

February 15, 2012
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Art Haywood presiding. Members present were Commissioners Hampton, McKeown, Norris, Portner, Sharkey, and Simon. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, LLP; Patrick Duffy, newly appointed Director of Engineering, Zoning & Inspections; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director of Parks and Recreation; David Lynch, retiring Director of Engineering, Zoning & Inspections; Mark McDonnell, Public Works Superintendent; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Haywood opened the meeting with the Pledge of Allegiance being led by Commissioner McKeown.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated January 18, 2012, upon of Mr. Portner, the Minutes were unanimously approved by the Board of Commissioners.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of January, 2012, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
4. Each member having received a copy of the Accounts Paid Report for the month of January, 2012, upon motion of Mr. Portner, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Mr. Sharkey presented Community Service Awards to individuals and students of Arcadia University recognizing their participation in an Arcadia University sponsored mural painting project at the Roberts Block building in Glenside. Mr. Sharkey stated that said project is an example of what can be accomplished when the university, Township and community unite.

Mr. Carl (Tobey) Oxholm, III, President of Arcadia University, was present.

Community Service Awards were presented to the following individuals:

Caroline Caldwell
Jamie Dagen
Nick Damico
Mary Galbally
Amanda Maillet
Dan Mallen
Amanda Martinez
Amy Perdue
Kaytria Stauffer
Kat Wagner

6. PUBLIC HEARING: To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Code of the Township of Cheltenham to allow for an Age-Restricted Overlay District.

Mr. Bagley stated that said hearing is being held in accordance with the requirements of the Municipalities Planning Code. He reviewed certain exhibits, i.e. proof of publication and two (2) opinion letters from the Montgomery County Planning Commission. Mr. Bagley stated that the purpose of the Ordinance is to create a zoning district for age-restricted (55+) housing developments.

Mr. Haywood opened the Hearing and asked for comments from the Board and the public.

[For comments and proceedings, see "*Notes of Testimony*"]

Upon motion of Mr. McKeown, and unanimously approved by the Board, the hearing was closed.

At the request of Mr. Simon, Kenneth Amey, the Township's consultant, remarked on the proposed Ordinance. He stated that it has taken approximately two (2) years to craft said Ordinance; residents' concerns about setbacks, open space, coverage requirements, and preservation of historic buildings are included. In response to a question from Mr. Simon, Mr. Amey stated that the minimum size lot for the applicability of said Ordinance is five (5) acres.

7. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2236-12** amending the Code of the Township of Cheltenham to allow for an Age-Restricted Overlay District (see attached).

8. Upon motion of Mr. Haywood, the Board of Commissioners unanimously granted the request for a Continuance of Cheltenham Township Development Application No. 12-0510 Record Plan 7827 Old York Road Condominiums until March 21, 2012.

9. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved Cheltenham Township's Development Application No. 11-0580 Record Plan 835 E. Glenside Avenue – HVAC Units subject to the following Conditions, Notes and Waivers:

A. CONDITIONS

1. That the plan be titled "Record Plan 835 E. Glenside Avenue – HVAC Units." (Cheltenham Code Section ("CCS") 260-32.C.(1))
2. That the text "Cheltenham Township Development Application No. 11-0580" be added to the lower right hand corner of the plan.
3. That the width of Glenside Avenue be noted on the plan. (CCS 260-32.D.(2))
4. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
5. That the Owner's Acknowledgement Block be added to the plan.
6. That the Township's Approval Block be added to the plan.
7. That the Recordation Data Block be added to the plan.

8. That the following notations be struck from the plan:
 - a. Notation starting with text "U-439..."
 - b. Notation below A.8.a.
 - c. Notation on Appeal No. 2788.
 - d. Notation on landscaping.

9. That the following concerns with the *Land Development Notes ("LDN") be addressed:
 - a. In LDN 6., line 3, replace the text "Owner or not)" with the text "Owner or not."
 - b. In LDN 6., line 4, replace the text "Certificate of Occupancy" with the text "Certificate of Final Completion."
 - c. In LDN 9., line 1, replace the text "the HVAC units" with the text "All existing, proposed and/or future HVAC Units."

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. Acknowledgement where the owner is a corporation:

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF MONTGOMERY

ON THE _____ DAY OF _____, A.D. 20____,
 BEFORE ME THE SUBSCRIBER, A NOTARY PUBLIC OF THE
 COMMONWEALTH OF PENNSYLVANIA, RESIDING IN
 _____, PENNSYLVANIA,
 PERSONALLY APPEARED _____ AND _____
 WHO ACKNOWLEDGED THEMSELVES TO BE THE PRESIDENT AND
 SECRETARY OF _____ COMPANY, A CORPORATION,
 AND THAT AS SUCH PRESIDENT AND SECRETARY, BEING
 AUTHORIZED TO DO SO, THEY EXECUTED THE FOREGOING PLAN
 BY SIGNING THAT THE SAID CORPORATION IS THE OWNER OF
 THE DESIGNATED LAND.

2. APPROVAL NOTATION

EXECUTED BY THE BOARD OF COMMISSIONERS OF
 CHELTENHAM TOWNSHIP THIS _____ DAY
 OF _____, 20____, SUBJECT AND CONDITIONED
 UPON THE RECORDING OF THIS PLAN IN THE OFFICE OF THE
 RECORDER OF DEEDS OF MONTGOMERY COUNTY WITHIN 90 DAYS
 OF THE DATE THEREOF. APPROVED PURSUANT TO RESOLUTION OF
 THE BOARD OF COMMISSIONERS ADOPTED _____.

ATTEST _____
SECRETARY PRESIDENT

3. RECORDING NOTATION

Recorded in the Office for the Recording of Deeds, etc., Norristown, PA,
in Deed Book _____, Page No. _____ on _____.

4. The Certificate of Final Completion shall not be issued unless and until the Township Engineer has verified that the noise level at the property lines when all eight (8) HVAC units are running does not exceed Township limits; the Owner shall install the necessary sound baffling measures to insure that the sound emanating from the HVAC units when all eight (8) HVAC units are running does not exceed Township limits.

C. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-15. for sidewalks be waived.
2. That the requirement of CCS 260-30. for an Environmental Impact Study be waived except for Subsection D. relating to Noise.
3. That the requirement of CCS 260-32.C.(3) which requires that the plan be prepared by an Engineer or Surveyor be waived.
4. That the requirement of CCS 260-32.C.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
5. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
6. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
7. That the requirement of CCS 260-32.D.(4) for location, size and ownership of all underground utilities and any rights-of-way within the property except around the Development Footprint be waived.
8. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
9. That the requirement of CCS 260-32.D.(6) for the location, species and size of large trees standing alone be waived.
10. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.

11. That the requirement of CCS 260-32.C. (4) and CCS 260-32.E. (3) for notation of the Zoning District and Zoning Requirements be waived.
12. That the requirement of CCS 260.32.D. (7) for the notation of the structure first floor and basement elevations be waived.
10. Upon motion of Mr. Haywood, and unanimously approved by the Board of

Commissioners, the Public Works Committee Regular Meeting Minutes dated February 8, 2012, were received.

There was a public comment:

Thomas McHugh, 127 Hewett Road, asked how many fire hoses and the amount of water pressure used to test the coffin blocks on Brookdale Avenue as referred to in the Minutes of the Public Works Committee meeting. Mr. Fleming responded that he was not certain of the pressure but there was one (1) hose on one (1) truck. It was Mr. McHugh's opinion that it could take five (5) trucks with five (5) hoses to equal stormwater running at 10 miles per hour.

11. The Board of Commissioners considered adoption of an Anti-Discrimination Ordinance that would create a Human Relations Commission.

Mr. Bagley reviewed certain revisions made since the Public Affairs Committee meeting on February 1, 2012. He reviewed the revisions and reported that they were not substantive, i.e. typos, grammar, tense, and rearrangement of words.

Mr. Norris stated that he is a new Commissioner but was certain that during his tenure, supporting this Ordinance to assure that all citizens have equal rights would be a proud moment he could look back on.

There were public comments:

David Flaks, 7517 Vernon Road, supported the Ordinance and stated that the Lesbian, Gay, Bisexual and Transgender ("LGBT") residents will enjoy the same rights and be as protected as everyone else. It will show that the Township tolerates diversity.

David Beck, 7438 Normandy Lane, opposed the Ordinance. He stated that his family has lived in the Township since 1941 and was surprised that such an Ordinance was even needed. When his parents purchased their home, the builder's agreement of sale did not permit minorities to purchase a home. Now, his neighborhood is ethnically diverse, everyone gets along, everyone maintains beautiful homes, and he has never seen any discrimination; he questioned the driving

force for the Ordinance; he felt that his rights as a majority white person were being discriminated against; and it was his opinion that the issue is ridiculous, and the Commissioners should reject it.

Adrian Shanker, President of EqualityPA, supported the Ordinance. In his opinion, it is civil rights legislation and not a controversial issue; LGBT residents will be protected; the Ordinance is in accordance with state law; other municipalities are adopting similar Ordinances; and he asked the Board of Commissioners to adopt the Ordinance.

Elano Hollo, 1113 Orleans Road, supported the Ordinance. She stated that she came to live in the Township for its schools and diversity and felt this commits the Township to equal rights for everyone.

Ken Newton, 627 Widener Road, supported the Ordinance. He is a victim of discrimination because he has a blended family, and when he wanted to buy a home the realtor would not submit the bid because of discrimination by a neighbor, and he had to bid above the asking price to get the realtor to submit the bid.

Paul Corbett, 611 Foster Road, opposed the Ordinance. He stated that Cheltenham is a welcoming community; this is an Ordinance looking for a problem rather than looking for a solution; the proposed Human Relations Commission looks like an inquisition that is a self-appointed self-interest group where there is no presumption of innocence, and a person is guilty before proven innocent; people will be subpoenaed and beliefs will be brought into question, especially religious ones; he opposed gender identity, which could lead to the banning of separate boys and girls restrooms; he questioned how and who will be responsible for making a determination and judgment if a man should enter a woman's locker room; it is a bad law; it could be costly to the Township, similar to how the Boy Scout issue was costly to the City of Philadelphia; this is perpetuated by an agenda that is running against the law making course.

Olga McHugh, 127 Hewett Road, questioned how this would affect the newly adopted Age-Restricted Overlay District Ordinance. Mr. Bagley told her that said Ordinance is consistent and compatible with state law.

Jordan Gwendolyn Davis, is not a resident, and stated that she is a transsexual woman; all transsexuals face challenges; there should be clear cut local accountability; it affords protection; she showed a SEPTA pass that she felt is prejudice to transgender individuals.

William England, 7709 Chapel Road, supported the Ordinance. He felt that it is a time of change and equality; rights have to be protected; this Ordinance shows that Cheltenham has forward thinking.

Kirk Watkins, 426 Greenwood Avenue, supported the Ordinance. He and his partner were married in Canada, and when his partner passed he did not have equal rights from the county to claim his body and make funeral arrangements.

Carol Trotman, 7508 Vernon Road, supported the Ordinance. She is Mr. Flaks' neighbor, and he maintains a beautiful home; she wants the LGBT citizens to have the same rights as people of her ethnicity; this Ordinance is a step in the right direction; she is proud to be a Cheltenham resident.

Chris Chaplin, 627 Cheltenham Hills Drive, supported the Ordinance. He grew up in a country where gays were beaten in the 1970's; he did not want the Township to go back in time with discrimination.

Mr. Simon stated that there is currently certain gun control legislation in the state legislature that demonstrates that what happens at the state level does not have to happen on the municipal level. He supported the Ordinance.

12. Upon motion of Ms. Hampton, the Board of Commissioners adopted **Ordinance No. 2237-12** amending the Code of the Township of Cheltenham, to provide for the creation of a Human Relations Commission, and to prohibit the practice or policy of engaging in discrimination or discriminatory practices because of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or disability, or because of an individual's actual or perceived sexual orientation, gender identity or gender expression; providing definitions and exceptions; and providing penalties and remedies (see attached) (AYES: Hampton, Haywood, Norris, Portner, Sharkey, Simon; NAYES: McKeown).

Ms. Hampton thanked the Commissioners, Mr. Kraynik, Mr. Bagley, and those residents who helped craft the Ordinance.

Mr. McKeown stated that he could not support the Ordinance due to his religious beliefs, which are shared by many of his constituents.

13. Upon motion of Ms. Hampton, the Board of Commissioners unanimously approved a fee increase as requested by the PFM Group for pension investment consulting services in the amount of \$35,000 with a fee of \$5,000 for search costs for each new change of fund manager, not to exceed \$10,000 in one year.

14. Upon motion of Ms. Haywood, the Board of Commissioners unanimously adopted **Resolution No. 7-12** authorizing the filing of a grant application to the Pennsylvania Historical and Museum Commission ("PHMC") for the George K. Heller School (a/k/a Cheltenham Center for the Arts) for rehabilitation and restoration of the building's exterior in the amount of \$25,000.

TOWNSHIP OF CHELTENHAM

RESOLUTION NO. 7-12

A RESOLUTION AUTHORIZING THE FILING OF A FY 2012 KEYSTONE HISTORIC PRESERVATION GRANT APPLICATION TO THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (PHMC) FOR THE GEORGE K. HELLER SCHOOL (A/K/A CHELTENHAM CENTER FOR THE ARTS)

WHEREAS, Keystone Preservation funds are available through the Keystone Grant Opportunity Program to help municipalities rehabilitate and restore municipally-owned historic school buildings listed on the National Register of Historic Places; and

WHEREAS, the Township of Cheltenham along with its historic architect consultant, Preservation Design Partnership, completed an "Architectural Assessment and Preservation Checklist," dated August 2007 for exterior rehabilitation and restoration of the George K. Heller School (a/k/a Cheltenham Center for the Arts); and

WHEREAS, the Township of Cheltenham is desirous of completing a Phase II scope of work involving exterior rehabilitation and restoration to the building's stone wall elevations, foundations and ornamental metal work; and

WHEREAS, the Township Board of Commissioners, upon consultation with its historic architect consultant, and upon the recommendation of the Historical Commission, is desirous of applying to the PHMC for up to \$25,000 in matching funds to help the Township offset the costs associated with a prioritized scope of exterior rehabilitation and restoration work to the George K. Heller School, recommended in the "Architectural Assessment and Preservation Checklist," dated August 2007, totaling \$110,000, as identified in Attachment "A" made a part hereto;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Cheltenham, of Montgomery County, Pennsylvania, hereby authorizes the Township Administration to file a Keystone Historic Preservation Grant application on or before March 1, 2012 to the PHMC for FY 2012.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Township of Cheltenham will assume the provision of the full 50% local matching share of project costs.

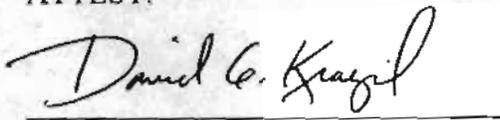
BE IT FURTHER RESOLVED, that the Township Manager/Secretary of the Township of Cheltenham is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the PHMC.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095 on Wednesday, February 15, 2012.

BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP



ATTEST:



David G. Kraynik
Township Manager/Secretary

By: _____
Art Haywood
President

15. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated February 1, 2012, were received.

16. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2238-12** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2238-12**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM,
CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING
CERTAIN STREET AND PARKING REGULATIONS.**

The Board of Commissioners of the Township of Cheltenham hereby ordains:

SECTION 1. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **DELETING** the following:

- | | | |
|---------------|------|---|
| WILLOW AVENUE | (3) | NO PARKING, north side, Old York Road to Penrose Avenue. |
| WILLOW AVENUE | (10) | NO PARKING, southerly side, Cedar Lane to 50 feet east. |
| WILLOW AVENUE | (11) | NO PARKING, southerly side, Cedar Lane to 70 feet west. |
| WILLOW AVENUE | (12) | HANDICAPPED PARKING at 1815 Willow Avenue, south side, 115 feet to 135 feet east of Cedar Lane. |

SECTION 2. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

- | | | |
|-----------------|------|---|
| PITT ROAD | A. | NO PARKING, west side, from 32 feet north of dead end to dead end. |
| RICES MILL ROAD | (18) | NO LEFT TURN at Paxson Avenue. |
| STERLING ROAD | (5) | NO PARKING, north side, from 48 feet west of Cedar Road to Cedar Road. |
| WILLOW AVENUE | (3) | NO PARKING, north side, Old York Road to Sycamore Avenue. |
| WILLOW AVENUE | (10) | NO PARKING, south side, Sycamore Avenue to Penrose Avenue. |
| WILLOW AVENUE | (12) | HANDICAPPED PARKING for 1815 Willow Avenue in front of property. This is effective for the duration period that this resident is eligible for a reserved handicapped parking space. |

SECTION 3. That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

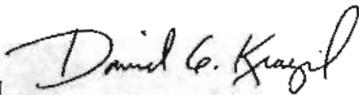
ENACTED into an Ordinance this **15th day of February, A.D., 2012.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM



By _____
Art Haywood, President

ATTEST.



David G. Kraynik, Secretary

17. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated February 1, 2012, were received.

18. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated February 1, 2012, were received.

19. Upon motion of Mr. Norris, and unanimously approved by the Board of Commissioners, the Pension Board Regular Meeting Minutes dated February 3, 2012, were received.

20. Upon motion of Mr. McKeown, and unanimously approved by the Board of Commissioners, the Parks and Recreation Committee Regular Meeting Minutes dated February 8, 2012, were received.

21. Under Old Business: Mr. Kraynik updated the Commissioners on the Township's Flood Control Project. He reviewed Abington Township's proposed flood control projects. The Abington Township Manager has agreed to have both engineering staffs meet to discuss Abington's projects and the implications of Abington's projects on Cheltenham.

22. Under New Business:

a. In accordance with the Code of the Township of Cheltenham and Article XIII, Section 1302, of the Home Rule Charter, the President of the Board presented new committee appointments for the advice and consent of the Board of Commissioners.

Upon motion of Mr. Simon, the Board of Commissioners unanimously approved the following appointments as submitted by the Board President:

<u>Name</u>	<u>Committee</u>	<u>Term Expiration</u>
Jonathan D. Essoka	Environmental Advisory Committee	January 1, 2015
Charles K. Harmer	Economic Development Task Force	January 1, 2014

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the adoption of **Resolution No. 8-12** honoring David M. Lynch, Director of Engineering, Zoning and Inspections, upon his retirement after 18-years of service. Said Resolution to be presented to Mr. Lynch at his retirement celebration on March 16, 2012.

c. Mr. Haywood asked about the process for receiving applications for the Township's newly created Human Relations Commission. Mr. Kraynik advised that solicitation for resumes will be done via a published Legal Notice, advertisement on Channel 42 and on the Township's website, as well as an E-Blast. All resumes will be submitted to the Board President for review and consideration.

Ms. Hampton noted that she is aware of several residents who are interested in applying.

23. Under Citizens' Forum:

Olga McHugh, 127 Hewett Road, correlated the Anti-Discrimination passed this evening to the "No Place for Hate" campaign. She felt the same passion for this Ordinance should be applied to the flooding issues that affect residents and their home values. Abington Township has voted on its projects. She felt that a watershed-wide study was needed to find out where the water is coming from. Water needed to be stopped from coming down into the Township.

David Flaks, 7517 Vernon Road, thanked the Commissioners, Mr. Kraynik, and Mr. Bagley for their efforts on making the Anti-Discrimination Ordinance a reality. Such organizations as EqualityPA, the NAACP, Pennsylvania Human Relations Commission, United Church of Christ, the Democratic Committee, his synagogue and members of CARE (Cheltenham Area Residents for Equality) supported it.

David Harrower introduced himself as the new Chairman of the Historical Commission, Said Commission wants to work with each Commissioner who may have projects in their ward.

Myra Taksa, 109 Dewey Road, thanked the Township for adopting the Anti-Discrimination Ordinance. According to Ms. Taksa, she can tell her son to move back home and that he will be equally treated in Cheltenham.

Thomas McHugh, 127 Hewett Road, was critical of the way the thermostats were set in the hall this evening. He felt more energy-efficiency would generate cost savings. According to Mr. McHugh, Abington Township's flood control projects are in the Tookany/Tacony Watershed, and no funds are being given to retention, detention and storage.

He felt the problems will accelerate the storm water run-off, and the main issue is about the timing and slowing down of the water.

There being no further business, upon motion of Mr. McKeown, and unanimously approved by the Board of Commissioners, the meeting was adjourned.



David G. Kraynik
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, February 15, 2012 @ 7:30 P.M.

Curtis Hall

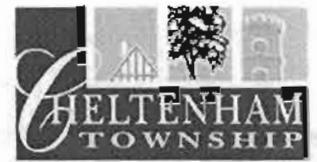
1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
HERSCHEL ELIAS	509 SPRING AVE ELKINS PARK, PA 19027	215-635-2814	HELIAS11@ VERIZON.NET
Samara and Alexis Cogan	4008 Rodgers Rd Elkins Park, PA 19027	215-635-6858	OTAMARAS@ YAHOO.COM
Marilyn Eisenberg	110 Myrose Ave 7438 NORWINDY	215 783 7113	mweisberg@comcast.net
DAVID BECK		XXXXXXXXXX	
Bill Engdahl			Bikengdahl@yahoo.com
Elaine Holt	1113 Orleans Rd		elanah@yaho.com
Mark Garvin	7816 Haines Rd Chelt	215 635 9696	mark@markgarvinphoto.com
MYRA TAKSA			
Olga + Tom McHugh	127 Hewitt		
MYRA TAKSA JOSEPH SALVEMORE	109 Dewey Rd		
Heidi Morein	618 Boyer Chelt.	215 603 1103	waterofleith@aol.com
Sheri REED	605 Arbor	267-384-4294	SheriReed@comcast.net



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, February 15, 2012 @ 7:30 P.M.

Curtis Hall

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Adah Bush	605 Arbor Rd.	215-663-0193	adahbush@smail.com
John Edye	8344 Calverton	215 4612371	
MICHAEL BROWN-FELT	35 GATHERING		
Dave Harrover	509 Fox Rd Glenn Dale		
Nancy Schek	925 Stratford Ave		
NAOMI GODEL	532 Boyer Rd	215-663-1721	
DORON Godel	"	"	
Rebecca Kelly	1011 Valley Rd	215 7828303	
Jason Goodman	Lower Merion		
Sherry Harwood	Glenn Dale	215 317-5920	
Cathy Evans	Resident		cathy.evans@msn.com



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, February 15, 2012 @ 7:30 P.M.

Curtis Hall

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Denise Finer	4 Pike's Way Cheltenham PA		denise.finer@comcast.net
Jim Muldoon	106 Parkview		newprimes@msn.com
David Flaks	7517 Vernon Rd		Davidflaks@att.com
Linda Corbett	611 Foster Rd		
Andrew Bickford	514 Waing Rd		
Kristin Denzel	514 Waing Rd.		
Keri Newton	627 Widener E. P.		fignewton@holmail.com
Anthony Reisinger	5 Beryl Rd.		
Bryd Stroy	5 Beryl Rd		
Jordan Davi			jordanguerd@1111@gmail.com
Sheva Golkow	145 Bickley Rd		
DAVID CORNW	321 GERARD		drcorn1@ix.netcom.com

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2236-12**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, FLOODPLAIN, STEEP SLOPES, WETLANDS, RIPARIAN BUFFER, RIPARIAN CORRIDOR, AND STREET TO ARTICLE I; AND BY ADDING A NEW ARTICLE XXXIII, ENTITLED "AGE RESTRICTED OVERLAY DISTRICT"

SECTION 1. The Board of Commissioners hereby amends the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning", by inserting the following definitions in Article I, Section 295-2.C, in alphabetical order:

BUFFER – An area designed to separate the land uses which it abuts and to ease the transition between them. A buffer shall be comprised of vegetation arranged to soften and screen the view from one side to another during all seasons of the year. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

BUILDING – Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land. A parking structure shall also constitute a building.

BUILDING COVERAGE – The ratio of the building area on a lot to the developable acreage of the lot.

COMMON OPEN SPACE – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

DEVELOPABLE ACREAGE OR AREA – The area within the lot lines, except those portions located within the ultimate right-of-way of existing public or private roads, wetlands, floodplains, land continuously covered by water, watercourses, riparian buffers, or slopes 15% or greater.

FLOODPLAIN – That area defined in Article XXI of this Chapter as the Floodplain Conservation District(s). The floodplain definition contained therein shall be considered the definition for floodplain for all purposes and uses of this Chapter.

HISTORIC RESOURCE – A structure listed in the National Register of Historic Places, the Pennsylvania Historic Resources Survey, the Montgomery County Inventory of

Historic and Cultural Resources, the Montgomery County Comprehensive Plan, the Cheltenham Township Comprehensive Plan, the Cheltenham Township Inventory of Cultural Resources, a listing of historic and cultural resources compiled by the Board of Commissioners or Planning Commission, or other appropriate documentation, or a structure seeking listing as a historic resource from any of the above listings. The term historic resource shall also include historic accessory uses.

IMPERVIOUS COVERAGE – The ratio of the area of all portions of a lot covered in any way so as not to allow the ground beneath to absorb water at a natural rate, to the developable acreage of the lot.

INTERNAL ACCESSWAY – A private roadway or driveway providing access to a property from a public or private street.

RIPARIAN BUFFER – An area with a width defined by this Chapter, designed to protect the riparian corridor.

RIPARIAN CORRIDOR – Lands adjacent to streams, wetlands, and water bodies.

STEEP SLOPES and STEEP SLOPE AREA – An area with slopes of 15% or greater as further defined in Article XXII of this chapter as the Steep Slope Conservation District(s). The steep slope definition contained therein shall be considered the definition for steep slopes and steep slope area for a purposes and uses of this chapter.

STREET – A right-of-way, whether municipally or privately owned, serving as a means of vehicular travel, furnishing access to abutting properties and space for sewers and public utilities.

WETLANDS – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

SECTION 2. The Board of Commissioners hereby adopts the following as Chapter 295, entitled "Zoning", Article XXXIII, "Age Restricted Overlay District".

§295-240. PURPOSE.

The purpose of this district is to provide accommodation for age restricted housing developments by establishing regulations to permit development by special exception, tailored to the needs of residents 55 years of age and older, recognizing their different housing needs and relatively reduced impacts on surrounding land uses; and to require protection and preservation of historic resources in the development of land for age restricted housing, as follows:

- A. By providing a greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By encouraging the preservation of the character of neighborhoods adjacent to the district.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By promoting a pedestrian environment and providing a pedestrian orientation of buildings and streets.
- E. To address Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code by requiring the protection and preservation of historic resources.

§295-241. OVERLAY.

The Age Restricted Overlay District shall be permitted by special exception on all parcels meeting the following criteria:

- A. The tract of land to be developed shall be a minimum of 5 acres in gross area and shall have been held in single and separate ownership before and since the date of adoption of this overlay district. No tract proposed for development under this ordinance shall be subdivided, either during or after the development process.
- B. The tract must be located within a Residential or Institutional Zoning District, or the C-1 Commercial District. The C-2, C-3, and C-4 Commercial and Business Districts; and the G Manufacturing and Industrial Districts are specifically excluded from this overlay district.
- C. The tract must have frontage on a state highway and must take access from that highway. Minimum frontage on a state highway shall be as follows:
 - 1. For parcels between 5 and 8 acres: 450 feet
 - 2. For parcels greater than 8 and not more than 12 acres: 750 feet
 - 3. For parcels greater than 12 and not more than 30 acres: 850 feet
 - 4. For parcels greater than 30 and not more than 60 acres: 900 feet
 - 5. For parcels greater than 60 acres: 2500 feet
- D. All development under the Age Restricted Overlay District shall comply with the provisions of this Article. If conflict exists between the requirements of this Article and another provision of the Cheltenham Township Zoning Ordinance, the requirements of this Article shall apply.

§295-242. USE REGULATIONS.

The following uses are permitted in the Age Restricted Overlay District:

- A. Any use permitted in the underlying zoning district, subject to compliance with all provisions of that district.
- B. The following uses are permitted by special exception, subject to the provisions of this Article:
 - 1. Age restricted housing in accordance with the Federal Fair Housing Act and the standards set forth in this Chapter including, but not limited to, §295-244 K.3.b. An applicant for such a special exception shall demonstrate compliance with Sections 295-243. and 295-244. of this Article as well as the criteria for granting special exceptions provided in Article XXVII.
 - 2. Retail shops, personal service shops, and professional offices may be permitted as accessory uses within one or more of the principal residential buildings. These uses shall be limited to the first floor only. In addition, such a use(s) may be located in a separate free-standing building(s); however, in that case the total area occupied by such a use(s), including building and parking areas, shall not exceed 5% of the developable acreage of the tract.
 - 3. Accessory uses customarily incidental to age restricted housing including clubhouse, dining facilities, indoor and outdoor recreational facilities, and maintenance and security facilities.

§295-243. PERFORMANCE STANDARDS.

- A. Perimeter Setback. (In addition, see setback modifications contained in subsection F.2.)
 - 1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.
 - 2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
 - 3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

- B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:
1. Single family detached dwellings.
 2. Single family semi-detached dwellings.
 3. Two family detached dwellings.
 4. Two family semi-detached dwellings.
 5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.
 6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.
- C. Density.
1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
 2. The overall density for Midrise Multi-family dwellings shall be as follows:
 - a. 4 or 5 story buildings – 12 units per developable acre
 - b. 6 or 7 story buildings – 15 units per developable acre
 - c. 8 story buildings – 20 units per developable acre
 3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.
- D. Building coverage.
1. Building coverage shall not exceed 20% of the developable area of the tract.
- E. Impervious coverage.
1. Impervious coverage shall not exceed 45% of the developable area of the tract.
- F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.
2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
 - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:
 - 1) There is no cost to the Township; and
 - 2) The Township agrees to and has adequate access to maintain such facilities.
 - b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among

whose purposes is the conservation of open space land and/or natural resources; provided that:

- 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
 - 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
 - 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
 - 4) A deed restriction is recorded with the office of recorder of deeds for the applicable open space restricting its use as open space only.
- c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:
- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
 - 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(f)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(f)(2) and (3), relating to Township maintenance of deteriorating open space and providing for the ability of the Township to access and lien the properties within the development.
 - 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management; and the organization may lien the lots for nonpayment of maintenance assessments in the same manner as other assessments.

- 4) The Township may require the formation of a reserve fund to cover capital improvements and maintenance to the common open space.
- 5) A deed restriction is recorded with the Office of the Recorder of Deeds for the applicable open space restricting its use as open space only.

I. Riparian buffer.

1. A riparian buffer with a minimum width of 100', or as required by the Riparian Corridor Conservation District, shall be provided along all riparian corridors.

§295-244. DEVELOPMENT REQUIREMENTS.

A. Master Plan.

1. The project shall be developed and constructed in accordance with an overall master plan for the site. The master plan shall be submitted as part of any application for approval in this district.
2. The development shall be carried out in phases, with each phase so planned that the requirements and intent of this article for any phase shall be fully complied with at the completion of that phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 10 dwelling units, or 15% of the total number of dwelling units proposed under the master plan, whichever is greater. For midrise multi-family dwellings, the initial phase shall be one building.
3. Prior to the start of construction of the initial phase, financial guarantees shall be posted to ensure the completion of all amenities, including, but not limited to: swimming pools, tennis courts, recreational areas and buildings, community centers, fitness centers, and walking trails, as shown on the master plan.

B. Off-Street Parking and Loading.

1. Parking Spaces -- 1.5 spaces per unit, plus one guest space for every 5 units and one space for each employee on the largest shift.
2. Parking and loading for accessory uses shall be in addition to the above requirements and shall be provided as required by §295-221. of this chapter.

- C. All utility lines shall be located **underground**. Any required above-ground structures shall be screened from adjoining **properties and road rights of way**. Screening shall consist of a fully landscaped buffer.
- D. All **development** in this district shall be served by public water and sewer.
- E. **Pedestrian Design Standards.**
1. Sidewalks are required along all exterior or perimeter road frontages, and along all interior streets and accessways.
 2. Pedestrian connections shall be provided to all front building areas, parking areas, and other pedestrian destination points.
 3. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby **pedestrian** destination points and transit stops.
 4. Walking trails shall be **incorporated** into the common open space area and shall be available for use by the general public.
- F. **Landscaping.** Any application for development in this district shall be accompanied by a landscape plan **prepared by** a registered landscape architect. In addition to all requirements of the **Subdivision and Land Development Ordinance**, the plan shall include a landscaped buffer with a minimum width of 25' along the entire perimeter of the tract. All existing trees greater than 6" in caliper shall be identified and preserved to the maximum practicable extent.
- G. **Lighting.** All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting shall be sufficient for security and identification purposes, and shall be shielded so the source of light is not visible. Illumination onto existing residentially used areas shall at no time exceed 0.5 footcandle at the property line. The height of fixtures shall be a maximum of 20 feet for parking lots and 16 feet for pedestrian walkways.
- H. **Refuse, Service, and Loading Areas.** Areas provided for refuse storage, service, and loading must be located to the side or rear of buildings and be visually screened from streets and pedestrian ways with **landscaped buffers, privacy fencing and/or walls, sufficient to provide year-round separation.**
- I. **Architectural Requirements.**
1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.

2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties or properties with a predominately residential character shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.
5. All homes constructed under this overlay district shall meet the guidelines for Energy Star rating set by the U.S. Environmental Protection Agency (EPA). Third party verification by a certified Home Energy Rater or equivalent is required prior to occupancy of each home.

J. Preservation of Historic Resources.

1. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception, the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

- a. When authorized by the Zoning Hearing Board as a special exception, a separate lot may be created to promote preservation and conservation of historic and natural resources. Such lot shall be a minimum of one acre and a maximum of ten acres in area, and shall otherwise conform to all dimensional requirements of the underlying district and the requirements of this subsection J. In case of any conflicts between those requirements, the most stringent shall apply. To ensure compatibility with neighboring properties, any lot created under this section shall be deed restricted with respect to location, type, and intensity of use, and shall be restricted against further subdivision. The content of all deed restrictions shall be subject to review and approval of the Township Solicitor.
5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.
- K. Community Impact Analysis. All applications for development under this overlay district shall be accompanied by a Community Impact Analysis consisting of the following:
1. An environmental impact study showing the impact on existing floodplains, wetlands, woodlands, steep slopes, and other sensitive natural features of the property.
 2. A traffic impact study documenting the impact on the Township and regional transportation system and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development.
 3. A fiscal impact study detailing the immediate post construction financial benefit or loss to the Township, school district, and county.
- L. Additional Requirements.
1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
 2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this Article.
 3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township

Solicitor. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:

- a. Rules implementing age verification, in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
- b. Rules implementing verification, in accordance with regulations of the Department, as amended, if any, that at least 90% of the occupied units are occupied by at least one person who is 55 years of age or older.
- c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.
- d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
- e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

SECTION 3. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause of action existing under the said Code prior to the adoption of this amendment.

SECTION 4. The provisions of the 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 provisions had not been included herein.

SECTION 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an **ORDINANCE** this **15th** day of **February, 2012.**

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



BY: _____
Art Haywood
President

ATTEST: David G. Kraynik
David G. Kraynik
Secretary and Township Manager

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2237-12**

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, ADDING CHAPTER 47, TO PROVIDE FOR THE CREATION OF THE CHELTENHAM TOWNSHIP HUMAN RELATIONS COMMISSION, AND TO PROHIBIT DISCRIMINATION IN HOUSING ACCOMMODATIONS, COMMERCIAL PROPERTY, EMPLOYMENT AND PUBLIC ACCOMMODATIONS ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, AGE, RELIGIOUS CREED, ANCESTRY, SEX, NATIONAL ORIGIN, HANDICAP OR DISABILITY, USE OF GUIDE OR SUPPORT ANIMALS AND/OR MECHANICAL AIDS BECAUSE OF THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF THE USER OR BECAUSE THE USER IS A HANDLER OR TRAINER OF SUPPORT OR GUIDE ANIMALS, OR BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION; PROVIDING DEFINITIONS AND EXCEPTIONS; AND PROVIDING PENALTIES AND REMEDIES

WHEREAS, the public policy of the United States of America, and the Commonwealth of Pennsylvania is grounded in the concept that all individuals are entitled to equality and equal protection under law, United States Constitution, Amendment 14; Constitution of the Commonwealth of Pennsylvania, Article I, §§ 26, 28; and

WHEREAS, the Board of Commissioners of Cheltenham Township finds that the population of the Township is reflective of the general population of the United States, in that it consists of a diverse array of persons representing different characteristics based upon actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, disability or use of guide or support animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression; and

WHEREAS, the Township prides itself on the diversity of its citizens and residents, and the harmonious relations which have been fostered in the Township by a widely practiced and recognized attitude of respect among all citizens of Cheltenham Township; and

WHEREAS, the Board of Commissioners finds that the direct and secondary negative effects of discrimination and discriminatory practices involving the personal characteristics described above in matters of employment, housing accommodations, public accommodation, and publicly-offered commercial property transactions, are well known and have been extensively studied, documented and demonstrated; and

WHEREAS, the practice or policy of engaging in discrimination or discriminatory practices against any individual or group, because of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, disability or use of guide or support

animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression is a matter of highest public concern, and constitutes a paramount threat to the rights, privileges, peace and good order of the citizens of Cheltenham Township and to visitors of Cheltenham Township, that undermines the basic tenants of our freedom as citizens of the United States, and is utterly without place in this Township, which has a storied tradition of fiercely defending the individual rights of its citizens; and

WHEREAS, the Board of Commissioners desires to establish and adopt an official policy of non-discrimination in Cheltenham Township, in all matters involving employment, housing accommodations, public accommodation, and publicly-offered commercial property transactions; and

WHEREAS, the Board of Commissioners, in adopting this Ordinance, intends to extend the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity and gender expression.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Cheltenham as follows:

SECTION I Short Title.

This Ordinance shall be known as the "Cheltenham Township Human Relations Ordinance. "

SECTION II Purpose and Declaration of Policy.

A. Cheltenham Township finds that it is vital to adopt appropriate legislation to insure that all persons, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, disability, or use of guide or support animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or the user is a handler or trainer of support or guide animals, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing accommodations, public accommodations, and in publicly-offered commercial property transactions.

B. The Board of Commissioners of Cheltenham Township hereby declares it to be the public policy of the Township to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, or use of guide or support animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression in all matters affecting employment, housing accommodations, public accommodations, and in publicly-offered commercial property transactions, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

C. Nothing in this Ordinance shall be construed as supporting, endorsing or advocating any particular doctrine, point of view; or religious belief. On the contrary, it is the express purpose and intent of this Ordinance that all persons be treated fairly and equally, and that all persons in Cheltenham Township shall be guaranteed fair and equal treatment under law.

D. This Ordinance shall be deemed an exercise of the police power of the Township of Cheltenham, as provided for under the Pennsylvania First Class Township Code and the Cheltenham Township Home Rule Charter and the Pennsylvania Human Relations Act, for the protection of the public welfare, prosperity, health and peace of the community of Cheltenham Township.

SECTION III Definitions.

The following words and phrases, when appearing in this Chapter, shall have the meanings given to them under this Section. Any words and phrases appearing in this Chapter but not defined in this Section shall have the meanings given to them in the Pennsylvania Human Relations Act.

1. **BOARD OF COMMISSIONERS:** The Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania.

2. **COMMERCIAL PROPERTY:** (1) Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and (2) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

3. **COMMISSION:** The Cheltenham Township Human Relations Commission.

4. **DISCRIMINATION:** Except as otherwise provided herein, any Discriminatory Act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, housing accommodations, public accommodations, or publicly-offered commercial property, on the basis of a person's actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, disability or use of guide or support animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's actual or perceived sexual orientation, gender identity or gender expression. Age discrimination, however, shall not apply to public accommodations.

5. **DISCRIMINATORY ACT(S):** All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, housing accommodations, public accommodation, or publicly-offered commercial property transactions, because of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, disability or use of guide or support animals and/or mechanical aids because of blindness, deafness or physical handicap of the user or, because the user is a handler or trainer of support or guide animals, or, in addition, as set forth in Section VIII below, because of an individual's actual or perceived sexual orientation, gender identity or gender expression.

6. EMPLOYEE: An individual employed by an Employer, but not individuals who, as a part of their employment, reside in the personal residence of the Employer.

7. EMPLOYER: The term includes the Commonwealth or any political subdivision or board, department, commission or school district thereof and any person employing four or more persons within the Commonwealth.

8. EMPLOYMENT: The hiring, promotion and termination of an individual for a position as an Employee and the compensation, tenure, terms, conditions and privileges of employment.

9. GENDER IDENTITY OR GENDER EXPRESSION: Self-perception, or perception by others, as male or female, including an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or assigned sex at birth, and shall include, but is not limited to, persons who are undergoing or who have completed sex reassignment, are transgender or gender variant.

10. HOUSING ACCOMMODATIONS: (1) Any building, structure, mobile home site or facility, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and (2) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. The term "housing accommodation" shall not include any personal residence offered for rent by the owner or lessee thereof or by his or her broker, salesperson, agent or employee, provided that such person does not own more than three (3) such single-family houses at any one time.

11. HOUSING FOR OLDER PERSONS: Housing:

- (i) which is intended for and solely occupied by persons sixty-two (62) years of age or older; or
- (ii) which is intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

A. In determining whether housing qualifies as housing for older persons under this Section, the Commission's requirements shall include, but not be limited to, the following:

- (i) at least eight (80%) percent of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit.
- (ii) there is publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older;
- (iii) the housing complies with regulations promulgated by the Pennsylvania Human Relations Commission for verification of occupancy.

12. **ORDINANCE:** This Ordinance, which shall be referred to as the "Cheltenham Township Human Relations Ordinance" or "this Chapter".

13. **PERSON:** One or more natural persons, fraternal, civic or other membership organizations, corporations, general or limited partnerships, proprietorships, limited liability entities, or similar business organizations, including the Township, its departments, boards and commissions, and any other for-profit and nonprofit organization.

14. **PUBLIC ACCOMMODATION:** Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectioneries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, college and universities, extension courses and all educational institutions under supervision of this Commonwealth, nonsectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof, financial institutions and all Commonwealth facilities and services, including such facilities and services of all political subdivisions thereof, but shall not include any accommodations which are in their nature distinctly private.

15. **SEXUAL ORIENTATION:** Actual or perceived homosexuality, heterosexuality and/or bisexuality.

16. **TOWNSHIP:** The Township of Cheltenham, Montgomery County, Pennsylvania.

17. **UNLAWFUL PRACTICES:** The discrimination and related acts or practices described in Section IV below but not excepted in Section V below or in this Section III.

SECTION IV Unlawful Practices.

1. Discrimination in employment, housing accommodations, public accommodation, or publicly-offered commercial property transactions, is prohibited under this Chapter.

2. Retaliation against any individual because such person has opposed any Unlawful Practice, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Chapter is prohibited under this Chapter.

3. Aiding, abetting, inciting, compelling or coercing the doing of any Unlawful Practice, or obstructing or preventing any person from complying with the provisions of this Chapter, is prohibited under this Chapter.

SECTION V Exceptions.

1. Prohibitions against sex discrimination in employment and housing accommodations shall not bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained so long as such preference is based upon the religious principles or the aims, purposes or fraternal principles of such organization.

2. Nothing in this Ordinance limits the applicability of the Fair Housing Act and reasonable state or local restrictions on the maximum number of occupants permitted to occupy a dwelling or a reasonable restriction relating to health or safety standards or business necessity. Owners and managers of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit so long as the standards do not violate the Fair Housing Act or state or local restrictions.

3. Nothing in this Ordinance, regarding age or familial status, shall apply with respect to housing for older persons. A person shall not be held personally liable for monetary damages for a violation of this Ordinance if the person reasonably relied, in good faith, on the application of the exemption of this Subsection. A person may only prove good faith reliance on the application of the exemption of this Subsection by proving that, at the time of the act complained of, all of the following applied:

A. The person had no actual knowledge that the housing was not eligible for exemption under this Subsection.

B. The owner or manager of the housing had stated formally, in writing, that the housing complied with the requirements for exemption under this Subsection.

SECTION VI Establishment of Human Relations Commission

1. Pursuant to the authority set forth under §12.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission in and for the Township of Cheltenham, which shall be known as the "Cheltenham Township Human Relations Commission."

2. The Cheltenham Township Human Relations Commission shall consist of nine (9) members, who shall be appointed to terms of three (3) years by the Board of Commissioners. The terms of the members of the Commission shall be staggered, such that the term of at least three (3) members of the Commission shall expire each year. All members of the Commission shall be residents and registered voters of the Township of Cheltenham and shall serve without compensation. No member of the Commission shall hold office in any political party.

3. The Commission shall have jurisdiction over Unlawful Practices committed within the Township to the extent set forth in Section VI, Subsection 7 below. The Commission shall not replace any existing or future Human Relations Committee established by the Township.

4. The Commission shall, annually, designate one member to serve as Chairperson of the Commission and one as Vice-Chairperson. The Chairperson shall be responsible for coordinating the activities, meetings, and operations of the Commission, as set forth under this Chapter. The Chairperson shall also report, from time to time, to a standing committee of the Board of Commissioners regarding the activities of the Commission, but shall report at least monthly and otherwise upon the request of the Chair of such standing committee.

5. The Chairperson of the Commission will designate one member to receive the complaint and conduct an intake meeting with the complainant or complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on such complaints brought before the Commission.

6. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary by the Board of Commissioners to acquaint themselves with the functioning of the Commission under this Ordinance, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson, and shall be performed in conjunction with the Pennsylvania Human Relations Commission.

7. The Commission shall have all of those powers necessary to execute the duties set forth under this Chapter, provided that such powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act except as otherwise expressly set forth herein.

8. The Commission shall operate within the scope of funds which may be allocated, on an annual basis, by the Board of Commissioners and shall not exceed the annual allocation in any year, except upon prior approval by the Board of Commissioners. In adopting this Ordinance, the Board of Commissioners hereby expresses its intention that the operation of the Cheltenham Township Human Relations Commission under this Ordinance shall be supported by volunteers, unpaid staff, and volunteer efforts and shall be as close to "zero cost" to the Township as reasonably feasible.

9. The Board of Commissioners hereby grants to the Commission, with respect to Unlawful Practices as defined herein, all of the powers necessary for the execution of its duties as set forth herein.

10. The Commission shall be empowered to promulgate such additional procedures to those set forth herein as it determines to be necessary or desirable to implement the intent of this Chapter, subject to the review and approval of the Board of Commissioners prior to the adoption of any such procedures.

SECTION VII Complaint and Procedures for Filing Complaints.

1. Complaints

A. Any person claiming to be aggrieved by an Unlawful Practice may make, sign and file a verified complaint, as provided under Section B of this Section, alleging violations of this Ordinance. Such complaint shall, at a minimum, contain the following information:

- (i) The name, mailing address and email (if applicable) of the aggrieved person(s);
- (ii) The name, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;
- (iii) A statement of the particulars of the facts, including pertinent dates, time, locations, people, and acts involved constituting the alleged Unlawful Practice;
- (iv) If applicable, the address and a description of any housing accommodation, public accommodation or commercial property which is involved; and
- (v) Such other information as may be required by the Commission.

B. Complaints may be filed in person at the office of the Township Manager, or by mailing such complaints to the Township offices, to the attention of the Township Manager. All such complaints must be received by the Township within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed by the Township Manager as untimely. The time limits for filing any complaint shall be subject to waiver, estoppel and equitable tolling. Any complaint expressly asserting waiver, estoppel and/or equitable tolling shall be processed by the Township Manager as set forth below in Section VII, Subsection 1.C and any such issues shall be determined by the Commission.

C. The Township Manager shall transmit all complaints timely received to the Chairperson of the Commission not later than ten (10) days after receipt of the complaint. The Township Manager shall conspicuously mark the face of the complaint with the date the document was first received in the Township offices.

D. The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Ordinance so long as the facts set forth under Section VII, Subsection 1.A can be clearly determined from the document submitted as a complaint. Complaints received without the use of an approved form shall include the verification referred to above in Subsection 1.A.

E. The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral

of additional information to the prospective complainant concerning the content of this Ordinance, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional or alternative venue within which the prospective complainant may seek redress when possible.

F. If the procedures adopted by the Commission provide that the Chairperson shall assign an investigator or a mediator or send the notices referred to in this Section, the Chairperson shall not take any further steps or have any contact with the parties until the commencement of the public hearing, if any.

2. Notifications and Answer

A. Within thirty (30) days of receipt of a complaint, the Commission shall:

- (i) Send a copy of the complaint to the person or persons charged with an Unlawful Practice (individually or together the "Respondent"), together with a copy of this Ordinance.
- (ii) Send a notice to the person or persons filing the complaint (individually or together the "Complainant"), informing him, her or them that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis proscribed under Federal or state law, the notice shall also inform the Complainant of their right to file a complaint with the Pennsylvania Human Relations Commission or the Federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.
- (iii) The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Pennsylvania Human Relations Act.
- (iv) The Commission shall also include a notice to both the Complainant and the Respondent of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the Complaint.

B. The Respondent shall file with the Township Manager a written verified answer to the complaint within thirty (30) days of service of the complaint by the Commission. An answer shall be filed in the same manner as a complaint. The answer shall be conveyed by the Township Manager to the Chairperson of the Commission within ten (10) days of its receipt by the Township Manager. The Commission shall promptly send a copy of the answer to the Complainant.

3. Mediation

A. After the answer has been received or if no answer has been received within thirty (30) days of service of the complaint:

- (i) The Commission shall, within 15 days, invite the parties to participate voluntarily in the mediation of their dispute. The parties shall respond to the invitation to mediate within 15 days of being invited to mediate. Mediation shall be conducted in accordance with procedures and within the time limits adopted by the Commission.
- (ii) If mediation is elected by the parties, the parties may jointly select a mediator, in which case they shall be jointly responsible for all financial costs and expenses associated with mediation and may allocate the costs of mediation as they agree. If the parties do not jointly select a mediator, or agree to allocation of costs pursuant to procedures adopted by the Commission, the Chairperson of the Commission shall select a mediator, who may be either a member of the Commission or a volunteer unless either party withdraws from the mediation process.
- (iii) The parties shall notify the Commission as to whether the mediation successfully resolved the complaint. Mediation proceedings shall otherwise be confidential. Neither the results thereof nor any record made in connection therewith shall be made public unless agreed to in writing by both parties to the dispute.
- (iv) Dismissal of the Complaint Following Mediation.
 - (a) If the mediation has successfully resolved the complaint, the Commission shall promptly notify the parties that it has dismissed the complaint, reserving the right to reactivate the complaint if there is non-compliance with the agreement.
 - (b) If the mediation has not successfully resolved the complaint, and if the complaint alleges a violation of this Ordinance which is also proscribed under the Pennsylvania Human Relations Act, the Commission shall notify the parties that the complaint has been dismissed, and refer the complaint to the Pennsylvania Human Relations Commission for further proceedings provided that the Complaint has been filed with the Pennsylvania Human Relations Commission.

B. If the mediation has not successfully resolved the complaint or if a party has not participated in mediation, and only if the complaint alleges a violation of this Chapter which is not otherwise proscribed under the Pennsylvania Human Relations Act and over which the Pennsylvania Human Relations Commission does not have jurisdiction, the Commission shall proceed as follows:

- (i) Investigation. The Commission shall, in a timely fashion, investigate the allegations of an Unlawful Practice set forth in the complaint by designating an investigator, who may be a member of the Commission. The Commission may, in the conduct of such investigation and upon

review, issue subpoenas to any person charged with an Unlawful Practice, or any person believed by the Commission to have information relevant to the complaint, commanding such person to furnish information, records or other documents, as necessary to assist in the Commission's investigation.

- (ii) **Finding of No Cause.** If it shall be determined after the Commission's investigation that there is no probable cause for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination and dismissal of the complaint. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court.
- (iii) **Conciliation.** If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the Unlawful Practice complained of by persuasion, conference and conciliation. If it determines that conciliation may be a useful approach, the Commission shall designate one of its members as a conciliator, who shall undertake conciliation following approved procedures of the Commission.
- (iv) **Public Hearing.**
 - (a) If the Commission finds it is not possible to eliminate the Unlawful Practice by persuasion, conference and conciliation, the Commission, shall cause to be issued and served a written notice scheduling a public hearing before the Commission at a time and place to be specified in such notice.
 - (b) The Commission may designate one or more of its members to preside at such public hearing. Except as set forth below in this Subsection (b), all Commission members shall be invited to sit on and hear such public hearing, and no public hearing shall be held unless a quorum of the Commission hears all of the evidence. A quorum of the Commission shall consist of no fewer than five (5) members unless otherwise agreed to by Complainant and Respondent. Any Commission member who acted as a mediator, investigator or conciliator shall not participate in such public hearing except as a witness to present the results of the investigation. Any Commission member with a conflict of interest shall not participate in such public hearing except as a witness.
 - (c) At the public hearing, both the Complainant and the Respondent shall be given the opportunity to appear, with or without counsel, to provide sworn testimony and submit evidence. Formal rules of evidence shall not apply, but irrelevant or unduly repetitious evidence may be excluded by the Commission in its discretion. In addition, both the Complainant and the Respondent may introduce

the testimony of additional witnesses and may submit documentary evidence. All witnesses are subject to cross-examination by the parties to the hearing.

- (d) A court reporter shall make a formal record of the proceedings. The cost of transcription shall be equally split between the Respondent and the Complainant. The Commission may award to a prevailing party the cost of transcription as a reasonable out-of-pocket expense in accordance with Section XIII hereof and Section 9(f)(1) of the Pennsylvania Human Relations Act cited therein.
 - (e) The Commission shall keep records, in the custody of the Township Manager, of its prior decisions and, together with judicial decisions decided under the Pennsylvania Human Relations Act, shall use and rely upon such decisions for their precedential value.
 - (f) The Chairperson of the Commission, and in his or her absence, the Vice-Chairperson, shall have the authority to issue subpoenas, rule on evidence and regulate the course of the hearing.
 - (g) The transcript of testimony and exhibits together with the complaint and any written response shall constitute the exclusive record for decision. *Ex parte* contacts with the members of the Commission, except those members of the Commission participating in mediation, conciliation or investigation, are prohibited.
- (v) Findings and Award. If upon all the evidence at the hearing the Commission shall find by a vote of a simple majority of the members at the hearing that a Respondent has engaged in or is engaging in any Unlawful Practice, the Commission shall state its findings of fact and shall issue and cause to be served on such Respondent a written decision and order requiring such Respondent to cease and desist from such Unlawful Practice and to take such affirmative action, including, but not limited to: hiring, reinstatement or upgrading of employees (with or without back pay), admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, and/or selling or leasing specified housing accommodations or publicly-offered commercial property upon such equal terms and conditions as was available to other persons at the time of the Unlawful Practice.
- (vi) Finding of No Discrimination. If upon all the evidence the Commission by such majority shall find that a Respondent has not engaged in any Unlawful Practice, the Commission shall state its findings of fact and shall issue and cause to be served on the parties a written decision and order dismissing the complaint as to such Respondent.

- (vii) Appeal. Any final order of the Commission may be appealed to the Court of Common Pleas of Montgomery County within sixty (60) days of the date of issuance of that order as provided by law for a *de novo* hearing.
- (viii) Enforcement. When the Commission has heard and decided any complaint brought before it, and the non-prevailing party has failed to comply with or appeal such final order within the sixty (60) days in Subsection vii above, enforcement of the order may be initiated by the prevailing party by the filing of a petition in the Court of Common Pleas of Montgomery County, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity.

SECTION VIII Disclaimer.

Nothing in this Ordinance 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 Township's Code of Ordinances prior to the adoption of this amendment.

SECTION IX Severability.

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 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 of Commissioners 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 X Effective Date.

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

SECTION XI Non-limitation of Remedies.

Nothing contained in this Ordinance shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

SECTION XII Multiple Filings.

This Ordinance shall have no jurisdiction over matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

SECTION XIII Penalties and Remedies; Miscellaneous.

1. Any person who shall be found by the Commission to have committed any Unlawful Practice may be subjected by the Commission to the penalties and remedies enumerated in Sections 9(f)(1&2) (f.1) and (f.2), Sections 9.2, 9.3, and Sections 10 & 11 of the Pennsylvania Human Relations Act. The penalties contained in this Ordinance shall be reviewed by the Board of Commissioners following each future change and amendment to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor on an amendment-by-amendment basis.

2. This ordinance extends the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity and gender expression.

3. All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in this Ordinance.

SECTION XIV Repealer.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION XV Effective Date.

This Ordinance shall be effective immediately.

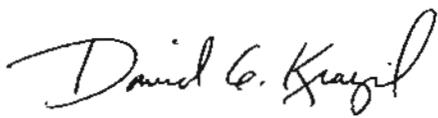
ORDAINED and ENACTED this 15TH day of February, 2012.

**BY THE BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**



By: _____
Arthur Haywood, President

ATTEST:

By:  _____
David G. Kraynik, Secretary