



**West Norriton Township
Work Session Agenda
October 2, 2018
7:00 PM**

- 1. Call To Order And Pledge Of Allegiance**
- 2. Presentation By Maggie Dobbs Of Montgomery County Planning Commission Of W. Main Street Corridor Study**
- 3. Discussion/Update On Status**
 - A. Appointments To Human Relations Commission**
 - B. 2019 Budget Calendar**
 - C. Presentation Of Police Officer Of The Year And Firefighter Of The Year By Frank C. Parker, Jr. Post At Next Week's Regular Meeting Of The Board**
 - D. Consider Authorizing Staff To Draft Resolution Re: Native Plants**
- 4. Manager's Items**
 - A. Consider Adopting Ordinance No. 2018-722 Amending Code To Add New Part 8 "Fireworks"**

Documents:

[ORDINANCE - FIREWORKS.PDF](#)
 - B. Consider Adopting Ordinance No. 2018-723 Amending Zoning Ordinance For Sale And Storage Of Consumer Fireworks In I-Industrial District**

Documents:

[ORDINANCE - FIREWORKS ZONING.PDF](#)
 - C. Consider Adopting Ordinance No. 2018-724 Ratifying An Intergovernmental Cost Sharing Agreement With NASD For Appraisal Services**

Documents:

[ORDINANCE - COST SHARING-NASD.PDF](#)
 - D. Consider Adopting Ordinance No. 2018-725 Amending Zoning Ordinance To Add Permitting Of Sober Living Homes By Special Exception And To Amend Certain Definitions And Provisions Related To Group Homes**

Documents:

[ORDINANCE - SOBER LIVING AND GROUP HOME.PDF](#)
- 5. Public Comment**

- a. Recognize individuals that are taxpayers or residents of West Norriton Township wishing to offer comment.
- b. Require the name and address of such persons wishing to comment.
- c. Permit each individual at minimum one (1) opportunity to speak. The President may require an individual who has already spoken to wait until all others wishing to speak have had the opportunity before permitting an additional opportunity to speak. Once all others have had the opportunity to speak, the President shall determine whether time would allow for additional comment from the individual wishing to speak. Such a determination shall be based solely on the factor of time and shall not be based on the content or viewpoint of the particular individual(s) seeking additional opportunity to speak.
- d. Provide for a five (5) minute maximum for each individual to offer public comment. There shall be no ceding or assigning of time. In no case shall a time limit of fewer than two (2) minutes be designated. It may be requested that a spokesperson from a group address the Board of Commissioners.
- e. Preserve order by prohibiting disruptive conduct including, but not limited to, speaking by any person who is not, at that time, taking part in public comment.

6. Upcoming Meetings

A. Environmental Advisory Council (EAC) - October 3rd @ 7:00 PM

B. Planning Commission - October 15th @ 7:00 PM

i. West Main Street Corridor Study; and

ii. TLC Drain & Sewer Headquarters, 1956-1968 W. Main Street

C. Zoning Hearing Board - None

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**WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-722

AN ORDINANCE AMENDING THE CODE OF WEST NORRITON TOWNSHIP TO ADD UNDER CHAPTER 10, TITLED “HEALTH AND SAFETY” A NEW PART 8 TITLED “FIREWORKS” REGULATING THE USE OF FIREWORKS WITHIN THE TOWNSHIP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Norriton Township, Montgomery County, Pennsylvania (hereinafter “the Township”) is a Township organized and existing under the laws of the Commonwealth of Pennsylvania;

WHEREAS, the Pennsylvania Fireworks Law, Act 43 of 2017, took effect on October 30, 2017; and

WHEREAS, the Fireworks Act broadens the category of Consumer Fireworks that can legally be sold in Pennsylvania;

WHEREAS, the Board of Commissioners of West Norriton Township has determined that the use of consumer fireworks in an urban setting provides safety and health hazards if the terms of the Pennsylvania Fireworks Law are not specifically complied with;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: A new Part 8 titled “Fireworks” under Chapter 10 titled “Health and Safety” is hereby added to the Code of West Norriton Township and shall be entitled, numbered and read as follows:

PART 8 – FIREWORKS

§10-801. AUTHORITY AND INTENT

This Chapter is adopted pursuant to the authority granted under Pennsylvania’s fireworks regulations and laws as adopted and codified by the Pennsylvania legislature at 72 P.S. §9401-9416. This Chapter is adopted with the intent to comply with such state fireworks laws, properly regulate fireworks use within the Township, and to protect the health, safety and welfare of Township citizens.

§10-802. DEFINITIONS

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

APA 87-1 – The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

Consumer Fireworks: Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to consumer practices) or any successor regulation and which complies with the provisions for “Consumer Fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, including but not limited to Sections *3.1 and *3.5, or any successor standard. The term does not include devices such as “ground and handheld sparkling devices” as defined in APA Standard 87-1, Section *3.1.1, “novelties” as defined in APA Standard 87-1, Section *3.2, or “toy caps” as defined in APA Standard 87-1, Section *3.3.

Display Fireworks: Defined as more fully set forth in 27 CFR 555.11 (Meaning of terms), which is incorporated herein by reference which meet the types of display fireworks devices set forth in the APA Standard 87-1, Section *4.1 which comply with requirements for display fireworks set forth in APA Standard 87-1.

Fireworks: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4 G fireworks or 1.3 G fireworks as set forth in the 2003 International Fire Code including, but not limited to, those compositions or devices as defined in APA Standard 87-1.

NFPA 1124: The National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation and storage of Fireworks and Pyrotechnic Articles*, 2006 edition, or any subsequent edition.

Novelties: Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-1, Section *3.2.

Occupied Structure: A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

Temporary Structure: A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or

less and is dedicated to the storage and sale of Consumer Fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell Consumer Fireworks under this Chapter.

§10-802. USE SALE AND STORAGE OF CONSUMER FIREWORKS

1. Conditions. A person who is at least 18 years of age and meets the requirements of this Chapter may purchase, possess and use Consumer Fireworks.
2. Prohibitions. A person may not intentionally ignite or discharge:
 - A. Consumer Fireworks on public or private property without the express permission of the owner.
 - B. Consumer Fireworks or sparkling devices within, or throw Consumer Fireworks or sparkling devices from, a motor vehicle or building.
 - C. Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - D. Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
 - E. Consumer Fireworks within 150 feet of any Occupied Structure.
 - F. Consumer Fireworks within 100 feet of any combustible material.
 - G. Consumer Fireworks such that the sparks or any portion of the fireworks will land upon the property of another without the owner's express permission.
 - H. Consumer Fireworks two hours after dusk on the date the person intends to ignite the Consumer Fireworks, dusk being defined as the time as reported for West Norriton Township by the National Weather Service.
3. It is hereby ordained and enacted that no permission is granted by the Township to any person to ignite or discharge consumer fireworks on the streets of the Township of West Norriton, the sidewalks of the Township of West Norriton or any property owned by the Township of West Norriton, including, without limitation, all of the Township's parks and public buildings unless otherwise authorized by a public vote of the Board of Commissioners.
4. Sale and Storage of Consumer Fireworks: The sale and storage of Consumer Fireworks is licensed and regulated by the Pennsylvania Department of Agriculture. Any persons who intends to sell or store Consumer Fireworks within the Township shall provide proof of such licensure prior to such use being conducted within the Township, in addition to compliance with all other applicable Township ordinances, regulations or codes.

§10-803. CONSUMER FIREWORKS – TEMPORARY STRUCTURES

1. Conditions. If a person is licensed by the Pennsylvania Department of Agriculture to store and sell Consumer Fireworks within a Temporary Structure as defined herein, such use shall be permitted within the Township provided all other applicable Township ordinances and regulations are met.
2. The person authorized to store and sell Consumer Fireworks within such Temporary Structure shall comply with the regulations of the Pennsylvania Department of Agriculture, and shall provide verification of such compliance prior to be permitted to conduct such use within the Township.

§10-804. DISPLAY FIREWORKS – PERMITS AND USE PROVISIONS

1. No Display Fireworks shall be ignited within 300 feet of a facility selling or dispensing gasoline, propane, or other flammable products.
2. Permits are required to be issued by the Township prior to the use of Display Fireworks. Application for permits shall be made in writing at least 30 days in advance of the planned date of the use of Display Fireworks together with the permit fee. Permit fees shall be as established by resolution of the Board of Commissioners.
3. Permits for Display Fireworks may only be issued to persons age 21 or older.
4. Each Display Firework shall be:
 - A. Handled by a competent operator with the proper authorization to handle, operate or store Display Fireworks;
 - B. Inspected by the Police Chief, Fire Chief, Fire Marshal or other appropriate officer, and after proper inspection, deemed to not be hazardous to property or endanger any person prior to the display occurring; and
 - C. After permission is granted under this section, possession and use of Display Fireworks shall be lawful for that purpose only.
5. License Requirements. Any business entity which performs, provides or supervises Display Fireworks for profit shall provide to the Township proof of registration with the Pennsylvania Attorney General as part of the permitting process.
6. Display Fireworks may be possessed and used by a person (aged 21 or older) holding a permit from the Township at the display covered by the permit, or when used as authorized by a permit for any of the following additional activities:
 - A. For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
 - B. By railroads or other transportation agencies for signal purposes or illumination.

- C. In quarrying or for blasting or other industrial use.
- D. In the sale or use of blank cartridges for a public show or theater.
- E. For signal or ceremonial purposes in athletics or sports.
- F. By military organizations or organizations composed of veterans of the armed forces of the United States.

§10-805. DISPLAY FIREWORKS – BONDING AND EXTENTION REQUESTS

1. Bond. The Township shall require a bond deemed adequate by the Board from the permittee in a sum not less than \$50,000 conditioned on the payment of all damages which may be caused to a person or property by reason of the Display Fireworks and arising from an act of the permittee or an agent, employee or subcontractor of the permittee. The bonding requirement may be deemed unnecessary or reduced by the Board of Commissioners for the additional activities listed under §10-804(6) above.
2. Extension of Permit.
 - A. Authorization. If, because of unfavorable weather, the Display Fireworks for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply, in writing, for a request for extension to the Township. The requested continuance of the permit shall not be later than one week after the date originally designated in the permit.
 - B. Conditions. The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the extended date and in the same manner and to the same extent as if the display had occurred at the date originally designated in the permit.

§10-806. PERMITS GRANTED FOR AGRICULTURAL PURPOSES

1. Authorization. The Township may grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
2. Duration of permit. A permit under this section shall remain in effect for the calendar year in which it was issued.
3. Conditions. After a permit under this section has been granted, sales, possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only.

§10-807. AUTHORITY AND CONFISCATION OF MATERIALS

1. Any Pennsylvania State Police officer or Township police officer shall take, remove or cause to be removed, at the expense of the owner, all stocks of Consumer Fireworks, Display Fireworks or combustibles offered or exposed for sale, stored or held in violation of this Chapter. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.
2. Any Pennsylvania State Police officer, Township police officer or Township Fire Chief is authorized to cease all fireworks activity when there is a determination that there is imminent or immediate danger to any person(s), property, buildings, structures or premises; and said police officer or Fire Chief may take any steps necessary, within the reasonable performance of their duties, to extinguish, mitigate and/or control any fireworks in order to preserve and protect the life, health, welfare or safety of any person(s) and to preserve and protect property, building structures or premises.

§10-808. PENALITIES

1. A person using Consumer Fireworks in violation of the provisions of this Chapter commits a summary offense and, upon conviction, shall be punished by a fine. Each section or provision of this Part that is violated shall constitute a separate offense, each of which shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000.
2. A person selling Consumer Fireworks in violation of the provisions of this Chapter commits a misdemeanor of the second degree.
3. A person selling Display Fireworks in violation of the provisions of this act commits a felony of the third degree.
4. A person selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the United States Department of Transportation, including, but not limited to, those devices commonly referred to as "M-80," "M-100," "blockbuster," "cherry bomb" or "quarter or half stick" explosive devices, in violation of the provisions of this Chapter commits a felony of the third degree.
5. All prosecutions related to this Part shall be the responsibility of the Township police or, if warranted, the Pennsylvania State Police.

SECTION 2: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted

without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 3: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this _____ day of October, 2018

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

Jason Bobst, Township Manager

By: _____
Martin Miller, President

**WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-723

AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE WEST NORRITON TOWNSHIP ZONING ORDINANCE TO PROVIDE DEFINITIONS AND REGULATIONS FOR THE SALE AND STORAGE OF CONSUMER FIREWORKS AND PERMITTING SUCH USES IN THE I INDUSTRIAL DISTRICT BY CONDITIONAL USE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Norriton Township, Montgomery County, Pennsylvania (hereinafter “the Township”) is a Township organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township has enacted a zoning ordinance pursuant to the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968 as amended; and

WHEREAS, the Pennsylvania Fireworks Law, Act 43 of 2017, took effect on October 30, 2017; and

WHEREAS, the Pennsylvania Fireworks Law broadens the location and type of Consumer Fireworks that can legally be sold in Pennsylvania; and

WHEREAS, the Board of Commissioners seeks to regulate through zoning, the sale and storage of consumer fireworks within the Township, while simultaneously advancing the substantial interest of public health, safety, and welfare; and

WHEREAS, the Township has recognized the need to amend the zoning ordinance as reflected herein;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I: Chapter 27 titled “Zoning,” Part 20 titled “Definitions, Remedies, Penalties” of the Code of Ordinances of the Township of West Norriton is amended to add the following definitions in alphabetical order:

Consumer Fireworks: Any combustible or explosive composition or any substance or combination of substances intended to produce

visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to consumer practices) or any successor regulation and which complies with the provisions for “Consumer Fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, including but not limited to Sections *3.1 and *3.5, or any successor standard. The term does not include devices such as “ground and handheld sparkling devices” as defined in APA Standard 87-1, Section *3.1.1, “novelties” as defined in APA Standard 87-1, Section *3.2, or “toy caps” as defined in APA Standard 87-1, Section *3.3.

Display Fireworks: Defined as more fully set forth in 27 CFR 555.11 (Meaning of terms), which is incorporated herein by reference which meet the types of display fireworks devices set forth in the APA Standard 87-1, Section *4.1 which comply with requirements for display fireworks set forth in APA Standard 87-1.

Fireworks: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4 G fireworks or 1.3 G fireworks as set forth in the 2003 International Fire Code including, but not limited to, those compositions or devices as defined in APA Standard 87-1.

NFPA 1124: The National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation and storage of Fireworks and Pyrotechnic Articles*, 2006 edition, or any subsequent edition.

Novelties: Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-1, Section *3.2.

Temporary Structure: A structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of Consumer Fireworks and related items, the term includes temporary retail sales stands, tents, canopies, and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell Consumer Fireworks under this Article.

All inconsistent definitions in this Section are Repealed.

SECTION II. Section 27-1101(G) of the Zoning of the Code of Ordinances of West Norriton Township shall be amended to include “Sale of Consumer Fireworks” as an additional land use as follows:

- (2) Sales of Consumer Fireworks from either a permanent facility or Temporary Structure subject to compliance with the general provisions regarding Conditional Uses contained in Section 27-1101 and Section 27-1102 of the Code of Ordinances as well as all of the following specific regulations with respect to such use:
 - (a) The facility from which the fireworks are sold whether permanent or temporary shall comply with the LC&I, and I District’s dimensional, area, and parking regulations, including but not limited to, setbacks and buffers.
 - (b) Such use shall not be located within 1,500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises.
 - (c) Such use shall not be located within 1,500 feet of any local or state park, school or child daycare facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home.
 - (d) Any structure containing quantities of Consumer Fireworks as defined herein exceeding 50 pounds shall be no closer than 150 feet to any building, state highway, railway, local street or alley, waterway, or utility right of way including, but not limited to, natural gas line.
 - (e) Such use shall not be located within 1,500 feet of any premises selling firearms.
 - (f) All land development plans for construction, use or renovation of an existing building for the purposes of selling fireworks shall be reviewed by the code enforcement officer for compliance with all required fire safety codes including, but not limited to, the International Fire Code, and his comments and/or report shall be copied to the officer Municipality-designated fire company.
 - (g) Sale of fireworks shall be subject to compliance with all of the provisions of Pennsylvania Act 43 of 2017 pertaining to the sale thereof. Hours of operation shall be confined from

9:00 A.M. to 7:00 P.M. Security and site management shall be provided 24 hours per day.

- (h) All sales of Consumer Fireworks shall be conducted only within a facility approved by the Pennsylvania Department of Agriculture pursuant to the Pennsylvania Fireworks Law.
- (i) All sales of Consumer Fireworks as defined herein shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.
- (j) If the facility in which the Sales of Consumer Fireworks are conducted is a Temporary Structure, it shall comply with the following regulations, in addition to the other regulations set forth in subparagraphs (a)-(i):
 - (1) The Temporary Structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
 - (2) An evacuation plan is posted in a conspicuous location for a Temporary Structure in accordance with NFPA 1124.
 - (3) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
 - (4) The Temporary Structure complies with NFPA 1124.
 - (5) The Temporary Structure is located one of the following distances from a permanent facility licensed to sell Consumer Fireworks under the Act of May 15, 1939 (P.L. 134, No. 65), referred to as the Fireworks Law, at the time of the Effective Date of this Article: Prior to January 1, 2023, at least five miles; or Beginning January 1, 2023, at least two miles.
 - (6) The Temporary Structure does not exceed 2,500 square feet.

(7) The Temporary Structure is secured at all times during which Consumer Fireworks are displayed within the structure.

(8) The Temporary Structure has a minimum of \$2,000,000 in public and product liability insurance.

(9) The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.

(10) Consumer Fireworks not on display for retail sale are stored in an outdoor storage unit.

(11) Limitations – The sale of Consumer Fireworks from the Temporary Structure is limited to the following: Helicopter, aerial spinner (APA 87-, 3.1.2.3); Roman candle (APA 87-1, 3.1.2.4); and Mine and shell devices not exceeding 500 grams.

(12) Storage of Consumer Fireworks shall be permitted only as an accessory use to the sale of Consumer Fireworks on premises.

SECTION III. 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.

SECTION IV. 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.

SECTION V. SEVERABILITY.

The provisions of this Ordinance are declared to be severable. 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 or on the West Norriton Zoning Ordinance.

SECTION VI. EFFECTIVE DATE.

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

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this day of October, 2018

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

Jason Bobst, Township Manager

By: _____
Martin Miller, President

**WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-724

AN ORDINANCE OF THE TOWNSHIP OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA RATIFYING AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY AND BETWEEN NORRISTOWN AREA SCHOOL DISTRICT BOARD OF SCHOOL DIRECTORS AND THE WEST NORRITON BOARD OF COMMISSIONERS FOR COST SHARING FOR APPRAISAL SERVICES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 53 Pa.C.S. §2301, *et seq.*, known as the Intergovernmental Cooperation Act, permits two or more local governments to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities; and

WHEREAS, the Intergovernmental Cooperation Act, requires all intergovernmental agreements to be approved by ordinance; and

WHEREAS, a need has arisen for the Norristown Area School District Board of School Directors (“NASD”) and the West Norriton Board of Supervisors (“WNT”) to share costs for appraisal services; and

WHEREAS, NASD and WNT have agreed to enter into a Cost Sharing Agreement for Appraisal Services stipulating that West Norriton Township will reimburse the Norristown Area School District for ten (10) percent of the appraisal costs incurred up to a total of \$1,000 as a result of the tax assessment appeals taken by VRJ Associates, LP, owners of the real estate known as Westover Country Club and Golf Course in West Norriton Township.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of West Norriton Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I: The Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved pursuant to the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, *et seq.*

The President of the Board of Commissioners and other such proper officers of West Norriton Township are authorized to execute all documents on behalf of West Norriton Township needed to complete the Agreement.

SECTION 2: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 3: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be effective immediately upon its legal enactment by the Board of Commissioners of West Norriton Township.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this _____ day of October, 2018

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

Jason Bobst, Township Manager

By: _____
Martin Miller, President

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-725

AN ORDINANCE TO AMEND THE WEST NORRITON TOWNSHIP ZONING ORDINANCE TO ADD A NEW PART 25 PERMITTING SOBER LIVING HOMES BY SPECIAL EXCEPTION IN ALL RESIDENTIAL DISTRICTS WITH CERTAIN REQUIREMENTS, TO AMEND CERTAIN DEFINITIONS AND PROVISIONS RELATING TO GROUP HOMES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the West Norriton Township (the “Township”), pursuant to the First Class Township Code, 53 P.S. § 55101, et seq., is authorized to make and adopt Ordinance that are constitute 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 to permit sober living homes by special exception in all residential zoning districts with certain requirements under a new Part 25, and to amend existing definitions and provisions relating to group homes as provided for in the existing Part 23 of the Zoning Ordinance;

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

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

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1: The following terms under § 2001 titled “Definition of Terms” of the West Norriton Township Zoning Ordinance are hereby amended to state as follows:

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," or a "Sober Living Home" as these terms are defined herein, shall be considered a "family." This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a group home, except as defined herein; a fraternity; a hotel; or a similar living environment.

GROUP HOME

A residential facility used as living quarters by four or more unrelated individuals, 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, nontransient 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, nontransient 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. The maximum number of residents for a "group home" as defined herein shall not exceed the maximum number of occupants as set forth by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building. This definition shall not include a Sober Living Home as separately defined herein.

SECTION 2: The following term is hereby added in appropriate alphabetical order to § 2001 titled "Definition of Terms" of the West Norriton Township Zoning Ordinance as follows:

SOBER LIVING HOME

A residential facility used by four or more individuals residing together voluntarily or by court requirement to recover from drug, alcohol, and/or substance abuse and that does not include the current illegal use of or addition to a controlled substance as defined in 21 U.S. Code §802. Such facility must also serve as a transitional environment between rehabilitation facilities and reintegration into their future lives. This definition shall include sober houses, recovery houses, or sober living environments. This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a group home; a fraternity; a hotel; or a similar living environment. The maximum number of residents for a "sober living home" as defined herein shall not exceed the maximum number of occupants as set forth by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building.

SECTION 3: The following provisions of Chapter 27, Part 23, titled "Group Homes" of the West Norriton Township Zoning Ordinance are amended to state as follows:

§27-2302 Permitted by Special Exception; Requirements

1. Group homes are permitted in all residential districts as a use by special exception pursuant to Chapter 27, Part 18, § 27-1805 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 zoning district regulations for the zoning district in which the use is to be located. The group home shall not be located in an accessory building or unit unless the primary building or dwelling unit is used for the same purpose. Additionally, and 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 625 feet of another group home as measured from the property line.

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 the maximum number of occupants or residents as permitted by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building. 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 to the extent permitted by law. 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 indicating that all applicable federal, state and/or county certification and licensing requirements have been met for the particular type of care provided. In the event an applicant is not subject to any such licensing and certification requirements, the applicant shall provide evidence that the applicant would be in compliance if subject to the same health, safety and welfare standards as required the applicable federal, state and/or county agency.

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. Notwithstanding any provisions of the West Norriton Township Building Code, the group home shall have the following installed throughout the building and any attached accessory building(s)::

(1) a fire sprinkler system which complies with NFPA 13D “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,” or the current corresponding section of the NFPA as may be amended from time to time; and

(2): A fire alarm system which complies with Chapter 11 of NFPA 72 “National Fire Alarm and Signaling Code,” or the current corresponding section of the NFPA as may be amended from time to time.

I. The group home must comply with the West Norriton Township Building Code and an applicant seeking group home use shall provide with its application evidence that the building(s) size and layout is in compliance with the applicable building codes for maximum number of individuals intended to be housed in the building(s). To satisfy this requirement, the Zoning Hearing Board may request that an applicant provide a dimensioned floor plan indicating the size of each room, including sleeping rooms, and identifying the maximum number of residents who will occupy each sleeping room, to demonstrate that the group home will not be overcrowded.

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.

L. To the extent not already addressed above, the property, including all buildings located thereon, must be in compliance with all applicable federal, state and local laws, including but not limited to, the Pennsylvania Uniform Construction Code, the International Fire Code and the International Fuel Gas Code as may be adopted and in effect by the Township.

§27-2304 Registration with Township.

1. The group home shall register with the Township, in writing, the following: its location, general type of treatment/care, maximum number of residents and sponsoring agency.

2. Any other registration of group home residents with any state and/or county agency for emergency preparation purposes and to the extent permitted by law shall also be provided to the Township including any updates in accordance with the applicable state and/or county regulations.

SECTION 4: Chapter 27, titled “Zoning” shall be amended to add a new Part 25 titled “Sober Living Home” that shall state as follows:

§27-2501 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 sober living homes in the Township, subject to the requirements of this Part. Additionally, permitting sober living 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 sober living home is located.

§27-2502 Permitted by Special Exception; Requirements.

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

A. The lot upon which the Sober Living Home or institutional residence is situated shall meet the minimum area requirements established in the zoning district regulations for the zoning district in which the use is to be located. The Sober Living Home shall not be located in an accessory building or unit unless the primary building or dwelling unit is used for the same purpose. Additionally, and in order to integrate Sober Living Homes into a neighborhood and create a deinstitutionalized setting for the residents of Sober Living Homes, no sober living home may be located within 625 feet of another Sober Living Home as measured from the property line.

B. Residents of a Sober Living 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 Sober Living Home shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building. Applications for sober living homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Registration with the Commonwealth and compliance with all regulations for licensure or certification as promulgated by the Department of Drug and Alcohol Programs in accordance with 71 P.S. §613.13 or such other Commonwealth agency or department as authorized by law. In the event that the Sober Living Home is not registered and is not required to be licensed or certified by the Commonwealth, then the Sober Living Home shall provide either: (1) documentation that it would comply if subject to licensure and certification, or (2) documentation that the Sober Living Home is a member in good standing and in

compliance with all rules and/or regulations of a recognized countywide, statewide, or nationwide Association of Recovery Homes or equivalent professional accrediting organization. Additionally, and annually thereafter, each operator must provide similar proof of Commonwealth registration and compliance or continued status as a member in good standing and in compliance with all the rules and/or regulations of a recognized county, state or national professional association.

E. Proof that the Sober Living Home has policies, procedures and regulations that substantially address the following:

(1) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in the Sober Living Home, the operator thereof shall:

(i) notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the property;

(ii) contact the appropriate county or state agency to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment, and shelter or homeless services;

(iii) provide the information obtained from the applicable county or state agency to the occupant prior to his or her release on a readable form that is signed by the occupant as proof of his or her receipt of the available services;

(2) Prior to an occupant's eviction from or involuntary termination of residency in the Sober Living Home, the operator shall:

(i) make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification car, or the permanent address identified in the occupant's application or referral to the Sober Living Home; and

(ii) in the event the occupant declines said transportation or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another Sober Living Home or residential care facility that has agreed to accept the occupant.

(3) Rules and regulations that prohibit the use of any alcohol or any non-prescription drugs at the Sober Living Home or by any recovering addict either on or off site;

(4) Rules and regulations that the facility cannot dispense medications unless licensed to do so, and that the possession or use of prescription medications is prohibited except for the person to whom they are prescribed and in the amounts/dosages prescribed; and

(5) Rules and regulations that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit in accordance with the Township's health and safety ordinances as contained

in Chapter 10 of the West Norriton Township Code and other ordinances of general applicability.

F. If permitted by law, supervisory, counseling and medical services, may be provided but only to those individuals residing in the Sober Living Home and no outpatient services shall be provided to individuals who are not residents of the Sober Living Home; and all occupants, other than a house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the Sober Living Home must maintain current records of meeting attendance.

G. 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.

H. 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.

I. Notwithstanding any provisions of the West Norriton Township Building Code, the Sober Living Home shall have the following installed throughout the building and any attached accessory building(s):

(1) a fire sprinkler system which complies with NFPA 13D “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,” or the current corresponding section of the NFPA as may be amended from time to time; and

(2) A fire alarm system which complies with Chapter 11 of NFPA 72 “National Fire Alarm and Signaling Code,” or the current corresponding section of the NFPA as may be amended from time to time.

J. The Sober Living Home must comply with the West Norriton Township Building Code and an applicant seeking Sober Living Home use shall provide with its application evidence that the building(s) size and layout is in compliance with the applicable building codes for maximum number of individuals intended to be housed in the building(s). To satisfy this requirement, the Zoning Hearing Board may request that an applicant provide a dimensioned floor plan indicating the size of each room, including sleeping rooms, and identifying the maximum number of residents who will occupy each sleeping room, to demonstrate that the group home will not be overcrowded.

K. Off-street parking must be adequate to accommodate the needs of the residents and staff. At a minimum, the Sober Living Home must meet the minimum requirements for the district in which it is located.

L. The Sober Living Home will not alter the essential character of the neighborhood or district in which the Sober Living Home is located.

M. To the extent not already addressed above, the property, including all buildings located thereon, must be in compliance with all applicable Federal,

State and local laws, including but not limited to, the Pennsylvania Uniform Construction Code, the International Fire Code and the International Fuel Gas Code as may be adopted and in effect by the Township.

§27-2503 Inspections.

The owner, operator or agent of a Sober Living 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.

§27-2504 Registration with Township.

1. The Sober Living Home shall register with the Township, in writing, the following: its location, general type of treatment/care, maximum number of residents and sponsoring agency.

2. Any other registration of Sober Living Home residents with any state and/or county agency for emergency preparation purposes and to the extent permitted by law shall also be provided to the Township including any updates in accordance with the applicable state and/or county regulations.

§27-2505 Proof of Staff Licensure, Certifications.

1. If required by state or federal law, 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. Additionally, and to the extent required by state or federal law, every employee of the Sober Living Home must have valid criminal background clearances, licensure and/or certification with the issuing agency or agencies while employed by the Sober Living Home.

2. If licenses, certification or clearances are required by state or federal law, then the owner, operator or agent of any Sober Living 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.

3. If licenses, certification or clearances are required by state or federal law, for every new person employed by the Sober Living 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.

SECTION 5: 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.

SECTION 6: 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.

SECTION 7: SEVERABILITY. The provisions of this Ordinance are declared to be severable. 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 or on the West Norriton Zoning Ordinance or Zoning Map.

SECTION 8: EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this 9th day of October, 2018.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

Jason Bobst, Township Manager

By: _____
Martin Miller, President