

PENNSBURG BOROUGH COUNCIL
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 – 3

RC Residential-Commercial District Amendments

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF PENNSBURG, CHAPTER 110 (ZONING), ARTICLE II (DEFINITIONS), §110-201 (DEFINITION OF TERMS) TO ADD A NEW DEFINITION FOR “CODE BLUE SHELTER” AND AMENDING ARTICLE IX (RC-RESIDENTIAL COMMERCIAL DISTRICT) BY ADDING A NEW §110-901.1 TO PERMIT CODE BLUE SHELTERS BY CONDITIONAL USE.

The Borough Council of the Borough of Pennsburg does hereby ENACT and ORDAIN as follows:

SECTION I. - Amendment to Code.

The Codified Ordinances of the Borough of Pennsburg, Chapter 110 (Zoning), Article II (Definitions), §110-201 (Definition of Terms) are hereby amended by adding a new definition for “Code Blue Shelter” as follows:

CODE BLUE SHELTER

A temporary overnight shelter for a limited number of homeless persons used only when a “Code Blue” is duly called by the appropriate government officials during times of very low temperatures and wind chills or extreme precipitation between November 1 and April 30.

SECTION II. - Amendment to Code.

The Codified Ordinances of the Borough of Pennsburg, Chapter 110 (Zoning), Article IX (RC Residential-Commercial District) are hereby amended by adding a new §110-901.1 entitled "Conditional Use" to permit Code Blue Shelters by conditional use as follows:

§110-901.1 Conditional Use.

- A. A Code Blue Shelter may be permitted by Borough Council as a conditional use within an existing building in the RC Residential-Commercial District primarily used for religious or institutional purposes after a duly held public hearing pursuant to the procedures in §110-328. Borough Council may establish conditions for approval of a Code Blue Shelter to prevent negative impact to neighboring properties, negative impact to the character of the neighborhood and to prevent creating a liability for the Borough. Such conditions may include but are not limited to the following:
1. Limitations on the operation of the shelter.
 2. Periodic review and modification of shelter rules by Borough Council.
 3. Operational compliance with laws, rules and regulations of all regulatory bodies having jurisdiction over Code Blue Shelters.
 4. Insurance and indemnification requirements to protect the Borough from liability.
 5. Ability of Borough Council to permanently close the Code Blue Shelter for nuisances, unlawful conduct of sheltered persons or shelter personnel and/or violation of conditions imposed by the conditional use decision.
 6. The conditions imposed by Borough Council shall be applicable to all persons and entities participating in the operation of the Code Blue Shelter.

SECTION III. - 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, parts or provisions of this Ordinance. It is hereby declared to be

the intent of the Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. - Failure to Enforce not a Waiver.

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

SECTION V. - Effective Date.

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


SECTION VI. - Repealer.

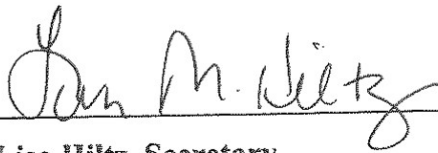
All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

[Approvals and signatures on following page]

ORDAINED and ENACTED by the Borough Council of the Borough of Pennsburg,
Montgomery County, Pennsylvania this 13th day of August, 2024.

PENNSBURG BOROUGH COUNCIL

By: 
Patrick Suter, President

Attest: 
Lisa Hiltz, Secretary

APPROVED this 13th day of August, 2024.


Charles Shagg, Mayor