

**ORDINANCE**  
**NO. 3152**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, COUNTY OF  
DELAWARE, COMMONWEALTH OF PENNSYLVANIA, REPEALING  
ORDINANCES 3149 AND 3151 IN THEIR ENTIRETY AND LEVYING A TAX  
ON REAL PROPERTY IN UPPER DARBY TOWNSHIP FOR GENERAL FUND  
PURPOSES AND DEBT PURPOSES FOR 2024**

---

**WHEREAS**, pursuant to Section 902 of the Home Rule Charter of the Township of Upper Darby, the Mayor submitted to Township Council (“Council”) a proposed budget and accompanying message for fiscal year 2024; and

**WHEREAS**, the budget provides a complete financial plan for Township funds and activities for the ensuing fiscal year; and

**WHEREAS**, pursuant to Section 906(A) of the Home Rule Charter, Council published a general summary of the budget and notice stating the times and places where copies of the budget and budget message were available for inspection by the public; and

**WHEREAS**, two (2) public hearings were held on the budget in 2023; and an additional public hearing was held in 2024; and

**WHEREAS**, following public hearings, and after due consideration, the budget was adopted by Council by Resolution 1-24; and

**WHEREAS**, in furtherance of funding the 2024 budget, Council may, and did establish a tax on all real property improved or unimproved within the Township subject to taxation for the calendar year 2024 on each dollar of assessed valuation by the passage of Ordinance No. 3149; and

**WHEREAS**, due to a typographical error, the millage rate appears higher in Ordinance No. 3149 than the millage rate intended by Council, and

**WHEREAS**, on January 31<sup>st</sup>, 2024 Council considered and adopted Ordinance 3151 which established a tax rate of 14.02 mills (13.56 Mills for General Fund Purposes and .46 Mills for Debt Purposes) on each thousand dollars of assessed valuation of real property; and

**WHEREAS**, on January 31, 2024 at the public hearing, members of the public and Councilors pointed out a typographical error on Ordinance 3151 referencing cents on each hundred dollars of valuation as opposed to mills on each thousand dollars of assessed valuation of real property; and

**WHEREAS**, Section 1710 of the First-Class Township Code requires that

whenever a tax rate is fixed at a mill rate, that the ordinance include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property; and

**WHEREAS**, on January 31, 2024 at the public hearing on Ordinance 3151 an amendment to clarify the typographical error was made to that Ordinance and adopted by Council and both the public and Council had an opportunity to comment on that typographical error; and

**WHEREAS**, Council, in an abundance of caution and for clarity, would like to repeal ordinances 3149 and 3151 and enact an ordinance levying the appropriate tax on real property for general fund purposes and debt purposes for 2024;

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Upper Darby, as follows:

**SECTION 1.** Ordinance 3149 is repealed in its entirety as set forth on Appendix “A” hereto and incorporated herein by reference.

**SECTION 2.** Ordinance 3151 is repealed in its entirety as set forth on Appendix “B” hereto and incorporated herein by reference.



**SECTION 3.** That a tax be and the same is hereby levied on all property and occupations within the said Township subject to taxation for the Township purposes for the fiscal year 2024, as follows:

Tax rate for general fund purposes, the sum of 13.56 Mills on each dollar of assessed valuation, or the sum of 135.6 cents on each hundred dollars of assessed valuation of real property. For debt purposes, 0.46 Mills on each dollar of assessed valuation, or the sum of 4.6 cents on each hundred dollars of assessed valuation of real property.

**SECTION 4.** If any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**SECTION 5.** All ordinances or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**ENACTED and ORDAINED this 14th day of February, 2024**

ATTEST:  BY:   
MICHELLE BILLUPS HAFIZ TUNIS, JR.  
SECRETARY OF COUNCIL PRESIDENT OF  
COUNCIL

**Ordinance No. 3152 is APPROVED this 14<sup>th</sup> day of February, 2024**

  
BY: EDWARD BROWN, MAYOR

ATTEST: \_\_\_\_\_

APPENDIX "A"

REPEAL OF ORDINANCE 3149

~~Section 1. That a tax be and the same is hereby levied on all property and occupations within the said Township subject to taxation for the Township purposes for the fiscal year 2024, as follows:~~

~~Tax rate for general fund purposes, the sum of 13.75 Mills on each thousand dollars of assessed valuation o For debt purposes, 0.46 Mills on each thousand dollars of assessed valuation.~~

~~The same being summarized in tabular form as follows:~~

	MILLS- ON- EACH- THOUS AND- DOLLA RS OF ASSESS ED- VALUA TION
<del>Tax rate for General Fund Purposes</del>	<del>13.75</del>
<del>Tax rate for Debt Purposes</del>	<del>0.46</del>
<del>TOTAL TAX RATE</del>	<del>14.21</del>

~~Section 2. Providing for the fees for collection and disposal of refuse set forth in Section 461-18 of the Code of Ordinances, the owner of record of any residence building shall be charged a sum of \$315.00 for each dwelling unit contained in said residence building for the collection of refuse from the residence building.~~

~~Section 3. Increasing the sewer rates and charges set forth in Section 454-1 (A) of the Code of Ordinances, for the said rental or charge based upon the following rates and in accordance with the following classifications: (1) Single-family dwelling unit: \$275; (2) Apartment unit: \$275; (3) Apartment house for each apartment unit: \$275; and (4) Public, business, commercial or industrial users, for the first 60,000 gallons of water annually: \$275. Amending Section 454-1 (B), "Public, business, commercial or industrial users shall pay at the rate of \$275 per unit...."~~

~~Section 4. If any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.~~

~~Section 5 All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.~~

APPENDIX "B"

REPEAL OF ORDINANCE 3151

~~Section 1.~~ That a tax be and the same is hereby levied on all property and occupations within the said Township subject to taxation for the Township purposes for the fiscal year 2024, as follows:

~~Tax rate for general fund purposes, the sum of 13.56 Mills on each thousand dollars of assessed valuation, or the sum of .01356 cents on each hundred dollars of assessed valuation of real property. For debt purposes, 0.46 Mills on each thousand dollars of assessed valuation, or the sum of .00046 cents on each hundred dollars of assessed valuation of real property.~~

The same being summarized in tabular form as follows:

	<del>MILLS ON EACH THOUSAND DOLLARS OF ASSESSED VALUATION</del>	<u>CENTS ON EACH HUNDRED DOLLARS OF ASSESSED VALUATION</u>
<b>Tax rate for General Fund Purposes:</b>	<del>13.75</del> <u>13.56</u>	<u>.01356 cents</u>
<b>Tax rate for Debt Purposes:</b>	<u>0.46</u>	<u>.00046 cents</u>
<b>TOTAL TAX RATE:</b>	<del>14.21</del> <u>14.02</u>	<u>.01402 cents</u>

~~Section 2.~~ Providing for the fees for collection and disposal of refuse set forth in Section 461-18 of the Code of Ordinances, the owner of record of any residence building shall be charged a sum of \$315.00 for each dwelling unit contained in said residence building for the collection of refuse from the residence building.

~~Section 3.~~ Increasing the sewer rates and charges set forth in Section 454-1 (A) of the Code of Ordinances, for the said rental or charge based upon the following rates and in accordance with the following classifications: (1) Single family dwelling unit: \$275; (2) Apartment unit: \$275; (3) Apartment house for each apartment unit: \$275; and (4) Public, business, commercial or industrial users, for the first 60,000 gallons of water annually: \$275. Amending Section 454-1 (B), "Public, business, commercial or industrial users shall pay at the rate of \$275 per unit...."

~~Section 5 4.~~ If any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

~~Section 6.5. All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.~~