

ORDINANCE NO 147

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF TILDEN, AS AMENDED, TO INCLUDE A NEW SECTION ENTITLED "PRELIMINARY HYDROGEOLOGIC EVALUATION" UNDER ARTICLE IV, ENTITLED "PLAN REQUIREMENTS"; REQUIRING A HYDROGEOLOGIC EVALUATION FOR ALL SUBDIVISIONS AND LAND DEVELOPMENTS LOCATED WITHIN ONE QUARTER MILE OF DOCUMENTED WATER TESTING HAVING A NITRATE-NITROGEN CONCENTRATION BETWEEN 5mg/l AND 10mg/l AS SHOWN ON THE TILDEN TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN; SETTING FORTH THE REQUIREMENTS OF SUCH EVALUATIONS; EXCLUDING DEP EXEMPTIONS AND EXCEPTIONS; ELIMINATING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN ONE QUARTER MILE OF DOCUMENTED NITRATE-NITROGEN CONCENTRATIONS; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Article IV, entitled "Plan Requirements", of the Subdivision and Land Development Ordinance of the Township of Tilden, Pennsylvania, is hereby amended by adding thereto the following new section:

"4.50 Preliminary Hydrogeologic Evaluation

- 4.51 A preliminary hydrogeologic evaluation shall be required for all subdivisions and land developments located within one quarter (1/4) mile of documented water testing having a nitrate-nitrogen concentration between 5 mg/l and 10 mg/l. These areas are shown on Attachment J of the Tilden Township Official Sewage Facilities Plan, incorporated herein by reference.
- 4.52 A preliminary hydrogeologic evaluation which meets the requirements of the Pennsylvania Department of Environmental Protection (PADEP) shall include, as a minimum, the following:

- 4.521 The location of the proposed well and on-lot sewage system in relation to groundwater and surface water flow.
- 4.522 Estimated wastewater dispersion plume using an average daily flow of 262.5 gallons per equivalent dwelling unit per day or other flow supported by documentation.
- 4.523 Identification and location of existing and potential groundwater uses in the estimated area of impacted groundwater.
- 4.53 For subdivisions and land developments requiring preliminary hydrogeologic evaluations, PADEP planning exemptions and exceptions are not applicable.
- 4.54 No subdivisions or land developments are allowed within one-quarter (1/4) mile of documented water testing having a nitrate-nitrogen concentration exceeding 10 mg/l. These areas are shown on Attachment J of the Tilden Township Official Sewage Facilities Plan, incorporated herein by reference.
- 4.55 In the event that the PADEP approves in the future the use of denitrification units or similar systems, subdivision and land development may be allowed within areas with nitrate-nitrogen concentrations exceeding 10 mg/l."

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Tilden that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION 4. Effective Date. This Ordinance shall be come effective five (5) days following the date of adoption.

ENACTED AND ORDAINED into law this 7th day of February, 2004
by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania.

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Russell H. W. [Signature]

Troy R. Hatt

Marilyn K. [Signature]

SEAL

Attest:

Linda F. Motley
Secretary

MUNICIPAL CERTIFICATION

I, LINDA F. MOTLEY, Secretary of the TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 147 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Tilden Township, on January 19, 2004, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on February 7, 2004.

(SEAL)


Secretary

Date: February 7, 2004

AFFIDAVIT OF POSTING

COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF BERKS :

I, LINDA F. MOTLEY, Secretary of the Tilden Township Board of Supervisors, being duly sworn according to law, depose and say that on December 30, 2003, did post or cause to be posted a Notice of Hearing upon the most public part of the property at the Tilden Township Municipal Building, 874 Hex Highway, Hamburg, Tilden Township, Pennsylvania. A true and correct copy of the Notice of Hearing, which was posted is attached hereto and incorporated herein by reference.

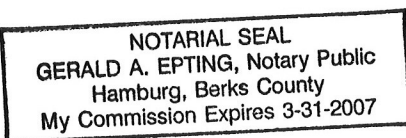
TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Linda F. Motley
Linda F. Motley, Secretary

Sworn and subscribed to before me
this 30th day of Dec., 2003.

Gerald A. Epting
Notary Public

My Commission Expires



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Township of Tilden Board of Supervisors will hold a public hearing on Saturday, February 7, 2004 at 8:00 A.M. at the Tilden Township Municipal Building, 874 Hex Highway, Hamburg, PA 19526 for the purpose of considering amendments to the Township of Tilden Subdivision and Land Development Ordinance in accordance with the Township of Tilden Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code (53 P.S. § 505, et seq). The Subdivision and Land Development Ordinance Amendment, if approved by the Board of Supervisors of the Township of Tilden at its scheduled meeting immediately following this hearing, would amend the Township of Tilden Subdivision and Land Development Ordinance of 1991, as amended, by adding a new section, entitled "Preliminary Hydrogeologic Evaluation", under Article IV, entitled "Plan Requirements" of the Subdivision and Land Development Ordinance of Tilden Township so as to require a hydrogeologic evaluation for all subdivisions and land developments located within one quarter mile of documented water testing having a nitrate-nitrogen concentration between 5 mg/l and 10mg/l as shown on the Tilden Township official sewage facilities plan; setting forth the requirements of such evaluations; excluding DEP exemptions and exceptions; and eliminating subdivisions and land developments within one quarter mile of documented nitrate-nitrogen concentrations.

A copy of the proposed amendment, the Township of Tilden Subdivision and Land Development Ordinance, the Township of Tilden Sewage Facilities Plan and the Pennsylvania Municipalities Planning Code may be examined at the Township of Tilden Municipal Office, 874 Hex Highway, Hamburg, PA 19526 during normal business hours.

If you require special accommodations in order to attend the public hearing, please call the Township of Tilden Municipal Office at (610) 562-7410. The Township will make every reasonable attempt to accommodate you.

James M. Lillis, Esquire
Township of Tilden Solicitor

AFFIDAVIT OF POSTING

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF BERKS :SS
:

I, LINDA F. MOTLEY, Secretary of the Tilden Township Board of Supervisors, being duly sworn according to law, depose and say that on December 30, 2003, did post or cause to be posted a Notice of Hearing upon the most public part of the property at the Tilden Township Municipal Building, 874 Hex Highway, Hamburg, Tilden Township, Pennsylvania. A true and correct copy of the Notice of Hearing, which was posted is attached hereto and incorporated herein by reference.

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Linda F. Motley
Linda F. Motley, Secretary

Sworn and subscribed to before me
this 30th day of Dec., 2003.

Gerald A. Epting
Notary Public

My Commission Expires

NOTARIAL SEAL
GERALD A. EPTING, Notary Public
Hamburg, Berks County
My Commission Expires 3-31-2007