

TOWNSHIP OF LOWER MERION

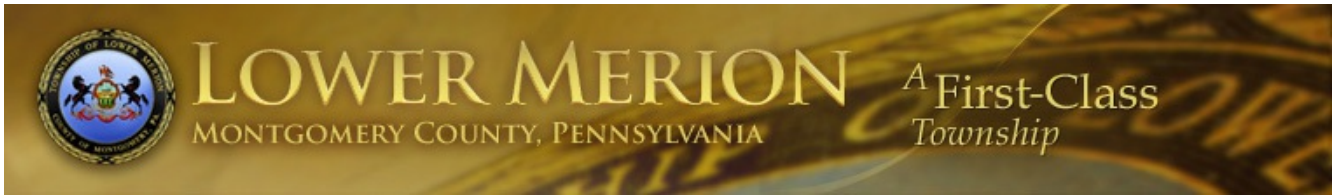
BUILDING AND PLANNING COMMITTEE

**Wednesday, July 31, 2024
7:15 PM (Approximately)**

Chairperson: Joshua Grimes
Vice Chairperson: Sean Whalen, Jeremiah Woodring

REVISED AGENDA

1. **WAIVER OF LAND DEVELOPMENT PLAN - 204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, Ward 4, LD# W-24-001**
2. **AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 12, ELECTORAL DISTRICTS - Reapportionment of Ward Populations**
3. **APPROVAL OF CERTIFICATES OF APPROPRIATENESS**
4. **APPROVAL OF HISTORICAL COMMISSION APPLICATIONS**
5. **REAPPOINTMENT TO THE UNIFORM CONSTRUCTION CODE APPEALS BOARD**
6. **REAPPOINTMENT / APPOINTMENT TO THE HISTORICAL COMMISSION**
7. **FOR INFORMATION ONLY - CODE AMENDMENT - CHAPTER 75, FAIR HOUSING - Student Rental Regulations**



AGENDA ITEM INFORMATION

ITEM: WAIVER OF LAND DEVELOPMENT PLAN - 204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, Ward 4, LD# W-24-001

Consider for recommendation to the Board of Commissioners approval of a Waiver of Land Development Plan. The Plan shows construction of a 1,101 sq. ft., single-story addition to the rear of an existing 2-1/2 story funeral home.

In addition, the applicant requests the following waivers which were recommended for approval by the Planning Commission:

- (a) Subdivision & Land Development Code Section 135-3.5, to not provide a Tentative Sketch Plan.
- (b) Subdivision & Land Development Code Section 135-3.6, to not provide a Preliminary Land Development Plan.
- (c) Subdivision & Land Development Code Section 135-3.9, to not provide a Final Plan.

Expiration Date – N/A.....Zoning District – MDR1

Owners: Clifford & Lillian De Baptiste

Applicant: Town & Country Master Home Builders, Inc.

Applicant's Representative: Fred Fromhold, Esq.

On July 22, 2024 the Planning Commission recommended approval of the plan subject to the following conditions which shall be complied:

Township Engineer's Review:

1. The Township Engineer's review letter dated July 15, 2024, shall be incorporated by reference into these conditions of approval to the extent the same is not consistent with these conditions of approval.

Architectural Elevations/Site Design:

2. The proposed ADA building entrance/exit ramp shall be approved by the Building Codes Officer. Details on the plan shall be coordinated with the building permit plan. Final dimensions shall be approved by the Building and Planning Department.
3. Architect of record shall detail fire-rated separation (UL Listing) between different uses (S-1 to A-3, A-3 to B, and B to S-1).
4. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Permit Plan, including the proposed materials. The applicant shall provide a chart to demonstrate compliance with the Architectural Design Standards in Zoning Code Section 155-3.9.
5. The proposed building(s) shall be constructed substantially as shown on the fourteen (14) sheets of

architectural elevations prepared by Jack Burns, Architecture, dated February 29, 2024, last revised July 1, 2024, with the exception of any de minimis changes, including those mutually agreed to with Township staff.

6. The building height shall be verified by the Zoning Officer prior to issuance of any permits. The building height shall not exceed 35 feet from mean grade to the top of the roof ridge.

7. All signage shall be subject to a separate review for compliance with the Zoning Code by the Zoning Officer.

8. The HVAC/mechanical equipment shall be screened on all sides whether on the roof of the building or on the ground. If located on the roof, the screening shall be integrated into the architecture of the building to improve the appearance and better mitigate noise from the unit(s).

9. The existing and proposed mean grade of the structure shall be calculated and shown on the plan. The architectural plans shall be coordinated with and must comply with the grading proposed with this application.

Landscape Plan/Streetscape:

10. The applicant shall cut back the vegetation along the sidewalk and driveway apron so that the vegetation is no longer encroaching on the sidewalk and obstructing the view of vehicles entering and exiting the property.

11. All existing trees to remain shall be devined.

12. The Planting Plan shall be approved by the Planning Department and the Township Arborist.

13. A revised landscape plan complying with Natural Features Code Section 101-9 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the permit.

14. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.

15. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the Permit Plan.

Access:

16. The proposed parking layout shall be provided on the plans and be coordinated with the architectural drawing set. Maneuverability diagrams, a zoning compliance table, and dimensions are required to demonstrate compliance with Township Standards.

17. The number of parking spaces required for the development shall be approved by the Zoning Officer.

Required Permits:

18. A driveway permit is required from the Public Works Department. The existing driveway shall be evaluated by the Traffic Safety Unit.

Construction:

19. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.

20. The applicant shall document compliance with the notification requirements of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall submit an Asbestos Abatement and Demolition/Renovation form to the Pennsylvania Department of Environmental Protection and the EPA at least 10 days prior to commencing demolition. Copies of these documents shall be provided to the Township prior to the issuance of a building permit.

21. The applicant shall submit a demolition plan with the Permit Plans submission. The demolition plan shall indicate how dust and other air particles will be controlled, the procedure for demolishing the buildings and how the demolished building materials will be removed from the site. If asbestos or any other regulated hazardous material exists within the building, it shall be removed and certifications to that effect shall be filed with the Pennsylvania Department of Environmental Protection. Notice of demolition shall be provided by posting of the site at least seven days in advance of the proposed demolition.

22. During demolition of the existing structures the applicant shall ensure that the contractor takes appropriate measures to minimize dust at all times during active demolition. Multiple hoses and/or a water truck shall be provided on site to continually spray the building during demolition. The demolition plan shall include the specific water measures to be used to reduce the dust during demolition.

23. The applicant shall submit a parking plan with the Permit Plans submission detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.

24. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

Utilities:

25. The location of all transformers and utility boxes shall be shown on the Permit Plans submission. Additional utility improvements resulting in material changes to approved plan including but not limited to the loss of required parking, changes to circulation patterns or the alteration of the quantity or location of proposed landscaping shall require an amendment to the approved plan.

Lighting:

26. An outdoor lighting plan, sealed by a responsible design professional that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any permits. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass.

27. The lighting plan shall be designed to comply with the IECC or the ANSI/ASHRAE/IES Standard 90.1 that is in effect at the time of the application.

Sustainability:

28. The applicant shall consider incorporating green technology into the project including but not limited to a green roof, solar panels, geothermal heat and air conditioning and an electric vehicle charging station.

29. The applicant shall also consider having no natural gas connections.

Standard Conditions of Approval:

30. The applicant shall install a Knox Box entry system at the exterior of all commercial, institutional and multifamily residential buildings at or near the main entrance to the building and/or at other locations as determined and approved by the Fire Marshal.

31. If required by a Township Public Safety Agency, all new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building.

32. An as-built plan must be submitted certifying the amount of impervious surface on the lot prior to finalization of the permit.

33. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.

34. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

35. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission.

36. The owner shall make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.

37. The owner shall make payment of the Township Engineer's inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.

38. The property owner(s) shall comply with all applicable federal, state, county, local and Lower Merion Township ordinances and laws regardless of specific mention herein.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Issue Briefing	Resolution
<input type="checkbox"/> Slide Deck	Backup Material
<input type="checkbox"/> TE Review	Resolution

Meeting Date: July 22, 2024

TO: Lower Merion Township Planning Commission Members

FROM: Department of Building and Planning – Colleen Hall, Senior Planner, Holly Colello, Planner

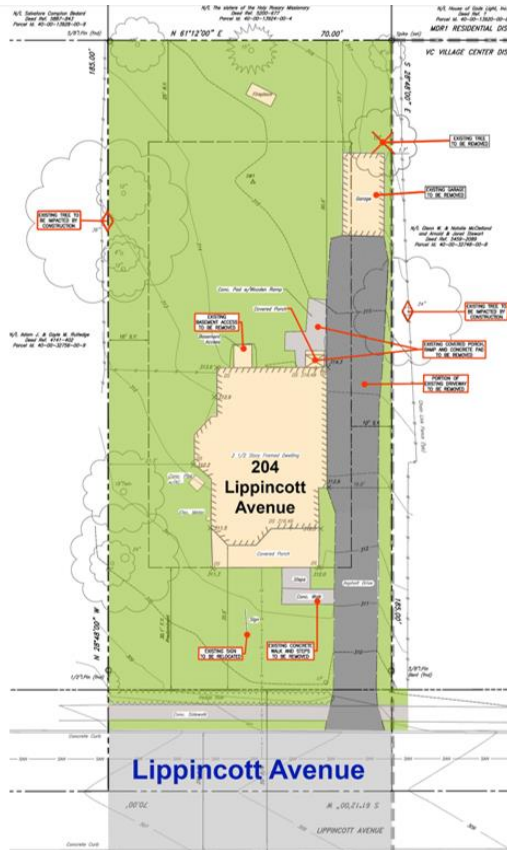
SUBJECT: Waiver of Land Development Plan – 204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, 19003, Ward 4, LD# W-24-001

PROPOSAL:

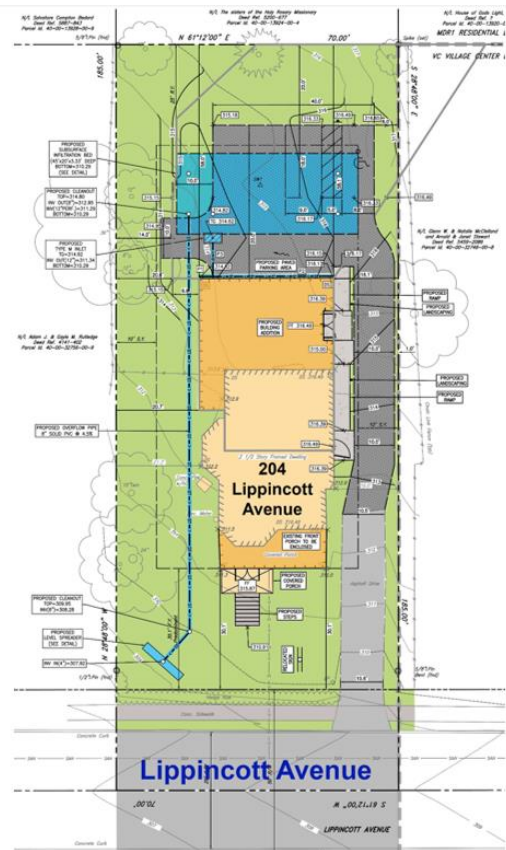
Clifford & Lillian De Baptiste, the owners and Town & Country Master Home Builders, Inc., authorized agent, the applicant are seeking a Waiver of Land Development plan approval for the following: Construction of a 1,101 sq. ft., single-story addition to the rear of the existing 2 1/2 story funeral home.

- The plans also show the demolition of the existing 210 sq. ft. detached garage, extension of the existing driveway to the rear of the property which is proposed to serve four new at grade parking spaces, and construction of a new subsurface stormwater management facility.

EXISTING PLANS



PROPOSED PLANS



SUBMISSION MATERIALS:

The proposal is illustrated on the attached set of plans that include the following:

- Civil & Landscape Submission:** Six (6) sheets prepared by Vastardis Consulting Engineers LLC, dated December 29, 2023, last revised June 23, 2024.
- Architecture Submission:** Fourteen (14) sheets prepared by Jack Burns, Architecture, dated February 29, 2024, last revised July 1, 2024.

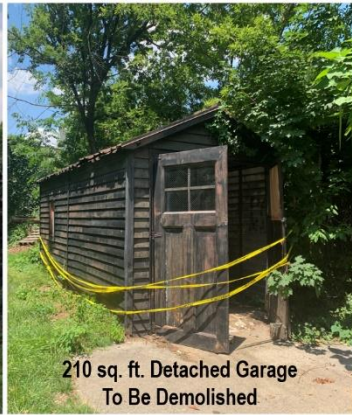
PROPERTY DESCRIPTIONS & EXISTING CONDITIONS:

204 Lippincott Avenue, Ardmore

The 11,200 sq. ft. parcel is zoned within the Township's MDR1 Zoning District. It contains a 2 1/2-story, Victorian – Queen Anne funeral home with a steeply pitched roof, and full-width porch built in the 1900's. There is also a detached garage and driveway from Lippincott Avenue. The property is not listed on the Township's Historic Resource Inventory.



2 1/2 story Funeral Home

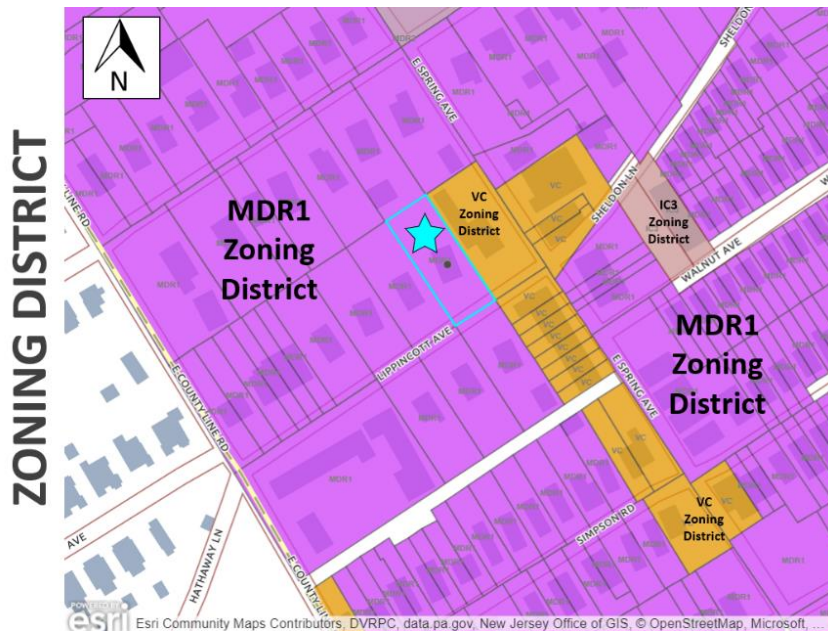


210 sq. ft. Detached Garage
To Be Demolished



ZONING DISTRICT – MEDIUM DENSITY RESIDENTIAL (MDR1) & SURROUNDING USES:

The property is located within the (MDR1) Medium Density Residential Zoning District which is a walkable medium-density residential district containing a variety of housing types oriented around multimodal transit. These residential dwellings include single-family residential homes (detached), twins, duplexes, quads, row houses, and small multi-family buildings.



Surrounding Uses:

North, South, West: MDR1 Zoning District

- **Uses:** Single-family, rental, and apartments.

East: VC Zoning District

- **Uses:** The property shares a boundary to the east with 200 Lippincott Avenue which is located in the Village Center (VC) District and runs along four blocks of East Spring Avenue to the South.

FORM STANDARDS – MDR1:

The plan is subject to the MDR1 form standards contained in [Table 4.2.1 MDR1 Form Standards and TABLE 4.2.1 MDR1 Dimensional Standards](#). The following details the applicable standards and proposed conditions:


Table 4.2.1 MDR1 Dimensional Standards				
REQUIRED - MDR1			204 Lippincott Avenue (Commercial Funeral Home)	
			EXISTING	PROPOSED
<u>Lot Occupation (See § 155-3.4, Lot occupation.)</u>				
A	Lot width	60 feet minimum (SF/DU)	70 ft. (at street line)	
	Lot area	4,000 square feet minimum per unit	11,200 sf. ft.	
	Impervious surface	50% maximum	29.2% (3,267 sq. ft.)	49.6% (5,555 sq. ft.)
	Frontage occupation	60% minimum	*38.1% (Existing Non-conformity)	
<u>Setbacks (See § 155-3.5, Frontages.)1, 2</u>				
Principal Building (feet)				
B	Front	Predominant setback ³	Predominant	35.6 ft.
C	Side	0 or 10 minimum ⁴	10 ft.	16.0 ft.
D	Rear	25 minimum	25 ft.	80.6 ft.
Accessory Buildings and Structures (feet) ⁵ (Existing Garage)				
E	Front (measured from rear of PB)	20 minimum	32.6 ft.	Garage will be Demolished
F	Front corner	10 minimum	NA	
G	Side	0 or 5 minimum ⁴	1.7 ft.	
H	Rear	5 minimum	27.7 ft	
<u>Building Height (maximum) (See § 155-3.3, Building height.)</u>				
I	Principal building	2 to 3 stories up to 35 feet ⁶	3 stories up to 35 feet	
	Accessory structure	1 story up to 15 feet	2 story	Garage will be Demolished
<u>Frontage Yard Types (See § 155-3.5, Frontages.)</u>				
	Common yard, Fenced yard, and Shallow Yard	Permitted	yes	yes
<u>Facade Types (See § 155-3.5, Frontages.)</u>				
<u>Parking (See Article VIII, Parking Standards.)</u>				

- Where a lot abuts a property zoned LDR or MDR, the side setback for the lot shall be that required of the abutting lot's district.
- Garage location shall be according to § 155-8.4,
- Parking location See § 155-3.4I,
- Predominant setback. Where the predominant setback does not apply, the front setback shall be a minimum of 10 feet and a maximum of 20 feet. Zero-foot side setback only applies where there is a shared party wall. Refer to § 155-3.4F.
- * (ENC – Existing Nonconforming)

PROCESS & MEETING SCHEDULE:

A Waiver of Land Development is a waiver from the formal process and not an exemption from complying with Township Code requirements as they relate to the land development except where the applicant has requested specific relief. The advantage to the applicant is that they are not required to record a final plan with Montgomery County, saving a significant amount of time and expense.

The *tentative* schedule for the Waiver of Land Development Plan requests of the proposal is as follows:

	Monday, July 22, 2024	Planning Commission	Review of the Waiver of Land Development Plan
Upcoming	Wednesday, July 31, 2024	Building & Planning Committee	Review of the Waiver of Land Development Plan
	Monday, August 5, 2024	Board of Commissioners	

Additional information about the Township's Land Development approval process is illustrated in the [Subdivision & Land Development Flowchart](#). This application is currently in the Stage 4: Public Meetings portion of the process.

ADDITIONAL REVIEWS:

- Township Engineer's Review: (Attached) The Township Engineer's review letter dated July 15, 2024, had no major engineering issues. The review comments have been incorporated into the staff's recommended conditions of approval.
- Ardmore Progressive Civic Association: Reviewed the applicant's proposal on June 6, 2024, and noted that the project looked good to them.
- Montgomery County Planning Commission (MCPC) Review: The County does not review Waiver of Land Development Plans.

CHALLENGES AND OPPORTUNITIES:

- Staff has not identified any issues.

PLANNING COMMISSION ACTIONS & STAFF RECOMMENDATIONS:

The Planning must take the following actions:

1. Recommendation on the Waiver of Land Development

- Staff supports the approval of the Waiver of Land Development Plan with the following Conditions.

2. Recommendation on the three (3) Waiver Requests.

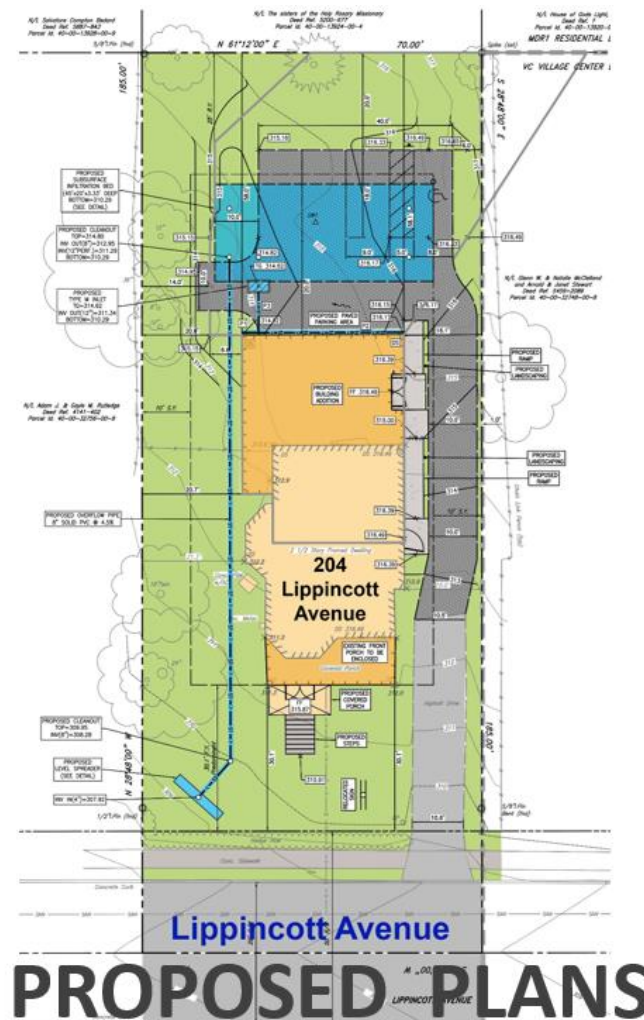
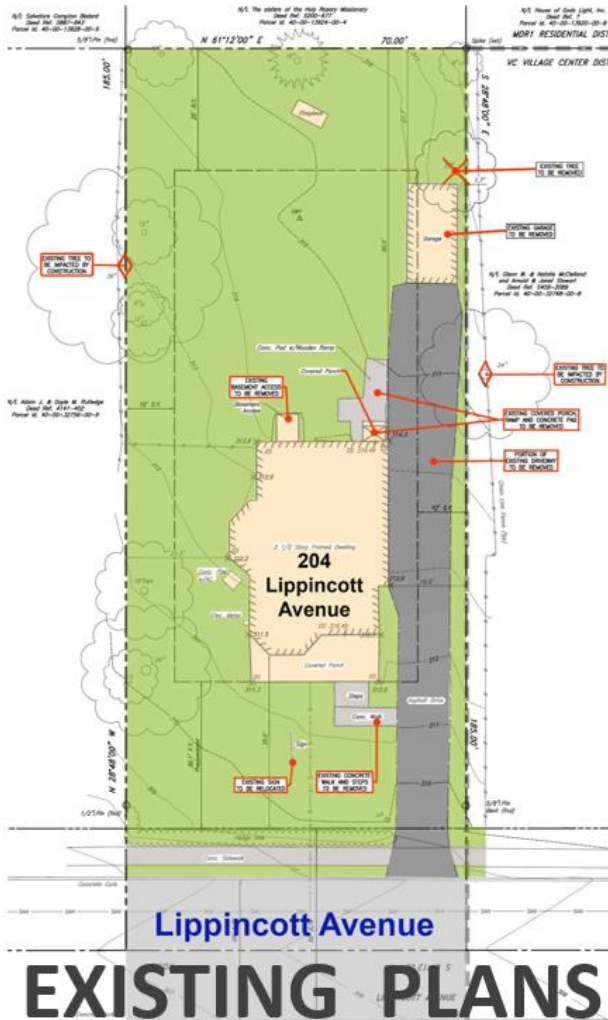
- a. Subdivision & Land Development [Code Section 135-3.5](#), to not provide a Tentative Sketch Plan.
 - Staff supports this request.
- b. Subdivision & Land Development [Code Section 135-3.6](#), to not provide a Preliminary Land Development Plan.
 - Staff supports this request.
- c. Subdivision & Land Development [Code Section 135-3.9](#), to not provide a Final Plan.
 - Staff supports this request.



Waiver of Land Development Plan
204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, Ward 4.
Application No. W-24-001

Proposal: Waiver of Land Development

Clifford & Lillian De Baptiste, the owners and Town & Country Master Home Builders, Inc., authorized agent, the applicant are seeking a Waiver of Land Development Plan approval for the following:



- Construction of a 1,101 sq. ft., single-story addition to the rear of the existing 2 1/2 story funeral home.
- Demolition of the existing 210 sq. ft. 1-story detached garage.
- Extension of the existing driveway to the rear of the property which is proposed to serve 4 new at grade parking spaces.
- Construction of a new subsurface stormwater management facility.

DOOR SCHEDULE							
DOOR #	HFG	YCDZL	ACTION	SIZE	MATERIAL	SLAB	NOTES
300	3V G.C	---	SWING	3'-4" X 8'-0"	T.B.D	T.B.D	ACCESS PANEL TO JUNCTION FOR FLOOR FINISH CONSTRUCTION
301	T.B.D	---	SWING	3'-4" X 8'-0"	T.B.D	T.B.D	ACCESS DOOR AT REST OF BROWNSTE'S ELEV. ACCESS POINT TO LOWER STAIRWAY. 20 MIN. RATED
125	ANGLED	ACQUADW/ADP/HA	SWING	12'-0" X 7'-0"	ACQUAD	ACQUAD	FRONT ENTRY DOOR, WITH CLOSER AND CRASH BAR. TO T.E. ACCESS, 30 MIN. RATED
121	T.B.D	T.B.D	SWING	10'-0" X 7'-0"	WOOD	MTF	OFFICE DOOR, VERIFY FINAL OPTIONS w/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
102	T.B.D	T.B.D	SWING	10'-0" X 7'-0"	WOOD	MTF	HALL DOOR AT JUNCTION W/ 102/2 / ASSEMBLY AREA, WITH CLOSER. 20 MIN. RATED
101	-B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	RE-ENTRY DOOR, WITH CLOSER, VERIFY FINAL OPT. W/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
124	T.B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	RE-ENTRY DOOR, WITH CLOSER, VERIFY FINAL OPT. W/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
125	T.B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	RE-ENTRY DOOR, WITH CLOSER, VERIFY FINAL OPT. W/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
126	T.B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	RE-ENTRY DOOR, WITH CLOSER, VERIFY FINAL OPT. W/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
127	STEEL/CAT	L SERIES	SWING	4'-0" X 7'-0"	STEEL	STEEL	MONITOR DOOR, WITH CLOSER, PROVIDE A 1/8" GASKET SEAL / SWEEP. 20 MIN. RATED
128	-B.D	T.B.D	2X DOOR	10'-0" X 8'-0"	203MB	---	PROHIBIT BY BIRCH DOOR, INSULATED 1/8" B.E.W. CHAMBER AND CLOSURE
129	T.B.D	T.B.D	SWING	12'-0" X 8'-0"	WOOD	MTF	HARPLY VIEWED DOOR, VERIFY PANEL, JOIN-NOON 1000 COMMERCIAL GRADE
130	T.B.D	T.B.D	SWING	12'-0" X 8'-0"	WOOD	MTF	STORAGE DOOR, VERIFY FINAL OPTIONS W/ OWNER PRIOR TO ORDERING
131	T.B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	BASINENT ACCESS DOOR, VERIFY FINAL OPTIONS W/ OWNER PRIOR TO ORDERING. 30 MIN. RATED
132	ANGLED	ACQUADW/ADP/HA	SWING	12'-0" X 7'-0"	ACQUAD	ACQUAD	FRONT ENTRY DOOR, WITH CLOSER AND CRASH BAR. TO T.E. ACCESS, 30 MIN. RATED
111	-B.D	T.B.D	DOOR	12'-0" X 8'-0"	WOOD	MTF	MTF 2021 CLAMMING BOARD - APPROX. 1000 COMMERCIAL GRADE
142	T.B.D	T.B.D	SWING	6'-0" X 4'-0"	WOOD	MTF	BAR/RECEIVING DOOR, WITH CLOSER, VERIFY FINAL OPTIONS W/ OWNER PRIOR TO ORDERING
200	T.B.D	T.B.D	SWING	3'-0" X 7'-0"	WOOD	MTF	RATED DOOR, 3 DOOR DOOR FOR T.B.D. CORRIDOR

G.C. TO VERIFY & LAID OUT REFINISHES PRIOR TO ORDERING
G.C. TO REPLACE ALL EXISTING HARDWARE THROUGH-OUT -CUSE WITH NEW, VERIFY WITH OWNER
G.C. TO VERIFY ALL FINISHES AND HARDWARE OPTIONS WITH OWNER PRIOR TO ORDERING



Driveway Side Elevation - Existing



Driveway Side Elevation - Proposed



**TOWNSHIP
OF
LOWER MERION**
MONTGOMERY COUNTY

TOWNSHIP ENGINEER

75 E. Lancaster Avenue
Ardmore, PA 19003 2376
Telephone: (610) 645-6200
www.lowermerion.org

LOWM 265.79

July 15, 2024

Christopher Leswing, Director of Building and Planning
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

**Re: 204 Lippincott Ave
Waiver of Land Development**

Dear Mr. Leswing:

In accordance with your request for the referenced submission, we have reviewed a set of eight (8) plans dated 04-02-24, last revised 06-23-24, prepared by Vastardis Consulting Engineers, LLC. The plans show renovation to the existing building, construction of a new building addition, and associated improvements. We offer the following comments for your consideration:

A. MAJOR ENGINEERING ISSUES

❖ None.

With the resolution of the remaining comments in this letter incorporated, we recommend approval of the Waiver of Land Development.

B. ORDINANCE REQUIREMENTS

1. Section 101-6A(1)—All woody vegetation to be retained within twenty-five (25') feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. Accurate location of the driplines shall be provided. If the tree protection fence is not at the driplines of all trees to remain, the Township Arborist must approve the location of the tree protection fence shown on the plan.
2. Section 121-15—The runoff crossing to the adjacent properties during the construction phase of the project shall be managed so that the water quality/quantity impact is minimized to the adjacent properties. Diversion berms, stoned construction staging areas, and inlets/piping shall be noted to be provided as required or as directed by the township so as to ensure acceptable conditions during the construction phase.
3. Section 121-5A(5)—A phasing plan shall be provided for the duration of construction to avoid the need for a temporary basin. Each phase must be completely stabilized prior to proceeding to the next. Erosion controls shall be updated accordingly for each phase of the project.

4. Section 121-4E(2f)—The recharge bed must contain a sediment trap accessible for maintenance.
5. Section 121-10—No grading changes shall be shown within three (3') feet of the property line without written approval from that property owner in order to ensure transition to the grading on the adjoining property.
6. Section 133-15F—The driveway sight distance shall be provided on the plan along with the clear sight triangles. The sight distance must meet the minimum safe stopping distance as specified by PennDOT.

C. ENGINEERING COMMENTS

1. A driveway permit is required from the Public Works Department. The existing driveway shall be evaluated by the Traffic Safety Unit.
2. An as-built plan must be submitted certifying the amount of impervious surface on the lot prior to finalization of the permit.
3. The proposed ADA building entrance/exit ramp must be approved by the Building Codes Officer. Details on the plan shall be coordinated with the building permit plan. Final dimensions must be approved by the Building and Planning Department.
4. The proposed parking layout shall be provided on the plans and be coordinated with the architectural drawing set. Maneuverability diagrams, a zoning compliance table, and dimensions are required to demonstrate compliance with Township Standards.
5. The number of parking spaces required for the development must be approved by the Zoning Officer.
6. The existing and proposed mean grade of the structure shall be calculated and shown on the plan. The architectural plans must be coordinated with and must comply with the grading proposed with this application.
7. The Planting Plan must be approved by the Planning Department and the Township Arborist.
8. A lighting plan must be submitted and approved by the Director of Building and Planning prior to issuance of any Permits.
9. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission.

Please advise if we may be of further assistance in this matter.

Sincerely,

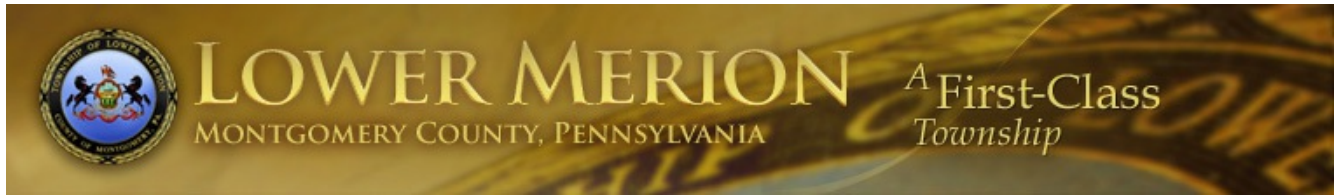
A handwritten signature in black ink, appearing to read "J. Mastronardo", written in a cursive style.

Joseph A. Mastronardo, PE

PENNONI ASSOCIATES

Township Engineer

cc: Collen Hall, Senior Planner
Vastardis Consulting Engineers, LLC



AGENDA ITEM INFORMATION

ITEM: AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 12, ELECTORAL DISTRICTS - Reapportionment of Ward Populations

Consider for recommendation to the Board of Commissioners authorizing the Township Secretary notice of intent to adopt of an Ordinance to amend Chapter 12 of the Code of the Township of Lower Merion, entitled Electoral Districts, to reapportion the Township of Lower Merion by retaining fourteen Wards, and by changing the boundary lines of said Wards.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
❏ Issue Briefing	Issue Briefing
❏ Reapportionment Map	Backup Material
❏ Legal Descriptions	Backup Material

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Redistricting Ordinance to Amend the Township Code - Chapter 12- Electoral Districts.

Prepared by: Charlie Doyle, AICP, Assistant Director of Planning
Colleen Hall, Senior Planner
Jason Emmel, GIS Technician

Date: July 26, 2024

I. Action To Be Considered By The Board:

Authorize advertisement of an ordinance to amend Chapter 12 of the Code of the Township of Lower Merion, entitled Electoral Districts, to reapportion the Township of Lower Merion by retaining 14 Wards, and by changing the boundary lines of said Wards.

II. Why This Issue Requires Board Consideration:

The 2020 Decennial Census demonstrated a population growth in the Township of 5,808 residents with a 37.4% deviation in the range in population between the lowest and highest populated wards; therefore, the ward boundaries must be modified to be as nearly equal in population as practical.

III. Current Policy Or Practice (If Applicable):

After utilizing the services of consultant Amanda Holt on January 11, 2023, the Township adopted Ordinance No. 4257, changing the boundary lines of Township Wards. The Wards redistricting adopted in ordinance No. 4257 was then submitted to Montgomery County Voter Services for consideration. The County rejected the redistricting plan and identified the following reasons for rejection:

1. Two proposed changes split Magisterial Districts, which is not permitted.
2. The third change eliminated the congressional split in precinct 12-3, and that is not permitted.

On January 22, 2023, the Township Board of Commissioners subsequently rescinded the Ordinance, reversing Wards to their previously existing, current boundaries. Township staff incorporated the County's input into the rejected redistricting plan to develop a new set of proposed district boundaries. The new proposed redistricting boundaries have been modified to respect magisterial district boundaries, congressional districts, and other limitations plus retain all Commissioners, including newly elected, within their respective wards.

It is important to note that additional modifications to the new proposed ward boundaries could have a cumulative and cascading effect to district proportions and adversely impact the new proposed redistricting plan. The new plan being presented represents the previous

consultant's work and Township staff's best effort at ensuring as equal representation as possible while adhering to federal, state, and county district boundary limitations.

IV. Other Relevant Background Information:

The Board needs to decide whether the variation in population in the 14 voting wards is acceptable, and then modify the ward boundaries to be within an acceptable range of population. The previous policy adopted after the last (2010) census allowed a +/- 6% variation in population or 6% higher or lower than the ideal ward size; this policy allowed for a possible deviation of 12% from the highest and lowest populated ward in the Township.

Prior to the 2010 census, the Township had an unwritten policy allowing a population variation of voting ward up to +/- 3% for the ideal ward size. The 3% variation allowance was used in at least the three previous redistricting determinations. After the 2010 Census, the Board modified this policy and increased the population variation threshold to +/- 6% and did not make any ward boundary modifications.

According to the 2020 Census, all of Lower Merion Township's fourteen wards experienced a population growth with Wards 7 (33%), 9 (27%) and 4 (15%) experiencing significant population increases. Based upon the Township's 2020 Decennial Population of 63,633, the target or ideal population in each ward was calculated by Township staff to be 4,545; this numerical value represents the ideal population if each ward represented an equal number of residents in the Township.

As previously stated, the ward population variation policy range is +/- 6%, established by the Board after the 2010 Census and equals a 12% possible deviation from the highest and lowest populated ward in the Township. The 12% deviation is potentially too high based on some court decisions. Staff has prepared a plan and ordinance that will modify the ward population so that the average ward population is only 3.27% off the ideal ward size of 4,545 and the total deviation from the highest to lowest populated ward in the Township is approximately 10 percent.

Again, federal/state/county limitations placed on redistricting which prohibits crossing US Congressional Districts, PA House Districts and Magisterial Districts boundaries makes the task of redistricting difficult. The ward boundaries must respect those boundaries. The US Congressional District and PA House Districts each split the Township into two distinct areas and the Magisterial Districts split the Township into three areas significantly limits the ability to make modifications to the Ward boundaries.

The table below, the [interactive map linked here](#) and Appendix A illustrate the population data for each ward prior to any modifications and the population data for each ward after the proposed modifications.

2020 Census (Current Decennial)				Originally Proposed Wards 2023					Newly Proposed Wards 2024				
Wards	2020 Census	Difference from Mean	Percent from Mean	Population by Wards	Difference from Current	Percent from Current	Difference from Mean	Percent from Mean	Population by Wards	Difference from Current	Percent from Current	Difference From Mean	Percent from Mean
Ward 1	4,455	-90	-1.98%	4,670	215	4.83%	125	2.75%	4,362	-93	4.11%	183	4.03%
Ward 2	4,248	-297	-6.54%	4,543	295	6.94%	-2	-0.04%	4,341	93	4.80%	204	4.49%
Ward 3	4,287	-258	-5.68%	4,460	173	4.04%	-85	-1.87%	4,635	348	2.10%	-90	-1.98%
Ward 4	4,905	360	7.92%	4,499	-406	8.28%	-46	-1.01%	4,401	-504	2.94%	144	3.17%
Ward 5	4,344	-201	-4.43%	4,583	239	5.50%	38	0.84%	4,523	179	0.51%	22	0.48%
Ward 6	4,659	114	2.50%	4,660	1	0.02%	115	2.53%	4,388	-271	3.37%	157	3.45%
Ward 7	5,654	1,109	24.40%	4,630	-1,024	18.11%	85	1.87%	4,780	-874	4.16%	-235	-5.17%
Ward 8	4,460	-85	-1.87%	4,499	39	0.87%	-46	-1.01%	4,366	-94	4.01%	179	3.94%
Ward 9	5,059	514	11.30%	4,468	-591	11.68%	-77	-1.69%	4,691	-368	2.89%	-146	-3.21%
Ward 10	4,114	-431	-9.49%	4,593	479	11.64%	48	1.06%	4,455	341	2.19%	90	1.98%
Ward 11	4,135	-410	-9.03%	4,550	415	10.04%	5	0.11%	4,484	349	1.48%	61	1.34%
Ward 12	4,394	-151	-3.33%	4,338	-56	1.27%	-207	-4.55%	4,685	291	3.19%	-140	-3.08%
Ward 13	4,434	-111	-2.45%	4,655	221	4.98%	110	2.42%	4,767	333	5.01%	-222	-4.88%
Ward 14	4,485	-60	-1.32%	4,485	0	0.00%	-60	-1.32%	4,755	270	4.68%	-210	-4.62%
Total:	63,633	Mean:	4,545										
Lowest	Highest	Range	Range Pct.		Lowest	Highest	Range	Range Pct.		Lowest	Highest	Range	Range Pct.
4,114	5,654	1,540	37.4%		4,338	4,670	332	7.7%		4,341	4,780	439	10.1%
Lowest Difference from Target Population	Highest Difference from Target Population	Absolute Avg. Difference from Target Population	Avg. Pct. From Target Population		Lowest Difference from Target Population	Highest Difference from Target Population	Absolute Avg. Difference from Target Population	Avg. Pct. From Target Population		Lowest Difference from Target Population	Highest Difference from Target Population	Absolute Avg. Difference from Target Population	Avg. Pct. From Target Population
(431)	1,109	299	6.6%		(207)	125	75	1.6%		(204)	235	149	3.3%

Proposed modifications are described below, organized by Wards.

Generally, there were three iterations of the redistricting map with respect to census blocks within Wards:

- Feasible changes translating from the 2023 Proposal to the current iteration;
- Changes made to comply with Magisterial or Congressional District requirements; or
- Changes made in response to District requirements.

Ward Modifications:

Ward 1 – Population Change: -93:

Ward 1 will reduce population. One modification is proposed to give population to Ward 2.

Population Reductions:

- **(Previously and Currently Proposed) Change from Ward 1 to Ward 2**
 - One Block Waverly Road/Rock Creek Road/Black Rock Road/Idlewild Road.
 - **Population -93 Total:** Approximately -32 Single-Family Dwelling Units.

Ward 2 - Population Change: +93:

Ward 2 needs to gain population. One modification is proposed from Ward 1.

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 1 to Ward 2**
 - One Block Waverly Road/Rock Creek Road/Black Rock Road/Idlewild Road.
 - **Population +93 Total:** Approximately +32 Single-Family Dwelling Units.

Ward 3 - Population Change: +348:

Ward 3 needs to gain population. Several modifications are proposed from Wards 9 and 13.

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 9 to Ward 3:**
 - Several Blocks: Levering Mill Road/Conshohocken State Road/E Princeton Road/Belmont Avenue.
 - **Population +203 Total:** Approximately +65 Single-Family Dwelling Units.
- **(Newly Proposed) Change from Ward 13 to Ward 3:**
 - Several Blocks between Conshohocken State Road & Bryn Mawr Avenue & W. Amherst Road.
 - **Population +145 Total:** Approximately +42 Single-Family Dwelling Units.

Ward 4 - Population Change: -504:

Ward 4 needs to reduce population. Several modifications are proposed to give population to Wards 5 and 10 and gain population from Ward 8

Population Reductions:

- **(Previously and Currently Proposed) Change from Ward 4 to Ward 5:**
 - One Block Montgomery Ave/Woodside Road/Anderson Ave/Railroad Tracks.
 - **Population -179 Total:** Approximately -5 Single-Family Dwellings and -105 Multifamily Units
- **(Previously and Currently Proposed) Change from Ward 4 to Ward 10:**
 - Multiple Blocks along Montgomery Ave & Railroad tracks and Morris Ave & Old Lancaster Road. Aqua PA property.
 - **Population -419 Total:** Approximately -47 Single-Family Dwellings and -39 Multifamily Units.

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 8 to Ward 4**
 - One Block Rittenhouse Place/E Athens Ave/ Simpson Road/Lancaster Ave
 - **Population +94 Total:** Approximately +14 Single-Family Dwellings and +53 Multifamily Units

Ward 5 - Population Change: +179:

Ward 5 needs to gain population. One modification is proposed from Ward 4.

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 4 to Ward 5:**
 - One Block Montgomery Ave/Woodside Road/Anderson Ave/Railroad Tracks.
 - **Population +179 Total:** Approximately +5 Single-Family Dwellings and +105 Multifamily Units

Ward 6 - Population Change: -271:

Ward 6 needs to reduce population. Several modifications are proposed to give population to Ward 11. These changes will also normalize the shape of the boundary between Ward 6 and Ward 11.

Population Reductions:

- **(Previously and Currently Proposed) Change from Ward 6 to Ward 11**
 - Several Blocks along Spring Mill Road. Straightening out boundary of Roscommon Road/Ridgewood Road/Eagle Farm & Fairview Roads & Harriton Farm to Old Gulph Road
 - **Population: -271 Total:** Approximately -80 Single-Family Dwelling Units

Ward 7 - Population Change: -874:

Ward 7 needs to reduce population. Several modifications are proposed to give population to Ward 12 and Ward 14.

Population Reductions:

- **(Newly Proposed) Change from Ward 7 to Ward 12:**
 - Multiple Blocks along Rockland Ave/Kenilworth Road/ E Wynnewood Road/ Shortridge Drive/Parkview Drive/ Remington/ Portion of Indian Creek Estates.
 - **Population -604 Total:** Approximately -237 Single-Family Dwelling Units.
- **(Newly Proposed) Change from Ward 7 to Ward 14:**
 - Multiple Blocks along Lancaster Avenue/Remington Road/Warick Road/Cotswold Lane/Morris Road & Lankenau Hospital & Friends Central School/City Avenue.
 - **Population -270 Total:** Approximately -73 Single-Family Dwellings and -4 Multifamily Units.

Ward 8 - Population Change: -94:

Ward 8 needs to reduce population. One modification is proposed to give population to Ward 4.

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 8 to Ward 4**
 - One Block Rittenhouse Place/E Athens Ave/ Simpson Road/Lancaster Ave
 - **Population -94 Total:** Approximately -14 Single-Family Dwellings and -53 Multifamily Units

Ward 9 - Population Change: -368:

Ward 9 needs to reduce population and to fix changes to properly follow the new congressional district boundaries. Several modifications are proposed to give population to Ward 3 and Ward 13 and gain population from Ward 12 while also following the new congressional district boundary.

Population Reductions:

- **(Previously and Currently Proposed) Change from Ward 9 to Ward 3:**
 - Several Blocks: Levering Mill Road/Conshohocken State Road/E Princeton Road/Belmont Avenue.
 - **Population -203 Total:** Approximately -65 Single-Family Dwelling Units.
- **(Previously Proposed) Change from Ward 9 to Ward 13:**
 - Several Blocks: Blocks: Bryn Mawr Avenue/Union Avenue/Old Lancaster Road/N Highland Avenue
 - **Population -321 Total:** Approximately -83 Single-Family Dwellings and -5 Multifamily Units.

Population Gains:

- **(Newly Proposed) Change from Ward 12 to Ward 9:**

- One block Upland Road/Old Lancaster Rd/N Latches Lane.
- **Population +156 Total:** Approximately +18 Single-Family Dwellings and +80 Multifamily Units.

Ward 10 - Population Change: +419:

Ward 10 needs to gain population. Several changes are proposed between Ward 10 and Wards 4 and 11.

Population Reductions:

- **(Currently Proposed) Change from Ward 10 to Ward 11:**
 - Multiple blocks along Montgomery Ave and Morris Ave between N. Merion Ave and New Gulph Rd. (Moving All of Bryn Mawr College and The Shipley School to Ward 11)
 - **Population -350 Total**

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 4 to Ward 10:**
 - Multiple Blocks along Montgomery Ave & Railroad tracks and Morris Ave & Old Lancaster Road. Aqua PA property.
 - **Population +419 Total:** Approximately +47 Single-Family Dwellings and +39 Multifamily Units.
- **(Currently Proposed) Change from Ward 11 to Ward 10**
 - One block along the southern side of Montgomery Ave between N Roberts Rd and N Merion Ave.
 - **Population +272 Total**

Ward 11 - Population Change: +271:

Ward 11 needs to gain population. Several modifications are proposed from Ward 6. These changes will also normalize the shape of the boundary between Ward 11 and Ward 6.

Population Reductions:

- **(Currently Proposed) Change from Ward 11 to Ward 10**
 - One block along the southern side of Montgomery Ave between N Roberts Rd and N Merion Ave.
 - **Population -272 Total**

Population Gains:

- **(Previously and Currently Proposed) Change from Ward 6 to Ward 11**
 - Several Blocks along Spring Mill Road. Straightening out boundary of Roscommon Road/Ridgewood Road/Eagle Farm & Fairview Roads & Harriton Farm to Old Gulph Road
 - **Population: +271 Total:** Approximately +80 Single-Family Dwelling Units
- **(Currently Proposed) Change from Ward 10 to Ward 11:**
 - Multiple blocks along Montgomery Ave and Morris Ave between N. Merion Ave and New Gulph Rd. (Moving All of Bryn Mawr College and The Shipley School to Ward 11)
 - **Population +350 Total:**

Ward 12 - Population Change: +291:

Ward 12 needs to gain population due to a loss in population from the Congressional District boundary change. Several modifications are proposed to Gain population from Ward 7 to make up for the reduction in population from aligning to the new congressional district boundaries.

Population Gains:

- **(Newly Proposed) Change from Ward 7 to Ward 12:**

- Multiple Blocks along Rockland Ave/Kenilworth Road/ E Wynnewood Road/ Shortridge Drive/Parkview Drive/ Remington/ Portion of Indian Creek Estates.
- **Population +604 Total:** Approximately +237 Single-Family Dwelling Units.

Population Reductions:

- **(Newly Proposed) Change from Ward 12 to Ward 13:**

- Several blocks for the congressional boundary fix (Montgomery Ave & Bowman Ave/Sycamore Ave & Melrose Ave/N Highland Ave).
- **Population -157 Total:** Approximately -40 Single-Family Dwellings and -18 Multifamily Units.

Ward 13 - Population Change: +333:

Ward 13 will gain population. Several modifications are proposed to align Ward 13 and Ward 12 to the new congressional district boundaries and to reduce the population of Ward 9. Ward 13 will also give population to Ward 3.

Population Gains:

- **(Previously Proposed) Change from Ward 9 to Ward 13:**

- Several Blocks: Blocks: Bryn Mawr Avenue/Union Avenue/Old Lancaster Road/N Highland Avenue
- **Population +321 Total:** Approximately +83 Single-Family Dwellings and +5 Multifamily Units.

- **(Newly Proposed) Change from Ward 12 to Ward 13:**

- Several blocks for the congressional boundary fix (Montgomery Ave & Bowman Ave/Sycamore Ave & Melrose Ave/N Highland Ave).
- **Population +157 Total:** Approximately +40 Single-Family Dwellings and +18 Multifamily Units.

Population Reductions:

- **(Newly Proposed) Change from Ward 13 to Ward 3:**

- Several Blocks between Conshohocken State Road & Bryn Mawr Avenue & W. Amherst Road.
- **Population -145 Total:** Approximately -42 Single-Family Dwelling Units.

Ward 14 - Population Change: +270:

Ward 14 needs to gain population. Several modifications are proposed from Ward 7.

Population Gains:

- **(Newly Proposed) Change from Ward 7 to Ward 14:**
 - Multiple Blocks along Lancaster Avenue/Remington Road/Warick Road/Cotswold Lane/Morris Road & Lankenau Hospital & Friends Central School/City Avenue.
 - **Population +270 Total:** Approximately +73 Single-Family Dwellings and +4 Multifamily Units.

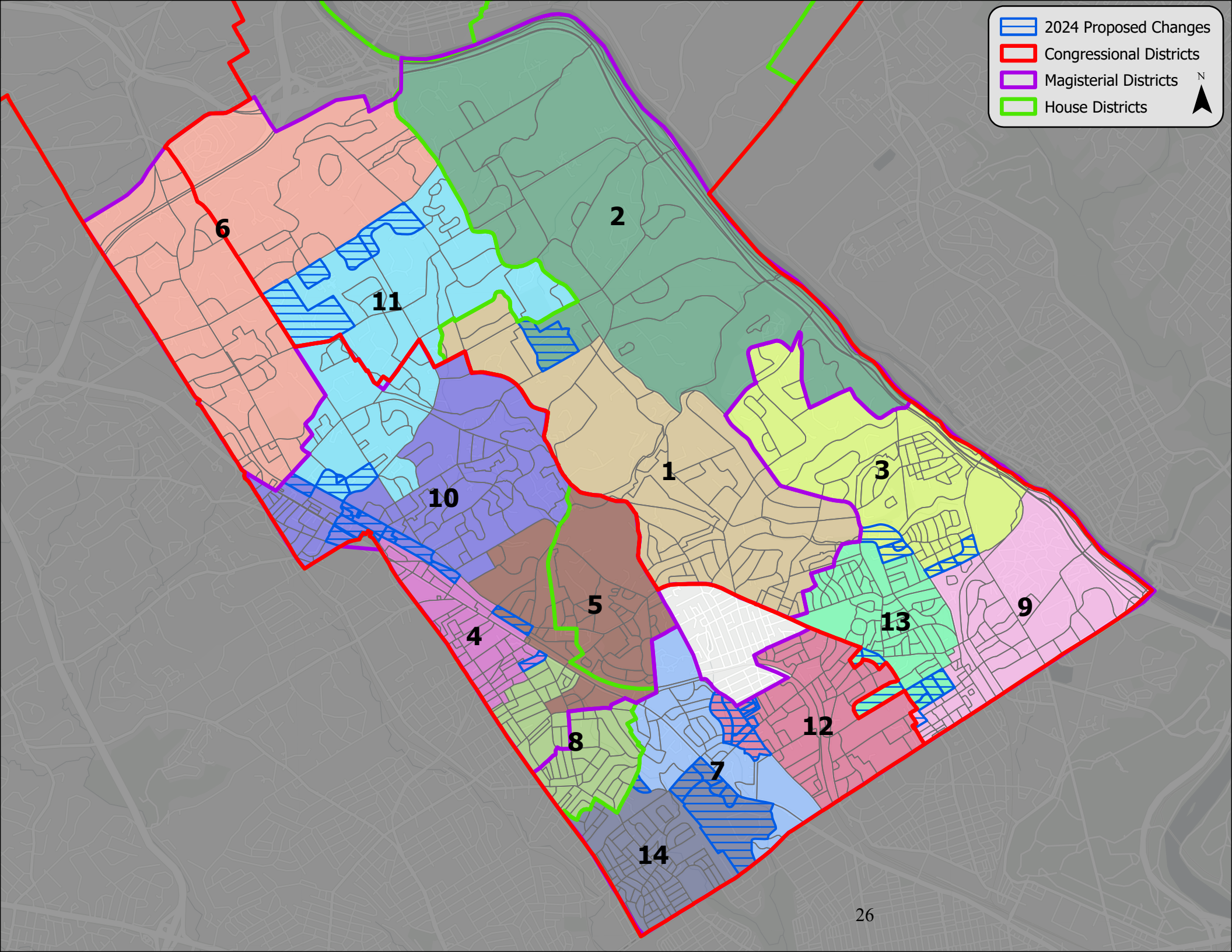
Overall, the proportion of changes between the current and proposed boundary configuration significantly reduces the average range of deviation from target population of 4,545. The proposed plan reduces the deviation from the current average of 6.59% to 3.27%. which equates to a reduction in the average difference from the target population of 150 residents. The proposed modifications will also be within the policy range of 6% from the target population, where the lowest population of 4,341 in Ward 2 is 4.49% and the highest population of 4,780 in Ward 7 is 5.17%

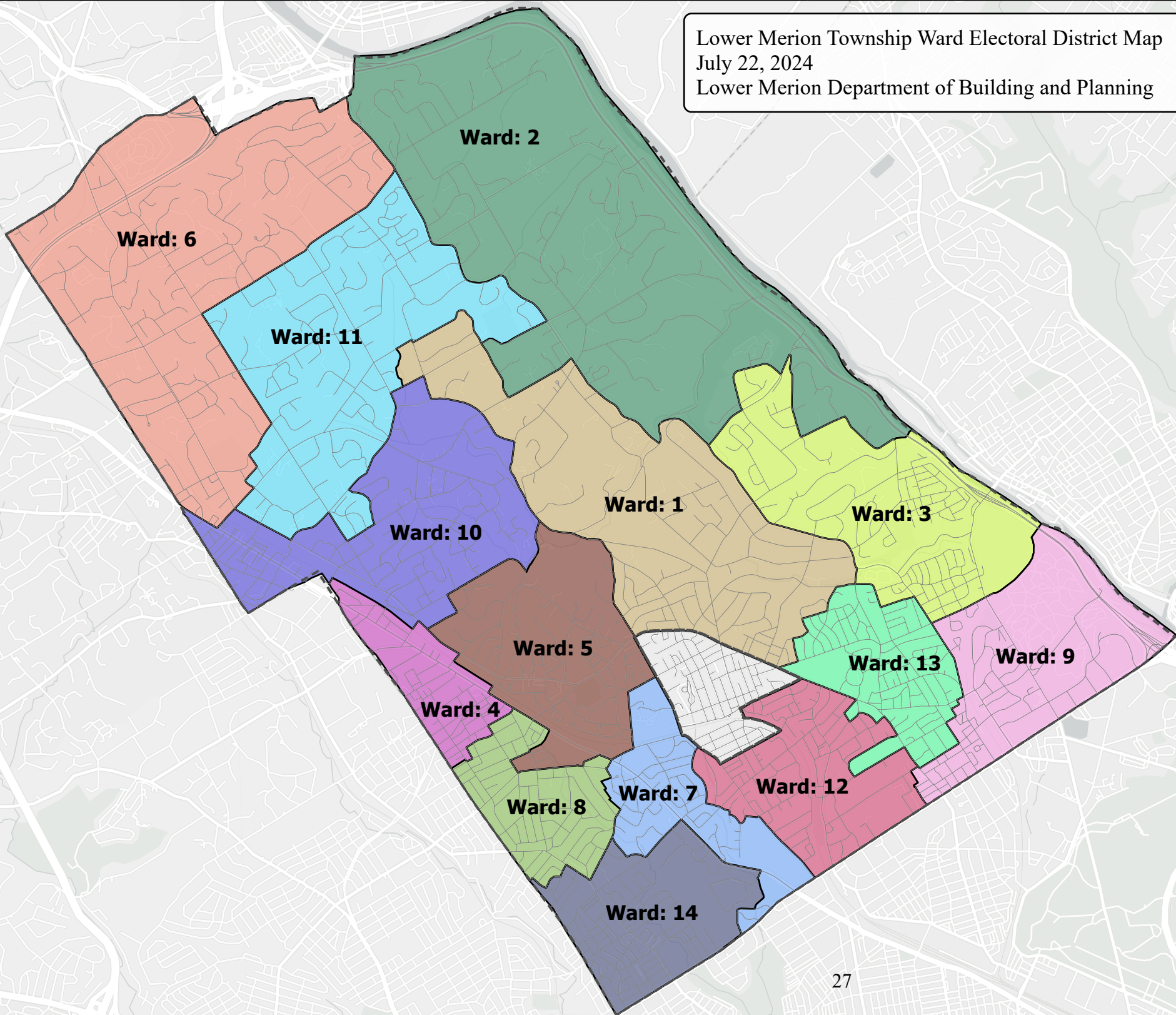
V. Impact on Township Finances:

There will be no impact on Township finances.

VI. Staff Recommendation

This item is for discussion only.





AN ORDINANCE

NO. _____

AN ORDINANCE TO AMEND Chapter 12 Of The Code Of The Township Of Lower Merion, Entitled Electoral Districts, To Reapportion The Township Of Lower Merion By Retaining 14 Wards, And By Changing The Boundary Lines Of Said Wards.

WHEREAS, Section 11 of Article IX of the Constitution of the Commonwealth of Pennsylvania, and the Municipal Reapportionment Act, require the Board of Commissioners of the Township of Lower Merion to reapportion the Township within the year following that in which the Federal decennial census is officially reported as required by Federal law, and at such other times as the Board shall deem necessary; and

WHEREAS, the official Block Statistics of the United States Department of Commerce, Bureau of Census, of Population and Housing, 2020 has been officially reported;

NOW THEREFORE, be it ordained by the Board of Commissioners of the Township of Lower Merion as follows;

Section 1. The Code of the Township of Lower Merion, Chapter 12, entitled Electoral Districts, Sections 12-1 through 12-15, are hereby amended to provide as follows:

CHAPTER 12

ELECTORAL DISTRICTS

§ 12-1 Reapportionment of wards.

There shall continue to be fourteen wards in the Township of Lower Merion, which wards are hereby reapportioned into fourteen wards as nearly equal in population as practicable on the basis of the Official Block Statistics of the Census of Population and Housing, 2020, conducted by the United States Department of Commerce, Bureau of Census.

§ 12-2 Boundaries of Ward No 1.

The boundaries of Ward No. 1 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed at the intersection of Montgomery Avenue and Meeting House Lane; thence, westerly along Montgomery Avenue to its intersection with Gypsy Lane, the previous course along Montgomery Avenue being a common boundary between the Township of Lower Merion and the Borough of Narberth; thence, northwesterly along Gypsy Lane to its intersection with McClenaghan Mill Road; thence, northwesterly along McClenaghan Mill Road to its intersection with Old Gulph Road; thence, westerly along Old Gulph Road to its intersection with Williamson Road; thence, Northerly, Northwesterly and Westerly along Williamson Road to its intersection with Mt. Pleasant Road; thence, northwesterly along Mt. Pleasant Road to its intersection with Waverly Road; thence, southwesterly along Waverly Road a distance of approximately 875 feet to its crossing of an unnamed tributary of Mill Creek; thence, northerly along the said tributary to Harriton Road; thence, northeasterly along Harriton Road to its intersection with Mt. Pleasant Road; thence, southerly along Mt. Pleasant Road to its intersection with Rock Creek Road; thence, northeasterly and southeasterly along Rock Creek Road to its intersection with Black Rock Road; thence, northeasterly along Black Rock Road to its intersection with Conshohocken State Road; thence, southeasterly and northeasterly along Conshohocken State Road to its intersection with Manayunk Road; thence, Southerly along Manayunk Road to its intersection with Bryn Mawr Avenue; thence, Westerly along Bryn Mawr Avenue to its intersections with General Lafayette Road; thence, Southwesterly along General Lafayette Road to its intersection with Hamilton Road; thence, southwesterly along Hamilton Road to its intersection with Revere Road; thence, southeasterly along Revere Road to its intersection with Maplewood Avenue; thence, southwesterly along Maplewood Avenue to its intersection with Monroe Road; thence, southerly along Monroe Road to its intersection with Meeting House Lane; thence, southwesterly along Meeting House Lane to its intersection with Montgomery Avenue and the place of beginning.

§ 12-3 Boundaries of Ward No. 2.

The boundaries of Ward No. 2 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Conshohocken State Road and Waverly Road; thence, northwesterly along Conshohocken State Road to its intersection with the boundary line between the Township of Lower Merion and the Borough of West Conshohocken; thence, northerly along the boundary line between the Township of Lower Merion and the Borough of West Conshohocken to the middle line of the Schuylkill River, said river being a common boundary between the Borough of Conshohocken, the Township of Whitemarsh, the City of Philadelphia, and the Township of Lower Merion; thence, northeasterly and southeasterly along the middle line of the Schuylkill River to its intersection with Flat Rock Road, as extended; thence, southwesterly along Flat Rock Road, as extended, and northwesterly and southwesterly along Flat Rock Road to its intersection with Sprague Road; thence, northerly along Sprague Road to its intersection with Hollow Road; thence, southwesterly along Hollow Road to its intersection with Hagys Ford Road; thence, northwesterly, westerly, and southerly along Hagys Ford Road, to its intersection with Hollow Road; thence, southwesterly along Hollow Road to its intersection with Conshohocken State Road; thence, northwesterly, southwesterly and northwesterly again along Conshohocken State Road to its intersection with Black Rock Road;

thence, southwesterly along Black Rock Road to its intersection with Rock Creek Road; thence, northwesterly along Rock Creek Road to its intersection with Waverly Road; thence, northeasterly along Waverly Road to its intersection with Conshohocken State Road and the place of beginning.

§ 12-4 Boundaries of Ward No. 3.

The boundaries of Ward No. 3 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Conshohocken State Road, East Levering Mill Road and West Levering Mill Road; thence, northwesterly along Conshohocken State Road to its intersection with Amherst Road; thence, southwesterly along Amherst Road to its intersection with Bryn Mawr Avenue; thence, northerly and westerly along Bryn Mawr Avenue to its intersection with Manayunk Road; thence, northerly along Manayunk Road to its intersection with Conshohocken State Road; thence, northerly, westerly and northwesterly along Conshohocken State Road to its intersection with Hollow Road; thence, northeasterly along Hollow Road to its intersection with Hagys Ford Road; thence, northerly, easterly, and southeasterly along Hagys Ford Road to its intersection with Hollow Road; thence, northeasterly along Hollow Road to its intersection with Sprague Road; thence, southerly along Sprague Road to its intersection with Flat Rock Road; thence, northeasterly and southeasterly along Flat Rock Road and Flat Rock Road as extended to its intersection with the middle line of the Schuylkill River, said river being a common boundary between the City of Philadelphia and the Township of Lower Merion; thence, southeasterly along the middle line of the Schuylkill River to its intersection with Vine Creek as extended; thence, southwesterly along Vine Creek parallel to the former railroad right-of-way, formerly belonging to the National Railroad Passenger Corporation (AMTRAK) and now the location of the Cynwyd Heritage Trail separating the Westminster Cemetery and the West Laurel Hill Cemetery to its intersection with a point formed by the extension of Levering Mill Road as extended, at a point approximately 800 feet northeast of Belmont Avenue at the former Barmouth railroad station now known as the Barmouth Trailhead of the Cynwyd Heritage Trail; thence, southwesterly along Levering Mill Road to its intersection with Conshohocken State Road and the place of beginning.

§ 12-5 Boundaries of Ward No. 4.

The boundaries of Ward No. 4 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Montgomery Avenue and Woodside Road; thence, northwesterly along Montgomery Avenue to its intersection with Haverford Station Road; thence, southwesterly along Haverford Station Road to its intersection with the railroad right-of-way, belonging to the National Railroad Passenger Corporation (AMTRAK); thence, northwesterly along the said right-of-way to its intersection with Pennswood Road; thence, southwesterly along Pennswood Road to its intersection with San Marino Avenue, and the

Delaware-Montgomery County Line; thence, southeasterly along the Delaware-Montgomery County Line to the intersection of County Line Road and Chestnut Avenue; thence, southeasterly along County Line Road approximately 250 feet to a point on the westerly rear property line of lots fronting on the northwesterly side of Linwood Avenue; thence northeasterly along said rear property lines to a point formed by its intersection with East Spring Avenue; thence, southeasterly along East Spring Avenue to its intersection with Linwood Avenue; thence, northeasterly along Linwood Avenue to its intersection with Arnold Road; thence, northwesterly along Arnold Road to its intersection with St. Paul's Road; thence, northeasterly along St. Paul's Road to its intersection with East Athens Avenue; thence, northwesterly along East Athens Avenue to its intersection with Simpson Road; thence, northeasterly along Simpson Road to its intersection with Lancaster Avenue; thence, northwesterly along Lancaster Avenue to its intersection with Anderson Avenue; thence, northeasterly along Anderson Avenue to its intersection with the railroad right-of-way belonging to the National Railroad Passenger Corporation (AMTRAK); thence, northwesterly along said right-of-way to its intersection with Woodside Road; thence, northeasterly along Woodside Road to its intersection with Montgomery Avenue and place of beginning.

§ 12-6 Boundaries of Ward No. 5.

The boundaries of Ward No. 5 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of East Wynnewood Road and Penn Road; thence, southwesterly along East Wynnewood Road to its intersection with Lancaster Avenue; thence, northwesterly along Lancaster Avenue to its intersection with Old West Wynnewood Road; thence, southwesterly along Old West Wynnewood Road to its intersection with West Wynnewood Road; thence, southwesterly along West Wynnewood Road to its intersection with East Athens Avenue; thence, northwesterly along East Athens Avenue to its intersection with Hood Road; thence, northeasterly along Hood Road, to its intersection with Argyle Road; thence, northwesterly along Argyle Road, 80 feet more or less to a point 100 feet southeast of the southeasterly side of Chatham Road; thence, northeasterly along the southeasterly property line of the properties on the southeasterly side of Chatham Road, approximately 100 feet southeast of the southeasterly side of Chatham Road, to its intersection with Lancaster Avenue; thence, northwesterly along Lancaster Avenue to its intersection with Anderson Avenue; thence, northeasterly along Anderson Avenue to its intersection with the railroad right-of-way belonging to the National Railroad Passenger Corporation (AMTRAK); thence, northwesterly along said right of way to its intersection with Woodside Road; thence, northeasterly along Woodside Road to its intersections with Montgomery Avenue; thence, northwesterly along Montgomery Avenue to its intersection with Cheswold Lane; thence, northeasterly along Cheswold Lane to its intersection with Elbow Lane; thence, northwesterly along Elbow Lane to its intersection with Gray's Lane; thence, northeasterly along Gray's Lane to its intersection with Mill Creek Road; thence, northeasterly along Mill Creek Road to its intersection with Old Gulph Road; thence, easterly along Old Gulph Road to its intersection with McClenaghan Mill Road; thence, southeasterly along McClenaghan Mill Road to its intersection with Gypsy Lane; thence, southeasterly along Gypsy Lane to its intersection with Montgomery Avenue at North

Wynnewood Avenue; thence, crossing Montgomery Avenue southeasterly along North Wynnewood Avenue, being a common boundary between the Township of Lower Merion and the Borough of Narberth, to its intersection with Sabine Avenue; thence, southwesterly along Sabine Avenue to its intersection with Penn Road; thence, southerly along Penn Road to its intersection with East Wynnewood Road and the place of beginning.

§ 12-7 Boundaries of Ward No. 6.

The boundaries of Ward No. 6 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Lancaster Avenue and the Delaware-Montgomery County Line, said point being approximately at the intersection of Lancaster Avenue with County Line Road (Haverford Road); thence, northwesterly along the Delaware-Montgomery County Line, which generally follows County Line Road to its intersection with Matsons Ford Road; thence, northeasterly along Matsons Ford Road, the common boundary between the Township of Upper Merion, the Borough of West Conshohocken, and the Township of Lower Merion, to its intersection with DeHaven Avenue and the Borough line; thence, in a southeasterly and a northeasterly direction along the common boundary between the Township of Lower Merion and the Borough of West Conshohocken to its intersection with Conshohocken State Road; thence, in a southeasterly direction along Conshohocken State Road to its intersection with Spring Mill Road; thence, southwesterly along Spring Mill Road to its intersection with Old Gulph Road; thence, southeasterly along old Gulph Road to its intersection with Airdale Road; thence, southwesterly along Airdale Road to its intersection with Ashbridge Road; thence, southeasterly along Ashbridge Road to its intersection with Wakefield Road; thence, southwesterly along Wakefield Road to its intersection with Wyndon Avenue; thence, southeasterly along Wyndon Avenue to its intersection with Roberts Road; thence, southwesterly along Roberts Road to its intersection with Lancaster Avenue; thence, northwesterly along Lancaster Avenue to its intersection with the Delaware-Montgomery County Line, County Line Road and the place of beginning.

§ 12-8 Boundaries of Ward No. 7.

The boundaries of Ward No. 7 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of the center line of City Avenue and the private road known as Hollingsworth Road (a private road that has limited access, for residents of the Greenhill Apartment and Condominium complex); thence, northerly and easterly along the private road known as Hollingsworth Road to its intersection with the East Branch Indian Creek; thence, northerly along the East Branch Indian Creek to its intersection with Lankenau Drive; thence, northeasterly along Lankenau Drive to its intersection with Lancaster Avenue; thence, westerly and northwesterly along Lancaster Avenue to its intersection with Remington Road; thence, southwesterly along Remington Road to its intersection with Warick Road and Roslyn

Lane; thence, westerly along Warick Road to its intersection with Cotswold Lane; thence, northwesterly along Cotswold Lane to its intersection with Morris Road; thence, northeasterly along Morris Road to its intersection with the northeasterly property line of 511 Ballytore Road; thence, by the said property line extended, northwesterly approximately 289.95 feet to a point on the southeasterly property line of 517 Ballytore Road; thence, by the said property line northeasterly approximately 102 feet to a point on the northeasterly property line of 517 Ballytore Road; thence, northwesterly by various courses and distances along the said (rear) property lines of the properties on the northeasterly side of Ballytore Road, to a point on the southeasterly property line now or late of the Diocese of the Armenian Church in America (630 Clothier Road); thence, northeasterly along the said property line approximately 379.78 feet to a point on the center line of Clothier Road; thence, northwesterly along Clothier Road to its intersection with West Wynnewood Road; thence, northerly along West Wynnewood Road to its intersection with Lancaster Avenue; thence, crossing Lancaster Avenue northeasterly along East Wynnewood Road to its intersection with Penn Road; thence, northerly along Penn Road to its intersection with Sabine Avenue; thence, northeasterly along Sabine Avenue to its intersection with North Wynnewood Avenue, being a common boundary between the Township of Lower Merion and the Borough of Narberth; thence, by the said common boundary line southerly and southeasterly, along North Wynnewood Avenue, and E Wynnewood Road to its intersection with Parkview Drive; thence, southwesterly along Parkview Drive to its intersection with Remington Road; thence, easterly along Remington Road to its intersection with Bowman Avenue and Wildflower Lane; thence, easterly along Wildflower Ln to its intersection with Primrose Lane; thence, southerly along Primrose Lane to its intersection with Periwinkle Lane; thence, southeasterly along Periwinkle Lane to its intersection with Strawberry Lane; thence, northeasterly along Strawberry Lane to its intersection with Honeysuckle Lane; thence, easterly along Honeysuckle Lane to its intersection with East Wynnewood Road; thence, southeasterly along East Wynnewood Road to its intersection with City Avenue; thence, southwesterly along City Avenue to its intersection with Hollingsworth Road and the place of beginning.

§ 12-9 Boundaries of Ward No. 8.

The boundaries of Ward No. 8 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Delmont Drive and the Delaware-Montgomery County Line; thence, along the Delaware-Montgomery County Line, crossing Haverford Road and along County Line Road to its intersection with the northwesterly property line of lots fronting the northwesterly side of Linwood Avenue; thence, along the said property line northeasterly to its intersection with East Spring Avenue; thence, southeasterly along East Spring Avenue to its intersection with Linwood Avenue; thence, northeasterly along Linwood Avenue to its intersection with Arnold Road; thence, northwesterly along Arnold Road to its intersection with St. Pauls Road; thence, northeasterly along St. Pauls Road to its intersection with East Athens Avenue; thence, northwesterly along East Athens Avenue to its intersection with Simpson Road; thence, northeasterly along Simpson Road to its intersection with Argyle Road; thence, northeasterly along Argyle Road to its intersection with Lancaster Avenue; thence, southeasterly along Lancaster Avenue to a point on the southeasterly property line of the

properties on the southeasterly side of Chatham Road; thence, southwesterly along the said property line, approximately 100 feet southeast of the southeasterly side of Chatham Road, to the center line of Argyle Road; thence, southeasterly along Argyle Road to its intersection with Hood Road; thence, southwesterly along Hood Road to its intersection with East Athens Avenue; thence, southeasterly along East Athens Avenue to its intersection with West Wynnewood Road; thence, northeasterly along West Wynnewood Road to its intersection with Old West Wynnewood Road; thence, northeasterly along Old West Wynnewood Road to its intersection with Lancaster Avenue; thence, southeasterly along Lancaster Avenue to its intersection with East Wynnewood Road and West Wynnewood Road; thence, southerly along West Wynnewood Road to its intersection with Clothier Road; thence, southeasterly along Clothier Road to its intersection with the southeasterly property line now or late of the Diocese of the Armenian Church in America (630 Clothier Road); thence, southwesterly by the said property line of the said Diocese 379.78 feet to a point on the northeasterly property line of 603 Ballytore Road; thence, southeasterly by various courses and distances, along the said (rear) property lines of properties on the northeasterly side of Ballytore Road, to the easterly corner of 517 Ballytore Road; thence, southwesterly along the southeasterly property line of 517 Ballytore Road, approximately 101.28 feet, to a point on the northeasterly property line of 517 Ballytore Road; thence, southeasterly partially along the said property line and partially along the northeasterly property line of 511 Ballytore Road approximately 289.95 feet to its intersection with Morris Road; southwesterly along Morris Road to its intersection with Haverford Road; thence, northwesterly along Haverford Road to its intersection with Brinton Park Drive; thence, southwesterly along Brinton Park Drive to its intersection with Glen Arbor Drive; thence, southwesterly and southerly along Glen Arbor Drive to its intersection with Twin Oaks Drive; thence, northwesterly along Twin Oaks Drive to its intersection with Delmont Drive; thence, southwesterly along Delmont Drive to its intersection with the Delaware-Montgomery County Line and the place of beginning.

§ 12-10 Boundaries of Ward No. 9.

The boundaries of Ward No. 9 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of City Avenue and Orchard Road; thence, northwesterly along Orchard Road to its intersection with the southwestern property line of 233 Upland Road; thence, northwesterly along said property line approximated 105 feet to the intersections of the northwestern property line of 233 Upland Road and the southwestern rear property line of 240 North Latches Lane; thence, northeasterly along the rear property line of 240 North Latches Lane approximately 185 feet to the southeast corner of said property line of 240 North Latches Lane; thence, northeasterly along the eastern property line of 240 North Latches Lane approximately 457 feet to the centerline of North Latches Lane; thence, northeasterly along North Latches Lane to its intersection with Old Lancaster Road; thence, southeasterly along Old Lancaster Road to its intersection with Union Avenue; thence, northeasterly along Union Avenue to its intersection with Bryn Mawr Avenue; thence, northwesterly along Bryn Mawr Avenue to its intersection with North Highland Avenue; thence, northeasterly along North Highland Avenue to its intersection with Cynwyd Road; thence, northwesterly along Cynwyd Road to its

intersection with Hardie Way; thence, northeasterly and northwesterly along Hardie Way to its intersection with Montgomery Avenue; thence, northeasterly along Montgomery Avenue to its intersection with Conshohocken State Road; thence, northwesterly along Conshohocken State Road to its intersection with East Levering Mill Road; thence, northeasterly along East Levering Mill Road across Belmont Avenue continuing along East Levering Mill Road as extended to its intersection with Vine Creek at a point approximately 800 feet northeast of Belmont Avenue at the Barmouth Trailhead of the Cynwyd Heritage Trail; thence, northeasterly along Vine Creek parallel to a railroad right-of-way, belonging to the National Railroad Passenger Corporation (AMTRAK) and separating the Westminster Cemetery and the West Laurel Hill Cemetery to its intersection with the midline line of the Schuylkill River, said river being a common boundary of the City of Philadelphia and the Township of Lower Merion; thence, southeasterly along the middle line of the Schuylkill River to a point formed by the intersection of the Schuylkill River and the boundary line between the City of Philadelphia and the Township of Lower Merion; thence, southwesterly along the aforementioned boundary line to its intersection with City Avenue; thence, southwesterly along City Avenue to its intersection with Orchard Road and the place of beginning.

§ 12-11 Boundaries of Ward No. 10.

The boundaries of Ward No. 10 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point, a corner in the common boundary line of Montgomery and Delaware Counties, said point also being a common point of Lower Merion, Haverford and Radnor Townships, and also being the intersection of County Line Road, Haverford Road, and Landover Road; thence, northwesterly along the Delaware-Montgomery County Line (generally along County Line Road), to its intersection with Lancaster Avenue; thence, southeasterly along Lancaster Avenue to its intersection with Roberts Road; thence, northeasterly along Roberts Road to its intersection with Montgomery Avenue; thence, southeasterly along Montgomery Avenue to its intersection with Morris Avenue; thence, northeasterly along Morris Avenue to its intersection with New Gulph Road; thence, thence, southeasterly along New Gulph Road to its intersection with Fishers Road; thence, northeasterly along Fishers Road to its intersection with Carisbrooke Road; thence, northwesterly along Carisbrooke Road to its intersection with Morris Avenue; thence, northeasterly and northerly along Morris Avenue to its intersection with Waverly Road; thence, northeasterly along Waverly Road to its intersection with Mt. Pleasant Road; thence, southeasterly along Mt. Pleasant Road to its intersection with Williamson Road; thence, easterly and southeasterly along Williamson Road to its intersection with Old Gulph Road; thence, southeasterly along Old Gulph Road to its intersection with Mill Creek Road; thence, southwesterly along Mill Creek Road to its intersection with Grays Lane; thence, northwesterly, westerly, and southwesterly along Grays Lane to its intersection with Elbow Lane; thence southeasterly along Elbow Lane to its intersection with Cheswold Lane; thence, southwesterly along Cheswold Lane to its intersection with Montgomery Avenue; thence, northwesterly along Montgomery Avenue to its intersection with Haverford Station Road; thence, southwesterly along Haverford Station Road to its intersection with the railroad right-of-way belonging to the National Railroad Passenger Corporation (AMTRAK); thence,

northwesterly along said railroad right-of-way to its intersection with Pennswood Road; thence, southwesterly along Pennswood Road to its intersection with the boundary line of Montgomery and Delaware Counties, near San Marino Avenue; thence, northwesterly and southwesterly along the borderline of Montgomery and Delaware Counties until its intersection with County Line Road, Haverford Road and Landover Road and the place of beginning.

§ 12-12 Boundaries of Ward No. 11.

The boundaries of Ward No. 11 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Montgomery Avenue and Roberts Road; thence, northeasterly along Roberts Road to its intersection with Wyndon Avenue; thence, northwesterly along Wyndon Avenue to its intersection with Wakefield Road; thence, northeasterly along Wakefield Road to its intersection with Ashbridge Road; thence, northwesterly along Ashbridge Road to its intersection with Airdale Road; thence, northeasterly along Airdale Road to its intersection with Old Gulph Road; thence, northwesterly along Old Gulph Road to its intersection with Spring Mill Road; thence, northeasterly along Spring Mill Road to its intersection with Conshohocken State Road; thence, southeasterly along Conshohocken State Road to its intersection with Waverly Road; thence, southwesterly along Waverly Road to its intersection with Rock Creek Road; thence, northwesterly and southwesterly along Rock Creek Road to its intersection with Mt. Pleasant Road at Harriton Road; thence, continuing southwesterly along Harriton Road approximately 650 feet to its crossing of an unnamed tributary of Mill Creek; thence, southerly along the said tributary to Waverly Road; thence, southwesterly along Waverly Road to its intersection with Morris Avenue; thence, southerly and southwesterly along Morris Avenue to its intersection with Carisbrooke Road; thence, southeasterly along Carisbrooke Road to its intersection with Fishers Road; then southwesterly along Fishers Road to its intersection with New Gulph Road; thence, northwesterly along New Gulph Road to its intersection with Morris Avenue; thence, southwesterly along Morris Avenue to its intersection with Montgomery Avenue; thence, northwesterly along Montgomery Avenue to its intersection with Roberts Road and the place of beginning.

§ 12-13 Boundaries of Ward No. 12.

The boundaries of Ward No. 12 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of City Avenue and East Wynnewood Road; thence, northwesterly along East Wynnewood Road to its intersection with Honeysuckle Lane; thence, northwesterly along Honeysuckle Lane to its intersection with Strawberry Lane; thence, southwesterly along Strawberry Lane to its intersection with Periwinkle Lane; thence northwesterly along Periwinkle Lane to its intersection with Primrose Lane, thence, northeasterly along Primrose Lane to its intersection with Wildflower Lane; thence, northwesterly along

Wildflower Lane to its intersection with Bowman Avenue and Remington Road; thence, continuing northwesterly along Remington Road to its intersection with Parkview Drive; thence, northerly along Parkview Drive to its intersection with East Wynnewood Road; thence, southeasterly along East Wynnewood Road to its intersection with Rockland Avenue; thence, northeasterly along Rockland Avenue to its intersection with the railroad right-of-way, belonging to the National Railroad Passenger Corporation (AMTRAK); thence, westerly along the said railroad right-of-way, to its intersection with North Narberth Avenue; thence, northwesterly along North Narberth Avenue to its intersection with Haverford Avenue; thence, northeasterly along Haverford Avenue to its intersection with Montgomery Avenue, the five previous courses along East Wynnewood Road, Rockland Avenue, the AMTRAK right-of-way, North Narberth Avenue and Haverford Avenue being a common boundary between the Township of Lower Merion and the Borough of Narberth; thence, easterly along Montgomery Avenue to its intersection with Bowman Avenue; thence, southwesterly along Bowman Avenue to its intersection with Linden Lane; thence, southeasterly along Linden Lane to its intersection with Brookway Road; thence, northeasterly along Brookway Road to its intersection with Cherry Bend; thence, southeasterly along Cherry bend to its intersection with Sycamore Avenue; thence, northeasterly on Sycamore Avenue to its intersection with Old Lancaster Road; thence, southeasterly on Old Lancaster Road to its intersection with Melrose Avenue; thence, southwesterly and southeasterly on Melrose Avenue to its intersection with North Highland Avenue; thence, northeasterly along North Highland Avenue to its intersection with Old Lancaster Road; thence, southeasterly along Old Lancaster Road to its intersection with North Latches Lane; thence, southwesterly along North Latches Lane approximate 300 feet to the northeastern corner property line of 240 North Latches Lane; thence, southeasterly along said property line approximately 457 feet to the southeastern corner of the property line of 240 North Latches Lane; thence, southwesterly along said property line approximately 185 feet to the southwestern corner of the property line of 240 North Latches Lane and the northwestern corner of the property line of 233 Upland Road; thence, southeasterly approximately 120 feet along the property line of 233 Upland Road to the intersection of Upland Road and Orchard Road; thence, southeasterly along Orchard Road to its intersection with City Avenue; thence, southwesterly along City Avenue to its intersection with East Wynnewood Road and the place of beginning.

§ 12-14 Boundaries of Ward No. 13.

The boundaries of Ward No. 13 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by the intersection of Old Lancaster Road and Union Avenue; thence, northwesterly along Old Lancaster Road to its intersection with North Highland Avenue; thence, southwesterly along North Highland Avenue to its intersection with Melrose Avenue; thence, northerly and northeasterly along Melrose Avenue to its intersection with Old Lancaster Road; thence, northwesterly along Old Lancaster Road to its intersection with Sycamore Avenue; thence, southwesterly along Sycamore Avenue to its intersection with Cherry Bend; thence, northwesterly along Cherry Bend to its intersection with Brookway Road; thence, southwesterly along Brookway Road to its intersection with Linden Lane; thence, northwesterly along Linden Lane to its intersection with Bowman Avenue; thence, northeasterly along

Bowman Avenue to its intersection with Montgomery Avenue; thence, westerly along Montgomery Avenue to its intersection with Meeting House Lane; thence, northeasterly along Meeting House Lane to its intersection with Monroe Road; thence, northerly along Monroe Road to its intersection with Maplewood Avenue; thence, northeasterly along Maplewood Avenue to its intersection with Revere Road; thence, northwesterly along Revere Road to its intersection with Hamilton Road; thence, northeasterly along Hamilton Road to its intersection with General Lafayette Road; thence, northerly along General Lafayette Road to its intersection with Bryn Mawr Avenue; thence, northeasterly and southeasterly along Bryn Mawr Avenue to its intersection with West Amherst Road; thence, northeasterly along West Amherst Road to its intersection with Conshohocken State Road; thence, southeasterly along Conshohocken State Road to its intersection with Montgomery Avenue; thence, southwesterly along Montgomery Avenue to its intersection with Hardie Way; thence, southeasterly and southwesterly along Hardie Way to its intersection with Cynwyd Road; thence, southeasterly along Cynwyd Road to its intersection with North Highland Avenue; thence, southwesterly along North Highland Avenue to its intersection with Bryn Mawr Avenue; thence, southeasterly along Bryn Mawr Avenue to its intersection with Union Avenue; thence, southwesterly along Union Avenue to its intersection with Old Lancaster Road and the place of beginning.

§ 12-15 Boundaries of Ward No. 14.

The boundaries of Ward No. 14 shall be as shown on the Electoral District Map, dated July 11, 2024, prepared by the Lower Merion Department of Building and Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

Beginning at a point formed by City Avenue and the Delaware-Montgomery County Line; thence, northwesterly along the Delaware-Montgomery County Line generally following to the southwest of Rolling Road, Crosshill Road and Brinton Park Drive to its intersection with Delmont Drive; thence, northeasterly along Delmont Drive to its intersection with Twin Oaks Drive; thence, easterly along Twin Oaks Drive to its intersection with Glen Arbor Drive; thence, northerly and northeasterly along Glen Arbor Drive to its intersection with Brinton Park Drive; thence, northerly along Brinton Park Drive to its intersection with Haverford Road; thence, easterly along Haverford Road to its intersection with Morris Road; thence, northeasterly along Morris Road to its intersection with Cotswold Lane; thence, southeasterly along Cotswold Lane to its intersection with Warick Road; thence, northeasterly along Warick Road to its intersection with Remington Road; thence, northeasterly along Remington Road to its intersection with Lancaster Avenue; thence, southeasterly along Lancaster Avenue to its intersection with Lankenau Drive; thence, southerly along Lankenau Drive to its intersection with the East Branch Indian Creek; thence, southerly along the East Branch Indian Creek to its intersection with the private drive known as Hollingsworth Road (a private road that has limited access, for residents of the Greenhill Apartment and Condominium complex); thence, westerly and southerly along the private road known as Hollingsworth Road to its intersection with City Avenue; thence, southwesterly along City Avenue to its intersection with the Delaware-Montgomery County Line and the place of beginning.

Section 2. Saving Clause. That nothing in this ordinance or in the Code of the Township of Lower Merion as hereby amended shall be construed to affect any suit or proceeding

pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing under the Code of the Township of Lower Merion prior to this amendment; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 3. Validity. The provisions of this Ordinance are severable, and if any chapter, article, section, sentence, clause, part or provision thereof 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 chapters, articles, sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of this Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional chapter, article, section, sentence, clause, part or provision had not been included herein.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after January 1, 2025.

Approved by the Board this _____ day of _____ 2024.

BOARD OF COMMISSIONERS
TOWNSHIP OF LOWER MERION

BY: _____
Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary



AGENDA ITEM INFORMATION

ITEM: APPROVAL OF CERTIFICATES OF APPROPRIATENESS

Consider for recommendation to the Board of Commissioners approval of the following certificates of appropriateness as recommended by the Historical Architectural Review Board at their meeting held on July 23, 2024:

a) 421 Berkley Road, Haverford Station Historic District, 24-15 – approval to replace 8 porch posts, citing Secretary of the Interior’s Standards 9 and 10.

b) 527 Old Lancaster Road, Haverford Station Historic District, 24-13 – approval to make various alterations to the home including new siding and roofing, a new front porch, and additions to expand the rear extension with a second story and add an attached garage, with a subcommittee to review additional details and clarifications to the architectural drawings, citing Secretary of the Interior’s Standards 9 and 10.


PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Slides	Backup Material

<div> <div>Agenda item #2</div> <div>APPROVAL OF CERTIFICATES OF APPROPRIATENESS</div> </div>
<div> <div>Consider for recommendation to the Board of Commissioners action on the following certificates of appropriateness as recommended by the Historical Architectural Review Board at their meeting held on July 23, 2024.</div> </div>

4

	
421 Berkley Road, Haverford	
24-14	HARB

5

Recommendation:

Approval to replace 8 porch posts, citing Secretary of the Interior's Standards 9 and 10.

6



7






Tuscan Cap (Square)

Tuscan Base (Square)

Previous columns

Proposed column cap and base

8



527 Old Lancaster Road, Haverford

24-13

HARB

9

Recommendation:

Approval to make various alterations to the home including new siding and roofing, a new front porch, and additions to expand the rear extension with a second story and add an attached garage, with a subcommittee to review additional details and clarifications to the architectural drawings, citing Secretary of the Interior's Standards 9 and 10.

(A portion of this application was approved at the previous meeting, allowing the applicant to proceed with construction of the foundation.)

10



Front Elevation



Rear Addition, Viewed from Side

Existing Residence

11



501 Old Lancaster Rd. Before Renovations



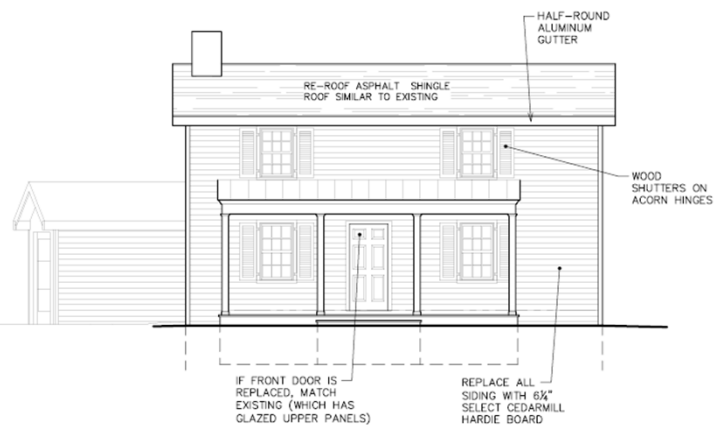
501 Old Lancaster Rd. After Renovations

Renovations would resemble alterations to 501 Old Lancaster Rd.

12



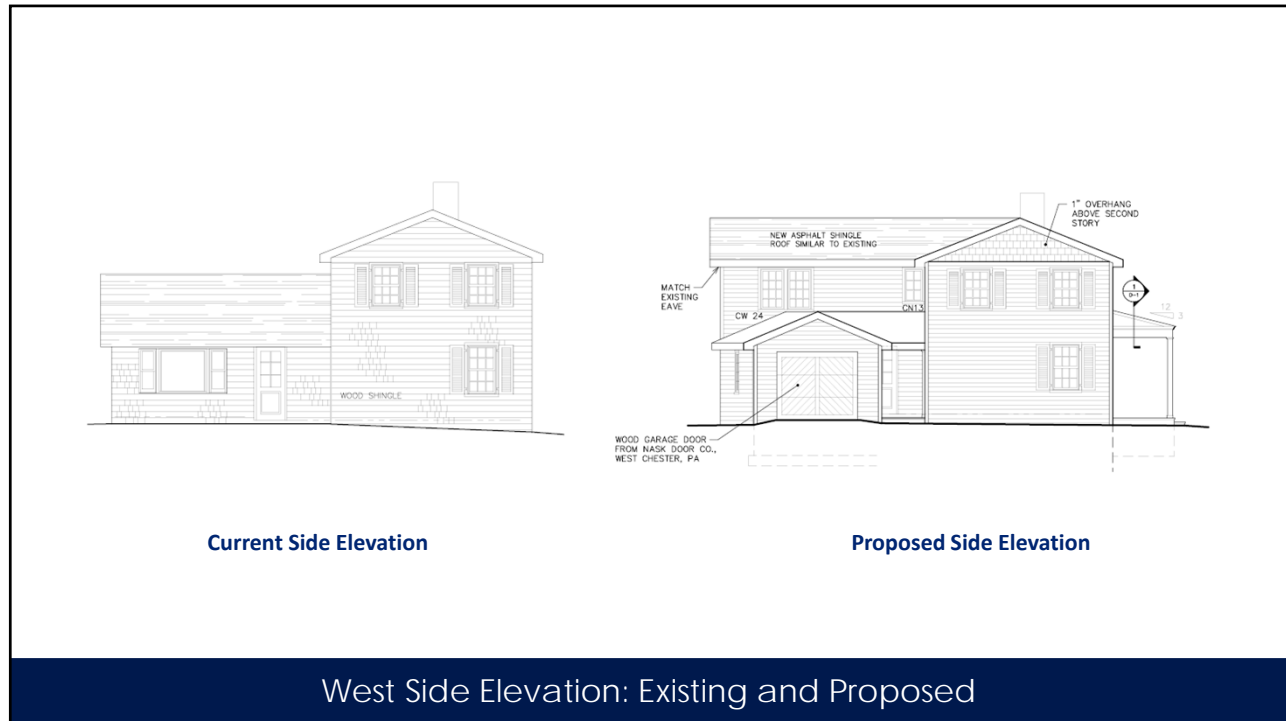
Current Front Elevation



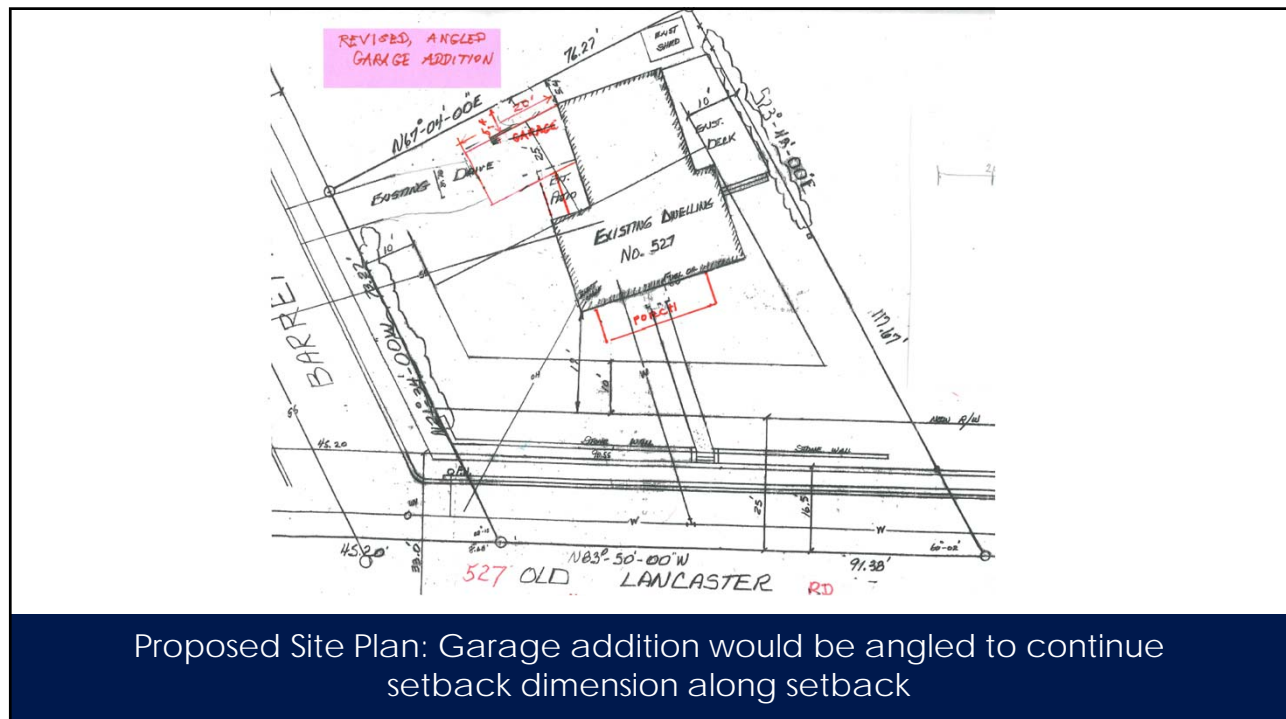
Proposed Front Elevation

Front Elevation: Existing and Proposed

13



14



15



AGENDA ITEM INFORMATION


ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATIONS

Consider for recommendation to the Board of Commissioners approval of the following application as recommended by the Historical Commission at their meeting held on July 22, 2024:

a) 330 Spring Mill Road, Villanova, Stoneleigh, Class 2, 2024-N-17 – approval to demolish a ca. 1935 greenhouse and construct a new greenhouse in its place, citing Secretary of the Interior’s Standards 2 and 9.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Slides	Backup Material

Agenda item #3 APPROVAL OF HISTORICAL COMMISSION APPLICATIONS	
Consider for recommendation to the Board of Commissioners action on the following application as recommended by the Historical Commission at their meeting held on July 22, 2024.	

16

	
330 Spring Mill Road, Villanova - Stoneleigh	
Class 2	Historical Commission

17

Recommendation:

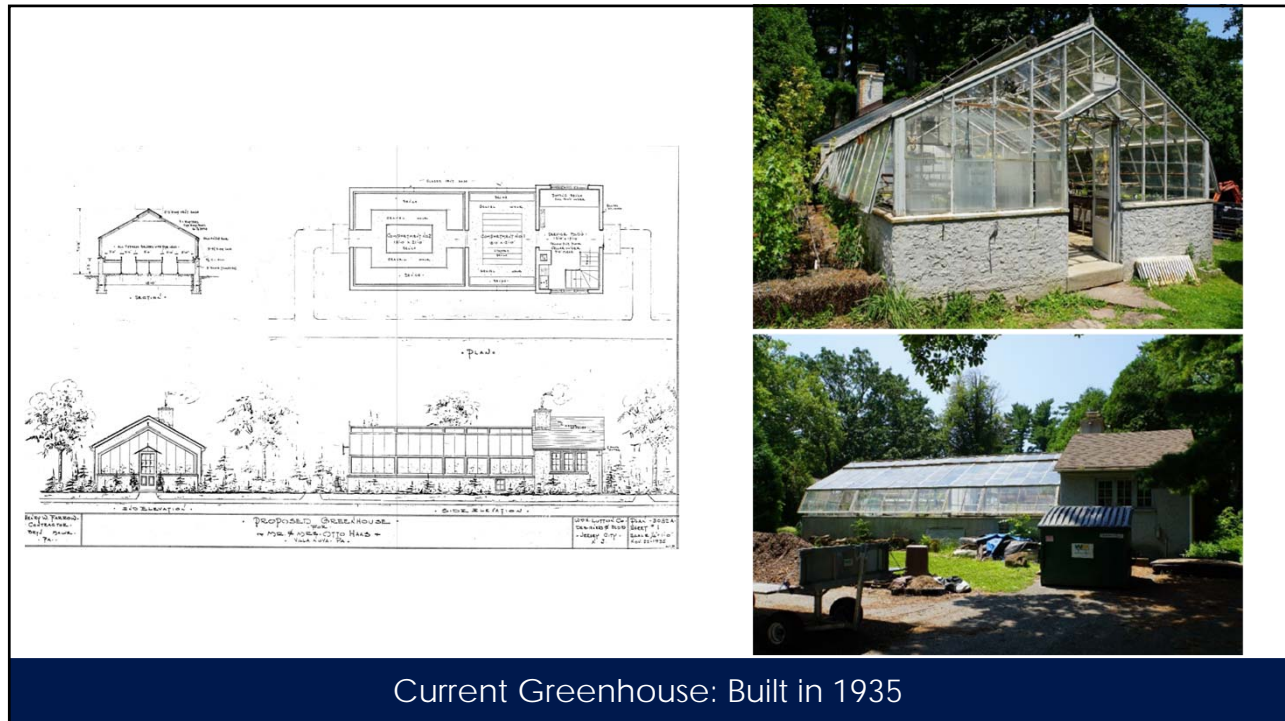
Approval to demolish a ca. 1935 greenhouse and construct a new greenhouse in its place, citing Secretary of the Interior's Standards 2 and 9.

18

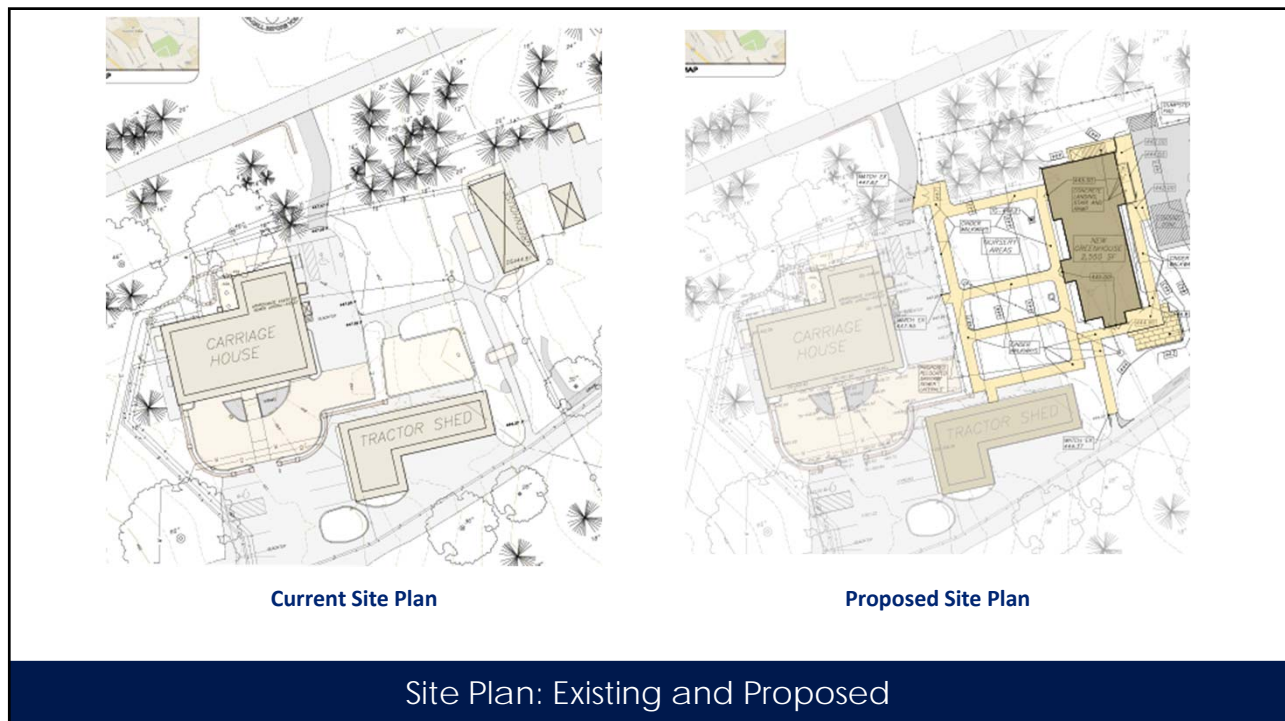
Additional HC Comment:

The Commission finds that the larger greenhouse has a minimal negative impact on the adjacent contributing Carriage House, and in its massing, location, materials, and detailing, which have been designed to match the existing materials of the Carriage House. The design is therefore appropriate and sympathetic to the existing Historic Resource.

19



20



21



Greenhouse architecture takes influence from adjacent Carriage House

22

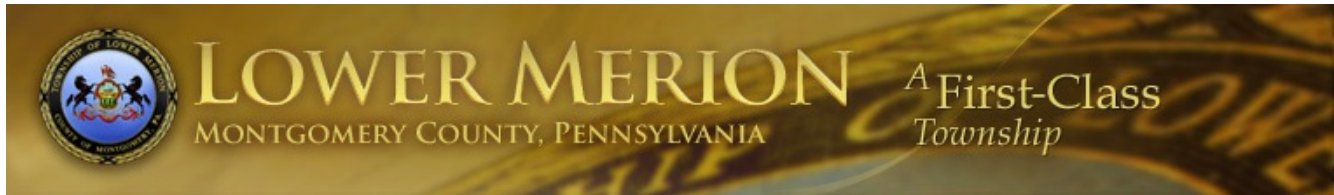


Rendering of proposed greenhouse

23



Rendering of proposed greenhouse

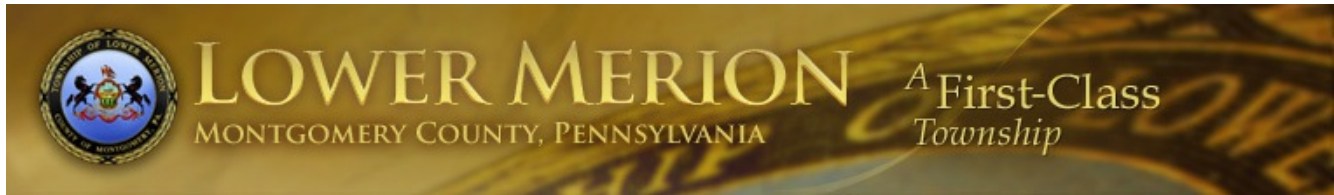


AGENDA ITEM INFORMATION

ITEM: REAPPOINTMENT TO THE UNIFORM CONSTRUCTION CODE APPEALS BOARD

Consider for recommendation to the Board of Commissioners the retroactive reappointment of Joseph Graci to a five year term on the Uniform Construction Code Appeals Board, such term to expire November 2028, and the appointment of alternate Tom Weber as a member of the Uniform Construction Code Appeals Board for a five year term, such term to expire August 2028.

PUBLIC COMMENT



AGENDA ITEM INFORMATION

ITEM: REAPPOINTMENT / APPOINTMENT TO THE HISTORICAL COMMISSION

Consider for recommendation to the Board of Commissioners the retroactive reappointment of Christian Busch to the Historical Commission for a five year term, such term to expire May 2028, and the appointment of alternate Bart Withstandley as a member of the Historical Commission for a five year term, such term to expire August 2028.

PUBLIC COMMENT



AGENDA ITEM INFORMATION

ITEM: FOR INFORMATION ONLY - CODE AMENDMENT - CHAPTER 75, FAIR HOUSING - Student Rental Regulations

The ordinance amendment will be included on the September 11, 2024, Building & Planning Committee agenda, at which time the Committee will be asked to consider recommending advertisement to the Board of Commissioners.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Issue Briefing	Issue Briefing
<input type="checkbox"/> Ordinance	Ordinance

TOWNSHIP OF LOWER MERION

Building & Planning Committee (FOR INFORMATION ONLY)

Issue Briefing

Topic: Proposed Ordinance to Rename and Amend Chapter 75, entitled Fair Housing, and Chapter 92, entitled Housing-Property Maintenance, to enact new licensing requirements and regulations for student and residential rentals in the Township.

Prepared By: Brandon Ford, Assistant Township Manager
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Date: July 31, 2024

I. Action To Be Considered By The Board:

Future action would be to authorize the Township Secretary to advertise notice of intent to adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter 92, Housing-Property Maintenance by removing the provisions for residential rental licensing and the definitions of certain defined terms found only in those provisions; by amending Chapter 75, Fair Housing, to read Chapter 75, Housing; by amending Chapter 75 in its entirety to retain provisions for Fair Housing and by adding thereto provisions for student rental licensing and residential rental licensing; and by amending Chapter A167, Fees, to provide a fee schedule for student and residential rental licensing. No action is recommended at this time.

II. Why This Issue Requires Board Consideration:

Amendments to the Township Code are subject to the approval of the Board of Commissioners.

III. Current Policy or Practice (If Applicable): N/A

IV. Other Relevant Background Information:

All rental properties in Lower Merion are required to be licensed pursuant to Chapter 92, Housing-Property Maintenance, § 92-2: Insertions, additions and revisions, subsection (M) of the Township Code. These properties include single and multi-unit dwellings that are rented to student and non-student residents of the Township. Staff have experienced difficulties administering the provisions of the Code's rental licensing regulations due to a lack of specificity in enforcement actions available to Township officials and the process by which to pursue them, a limited description of the duties and responsibilities of property owners, property managers, and tenants, and the absence of regulatory distinctions between student and residential/non-student rentals. The lack of a distinction

between student and non-student residential rentals is a particular difficulty in upholding citations given the transient nature of student rentals. Frequently, by the time a violation reaches the court system, the student(s) have already moved out of the rental unit. This proposed ordinance seeks to amend those sections of the code related to housing and rental licensing in order to eliminate these difficulties and make the enforcement of rental licensing regulations in Lower Merion Township more efficient, effective, and comprehensive.

The first major change proposed by this ordinance is the relocation of the licensing regulations in the Township Code and the renaming of Chapters 75 and 92. Presently located in Chapter 92, the proposal would eliminate the current licensing language found in § 92-2(M) and insert new definitions and regulations for rental licensing in Chapter 75. The new definitions related to housing and rental licensing would be constituted under a new Article I in Chapter 75 with the existing Fair Housing provisions reorganized as Article II in Chapter 75. The ordinance also proposes separate licensing requirements and regulations for student and non-student/residential rentals. The new requirements and regulations for student rentals will be added as Article III in Chapter 75 with the requirements and regulations for non-student/residential rentals added as Article IV.

As part of the code amendments, the proposed ordinance seeks to add definitions for “student,” “disruptive conduct,” and “manager” along with several other terms that coincide with the separation of student and non-student rentals, licensing requirements, and enforcement actions. For example, the term disruptive conduct would be utilized by township officials responding to student rental units for any incident or behavior that may not rise to the level of criminal or civil offense but ultimately impacts the quality of life for the community. The generation of a disruptive conduct report to keep on file with the student rental unit’s license would enhance the ability of staff to track and take prompt action.

Another important change included in the proposed ordinance relates to the existence of violations issued by the Township. Currently, when a Township official issues a violation, the court must uphold the violation. This process is time-consuming and in the case of the more transient-oriented student rentals, often occurs after the rental unit has been vacated (thus negating the basis for enforcement action). The proposed language of the new rental regulations codifies the Township’s position that a violation exists upon issuance and can exist, for the purposes of enforcement, without a criminal conviction. This change will further enhance the ability of staff to take prompt action regarding rental properties violating any Township code.

The proposed ordinance also introduces different licensing terms and requirements. In addition to outlining the responsibilities of both property owners and tenants, including a new provision whereby property owners who do not live in Lower Merion must appoint a property manager who lives within 10 miles of the Township, student rental license applicants would be required to identify every student living in the dwelling unit. One of the most frequent violations encountered by staff is overcrowding in student rental units; each student rental unit in the Township is currently and would continue to require no more than three individuals per student rental unit. By having names of each student living

in a unit identified through the licensing process, staff will be able to more effectively track and enforce cures for overcrowding violations. Property owners/managers would also be required to notify the Township should any change to the list of individuals living in the student rental unit occur.

An additional proposed change involves how both student and non-student/residential licenses are issued. Presently, the Township issues a single license to each property with one or more rental units. Regardless of whether the property contains a single rental unit or multiple rental units, the Township currently issues a single rental license. The issuance of a single license to properties with multiple rental units complicates enforcement and action against such licenses. For example, if a violation is issued because of one rental unit, meaningful enforcement/action against the property's rental license would impact all rental units associated with that license. The proposed ordinance would require a license to be issued for each rental unit. Dwellings with multiple rental units would therefore be issued multiple rental licenses, one for each rental unit in the multi-unit dwelling. Issuing rental licenses to the individual units rather than to the property is intended to empower Township officials to take prompt action regarding individual rental units and their licenses without negatively impacting other rental units in multi-unit dwellings.

The length of the license and the application period would also change through this ordinance. Currently, all rental licenses are annual with no clearly set application or renewal period other than before the expiration license. The proposed ordinance would establish an annual licensing period from January 1 through December 31 of every calendar year for student rental licenses. Non-student/Residential rental licenses mirror the January 1 through December 31 licensing period but would change from an annual to a three-year term. Proposed amendments to Chapter A167, Fees, included in this ordinance reflect the three-year price for residential rental licenses. The establishment of a set licensing period aligning with the calendar year is expected to simplify the application process for rental license applicants as well as enhance the ability of Township officials to track rental applications, renewals, and units with expired licenses.

Lastly, the proposed ordinance offers a defined list of criteria for taking enforcement action against a rental unit and its license and would provide for several enforcement actions that are not currently stated in the Code. In addition to revocation of a license, the proposed ordinance adds the following actions:

Formal warning - written notification of at least one violation. Upon satisfactory compliance and any conditions imposed by the Township, the formal warning shall be removed when the owner applies for license renewal

License Suspension - The immediate loss of the privilege to rent student rental units for a period of time set by the Township. The owner, after the expiration of the suspension period, may apply for license renewal

License Non-renewal - The denial of the privilege to apply for license renewal after expiration of the student rental license term. The Township will permit the owner

to maintain tenants in the premises until the end of the license term but will not accept applications for renewal of the student rental license until a time set by the Township.

The proposed ordinance also outlines the appeal process to the Board of Commissioners should the Township act against a license and the owner of a property with rental units wishes to appeal the decision. Given that the rental licensing requirements and regulations are being relocated to Chapter 75, language describing an appeal process was needed since the current code language generally speaks and refers to property maintenance appeals.

V. Impact On Township Finances:

In 2023, the Township received \$185,010 in rental licensing revenue from 265 rental licenses issued or renewed by the Township. The restructuring of residential rental licenses from an annual to a three-year term would alter the receipt of revenue received from those licenses from an annual to a three-year cycle. Township staff is also conducting an analysis of student rental license fees charged by neighboring communities and assessing the actual in-house cost of administering the student rental license program so that new student rental license fees can be proposed to the Board as part of the September discussion on this proposed ordinance.

VI. Staff Recommendation:

Staff recommends no action at this time. If adopted in the fall, the intended implementation of the new licensing requirements and regulations would go into effect January 1, 2025.

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 92, Property License By Removing The Provisions For Residential Rental Licensing And The Definitions Of Certain Defined Terms Found Only In Those Provisions; By Amending Chapter 75, Fair Housing, To Read Chapter 75, Housing; By Amending Chapter 75 In Its Entirety To Retain Provisions For Fair Housing And By Adding Thereto Provisions For Student Rental Licensing And Residential Rental Licensing; And By Amending Chapter A167, Fees, To Provide A Fee Schedule For Student And Residential Rental Licensing.

The Board of Commissioners of the Township of Lower Merion does hereby enact and ordain:

Section 1. The Code of the Township of Lower Merion, Chapter 92 Housing-Property Maintenance shall be amended by revising the name of the Chapter to read: Chapter 92 – Property Maintenance.

Section 2. The Code of the Township of Lower Merion, newly designated Chapter 92 Property Maintenance, § 92-2 Insertions, additions and revisions, shall be amended by removing subsection M thereof in its entirety, thus deleting Section 113 of the International Property Maintenance Code 2018, and by revising subsection N thereof by removing the definitions of Multifamily Apartment House, One-Family Dwelling, Residential Rental Unit, Rooming House and Two-Family Dwelling, leaving the definitions of Family and Hotel, so that subsection N shall read henceforth as follows:

§ 92-2 Insertions, additions and revisions.

~~M. — A new Section 113, Licensing, shall be added to provide as follows:~~

~~SECTION 113 Licensing~~

~~113.1 License required. No person, firm or corporation shall operate any residential rental unit or rooming house unless that person, firm or corporation holds a current operating license issued by the Department of Building Regulations and Permits for the specific residential rental unit or rooming house named therein. Such license shall be valid until December 31 in the year in which it is issued, unless revoked, and shall be renewed for successive periods of one year. Licenses are not transferable.~~

~~113.2 Application. Applications for licenses to operate residential rental units or rooming houses and for renewal thereof shall be on forms provided by the Department of Building Regulations and Permits. Such forms shall set forth the owner's name and address, the number of residential rental units or rooming units, the name of the person, firm or corporation located in the Township responsible for the care and maintenance of the building and any other information which the Department of Building Regulations and Permits may require.~~

~~113.3 Revocation. A license may be revoked for any violation of the Property Maintenance Code or any other regulation of the Township of Lower Merion relating to the use and occupancy of improved real estate.~~

~~113.4 Residency requirement. A license will not be issued or renewed to a person, firm or corporation who does not either reside in the Township of Lower Merion or have an office in the Township, unless that person, firm or corporation designates, in writing, an agent in the Township for the receipt of any notice of violation.~~

~~113.5 Residential rental unit. Each application for a license to operate a residential rental unit shall be accompanied by a fee set forth in the then current fee schedule which shall have been adopted by resolution or ordinance of the Board of Commissioners.~~

~~113.6 Rooming house fee. Each application for a license to operate a rooming house shall be accompanied by a fee set forth on the then current fee schedule which shall have been adopted by resolution or ordinance of the Board of Commissioners.~~

~~113.7 Occupant registration. The owner or agent of any residential rental unit located in the Township of Lower Merion shall submit to the Department of Building Regulations and Permits a list of the names of all occupants 18 years of age and older residing in each rental unit. Said list shall be submitted within 60 days from the effective date of this chapter and shall be updated annually thereafter or if there is any change in occupancy.~~

~~113.8 Maintenance of common areas; emergency access. In every multiple-family apartment house, the owner shall be responsible or shall engage a person or persons who shall be capable of and responsible for the repair and maintenance of the common areas of the dwelling and responding to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to, and shall, service tenant and emergency calls with reasonable dispatch, provided that in the event of such multiple dwellings or combination of apartment houses on the same parcel containing 45 or more units, such person or persons shall be situated on the premises. The owner shall conspicuously post in the common areas of the dwelling and advise the tenants individually of the names, addresses and telephone numbers of such person or persons.~~

~~113.9 Addressing. All dwelling units shall have a number or letter designation placed on the main entrance door to each unit.~~

- N. In Section 202, General Definitions, the definitions of Family and Hotel shall be added to provide as follows:

FAMILY

Any number of individuals living and cooking together as a single housekeeping unit, but not more than three unrelated individuals. The term "unrelated individual" shall be as defined in the definition of family in Chapter 155 of the Code of the Township of Lower Merion.

HOTEL

A building comprised of a group of 10 or more lodging units that provide temporary residential accommodation for tourism and business purposes, typically with space and services for dining, meeting, and recreation.

Section 3. The Code of the Township of Lower Merion, Chapter 75, Fair Housing, shall be amended by revising the name of the Chapter to read: Chapter 75 – Housing.

Section 4. The Code of the Township of Lower Merion, newly designated Chapter 75, Housing, shall be amended in its entirety to provide as follows:

Chapter 75 – **Housing**

Article I. Definitions

§75-1 Definitions; word usage

The following words and phrases, as used in this Chapter, shall have the meanings ascribed to them in this section, unless the context indicates a different meaning. The masculine includes the feminine; the singular includes the plural and the plural includes the singular.

CODE

Any code or ordinance adopted, enacted and/or in effect in and for the Township of Lower Merion concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit or dormitory unit.

COMMON AREA

Any open area within a structure shared by tenants or that the tenants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

DIRECTOR

The Director of Building and Planning of the Township of Lower Merion and/or his/her duly authorized representatives.

DISRUPTIVE CONDUCT

Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any tenant or guest of a student rental unit that is loud, untimely (as to hour of the day), offensive, riotous or otherwise that it disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made by the Lower Merion Police Department and/or to the Director complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident, or behavior constitutes a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Director or Lower Merion Police Department shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT

A written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Director or Lower Merion Police Officer, as the case may be, who actually investigates an alleged incident of disruptive conduct, and which shall be maintained by the Director or Lower Merion Police Department.

DORMITORY UNIT

A space in a building owned or leased and managed by a college or university where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons who are not members of the same family group, as in college dormitories or fraternities and sororities.

DWELLING

A building having one or more independent dwelling units.

DWELLING UNIT

One or more rooms, including "apartments," used for living and sleeping purposes, having a kitchen or kitchenette with fixed cooking facilities and a bathroom with a toilet and bathtub or shower.

GUEST

A person on the premises with the actual or implied consent of a tenant.

LANDLORD

One or more persons, jointly or severally, or an entity in whom/which is vested all or part of the legal title to a rented premises or all or part of the beneficial ownership thereof, including a mortgage holder in possession, (same as "owner").

MANAGER

An adult individual designated by the owner of a dwelling or multiple-unit dwelling pursuant to § 75-10(B). The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligations of the owner under this Article and under rental agreements with tenants.

MULTIPLE-UNIT DWELLING

A building containing two or more independent dwelling units including, but not limited to, double houses, row houses, townhouses, condominiums, apartment buildings and conversion apartments.

OWNER

One or more persons, jointly or severally, or an entity in whom/which is vested all or part of the legal title to the premises or all or part of the beneficial ownership of a premises, including a mortgage holder in possession.

OWNER-OCCUPIED DWELLING UNIT

A dwelling unit in which the owner, who is not a student, resides on a regular, permanent basis.

PREMISES

Any parcel of real property in the Township, including the land and any single-family, duplex, or multifamily dwelling structure and appurtenant structures or appurtenant elements, including common areas, including those on which one or more student rental units are located.

PROPERTY MAINTENANCE CODE

All codes and regulations adopted by the Township of Lower Merion pertaining to the maintenance of the premises.

RESIDENTIAL RENTAL LICENSE

The license issued by the Township to the owner of residential rental units under this Article, which is required for the lawful rental and occupancy of residential rental units.

RESIDENTIAL RENTAL UNIT

A dwelling unit which is occupied under a rental agreement by one or more unrelated individuals who are not students or the owner of record.

RENTAL AGREEMENT

A written agreement or lease between owner/landlord and tenant/tenants, embodying the terms and conditions concerning the use and occupancy of a specified student rental unit or premises.

SERVICES

Heat, light, water, quiet enjoyment and any other necessity or convenience to which a tenant of a premises is legally entitled pursuant to an existing lease or arrangement of tenancy or by law or ordinance.

STUDENT

A person who is registered to be enrolled or who is enrolled and matriculating in an undergraduate or graduate program at a college or university or who is on a semester or summer break from studies at a college or university. This definition does not include persons to be enrolled or who are enrolled and matriculating as part of a graduate studies program on a part-time basis.

STUDENT RENTAL LICENSE

The license issued by the Township to the owner of student rental units under this Article, which license is required for the lawful rental and occupancy of student rental units.

STUDENT RENTAL UNIT

A dwelling unit which is occupied under a rental agreement by two or more unrelated students who are not the owner(s) of record.

TENANT

An individual who resides in a student rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a rental agreement or by the laws of the Commonwealth of Pennsylvania.

TOWNSHIP

The Township of Lower Merion, Montgomery County, Pennsylvania.

UNFAIR RENTAL PRACTICE

Any act in violation of § 75-4 of this chapter.

UNRELATED

Of or pertaining to two or more persons not related to one another through blood to the level of second cousins, adoption or marriage.

Article II. Fair Housing

§ 75-2 Legislative findings.

The Board of Commissioners of the Township of Lower Merion hereby makes the following legislative findings of fact:

- A. In order to protect the health, safety and general welfare of the citizens and inhabitants of the Township of Lower Merion, the Board of Commissioners has adopted a comprehensive Fire Prevention Code as Chapter 78 of this Code, a Housing Code as Chapter 75 and a comprehensive Property Maintenance Code as Chapter 92 of this Code.
- B. The enforcement of these protective legislative measures has been seriously hampered because the owners of property against whom tenants have filed complaints with the appropriate township authorities, revealing Fire Prevention Code violations, Housing Code violations or Property Maintenance Code violations, have developed practices of evicting complaining tenants for these reasons or upon other convenient and spurious pretexts and of withholding services which are required by existing leases or arrangements of tenancy or by law or ordinance from complaining tenants for these reasons or upon other convenient and spurious pretexts.
- C. Fearful of eviction or of the withholding of services, tenants have been hesitant to report violations and have been compelled to live under conditions which are in violation of existing ordinances and which create situations dangerous to the health and safety of the tenants and the entire community.
- D. The provisions of this chapter are necessary to eliminate the aforesaid practices, all for the protection of the public health, safety and welfare.

§ 75-3 Title.

This Article shall be known and may be cited as the “Lower Merion Fair Housing Code.

§ 75-4 Unfair rental practices.

- A. Whenever any premises are found in violation of any provision of the Lower Merion Fire Prevention Code (Chapter **78** of this Code), Lower Merion Housing Code (Chapter 75 of this Code) or of the Lower Merion Property Maintenance Code (Chapter **92** of this Code) and a notice of violation has been issued by any authorized department or

official of the township, it shall be a violation of this chapter for any owner, landlord, agent or other person operating or managing such premises to:

- (1) Terminate the lease (the phrase "terminate the lease" shall not mean the expiration of the term of a lease due to the passage of time) with the existing tenant unless the tenant has failed to pay rent, committed waste, engaged in conduct that disturbs other tenants' peaceful enjoyment of the premises or caused the premises to be in violation under any provision of the Lower Merion Code.
 - (2) Withhold any services from a tenant.
 - (3) Offer, tender, give, exchange or transfer possession or the right to possession to any person not in possession of the premises upon any terms or conditions until the violation has been corrected.
 - (4) Make, alter, amend or modify any term, including rent, or condition of any existing lease or arrangement of tenancy with any person in possession of the premises at the time the notice of violation is issued until the violation has been corrected.
 - (5) Make, alter, amend or modify any term, including rent, or condition of any existing lease or existing arrangement of tenancy with any tenant for a period of one year after correction of any violations where the action against the tenant is intended to collect the cost or value of making any or all of the corrections necessary to comply with the Lower Merion Code and where also any violation has remained uncorrected, whether or not a notice of violation has been given by the Township of Lower Merion, for a period of one year or more prior to the date of correction.
- B. It shall be a violation of this chapter for any owner, landlord, agent or other person operating or managing premises to terminate a lease (the phrase "terminate a lease" shall not mean the expiration of the term of a lease due to the passage of time) with a tenant or to make, alter, amend or modify any term, including rent, or condition of any existing lease or existing arrangement of tenancy with a tenant or to withhold services from a tenant in retaliation for:
- (1) Any violation having been found against the premises.
 - (2) The filing of a complaint alleging a violation.
 - (3) The joining of any lawful organization or any other exercise of a legal right.
- C. The provisions of this section shall not apply to:

- (1) Any bona fide transfer of title incident to a sale of the premises, but any subsequent owner, landlord, agent or other person operating or managing such premises shall be subject to the provisions of this chapter.
- (2) Any owner, landlord or agent or other person operating or managing any premises against which a notice of violation has been issued who desires to terminate an existing occupancy in order that the premises may be rehabilitated and the violation cured, and the Director issues a certification that such work requires that the premises be vacated.

D. No provision of this section can be waived or made subject to a contract between the parties depriving a tenant of the benefits of this section.

§ 75-5 Enforcement.

This Article shall be enforced by the Director.

§ 75-6 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this Article shall be liable, on conviction thereof, to a fine or penalty not exceeding \$600 for each and every offense; and whenever such person, firm or corporation shall have been notified by the Director by regular, certified or registered mail, verbally or by service of process that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

§ 75-7 Other remedies.

In addition to the penalty provisions of this chapter, any appropriate action or proceeding, whether in law or in equity, may be instituted or taken by the Township of Lower Merion or by any aggrieved person against any person, firm or corporation who is in violation of or has violated any of the provisions of this chapter in order to cause such violation to cease or to redress such violation.

ARTICLE III – STUDENT RENTAL REGULATIONS

§ 75-8 Purpose.

- A. It is the purpose of this Article and the policy of the Board of Commissioners of the Township of Lower Merion, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and tenants relating to the rental of certain dwelling units and dormitory units to students in the Township of Lower Merion and to encourage owners and tenants to maintain and improve the quality

of student rental housing within the community. It is also the policy of the Township that owners, managers, and tenants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. To those ends, this Article provides for a system of inspections, issuance and renewal of student rental licenses and sets penalties for violations.

This Article shall be liberally construed and applied to promote its purposes and policies. While the Board of Commissioners of the Township of Lower Merion acknowledges the significant contribution that institutions of higher learning, their students, faculty and staff make to the culture and economy of the Township of Lower Merion, in recent years, adverse effects of student housing on residential neighborhoods have increased and there has been an increase in disruptive student behavior that threatens the health, safety and welfare of student and non-student citizens of the Township of Lower Merion.

- B. Accordingly, the Board of Commissioners of the Township of Lower Merion makes the following findings relating to student housing and its effect on the residential neighborhoods of the Township of Lower Merion and the effect of student lifestyles on the health, safety and welfare of the student citizens and non-student citizens:
- (1) When compared to other unrelated cohabitating individuals and traditional families, groups of students have different hours, work and social habits and frequently cause noise, disturbances and problems in residential neighborhoods.
 - (2) There is a greater incidence of violations of various codes of the Township at residential properties where owners rent such property to students.
 - (3) The concentration of dwelling units occupied by students changes the character of a neighborhood and displaces middle- and lower-income housing by absorbing housing units and rendering the remaining units less desirable for more traditional residential use.
 - (4) There are sufficient differences between student and nonstudent dwellings and the behavior of students and non-student residents to justify different regulations for student and non-student rental housing.
 - (5) The Board of Commissioners of the Township of Lower Merion finds that college and universities located in and bordering the Township have sufficient resources and interest to properly manage their dormitories and there is no need to regulate such dormitories or student housing units located on and managed by local colleges and universities.

§ 75-9 Owner's Duties.

A. General Regulations.

- (1) It shall be the duty of every owner to keep and maintain all student rental units in compliance with all applicable codes and provisions of all other applicable State laws and regulations and local ordinances and to keep such property in good and safe condition.
- (2) Every owner shall also be responsible for regulating the conduct and activities of the tenants of every student rental unit which he, she or it owns in the Township, which conduct or activity takes place at such student rental unit or its premises. In order to achieve those ends, every owner of a student rental unit shall regulate the conduct and activity of the tenants thereof, both contractually and through enforcement, as more fully set forth below.
- (3) This Section shall not be construed as diminishing or relieving, in any way, the responsibility of tenants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility of tenants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which tenants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this Section be construed so as to require an owner to indemnify or defend tenants or their guests when any such action or proceeding is brought against the tenant based upon the tenant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.
- (4) This Article is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, tenant or guest thereof.

B. Designation of a Property Manager. Every owner who is not a full-time resident of the Township of Lower Merion, or elsewhere in an area that is within 10 miles from the Township of Lower Merion, shall designate a manager who, if an individual, shall reside in an area within 10 miles from the Township of Lower Merion. If the manager is an entity, an individual representative of the manager residing within 10 miles from the Township shall be designated. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside in the aforesaid 10 mile area from the Township. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid 10 mile area from the Township. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Article and under rental agreements with tenants. The identity, mailing address, email address, and cellphone numbers(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the Township and such information shall be kept current and updated as it changes.

C. **Disclosure.** The owner or property manager shall disclose to the tenant in writing on or before the commencement of the tenancy:

- (1) The name, address and telephone number of the manager, if applicable.
- (2) The name, address and telephone number of the owner(s) of the premises.

D. **Maintenance of Premises.**

- (1) The owner shall maintain the premises in compliance with the applicable codes of the Township and shall regularly perform or arrange for all routine maintenance, including lawn mowing and ice and snow removal and shall promptly make any and all repairs necessary to fulfill this obligation. The owner and tenant may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling.
- (2) In no case shall the existence of any agreement between owner and tenant relieve an owner of any responsibility under this Article or other ordinances or codes for maintenance of premises.

E. **Written Rental Agreement.**

- (1) All rental agreements for student rental units shall be in writing and submitted to the Township with all student rental license applications. No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to tenants by the owner shall be furnished before the signing of the rental agreement. The owner shall provide each tenant with copies of the rental agreement upon execution.
- (2) All agreements are required by this Article to show the names of all authorized tenants of the student rental unit and state the total number of persons who may occupy the student rental unit. Each individual found to be dwelling in a student rental unit who is not an authorized tenant shall constitute a separate violation of the rental agreement and this Article.
- (3) Terms and Conditions. Owner and tenant may include in a rental agreement terms and conditions not prohibited by this Article or other applicable ordinances, regulations, and laws, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.
- (4) Prohibited Provisions. Except as otherwise provided by this Article, no rental agreement may provide that the tenant or owner agrees to waive or to forego rights or remedies under this Article. A provision prohibited by this subsection included in a rental agreement is unenforceable.

- (5) The Township shall be furnished with a copy of the current rental agreement entered into for each student rental unit as a supplement to each student rental license application. Student rental licenses shall not be issued without a current rental agreement on file with the Township. It shall be the responsibility of the owner/manager of the student rental unit to keep this information current and submit new or amended rental agreements to the Township within 20 days from the date of execution.
- F. Landlord-Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.
- G. Common Areas. Where an owner of a student rental unit does not regulate the use of common areas and the behavior of tenants and guests in the common areas of student rental units is violative hereunder, the owner shall be directly responsible for the behavior of tenants and guests in the common area as if the owner were a tenant. The failure of the owner to regulate behavior of tenants and guests in the common areas of student rental units that result in the following shall be a violation of this Article:
- (1) Engaging in fighting or threatening, or in violent or tumultuous behavior;
 - (2) Making unreasonable noise disturbing to others;
 - (3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or
 - (4) Partaking, either directly or by association, in disruptive conduct as defined by the Township.
- H. Enforcement Actions.
- (1) Within 10 days after receipt of written notice from the Director that a tenant of a student rental unit has violated a provision of this Article, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
 - (2) Within 20 days after receipt of a notice of violation, the owner shall file with the Director a report, on a form provided by the Township, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs. The owner shall notify the Township of changes in the occupancy within 10 days of the change and shall provide the name of the person who is no longer residing in the premises. In the event a person departs and a new tenant is added, the name,

permanent address and permanent telephone number of the new tenant(s) shall be provided to the Township.

- (3) The Director shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Article.
- (4) In the event that a third violation occurs within a license year involving the same tenant or tenants, the Director may direct the owner to evict the tenants who violated this Article and to not permit the tenant to occupy the premises during the subsequent licensing period.
- I. Code Violations. Upon receiving notice of any code violations from the Director, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.
- J. The owner shall permit inspections of any student rental units or premises by the Director at reasonable times upon reasonable notice.
- K. The owner shall retain the following for every student rental unit:
 - (1) The current license and current inspection report issued by the Director for all student rental units on the premises.
 - (2) The licensed application required by this Article and the rental agreement showing the names of the authorized tenants of all student rental units on the premises.
 - (3) The total number of persons who may occupy the student rental unit and any common areas located within the student rental unit.

§ 75-10 Tenant Duties.

- A. General. The tenant shall comply with all obligations imposed upon tenants by this Article, all applicable codes and ordinances of the Township and all applicable provisions of State law.
- B. Health and Safety Regulations. The maximum number of persons permitted in any student rental unit or common area shall not exceed the designated maximum number of persons permitted under Township or State Code.
- C. Peaceful Enjoyment. The tenant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her student

rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.

- D. Residential Use. The tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her student rental unit for no other purpose than as a residence.
- E. Illegal Activities. The tenant shall not engage in, nor tolerate nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § **1-101** et seq.), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).
- F. Disruptive Conduct.

- (1) The tenant shall not engage in, nor tolerate nor permit guests in the student rental unit or on the premises of the student rental unit to engage in disruptive conduct or other violations of this Article.
- (2) When Lower Merion Police Department or a Code Enforcement Official investigates an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report, in addition to any other report or citation as applicable, upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the Lower Merion Police Department makes such investigation, said Lower Merion Police Department officer shall then submit the completed disruptive conduct report to the Director.

In all cases, the Director shall mail a copy of the disruptive conduct report to the owner or manager within three working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Township is a Code Enforcement Official or a Lower Merion Police Officer.

- G. Compliance with Rental Agreement. The tenant shall comply with all lawful provisions of the rental agreement entered into between owner and tenant. Failure to comply may result in the eviction of the tenant by the owner.
- H. Damage to Premises. The tenant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the student rental unit or the premises of the student rental unit. Conduct which results in damages in excess of \$500 shall be considered a violation of this Article.

- I. **Inspection of Premises.** The owner and tenant of a student rental unit shall permit inspections by a Code Enforcement Official of the student rental unit, common areas of the student rental unit, and the premises of the student rental unit at reasonable times, upon reasonable notice.
- J. **Removal or Defacement of Notice.** It shall be a violation of this Article for any person to remove or deface any notice of a document required to be posted within a student rental unit, common area of a student rental unit, or the premises of a student rental unit and it shall be unlawful for any person to occupy the student rental unit unless the student rental unit is properly licensed by Lower Merion Township.
- K. It shall be a violation of this Article for any tenant, guest, or any other person to engage in disruptive conduct as defined by this Article.

§ 75-11 Licenses and inspection.

A. License Requirement.

- (1) A license shall be required for all student rental units.
- (2) The application for the license shall be in a form as determined by the Township.
- (3) As a prerequisite to entering into a rental agreement or permitting the occupancy of any student rental unit (except as provided in this Article), the owner of every such student rental unit shall be required to apply for and obtain a license for each student rental unit.
- (4) The following categories of rental properties shall not require a student rental license, and shall not, therefore, be subject to the permitting provision of this Article:
 - (a) Owner-occupied dwelling units, provided that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.
 - (b) Dwelling units which are occupied under a rental agreement by two or more unrelated individuals who are not students or the owner of record.
 - (c) Hotels and motels.
 - (d) Hospitals and nursing homes.
 - (e) Bed-and-breakfast units as defined by the Township's Zoning Code.

- (5) A license shall not be required for multiple-unit dwellings, although a license shall be required for each student rental unit within a multiple-unit dwelling. The foregoing notwithstanding, all other provisions of this Article shall apply to the common areas of the structure.
- (6) The owner shall maintain a current and accurate list of the tenants in each student rental unit which shall include their name, permanent address and permanent telephone number which shall be provided to the Township on an annual basis and available for inspection upon reasonable notice. The owner shall notify the Township of changes in the occupancy within 10 days of the change and shall provide the name of the person who is no longer residing in the premises in the event a person departs and the name, permanent address and permanent telephone number of new tenants in the event a new person is added.
- (7) The owner shall furnish with his or her application for a student rental license a copy of the executed rental agreement for the student rental unit. The license will not be issued if the rental agreement does not meet the requirements of § 75-10(E) of this Article. The student rental license will not be issued if a fully executed rental agreement for the student rental unit is not furnished with the owner's application. The Township shall keep copies of leases that it retains in confidence and shall not disclose their contents except as part of official Township Business.
- (8) The owner shall furnish with his or her application for a license a floor plan, drawn to scale, with the measurements of each room within the student rental unit. The owner shall submit the scale drawing only with the first application submitted after the enactment of this Article. In the event that there are changes to the floor plan, the owner shall submit a revised floor plan with the application first submitted after the changes to the floor plan were made.
- (9) In the event that a license is denied by the Director, the owner shall have the right to appeal to the Board of Commissioners of the Township of Lower Merion within 30 days of mailing of the notice of denial of the application. The hearing before the Board of Commissioners shall be governed by the Local Agency Act.
- (10) No license shall be issued to an owner unless the student rental unit is in compliance with all applicable codes and ordinances of the Township of Lower Merion.

B. Annual License Term, Fee and Occupancy Limit.

- (1) Each license shall have an annual term running from January 1 through December 31 of each calendar year.

- (2) Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the Township an annual license and inspection fee, in an amount to be established, from time to time, by the Board of Commissioners which may provide for more than one fee scale for different categories of premises, to be more specifically set forth by the Board of Commissioners.
- (3) The license shall indicate thereon the maximum number of tenants in each student rental unit.
- (4) No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Article or any of the ordinances of the Township of Lower Merion relating to land use and/or code enforcement or if any licensing fees under this Article are due and owing the Township.

C. Inspection.

- (1) All premises shall be subject to periodic inspection by the Township. Such inspection may take place when an application is submitted for a license, or at any time during the year.
- (2) The Director is hereby designated as the official authorized to enforce this Article and to take appropriate measures to abate violation hereof, for and on behalf of the Township of Lower Merion.
- (3) This Section shall not be construed as to limit or restrict the authority of Township officials to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this Article, pursuant to any other ordinance or code.
- (4) If upon the initial inspection, violations of the Codes of the Township of Lower Merion are identified, owner shall pay a reinspection fee for each and every time it is necessary for a code enforcement official of the Township of Lower Merion to reinspect the property until no such violations are found. The amount of the reinspection fee is to be determined by the Board of Commissioners of the Township of Lower Merion, from time to time.

D. Search Warrant. Upon a showing of probable cause that a violation of this Article or any other ordinance of the Township of Lower Merion has occurred, the Township may apply to the magisterial district justice having jurisdiction in the Township of Lower Merion for a search warrant to enter and inspect the premises.

§ 75-12 Grounds for nonrenewal, suspension or revocation of license.

A. General. The Director may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license, for violating any provision of this Article that imposes a duty upon the owner and/or for failing to regulate the breach of duties by tenants as provided for herein.

B. Definitions of Options.

- (1) Formal Warning. Formal written notification of at least one violation of this Article. Upon satisfactory compliance with this Article and any conditions imposed by the Director, the formal warning shall be removed when the owner applies for license renewal at a time set by the Director.
- (2) Nonrenewal. The denial of the privilege to apply for license renewal after expiration of the student rental license term. The Township will permit the owner to maintain tenants in the premises until the end of the license term but will not accept applications for renewal of the student rental license until a time set by the Director.
- (3) Suspension. The immediate loss of the privilege to rent student rental units for a period of time set by the Director. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the tenants.
- (4) Revocation. The immediate loss of the privilege to rent student rental units for a period of time set by the Director and the loss of the privilege to apply for renewal of the student rental license for the current and following annual license terms. The owner, after the expiration of the revocation period, may apply for license renewal, but will be required to show cause why the owner's privilege to apply for a student rental license should be reinstated. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the tenants of the student rental unit.

C. Criteria for Applying Discipline. The Director, when recommending and applying discipline, shall consider the following:

- (1) The effect of the violation on the health, safety and welfare of the tenants of the student rental unit and other residents of the premises.
- (2) The effect of the violation on the neighborhood.
- (3) Whether the owner has prior violations of this Article and other ordinances of the Township or has received notices of violations as provided for in this Article.

- (4) Whether the owner has been subject to disciplinary proceedings under this Article.
- (5) The effect of disciplinary action on the tenants.
- (6) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
- (7) The policies and rental agreement language employed by the owner to manage the student rental unit to enable the owner to comply with the provisions of this Article.
- (8) In addition to applying discipline as set forth above, the Director may apply and impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Article.

D. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this Article:

- (1) Failure to abate a violation of Township codes and ordinances that apply to the premises within the time directed by the Director.
- (2) Refusal to permit the inspection of the premises by the Township as required by § 75-12(C).
- (3) Failure to take steps to remedy and prevent violations of this Article by tenants of student rental units as required by § 75-10 of this Article.
- (4) Failure to file and implement an approved plan to remedy and prevent violations of this Article by tenants of a student rental unit as required by § 75-10 of this Article.
- (5) Failure to evict tenants after having been directed to do so by the Township as provided for in § 75-10 of this Article.
- (6) Three violations of this Article or other ordinances of the Township that apply to the premises within a license term. For purposes of this Article, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the owner must have received notice in writing of this violation within 30 days after the Director issues the notice of violation.

- (7) Failure to register with the Township's Business Tax Collector, maintain their current business license, and pay any tax or fee as outlined and required by Chapter 138 of the Code of Lower Merion Township.

E. Procedure for Nonrenewal, Suspension or Revocation of License and Appeal.

- (1) Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Director shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question and shall contain the following information:
 - (1) The address of the premises in question and identification of the particular student rental unit(s) affected.
 - (2) A description of the violation which has been found to exist.
 - (3) A statement that the license for said student rental unit(s) shall be either suspended or revoked or will not be renewed for the next license year, or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and shall also state the duration of said suspension or revocation.
 - (4) A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the student dwelling unit(s) by more than two unrelated students subject to said enforcement action, from and during the period said action is in effect.
 - (5) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to the Board of Commissioners, by submitting in writing to the Township Secretary, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the Director is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by the Board of Commissioners, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by the Board of Commissioners.
 - (6) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Township Secretary shall schedule a hearing to be held at the time and date of the next regularly scheduled Board of Commissioners meeting not less than 10 days from the date on which the appeal is filed.

- (7) The appellant, the Director and the owners of every lot on the same street within 500 feet of the lot or building for which the license is at issue, and every lot not on the same street within 150 feet of the lot or building in question, shall receive written notice of the hearing on the appeal. However, the failure of any owner to receive such notice shall not affect the validity of the hearing.
- (8) The Board of Commissioners shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of Director and any Lower Merion Police Department or other public officials involved, and any relevant factual presentations of other parties, the Board of Commissioners shall make a decision either affirming, reversing or modifying the action of the Director from which the appeal was taken.
 - (a) Such decision shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing stating the factual and legal basis for the decision, within 45 days after rendering the decision. If the Board of Commissioners deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).
- (9) Delivery of Notification.
 - (a) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Director shall attempt delivery by personal service on the owner or manager, if applicable.

§ 75-13 Violations and Penalties.

- A. Basis for Violation. It shall be unlawful for any person, as either owner or manager of a student rental unit for which a license is required, to operate without a valid, current license issued by the Township authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of tenants of a student rental unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this Article. It shall be unlawful for any tenant to violate this Article.

- B. Penalties. Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment of not more than 30 days. Each day that a violation of this Article continues or each Section of this Article which shall be found to have been violated shall constitute a separate offense.
- C. Nonexclusive Remedies. The penalty provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Article shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Township in the case of a violation of any other code or ordinance of the Township, whether or not such other code or ordinance is referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

§ 75-14 Miscellaneous provisions.

A. Notices.

- (1) For purposes of this Article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
- (2) There shall be a rebuttable presumption that any notice required to be given to the owner under this Article shall have been received by such owner if the notice was given to the owner in the manner provided by this Article.
- (3) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Article.

B. Changes in Ownership Occupancy. It shall be the duty of each owner of a student rental unit to notify the Director, in writing, of any change in ownership of the premises or of the number of student rental units on the premises. It shall also be the duty of the owner to notify the Director in writing of any increase in the number of tenants in any student rental unit or of the changing of a dwelling unit from owner-occupied to nonowner-occupied, which thereby transforms the dwelling into a student rental unit for purposes of this Article.

C. Owners Severally Responsible. If any student rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be

jointly and severally responsible for the duties imposed under the terms of this Article and shall be severally subject to prosecution for the violation of this Article.

- D. Enforcement by the Township. The Director is responsible for enforcement and administration of this Article. Enforcement actions provided are not exclusive, and the Township may take any action with respect to a licensee, a resident, or the licensed premises as is authorized by law.

ARTICLE IV – RESIDENTIAL RENTAL REGULATIONS

§ 75-15 Purpose.

- A. It is the purpose of this Article to assure that rental housing in the Township of Lower Merion is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of residential rental properties is a business enterprise that entails certain responsibilities. Property owners and operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the Township of Lower Merion who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure and sanitary, and free from unreasonable exposure to unsafe conditions.
- B. This Article does not apply to student rental units that are specifically regulated by the Township of Lower Merion, nor does it apply to dormitory units, nursing homes, boarding homes, hotels or motels.

§ 75-16 License Required.

- A. It shall be unlawful for any person who is an owner of a residential rental unit or multi-unit dwelling to operate or permit occupancy by tenants of such unit or multiple unit dwelling without first having obtained a license for each unit under the provisions of this Article.
- B. Dwelling units occupied by the owner of the premises as the owner's primary residence are exempt from the licensing requirement.

§ 75-17 Residential Rental License Procedures and Requirements.

A. Regular Licenses.

- (1) The application for a residential rental license must contain the following information and any other information that the Director may require to assess compliance with the property maintenance code and this Article:

- (a) The name, mailing address, email address and cellphone number of the applicant and a statement of the applicant's relationship to the owner of the property to be licensed.
 - (b) The names, mailing addresses, email addresses and cellphone numbers of the owners of the premises to be licensed.
 - (c) If the applicant is a partnership, the names and addresses of each managing partner.
 - (d) If the applicant is a corporation, the names and addresses of the officers.
 - (e) The names, mailing addresses, email addresses and cellphone numbers of the individual(s) responsible for maintaining the property. If these individuals are not the owner or applicant, such persons shall be identified as agent, employee, manager, etc. The identified individuals must be available in the event of emergency. The said individuals must reside within 10 miles of the residential rental property.
 - (f) If the applicant is an owner of more than one dwelling or multi-unit dwelling(s) in the Township of Lower Merion, a separate application is required for each residential rental unit to be licensed.
- (2) Any changes in the application information above or required by the Director during the license term must be reported to the Director promptly and no later than 30 days after the date of said change.
 - (3) The application shall be accompanied by the application fee set forth in a schedule of fees set by resolution of the Board of Commissioners from time to time.
 - (4) By issuance of the applied-for license, the owner agrees that all the rental agreements between the owner and tenants of a licensed residential rental property will contain a provision wherein the tenant consents to the inspection of their residential rental unit as necessary to enable the owner to comply with this Article.
 - (5) The Director shall require the inspection of any premises for which a residential rental license is requested. The licensee or applicant must give reasonable notice to each tenant of the date and time of an inspection, not less than 48 hours nor more than 30 days prior to the scheduled inspection. The tenant's consent to inspection contained in the rental agreement is sufficient to permit the Director to enter upon the premises for conducting the inspection. The owner or an authorized representative of the owner must be present at the time of the

inspection, unless waived by both the owner and the Director. Refusal to permit entry to the premises shall be grounds for denying, suspending, and/or revoking the residential rental license under this Article.

- (6) All dwelling units and common areas, including sidewalks, stairways and yards, must be found in compliance with applicable codes before a residential rental license can be issued for residential rental unit.
- (7) If the Director concludes, as a result of the information contained in the application or other available information, including an inspection of the premises, that a residential rental unit or the premises of the unit is not in compliance in compliance with applicable codes and this section, the applicant will have a designated time period, to be determined by the Director, from receipt of notice of noncompliance to correct the defects specified in the notice, but tenant occupancy may continue during the correction period only if the defects do not create an imminent hazard. The Director may authorize additional time for compliance by the owner in the exercise of reasonable discretion.
- (8) From the date that the Director has ordered an inspection under the preceding paragraph, no occupancy of residential rental units then vacant, or which become vacant, is permitted until a residential rental license has been issued.
- (9) If the renewal of a residential rental license is filed before the expiration of the current license and, due to no fault of the applicant, the premises cannot be inspected prior to the expiration of the license due to a high number of properties in queue for inspection, the Director, in his or her discretion, may permit the owner to continue operating under the expired license until such time as the inspections and compliance steps are completed within the time frame set by the Director.

B. Denial; Suspension; Revocation; Nonrenewal.

- (1) The Director may revoke, suspend, deny or decline to renew any residential rental license issued under this section upon any of the following grounds:
 - (a) False statements on any application or other information or report required by this section to be given by the applicant or licensee.
 - (b) Failure to abate a violation of Township codes and ordinances that apply to the premises within the time directed by the Director.
 - (c) Failure to pay any application fee, penalty or certificate, transfer, reinspection, or reinstatement fee required by the Board of Commissioners

of the Township of Lower Merion as set forth in a schedule of fees set by resolution of the Board of Commissioners from time to time.

- (d) Failure to register with the Township's Business Tax Collector, maintain their current business license, and pay any tax or fee as outlined and required by Chapter 138 of the Code of Lower Merion Township.
 - (e) Three violations of this Article or other ordinances of the Township that apply to the premises within a license term. For purposes of this Article, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the owner must have received notice in writing of this violation within 30 days after the Director received notice of the violation.
 - (f) Any other violation of this Article.
- (2) Residential rental licenses will be revoked or suspended during a license term, or not renewed if at the end of a term, upon a finding that the premises is not code compliant. If a license is suspended or revoked, the owner may continue to lease the premises for a set period of time as determined by the Director.
 - (3) An action by the Director to revoke, suspend, deny or not renew a residential rental license must be in writing and must specify the residential rental unit to which it applies or the entire property and must set forth the grounds for corrective action. In taking the action, the Director may consider the extent of noncompliance, frequency and seriousness of violations, the ease with which such noncompliance or violations could have been cured or avoided, and good faith efforts to comply with all the applicable ordinances. The applicant or licensee may appeal the action of the Director as set forth in § **75-24**.
 - (4) The Director may suspend or revoke a license or not renew a license for part or all of a multi-unit dwelling.
 - (5) Upon a decision to revoke, suspend, deny or not renew a license, no new application from the current owner for the same residential rental unit will be accepted unless accompanied by a reinstatement and reinspection fee, as set forth in a schedule of fees set by resolution of the Board of Commissioners from time to time.
- C. Nothing in this section prevents the Director from requiring a residential rental property to be vacated if any known hazardous condition threatens imminent risk of injury or harm to the tenants or members of the public. Furthermore, nothing in this Article is intended to interfere with a Director's right to inspect at any time any property in the Township of

Lower Merion upon complaint, notice, or reasonable suspicion that the property fails to comply with applicable maintenance and safety codes.

§ 75-18 Procedure for Nonrenewal, Suspension or Revocation of License and Appeal.

- A. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Director shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question and shall contain the following information:
- (1) The address of the premises in question and identification of the particular residential rental unit(s) affected.
 - (2) A description of the violation which has been found to exist.
 - (3) A statement that the license for said residential rental unit(s) shall be either suspended or revoked or will not be renewed for the next license year, or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and shall also state the duration of said suspension or revocation.
 - (4) A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the student dwelling unit(s) by more than two unrelated students subject to said enforcement action, from and during the period said action is in effect.
 - (5) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to the Board of Commissioners, by submitting in writing to the Township Secretary, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the Director is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by the Board of Commissioners, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by the Board of Commissioners.
 - (6) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Township Secretary shall schedule a hearing to be held at the time and date of the next regularly scheduled Board of Commissioners meeting not less than 10 days nor more than 60 days from the date on which the appeal is filed.

- (7) The appellant, the Director and the owners of every lot on the same street within 500 feet of the lot or building for which the license is at issue, and every lot not on the same street within 150 feet of the lot or building in question, shall receive written notice of the hearing on the appeal. However, the failure of any owner to receive such notice shall not affect the validity of the hearing.
- (8) The Board of Commissioners shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of Director and any Lower Merion Police Department or other public officials involved, and any relevant factual presentations of other parties, the Board of Commissioners shall make a decision either affirming, reversing or modifying the action of the Director from which the appeal was taken.
- (9) Such decision shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing stating the factual and legal basis for the decision, within 45 days after rendering the decision. If the Board of Commissioners deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

B. Delivery of Notification.

All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Director shall attempt delivery by personal service on the owner or manager, if applicable.

§ 75-19 Renewal of Regular License.

A. License Term, Fee and Occupancy Limit.

- (1) The term of a residential rental license granted under this subsection is three years running from January 1 through December 31. As a requirements of renewal of a regular license, the Director must inspect the residential rental unit and the premises to ensure compliance with the applicable codes. The licensee must give notice of the inspection to all applicable residents of residential rental units owned by the licensee that are to be inspected.

- (2) Upon application for a residential rental license and prior to issuance or renewal thereof, each applicant shall pay to the Township a license and inspection fee, in an amount to be established, from time to time, by the Board of Commissioners. The fee may vary based on the category of the premises.
- (3) The residential rental license shall indicate thereon the maximum number of tenants permitted to occupy each residential rental unit.
- (4) No residential rental license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Article or any of the ordinance of the Township of Lower Merion relating to land use and/or code enforcement, or if any licensing fees under this Article are due and owing the Township.

§ 75-20 Obligations of Licensee.

- A. **Report Changes in Ownership.** The licensee must report to the Director any changes in the identity of the owner, including a change in the majority shareholder or shareholders and officers in the case of corporations. The licensee must report a change in ownership at least 30 days after closing. The new owner must furnish the Director, in writing, the same information required of an applicant for a regular license within the said thirty-day period.
- B. **Display.** Licenses issued pursuant to this Article shall be produced upon demand of a prospective tenant or the Director.
- C. **Zoning Ordinance Compliance.** Nothing in this Article waives the obligation to be in compliance with the Township of Lower Merion's Zoning Code.
- D. **Designation of a Property Manager.** Every owner who is not a full-time resident of the Township of Lower Merion, or elsewhere in an area that is within 10 miles from the Township of Lower Merion, shall designate a manager who, if an individual, shall reside in an area within 10 miles from the Township of Lower Merion. If the manager is an entity, an individual representative of the manager residing within 10 miles from the Township shall be designated. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside in the aforesaid 10 mile area from the Township. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid 10 mile area from the Township. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Article and under rental agreements with tenants. The identity, mailing address, email address, and cellphone numbers(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the Township and such information shall be kept current and updated as it changes.

§ 75-21 Enforcement.

- A. The Director is responsible for enforcement and administration of this Article.
- B. Enforcement actions provided are not exclusive, and the Township of Lower Merion may take any action with respect to a licensee, a resident, or the licensed premises as is authorized by law.

§ 75-22 Violations and Penalties.

- A. Basis for Violation. It shall be unlawful for any person, as either owner or manager of a residential rental unit for which a license is required to:
 - (1) Operate without a valid, current license issued by the Township authorizing such operation.
 - (2) Make a materially false statement in a license application may be prosecuted under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.
 - (3) Allow the number of tenants of a residential rental unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this Article.
 - (4) It shall be unlawful for any tenant to violate this Article.
- B. The Township of Lower Merion may enforce the provisions of this Article in any court of competent jurisdiction in law or equity in addition to pursuing prosecution of the offending person for a summary violation.
- C. Penalties. Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment of not more than 30 days. Each day that a violation of this Article continues or each Section of this Article which shall be found to have been violated shall constitute a separate offense.
- D. Nonexclusive Remedies. The penalty provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Article shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Township in the case of a violation of any other code or ordinance of the Township, whether or not such other code or ordinance is referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

§ 75-23 No Warranty by Township.

By enacting and undertaking to enforce this Article, neither the Township of Lower Merion nor its Board members, agents or employees warrant or guarantee the safety, fitness or suitability of any apartment house, rental home, or dwelling unit in the Township of Lower Merion, and any representation to the contrary by any person is prohibited. Owners or tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare prior to purchase or occupancy of the rental unit or dwelling, without reliance on any license or certificate of compliance issued hereunder. A warning in the foregoing language will be printed on the face of each license and certificate of compliance issued in accordance with this Article.

Section 5. The Code of the Township of Lower Merion, Chapter A167, Fees, §A167-1, Schedule of Fees, Chapter 75, Housing, shall be revised to add the following:

Chapter 75, Housing

Annual license to operate a student or residential rental unit or a multi-unit dwelling

Student Rental Licenses	
Dwelling with up to 2 Student Rental Units	\$135
Multi-unit Dwelling of 3 or more Student Rental Units	
First 2 Student Rental Units	\$135
Each additional Student Rental Units over 2 units	\$25
Residential Rental Licenses	
Dwelling with up to 2 Residential Rental Units	\$255
Multi-unit dwellings, 3 or more Residential Rental Units	
First 5 units	\$300
Each additional Residential Rental Unit	\$30
Re-inspection Fee (per inspection)	
	\$75
Annual license to operate rooming house	
Per rental room within a rooming house	\$25

Section 6. The Code of the Township of Lower Merion, Chapter A167, Fees, §A167-1, Schedule of Fees, Chapter 92, Property Maintenance, shall be revised by removing the strike out, language set forth below leaving only the Dumpster permit fee, to provide as follows:

~~Annual license to
operate a
residential rental
unit or a multiple
dwelling~~

Residential or a 2 family rental unit (nonstudent)	\$85
Student unit, up to 2 units	\$135
Student unit, each additional unit (after 2)	\$25
Multiple dwellings, 3 to 5 rental units, per unit (nonstudent)	\$100
Multiple dwellings, over 5 rental units	
First 5 units	\$100
Each additional unit	\$10
Annual license to operate rooming house	
Per rental room within a rooming house	\$25
Late fee per room or rental unit if rental license not paid within 4 months of the expiration date	\$50
Dumpster permit fee	\$25

Section 7. Nothing in this Ordinance or in Chapters 75, 92 or A167 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters prior to the adoption of this amendment.

Section 8. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this 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 Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 9 This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2024.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Todd S. Sinai, President

ATTEST:

Jody L. Kelley, Secretary

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