

TOWNSHIP OF TILDEN

Berks County, Pennsylvania

ORDINANCE NO. 56, 1986

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THAT ORDINANCE NO. 45 ADOPTING CERTAIN LAND USE AND CONTROL MEASURES IN ACCORDANCE WITH THE CRITERIA AND REQUIREMENTS OF SECTION 1910.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS ISSUED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Township of Tilden, Berks County, Pennsylvania (hereinafter the "Township") had adopted that Ordinance No. 45 (hereinafter "Flood Ordinance") on June 3, 1980; and

WHEREAS, the Township has been notified by the Department of Community Affairs of the Commonwealth of Pennsylvania that said Ordinance must be amended in order to include certain additional provisions in accordance with the Pennsylvania Flood Plain Management Act of 1978 (Act No. 166) (hereinafter the "Act"); and

WHEREAS, it is the desire of the Township to adopt these additional provisions in order to maintain compliance with all state and federal statutes and regulations.

NOW, THEREFORE, be it ENACTED and ORDAINED by the Board of Supervisors of the Township, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

Section 1. The relevant sections of the Flood Ordinance are amended to read as set forth below:

"SECTION 3. The following requirements and controls shall apply to the regulatory floodway adopted by the Township in Section 2 of the Ordinance:

(a) Encroachments, including fill, and other development, within the adopted regulatory floodway that would result in any increase in flood levels within the Township of Tilden during the occurrence of the one hundred (100) year flood discharge are prohibited.

(b) The construction, placement or expansion of any building, structure, including the placement of any mobile home, within the adopted regulatory floodway is prohibited.

(c) The commencement of any of the following activities within the one hundred (100) year flood boundary is prohibited.

- (1) Hospitals;
- (2) Nursing homes;
- (3) Jails or prisons.

(d) The placement or construction of any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or which will be used in the production, storage or use of any amount of radioactive substances; or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons or any comparable volume of any of the following dangerous materials or substances is prohibited:

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen

- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

(e) No variance shall be issued for any of the prohibited structures, uses or activities listed in subsection (d) above.

Section 2. In the event that one or more provisions, sentences, clauses or other parts of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sentences, sections, clauses or parts of this Ordinance, it being the intention of the Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 3. Any Ordinance, Ordinances or parts of an Ordinance or Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same are inconsistent with this Ordinance.

Section 4. This Ordinance shall become effective five (5) days after the date of its enactment.

Duly enacted at a public meeting of the Board of Supervisors of the Township, held on the 6th day of January , 1986.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF TILDEN, BERKS COUNTY,
PENNSYLVANIA

Vernon P. Reppert

Earl L. Katzaman

George E. Savage

Attest: Anna M. Hunsberger