

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-691

AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP ZONING ORDINANCE, BY ADDING NEW DEFINITIONS FOR THE TERMS "FAMILY" AND "GROUP HOME" AND ADDING NEW PART 23, PERMITTING GROUP HOMES BY SPECIAL EXCEPTION IN ALL RESIDENTIAL ZONING DISTRICTS AND ESTABLISHING REGULATIONS PERTAINING TO GROUP HOMES

WHEREAS, West Norriton Township (the "Township"), pursuant to the First Class Township Code, 53 P.S. § 55101, *et seq.*, is authorized to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

WHEREAS, the Township deems it in the best interest and general welfare of the citizens and residents of the Township to amend its Zoning Ordinance by amending the West Norriton Township Zoning Ordinance to permit group homes by special exception in all residential zoning districts, subject to the new definitions for the terms "family" and "group home" and the requirements and regulations of new Part 23;

WHEREAS, the Board of Commissioners of West Norriton Township has met the procedural requirements of the First Class Township Code and the Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, the Township, after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety and general welfare of the residents of West Norriton Township will be served by this amendment to the West Norriton Township Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SEC. I. CODE AMENDMENT. THE WEST NORRITON ZONING ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

- A. Part 20, § 2001, "Definition of Terms," is revised by adding the following new definitions:**

FAMILY – Any number of individuals living in a single, nonprofit housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption; or no more than four (4) unrelated individuals living together as a single nonprofit housekeeping unit and doing their cooking on the premises. A “group home,” as defined herein, shall be considered a “family.” This term specifically excludes:

- (1) Individuals and groups occupying a boarding or rooming house, lodging house, club, group home, fraternity, hotel or similar living environment; and
- (2) Persons living together in homes for current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, unless considered disabled under the Fair Housing Act, by virtue of that status.

GROUP HOME – A residential facility used as living quarters by no more than four (4) unrelated persons, each of whom is handicapped within the meaning of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, living together, long-term, as a single, non-transient housekeeping unit, with such non-resident staff as may be needed to assist the residents with their daily life activities. To be considered a single, non-transient housekeeping unit, all residents must have common use of and access to all living areas, eating areas, bathrooms and food preparation and serving areas. A “group home” constitutes a “family,” as defined herein.

- (1) This term specifically excludes residences or homes for persons with current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802), alcoholism or drug addiction, work-release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration and any persons whose residency in the home would constitute a direct threat to the health or safety of other individuals, except to the extent that such groups constitute “handicapped” persons, within the meaning of the Fair Housing Act.

B. New Part 23 entitled “Group Homes” is added as follows:

§ 1. Intent.

It is the specific intent of this Part to promote the safety, morals and general welfare of the inhabitants of West Norriton Township in their person and property by permitting group homes in the Township, subject to the requirements of this Part. Additionally, permitting group homes by special exception in residential districts will increase the availability of housing and access to valuable services for Township residents with disabilities without altering the essential character of the neighborhood or district in which the group home is located.

§ 2. Permitted by special exception; requirements.

Group homes are permitted in all residential districts as a use by special exception pursuant to Chapter 27, Part 18, § 1805 and the requirements and regulations herein. Prior to obtaining a permit and a special exception approval for a group home use, the Applicant shall provide evidence of the following:

- A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located. However, in order to integrate group homes into a neighborhood and create a deinstitutionalized setting for the residents of group homes, no group home may be located within 2,500 feet of another group home.
- B. Residents of a group home shall maintain a single household unit with shared use of living areas, eating areas, bathrooms and food preparation and serving areas, and shall share mealtimes and housekeeping responsibilities.
- C. Accommodations in a group home shall be provided for no more than four (4) residents, excluding staff, at one time. However, there shall be no more than two (2) persons per bedroom. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. Applicants for group homes shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- E. Evidence shall be provided with the application for a group home or institutional residence indicating that all applicable federal, state and/or county certification and licensing requirements have been met for the particular type of care provided.

- F. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.
- G. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part the application for such a use.
- H. The group home must comply with the West Norriton Township Building Code, Chapter 4, Part 1.
- I. Notwithstanding any provision of the West Norriton Township Building Code, the group home must contain an automatic sprinkler system.
- J. Off-street parking must be adequate to accommodate the needs of the residents and staff. At a minimum, the group home must meet the minimum requirements for the district in which it is located.
- K. The group home will not alter the essential character of the neighborhood or district in which the group home is located.

§ 3. Inspections.

The owner, operator or agent of a group home shall permit inspections thereof by the Code Enforcement Officer annually. If the owner, operator or agent does not permit such inspection by the Code Enforcement Officer, the Township may seek any appropriate legal or equitable relief to compel access to such property for such inspection.

§ 4. Registration with Township.

- A. The group home shall register, in writing, its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Township.
- B. In addition, each resident of the group home shall be registered with the Township. Such registration shall include the resident's name and special needs in order to assist the Township in coordinating its emergency response plan. This registration must be updated whenever there is change in the composition of the group home residency, but in no event less frequently than once every three (3) months.
- C. Any other registration of group home residents with any state and/or county agency for emergency preparation purposes shall be made and updated in accordance with the applicable state and/or county regulations.

§ 5. Proof of staff licensure, certification and criminal background clearances.

- A. All caretakers, administrators and staff must be duly licensed and/or certified by, the Department of Public Welfare, Department of Health and other federal, state or county agency, as may be required for the particular type of care provided and the nature of the employee's responsibilities. Every employee of the group home must have valid criminal background clearances, licensure and/or certification with the issuing agency or agencies while in employed by the group home.
- B. The owner, operator or agent of any group home shall provide the Township with a register of all employees and furnish proof of all required licenses, certifications and criminal background clearances for each employee prior to commencing operation in the Township. Thereafter, an updated register and proof of licensure, certifications and criminal background clearances shall be provided on at least an annual basis.
- C. For every new person employed by the group home, the name of the employee, along with proof of all required licenses, certifications and criminal background clearances, shall be submitted to the Township prior to the commencement of the employment.

SEC. II. REPEALER.

All Ordinances or parts of Ordinances 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.

SEC. III. REVISIONS.

The West Norriton Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SEC. IV. SEVERABILITY.

In the event that any section, sentence, clause, phrase 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 enforcement of any of the remaining portions of this Ordinance.

SEC. V. EFFECTIVE DATE.

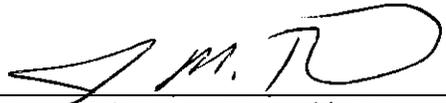
This amendment shall become effective five (5) days after date of adoption.

SEC. VI. FAILURE TO ENFORCE NOT A WAIVER.

The failure of West Norriton Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

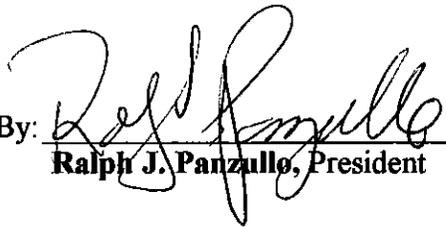
ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this 10th day of March, 2015.

ATTEST:



Jason M. Bobst, Township Manager

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

By: 

Ralph J. Panzullo, President