

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 18-06 of 2018

AN ORDINANCE OF THE MUNICIPAL OF NORRISTONW, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE NORRISTOWN MUNICIPAL ZONING ORDIANCE TO DEFINE, PERMIT AND ESTABLISH SPECIAL EXCEPTION CRITERIA FOR SOBER LIVING HOMES WITHIN THE MUNICIPALITY; REPEALING ALL INCONSISTANT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*;

WHEREAS, in accordance with the Charter and Pennsylvania law, the Municipal Council has the authority to enact and amend at any time it deems proper the provisions of the Municipality's General Laws including those provisions relating to zoning within the Municipality; and

WHEREAS, after review of its General Laws, particularly its existing zoning regulations, Municipal Council has determined that its Zoning Code located at Chapter 320 should be amended to address and provide for sober living homes, recovery homes, and related facilities to protect the health welfare and safety of its residents.

NOW, THEREFORE, be it **ORDAINED** that Norristown Municipal Council amends its General Laws as follows:

SECTION I. Chapter 320, titled "Zoning," Article II, titled "Definitions," Section 320-11, titled "Definitions" is hereby amended to add the following definition in the appropriate alphabetical order:

Sober Living Home

A residential facility where six (6) or more individuals reside together either voluntarily or by court order in order to recover from drug, alcohol and/or substance abuse, which serve as an interim environment between rehabilitation facilities and reintegration into their future lives. This term shall include recovery houses, halfway houses, sober houses, or sober living environments. This term does not include roomers, boarders, lodgers, members of a family (except those protected as suffering from a "handicap" under the provisions of Sections 3602(h) and 3604 of the Fair Housing Act) or any other use otherwise defined, described or regulated in this Chapter. Sober Living Homes shall be developed in compliance with the conditions and criteria set forth in §320-216.H of this Chapter.

SECTION II. Chapter 320, titled "Zoning," Article V, titled "R-2 Residence District," Section 320-41.C. titled "Special exceptions," is hereby amended to add the following language:

10. Sober Living Home. Sober Living Home, which includes recovery houses and halfway houses as defined in this Chapter, provided that such use and operation is in accordance with the criteria and conditions set forth in § 320-216.H.

SECTION III. Chapter 320, titled "Zoning," Article XXI, titled "Special Exceptions," Section 320-216 titled "Conditions," is hereby amended to add the following language:

H. Sober Living Homes.

1. 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: (a) documentation that it would comply if subject to licensure and certification, or (b) 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.

2. 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.

3. 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" (2016), or the current corresponding section of the NFPA as amended from time to time, shall be installed throughout the building and any attached accessory building(s).

4. A fire alarm system which complies with Chapter 11 of NFPA 72 "National Fire Alarm and Signaling Code" (2016), or

the current corresponding section of the NFPA as amended from time to time, shall be installed throughout the building and any attached accessory structures.

5. Proof 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 request, 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 sober living home will not be overcrowded.

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

a. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a 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;

b. Prior to an occupant's eviction from or involuntary termination of residency in a 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; (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.

c. 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;

d. 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

e. 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 Municipality's Noise Ordinance and other ordinances of general applicability.

7. 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 the 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.

8. Off street parking shall be provided as required under §320-304.A.

9. The property's appearance shall be maintained closely similar to nearby dwellings, and no sign shall identify the use.

10. The property is not located within 600 feet as measured from the closet property lines to any other Sober Living Home or licensed alcoholism or drug abuse recovery or treatment facility.

11. 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 adopted and as modified by the Municipality.

SECTION IV. Chapter 320, titled "Zoning," Article XXVI, titled "Off-Street Parking and Loading", Section 320-304.A. shall be amended to add the following language in the appropriate alphabetical order:

Sober Living Home: minimum of five off-street parking spaces for facilities with six (6) occupants and one additional off-street parking space for every two occupants, or fraction thereof, in excess of six (6) occupants.

SECTION V: SEVERABILITY

In the event that 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 VI: REPEALER

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.


SECTION VII: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by the law.

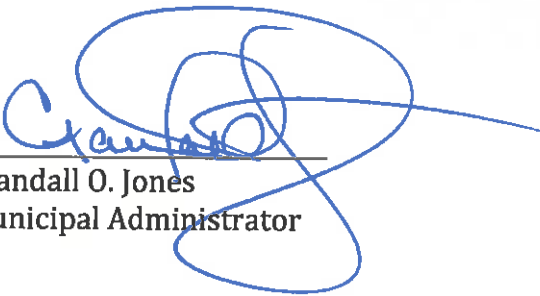
ENACTED AND ORDAINED this 20th day of November, 2018.

Seal:

**Municipality of Norristown
Municipal Council**

By: 
Sonya D. Sanders
Council President

Attst:


Crandall O. Jones
Municipal Administrator