

ORDINANCE NO. 675

AN ORDINANCE OF THE BOROUGH OF BLAIRSVILLE,
COUNTY OF INDIANA AND COMMONWEALTH OF PENNSYLVANIA,
AMENDING ORDINANCE NO. 651,
TO DEFINE THE PURPOSE OF LOW DENSITY RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
AND TRANSITIONAL ZONE DISTRICTS AND DEFINED
PERMITTED AND PRINCIPAL USES IN THE LRD, MDR AND
TRANSITIONAL ZONE DISTRICTS

WHEREAS, the Borough of Blairsville finds that transient student households cause frequent conflicts with families and permanent family like households in residential neighborhoods.

WHEREAS, the Borough of Blairsville desires to preserve and protect it's Low Density Residential, Medium Density Residential and Transitional Residential Districts from the disturbances and conflicts associated with students, student housing and student life styles.

WHEREAS, the Borough of Blairsville has other zone districts that permit the creation and conversion of student housing.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Blairsville, County of Indiana and Commonwealth of Pennsylvania and it is hereby ENACTED and ORDAINED as follows:

SECTION 1

Functional Family - either an individual, or a group of people their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or students where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

SECTION 2

After the effective date of this Ordinance no building containing dwelling units within the Low Density Residential, Medium Density Residential or Transitional Zone District proposed for rental occupancy by two (2) unrelated individuals shall be located within a four hundred (400) foot radius of a second building containing dwelling units already occupied by unrelated individuals. The center of the circle describing the radius shall be located at the crossing of lines connecting diagonally opposite corners of the lot proposed for rental occupancy. Any part of a property that is within the four hundred (400) foot radius will qualify that property as being within four hundred (400) feet of the property proposed for rental housing.

SECTION 3

Occupancy of a Dwelling Unit by Unrelated Individuals: In the Low Density Residential, Medium Density Residential and Transitional Zone District a maximum of two (2) unrelated individuals may occupy the dwelling unit. A dwelling unit occupied by unrelated individuals may not in addition be occupied by boarders and roomers whose number would raise the number of the occupancy of the dwelling above two (2) in the Low Density Residential, Medium Density Residential or Transitional Zones. If a dwelling unit in the Low Density Residential, Medium Density Residential or Transitional Zone has been rented legally since May 17, 2011 to more than two (2) unrelated individuals, such arrangements may continue as a non conforming use, but if the number of unrelated individuals, boarders or roomers is diminished for a period of nine (9) months or more, the number of occupants may not subsequently be increased to more than two (2).

SECTION 4

Penalty: In the event that dwelling unit is in violation of this Ordinance the owner of the dwelling who shall violate any provision of this chapter, upon conviction thereof, shall be punishable by a fine as follows:

First Offense: \$150.00 per day
Second or Subsequent Offense: \$300.00 per day

Plus costs of such proceedings or upon default of payment of such fines and costs and imprisonment in the County Jail of not more than thirty (30) days, provided however that if the Magisterial District Judge determines that the Defendant is without financial means to pay the fines and costs immediately or in a single remittance such Defendants shall be permitted to pay the fines and costs in installments and over such periods of time as the Magisterial District Judge deems to be just.

SECTION 5

In all other respects Ordinance No. 651 shall remain in full force and effect.

SECTION 6

All Ordinances or Parts of Ordinances Inconsistent with this Ordinance are hereby repealed.

SECTION 7

This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED into law this 24th day of May, 2011.

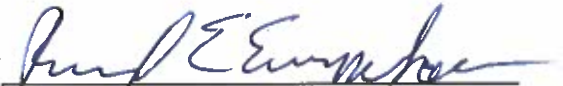
ATTEST:

BOROUGH OF BLAIRSVILLE



Timothy Evans, Secretary

BY



Ronald E. Evanko, President of Council

Approved this 24th day of May, 2011.


Joseph Caugherty, Mayor