of every such person at all times. In the case of loss, defacement or destruction of any license, the person to whom the license was issued shall apply to the Collector for a new license, for which a fee of \$20 shall be charged.]~~

Article VII Business and Mercantile License.

For the Year beginning January 1, 2024, and for each year thereafter, beginning on January 1, every person desiring to continue to engage in or hereafter to begin to engage in a.) a business, trade, occupation, or profession at an actual place of business in the Township, or b.) either regularly or on a temporary, occasional or itinerant basis, the business of wholesale or retail, or wholesale and retail, vendor or dealer, or as a peddler, solicitor or off-street retail seller of goods, wares and merchandise, and any person operating a restaurant or other place where food, drink or refreshments are sold in the Township shall on or before the 31st day of January of every year, or prior to commencing business in such year, make application with the Director of the Finance Department for registration for each place of business in the Township, and if such person has no actual place of business within the Township, then one (1) registration. Such registration shall be made by the completion of an application furnished by the Director of the Finance Department and shall be accompanied by payment of a fee in the amount of Fifty Dollars (\$50.00) for each place of business. Each application for registration shall be signed by the applicant, if a natural person, and in the case of an association or partnership, by a member of partner thereof, and in the case of a corporation, by an officer thereof, or by the authorized person of any other legal entity. Each applicant shall receive a Certificate of Registration from the Director of the Finance Department, which shall not be assignable. In the case of loss, defacement, or destruction of any certificate, the person to whom the certificate was issued shall apply to the Director of the Finance Department for a new certificate, for which a fee of Fifty Dollars (\$50.00) shall be charged. Such Certificate shall be conspicuously posted at each place of business within the Township at all times.

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

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

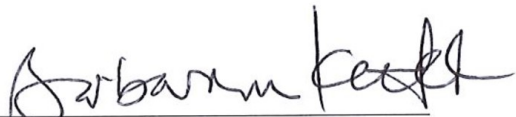
SECTION 4. EFFECTIVE IMMEDIATELY. This Ordinance shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.


ENACTED and **ORDAINED** this 6th day of December 2023.

BY: 
BRIAN BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Approved this 6th day of December, 2023.

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICCETTI
Chief Municipal Clerk