

**ORDINANCE NO. 19-2019**

**CITY OF EGG HARBOR**

**ORDINANCE AMENDING EGG HARBOR CITY CODE TO ADD CHAPTER 161  
"COMMUNITY RESIDENCES" TO RESTRICT THE LOCATION OF HOUSING FOR  
PEOPLE WITH DISABILITIES**

**WHEREAS**, the City of Egg Harbor has an increasing number of residences that are being converted to Housing for People with Disabilities, and

**WHEREAS**, the size, age and market value of residences in the City of Egg Harbor make it financially attractive to locate such facilities within the City; and

**WHEREAS**, studies have shown that locating multiple residences for people with certain disabilities within close proximity to each other works against the effort to rehabilitate said otherwise assist individuals in need of such facilities, and

**WHEREAS**, not all individuals that move into said facilities are successful in their rehabilitation efforts and are summarily and immediately barred from said facility and left essentially homeless in the neighborhood after having relapsed to their dependent status, and

**WHEREAS**, due to the significant relapse rate of the individuals residing in such facilities despite the efforts of caretakers, it is as a matter of public safety and concern in the best interests of all residents that such facilities not be located within close proximity to a school,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Egg Harbor, that the Municipal Code of the City of Egg Harbor is amended to add a new Chapter 161 COMMUNITY RESIDENCES to read as follows:

**Section 1.**

The location of housing for persons with disabilities shall be regulated as follows:

**A.** A (family) community residence shall be located a sufficient distance from any existing community residences so that the proposed community residence does not lessen nor interfere with the normalization and community integration of the residents of existing community residences or combine with any existing community residences to contribute to the creation or intensification of a de facto social service district;

**B.** A facility shall operate as a functional family residence that fosters normalization and community integration of its residents, rather than as an institution, boardinghouse, nursing home, short-term vacation rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, or a nonresidential use; and

C. A facility shall operate in a manner consistent with the protections afforded by the State of New Jersey's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence in order to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications;

D. The primary function of the proposed community residence is residential where any treatment is merely incidental to the residential use of the property; and

E. The applicant demonstrates that the requested number of residents in the proposed community residence will not interfere with the normalization and community integration of the occupants of any existing community residence;

F. Community residences, except as required by state law, will be at least 660 linear feet in any direction from the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence along legal pedestrian rights-of-way and at least 1000 feet from a school as determined by the Drug Free School Zone maps of the City of Egg Harbor.

G. In the event a resident of a community residence is expelled from the subject property the owner of the property or the designated property manager shall notify the City Clerk's Office of the name of the individual and the circumstances of the expulsion. If the individual is on parole or probation the department monitoring the individual shall likewise be notified.

## **Section 2.**

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effective, and to that end the provisions of this ordinance are hereby declared to be severable.

## **Section 3.**

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

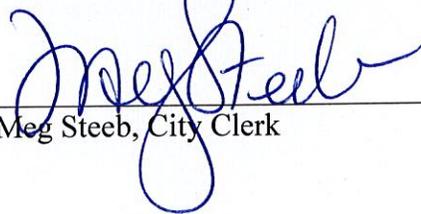
**Effective Date**

This ordinance shall be effective twenty (20) days from and after the date of its adoption, unless specified otherwise.

CITY OF EGG HARBOR CITY,  
a Municipal Corporation of the  
State of New Jersey



Honorable Lisa Jampetti, Mayor



Meg Steeb, City Clerk

First Reading: November 21, 2019

Publication: November 27, 2019

Public Hearing: December 12, 2019

Adoption: December 12, 2019