

BOROUGH OF TRAFFORD

ORDINANCE NO. 10 of 2021

AN ORDINANCE OF THE BOROUGH OF TRAFFORD, COUNTY OF ALLEGHENY AND WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, REGULATING GROUP RESIDENCE FACILITIES WITHIN THE BOROUGH.

WHEREAS, Council for the Borough of Trafford has the duty and obligation to protect the health, safety, welfare, order and prosperity of present and future residents of the Borough; and

WHEREAS, in furtherance of that duty and obligation, Borough Council desires to preserve adequate protection from fire and other dangers, to provide adequate light, air, water, drainage and sanitation, to protect and promote economy in government expenditure and to protect the tax base by preventing excessive concentration of population and by regulating the number and nature of group residence facilities in the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Borough of Trafford and meeting to be convened as follows:

SECTION 1: PURPOSE AND INTENT

The purpose and intent of this Article is to protect the health, safety, welfare, order and prosperity of present and future residents of the Borough and to preserve adequate protection from fire and other dangers, to provide adequate light, air, water, drainage and sanitation, to protect and promote economy in government expenditure and to protect the tax base by preventing excessive concentration of population and by regulating the number and nature of group residence facilities in the Borough.

SECTION 2: GROUP RESIDENCE FACILITY DEFINED

For purposes of this Ordinance, Group Residence Facility shall be defined as a single-family dwelling designed and used as a residence by individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate County, Commonwealth or Federal agency. A use meeting this definition shall be considered a single-family dwelling for purposes of this Ordinance.

SECTION 3: REGULATIONS GOVERNING GROUP RESIDENCE FACILITIES

A. These services shall be provided in a family environment and only to persons

who are in need of supervision and/or specialized services and who are:

1. Children under the age of eighteen (18) years.
 2. Physically or mentally handicapped persons of any chronological age.
 3. Elderly, sixty-two (62) or more years of age.
- B. Excluded from the category "group residence facility" and prohibited from being established within the Borough are:
1. Facilities for persons over age eighteen (18) who are under the jurisdiction of the Bureau of Corrections of any governmental body or who have recently been released from such jurisdiction.
 2. Facilities for persons eighteen (18) years of age or younger who are under the jurisdiction of a governmental institution whose function involves maintenance and supervision of juvenile offenders of the law.
 3. Facilities which function as rehabilitative operations for alcohol and/or drug abusers or for convicted felons recently released or on probation from penal institutions.
- C. Supervision of the group residence facility shall be provided by responsible adults whose number and qualifications shall be determined and certified by the sponsoring agency or entity. At least one (1) responsible staff member shall be on the premises at all times twenty-four (24) hours a day.
- D. The number of residents shall be limited in accordance with the zoning district wherein the property is located and, in any event, shall not at any one (1) time exceed eight (8) residents, including supervising adults and their children.
- E. Any party or parties seeking to occupy a dwelling or other building as a group residence facility shall file a detailed statement of intent describing the nature of the proposed use of the facility, the number of anticipated occupants and the licensure or certification obtained for the facility in order to be issued on occupancy certificate. Within ten (10) days of the filing of this statement, the Zoning Hearing Board shall place an advertisement in the local newspaper describing the proposed facility and inviting written comment within two (2) weeks from interested individuals or organizations. Such written comments shall be filed with the Zoning Hearing Board and considered by the Zoning Hearing Board before an occupancy certificate is issued.
- F. The group residence facility shall be licensed or certified by a government agency prior to application for a Borough occupancy certificate.

1. If a licensing agency does not exist, the Applicant must demonstrate to the Zoning Hearing Board that the proposal satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties.
 2. The license or certification of the group residence facility shall be renewed yearly subject to the procedure of the issuing agency, and evidence of the renewal shall be provided to the Zoning Hearing Board. If no issuing agency exists, the sponsor shall file information demonstrating to the Zoning Hearing Board that the conditions of the original proposal continue to be met.
- G. The group residence facility shall be inspected yearly by the Borough Building Inspector to determine if it continues to satisfy conditions of the original approval.
- H. A group residence facility shall be located not less than one (1) mile away from any other group residence facility in the Borough. The said one (1) mile separation distance shall be measured by drawing a circle with a one (1) mile radius where the center of the circle is the proposed facility.
- I. Onsite parking shall be provided at the ratio of one (1) space per staff member plus one (1) for every two (2) residents licensed to drive and permitted by the sponsor to do so.
- J. The minimum lot area and yard setback shall conform with those described for the zoning district where the facility is located. Where the building proposed to house the facility is an existing building which has been established as a lawful dwelling through pre-existing use, the dimensions may be reduced by the Zoning Hearing Board.
- K. Change in the sponsorship of the group residence facility or any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.

SECTION 4: SEVERABILITY

It is hereby declared to be the intention of the Council of the Borough of Trafford that the several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

SECTION 4: REPEALER

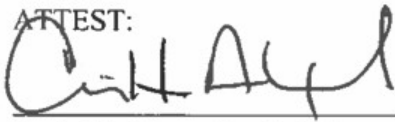
All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect immediately upon its approval in accordance with the Borough Code.

THIS ORDINANCE IS HEREBY **ORDAINED AND ENACTED** BY THE COUNCIL OF THE BOROUGH OF TRAFFORD ON THIS 7th DAY OF September, 2021.

ATTEST:



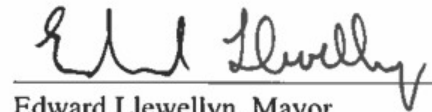
Craig H. Alexander, Solicitor

THE BOROUGH OF TRAFFORD



Kristopher R. Cardiff, President

EXAMINED AND APPROVED this 7th day September, 2021.



Edward Llewellyn, Mayor

APPROVED AS TO FORM:



Craig H. Alexander, Esquire
Solicitor