

**TOWNSHIP OF UPPER PROVIDENCE
COUNTY OF DELAWARE
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE No. 550**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER PROVIDENCE, COUNTY OF
DELAWARE, COMMONWEALTH OF PENNSYLVANIA REAPPORTIONING THE
VOTING DISTRICTS INTO DISTRICTS WITH COMPACT AND CONTIGUOUS
TERRITORY AS NEARLY EQUAL IN ELECTORS AS PRACTICABLE AS
OFFICIALLY AND FINALLY REPORTED IN THE 2020 FEDERAL DECENTNIAL
CENSUS**

WHEREAS, the Township of Upper Providence is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, Article IX, Section 11 of the Pennsylvania Constitution, and Section 12.05 and the Municipal Reapportionment Act (53 Pa. C.S.A. §§ 901, et seq.) require that all municipalities in which the elected officials are elected by districts and not elected at large must examine the distribution of their districts to ensure that they are as nearly even in population as practicable in the year after the year in which each decennial census is reported; and

WHEREAS, pursuant to the Act, of the Upper Providence Township Home Rule Charter, voting districts shall be composed of compact and contiguous territory as nearly equal in electors as practicable; and

WHEREAS, the results of the decennial census revealed that the Upper Providence Township voting districts are imbalanced in number of electors such that the largest district has 43% more electors than the smallest district; and

WHEREAS, the Township approved Ordinance 543 on December 19, 2022, which adopted a new district map and redistricted the Township according to the standards of the Municipal Reapportionment Act, and

WHEREAS, Ordinance 543 was challenged in Court by certain residents, at CV-2023-000503, and Judge John Whelan issued an Order on September 29, 2023, which provides as follows:

ORDER

AND NOW, this 29th day of September 2023, upon consideration of the Petition to Contest Reapportionment by Upper Providence Counsel Pursuant to 53 P A C S §906, following a hearing before this court, and receipt and review of the post hearing briefs by counsel, it is hereby ORDERED and DECREED that said petition is GRANTED The Reapportionment dated December 19, 2022 is set aside and the matter is remanded to the Township to revise the map in a manner that 'divide(s) its electorate into five voting districts which shall be as even in number of electors as practicable' See Upper Providence Home Rule Charter art XII, 12 05 (1996) This court shall retain jurisdiction over this matter.(Underlining added.)

WHEREAS, the Township has now revised its approved map pursuant to the Court's Order "in a manner that 'divide(s) its electorate into five voting districts which shall be as even in number of electors as practicable'; and

WHEREAS, the U.S. census measures a category of citizens designated Citizens of Voting Age Population which is the equivalent of "electors;" and

WHEREAS, the independent calculation tool of the nonpartisan website www.districtbuilder.com shows that the newly revised Map, attached hereto as Exhibit A, divides the electorate into five voting districts in which the largest voting district has only 15 more electors (Citizens of Voting Age Population) than the smallest voting district, and

WHEREAS, the Township finds that the districts as defined in Map 8 are all contiguous, and

WHEREAS, the Township finds that the districts as defined in Map 8 are all compact, and

WHEREAS, the Township finds that Map divides the Township electorate into five voting districts which are as even in number of electors as practicable.

NOW, THEREFORE, BE IT ORDAINED, by the Township of Upper Providence Council that:

SECTION 1 – Adoption of 2023 Electoral District Map

1. The voting district map for Upper Providence Township shall hereby be repealed and replaced. The voting district map attached hereto as Exhibit A shall be the official map of Upper Providence Township, Delaware County.
2. The voting districts of Upper Providence Township shall be modified and reapportioned so that the five voting districts shall be bound and described as follows:

A. First Voting District

Beginning at the intersection of Rose Tree Road and North Orange St. proceeding along the centerline of N. Orange Street southeast to Media Bypass (Route 1). Thence following the centerline of Media Bypass (Route 1) northeast to the intersection of N. Providence Road (Route 252). Thence following the centerline of N. Providence Road (Route 252) southeast to the intersection of Kirk Lane. Thence following the centerline of Kirk Lane to the southwest to the intersection of Eastwood Rd. Thence following the centerline of Eastwood Rd. southeast to Kirk Lane. Thence following the centerline of Kirk Lane to the southwest to the intersection of W. 3rd St. Thence following W. 3rd St. to the East to the border with Media Borough. Thence following the border of Media Borough south to the southeast corner of Media Borough and then east along the border of Media Borough until the intersection of E. Lincoln St. and Manchester Avenue at the border with Nether Providence Township. Thence following the border of Nether Providence Township south to the intersection with the Ridley Creek at the southern border of Upper Providence Township and Middletown Township. Thence following the border of Middletown Township northwest along the Ridley Creek to the intersection of the border with Middletown Township with Rose Tree Rd. Thence following the centerline of Rose Tree Rd. back to the intersection with N. Orange St. at the place of beginning.

B. Second Voting District

Beginning at the intersection of State Road and Greenhill Road at the border with Media Borough and proceeding northeast along the centerline of State Road to the intersection of N. Overhill Rd. Thence following the centerline of North Overhill Rd., northwest to the intersection of Summit Road. Thence following Summit

Road along its centerline northeast to the intersection with Robin Road. Thence following Robin Road along its centerline Northwest to the intersection with Valley View Road. Thence following the centerline of Valley View Road to the northeast, continuing to the Northwest as Valley View Road splits, to its intersection with Sandy Bank Road. Thence following the centerline of Sandy Bank Road to the northeast to its intersection with the Media Bypass (Route 1). Thence following the Media Bypass (Route 1) to the east to the border the Township with Marple Township at the Crum Creek. Thence following the border of the Township with Marple Township southeast along the Crum Creek to the southeastern corner of the Township where it meets with Marple Township, Springfield Township, and Nether Providence Township. Thence following the border of the Township with Nether Providence Township to the southwest until reaching the border with Media Borough. Thence following the border with Media Borough to the northwest and back to the place of beginning at the intersection of State Road and Greenhill Road.

C. Third Voting District

Beginning at the intersection of the Media Bypass (Route 1) with N. Providence Road (Route 252) and following the centerline of N. Providence Road to the northwest to the intersection of N. Providence Rd. and Palmers Mill Road (Route 252). Thence following the centerline of N. Providence Rd. to the Northwest to the intersection with W. Bishop Hollow Rd. Thence following the centerline of W. Bishop Hollow Rd. to the south to the intersection with Cape Cod Dr. Thence following the centerline of Cape Cod Dr. to the east to the intersection of Yarmouth Ln. Thence following the centerline of Yarmouth Ln. to the south to the intersection of Chatham Place. Thence following the centerline of Chatham Place to the northwest to the border with Edgemont Township. Thence following the border with Edgemont Township to the northeast to the intersection of the Township with the border of Newtown Township at the Springfield Lake Reservoir. Thence following the border of Newtown Township to the southeast along the Crum Creek and Springfield Lake Reservoir to the intersection with the border of Marple Township and continuing along the border of the Township with Marple Township to the southeast until reaching the south side of the Media Bypass (Route 1). Then following the Media Bypass (Route 1) to the west until its intersection with N. Providence Road (Route 252) at the point of beginning.

D. Fourth Voting District

Beginning at the intersection of N. Providence Road (Route 252) with the Media Bypass (Route 1) and following Route 1 to the east to its intersection with Sandy Bank Road. Thence following the centerline of Sandy Bank Road to the southeast to the intersection with Valley View Road. Thence following Valley View Road along its centerline to the southeast and, at its point of splitting, continuing to follow Valley View Road to the southwest and continuing until the intersection with Robin Road. Thence following the centerline of Robin Road to the southeast until its terminus at the intersection with Summit Road. Thence following the centerline of Summit Road to the southwest to the intersection with N. Overhill

SECTION 3. Severability.

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Township Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

SECTION 4. Adoption.

This ordinance shall become effective five (5) business days after passage.

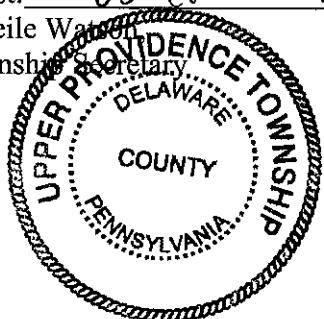
ENACTED AND ORDAINED this 11th day of January, 2024.

TOWNSHIP OF UPPER PROVIDENCE:

Council Chairman

Attest:

Mareile W. Weller
Township Secretary



Road. Thence following the centerline of N Overhill Road to the southeast until the intersection with State Road. Thence following the centerline of State Road to the southwest until its intersection with the border of Media Borough. Thence following the border of Media Borough to the north until the northern point of Media Borough. Thence following the border with Media Borough to the southwest to its intersection with W. 3rd St. Thence following the centerline of W. 3rd St. to the west to the intersection with Kirk Lane. Thence following the centerline of Kirk Lane to the northeast to the intersection with Eastwood Rd. Thence following the centerline of Eastwood Rd. to the around its curve its full length to the intersection of Kirk Lane. Thence following the centerline of Kirk Lane to the northeast to the intersection of N. Providence Road (Route 252). Thence following the centerline of N. Providence Road (Route 252) to the intersection with the Media Bypass (Route 1) at the point of beginning.

E. Fifth Voting District

Beginning at the intersection of the Media Bypass (Route 1) with N. Providence Road (Route 252). Thence following the centerline of N. Providence Road to the northwest to the intersection of N. Providence Rd. and Palmers Mill Road (Route 252). Thence following the centerline of N. Providence Rd. to the Northwest to the intersection with W. Bishop Hollow Rd. Thence following the centerline of W. Bishop Hollow Rd. to the south to the intersection with Cape Cod Dr. Thence following the centerline of Cape Cod Dr. to the east to the intersection of Yarmouth Ln. Thence following the centerline of Yarmouth Ln. to the south to the intersection of Chatham Place. Thence following the centerline of Chatham Place to the northwest to the border with Edgmont Township. Thence following the border of Edgmont Township to the southwest to the border of Upper Providence Township with Edgmont Township at the Ridley Creek. Thence following the border with Edgmont Township to the southeast until the intersection with the border of Middletown Township and continuing along the border of Middletown Township to the southeast to the intersection with Rose Tree Rd. Thence following the centerline of Rose Tree Rd. to the northeast to its intersection with North Orange St. Thence following the centerline of N. Orange Street southeast to Media Bypass (Route 1). Thence following the centerline of Media Bypass (Route 1) northeast to the intersection of N. Providence Road (Route 252). and returning to the place of beginning.

3. The Township Manager is authorized to advise the Delaware County Bureau of Elections and the Court of Common Pleas of the change of voting districts.

SECTION 2. Repealer.

All ordinances, resolutions, and parts of ordinances and resolutions inconsistent herewith, are hereby repealed.