

ORDINANCE NO. 55-1996

AN ORDINANCE AMENDING ORDINANCE NO. 55-1991, KNOWN AS THE CENTRE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ENACTED ON AUGUST 20, 1991, WHICH PROVIDED REGULATIONS, RULES, AND STANDARDS FOR PLANNING, SUBDIVIDING, AND DEVELOPING LAND WITHIN THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, TO PROVIDE THAT SECTION 403.2 BE AMENDED TO INCLUDE 403.2.O GOVERNING GROUNDWATER RECHARGE AND WITHDRAWAL, AND SECTION 403.2.P REQUIRING EVALUATION OF THE EFFECT THAT ON-LOT SEWAGE DISPOSAL WILL HAVE ON NITRATE-NITROGEN LEVELS IN THE GROUNDWATER; TO PROVIDE THAT SECTION 506 OF SAID ORDINANCE SHALL BE AMENDED TO ADD THAT NO SUBDIVISION OR LAND DEVELOPMENT INTENDING TO USE ON-SITE SYSTEMS FOR SEWAGE DISPOSAL SHALL BE APPROVED UNLESS THE PROPOSED SUBDIVISION AND/OR LAND DEVELOPMENT SHALL HAVE AN APPROVED PRIMARY AND ALTERNATE SEWAGE ABSORPTION AREA TEST SITE, AND SETTING FORTH TOWNSHIP TEST PROCEDURES WITH RESPECT TO PROBE REQUIREMENTS AND PERCOLATION TEST REQUIREMENTS, AND SETTING FORTH REQUIREMENTS WITH RESPECT TO ITEMS WHICH MUST BE SHOWN IN ANY SUBDIVISION AND/OR LAND DEVELOPMENT PLAN; TO PROVIDE THAT SECTION 508.1 OF SAID ORDINANCE TITLED "OTHER UTILITIES AND IMPROVEMENTS" SHALL BE AMENDED TO ADD THAT SUBDIVIDERS AND/OR LAND DEVELOPERS SHALL PROVIDE A SET AMOUNT OF PRIME OPEN SPACE PER DWELLING UNIT, OR, IN LIEU THEREOF, REMIT TO THE TOWNSHIP THE SUM TOTAL OF THE FAIR MARKET VALUE OF SAID AMOUNT OF PRIME OPEN SPACE; TO PROVIDE THAT SECTION 512 OF SAID ORDINANCE TITLED "CURBS" UTILITIES AND IMPROVEMENTS" SHALL BE AMENDED TO ADD THAT SUBDIVIDERS AND/OR LAND DEVELOPERS SHALL PROVIDE CURBS OF THE VERTICAL TYPE, AND THAT SAID CURBS SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT; AND TO PROVIDE THAT SECTION 513 OF SAID ORDINANCE TITLED "SIDEWALKS" SHALL BE AMENDED TO ADD THAT SIDEWALKS IN SUBDIVISIONS AND/OR LAND DEVELOPMENTS SHALL BE A MINIMUM OF FOUR FEET (4') IN WIDTH, AND SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, AND,

WHERE APPLICABLE, TO THE PENNSYLVANIA UNIVERSAL
ACCESSIBILITY ACT, 71 P.S. SECTION 1455.2(a)

BE IT ENACTED and ordained by the Supervisors of the Township of Centre, Berks
County, Pennsylvania, hereby enacted and ordained by the authority of the same as follows:

Section 1. That Ordinance No. 55-1991, known as the Subdivision and Land Development Ordinance of Centre Township, enacted August 20, 1991, be and hereby is amended by amending Section 403 entitled "Preliminary Plan - Major Subdivision or Land Development" to add the following subsections to Section 403.2:

Section 403.2.O - An evaluation of the groundwater recharge and the groundwater withdrawal for the subdivision or land development. - This evaluation shall be based on a drought condition rainfall recharge rate of 400 gpd per acre, unless otherwise justified by a professional experienced in this field. Withdrawal rates shall be based on Pennsylvania Department of Environmental Protection (PA DEP) Rules and Regulations for sewage flows. The evaluation shall demonstrate that the recharge rate will exceed the withdrawal rate by at least twenty percent (20%).

Section 403.2.P - If on-lot sewage disposal is proposed, an evaluation of the effect that the proposed on-lot sewage system(s) will have on the Nitrate-Nitrogen levels of the groundwater. The evaluation shall demonstrate that the proposed on-lot sewage disposal system(s) will not elevate the Nitrate-Nitrogen levels of the groundwater above 10 mg/l. The evaluation shall involve a preliminary hydrogeologic study performed by a professional experienced in this field, providing sufficient calculations and documentation to support the required conclusion. Methods of achieving the required results may include large lot sizes, recharge easements, pre-treatment, or any other method which has been demonstrated to provide the required results.

Section 2. That Ordinance No. 55-1991, known as the Subdivision and Land Development Ordinance of Centre Township, enacted August 20, 1991, be and hereby is amended by amending Section 506 entitled "Sanitary Facilities" as follows:

A. General Policy. No subdivision or land development within the Township of Centre

intending to use on-site systems for sewage disposal shall be approved by the Board of Supervisors unless each and every lot within the proposed subdivision and/or land development shall have an approved primary and alternate sewage absorption test area.

1. Township Test Procedures

a) **Probe Requirements** - A minimum of two (2) probes shall be investigated for each sewage absorption area test site. Additional probes shall be investigated for each of the first two (2) probes within a limiting zone less than thirty inches (30") in depth. Each probe shall be numbered by the Township Sewage Enforcement Officer (SEO) and this number shall be clearly shown on the proposed subdivision and/or land development plan. Each probe shall be dimensionally located on the proposed subdivision and/or land development plan. All probes, passed or failed, shall be shown and located on the plan.

b) **Percolation Test Requirements**. The proposed absorption area shall be staked out and the percolation holes shall be uniformly located across the proposed absorption area. Two passing percolation tests shall be required for each proposed lot within the subdivision or land development. No dry holes (percolation holes which run dry in less than ten (10) minutes during a percolation test) shall be permitted within the perimeter of any absorption area or within ten feet (10') of the aggregate area of any proposed absorption area. The maximum slope shall be measured across the absorption area, or sand berm toe to toe for mounds, and shall be clearly shown on the proposed plan. All percolation holes shall be numbered to coincide with the site investigation sheets and said numbers shall be shown adjacent to percolation holes on the proposed plan. Percolation tests shall be conducted as per current regulations of the Pennsylvania Department of Environmental Protection (DEP).

c). Subdivision Plan Requirements. The proposed subdivision or land development plan shall show the following:

- i) Dwellings, principal use buildings (existing and proposed)
- ii) Well(s) (existing and proposed)
- iii) Primary absorption area and alternate area
- iv) Driveway
- v) Dimensions of absorption areas and toe to toe mound areas where applicable
- vi) Dimensions to items a,b, and c, above, from two non-parallel lot lines
- vii) All existing wells and septic system(s) within two hundred feet (200') of each proposed lot
- viii) All streets, trees, and other natural features
- ix) Accurate contour lines at two feet vertical intervals
- x) The alternate absorption area shall be identified with a metes and bounds description and shall be noted on the final plan that no building or earthmoving activity may take place within this area without approval by the SEO.

B. The proposed plan for module submission shall be drawn at a minimum scale of 1" = 50', and larger if required for clarity and/or requested by the SEO.

Section 3. That Ordinance No. 55-1991, known as the Subdivision and Land Development Ordinance of Centre Township, enacted August 20, 1991, be and hereby is amended by amending Section 508.1 entitled "Other Utilities and Improvements" as follows:

a) For every proposed subdivision or land development, the Centre Township -Centerport Borough Joint Planning Commission (hereinafter referred to as "Planning Commission") shall

consider the need for suitable open areas for recreation and shall make a recommendation thereon. Standards to be used by the Planning Commission in recommending the reservation of space are as follows:

- (i) Whether a public open space area exists or is planned within ten (10) minutes' walking distance of all homes within the proposed subdivision and/or land development;
- (ii) Whether an arterial street or road separates the nearby existing public recreation area and the proposed subdivision and/or land development;
- (iii) Whether the nearby existing public recreation area adequately fulfills the recreational needs of the future residents of the proposed subdivision and/or land development.

b) For every subdivision or land development, the developer or subdivider shall provide a set amount of prime open space per dwelling unit, or pay the Township of Centre (hereinafter referred to as "Township") a fee representing fair market value of the open space. "Prime open space" is defined as land in which seventy-five percent (75%) of it would meet all of the following standards:

- i) - less than 6% slope
- ii) - not a federal or state designated wetland
- iii) - be part of contiguous tract of at least two (2) acres (can include existing adjacent open space)
- iv) - cannot be within the 100 year flood plain, as defined by the Township and/or Planning Commission.

The Planning Commission may, on a case-by-case, non-precedential basis, modify this standard where, in light of the type(s) of structure(s) proposed, this standard may place an undue burden upon the subdivider and/or developer.

c) In lieu of setting aside prime open space as defined hereinabove, the developer of the subdivision(s) and/or land development(s) which are intended to provide housing for one (1) or more families shall contribute to the Township the sum of Five Hundred Dollars and 00/100 (\$500.00) per lot, with Two Hundred Fifty Dollars and 00/100 (\$250.00) to be paid at the time the final plan is approved, and the remainder to be paid to the Township at the time at which settlement is made on the lot. The aforesaid monies shall be used only for the acquisition, improvement, and/or maintenance of public open space areas and/or recreational areas or facilities owned or leased by the Township.

d) If the Township Supervisors shall determine after consultation with the Planning Commission that the public open space area(s) of the subdivision and/or land development being reviewed can better be served by using nearby, existing public open space area(s), the developer of such subdivisions and/or land developments shall contribute to the Township a fee of Five Hundred Dollars and 00/100 (\$500.00) per dwelling unit in the proposed subdivision and/or land development, to be remitted as described above.

e) All Ordinances or parts of Ordinances conflicting in any manner with the provisions of this Amendatory Ordinance, are hereby generally repealed insofar as the same are inconsistent with the terms and provisions of this Amendatory Ordinance.

f) The terms and provisions of this Amendatory Ordinance shall become effective immediately. With respect to existing approved Subdivision and Land Development Plans, the Five Hundred Dollar (\$500.00) fee shall be paid on Building Permits issued on or after this date, but shall

not apply to Building Permits previously issued.

Section 4. That Ordinance No. 55-1991, known as the Subdivision and Land Development Ordinance of Centre Township, enacted August 20, 1991, be and hereby is amended by amending Section 512 entitled “Curbs” as follows:

“Curbs shall be of the vertical type, and shall conform to the requirements of the Americans With Disabilities Act.”

Section 5. That Ordinance No. 55-1991, known as the Subdivision and Land Development Ordinance of Centre Township, enacted August 20, 1991, be and hereby is amended by amending Section 513 entitled “Sidewalks” as follows:

a) All Sidewalks shall be a minimum of four feet (4') in width, and shall conform to the requirements of the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, and accompanying regulations and technical requirements.

b) All sidewalks in existing subdivisions and/or land developments housing in excess of ten (10) families, or in new subdivisions and/or land developments housing in excess of six (6) families, and in all subdivisions and/or land developments which are not exclusively residential in nature, shall conform both to the requirements of both the Americans With Disabilities Act and accompanying regulations and technical requirements, and to the requirements of the Pennsylvania Universal Accessibility Act, 71 P.S. Section 1455.1, *et seq.*, and all accompanying regulations and technical requirements.

Section 6. Effective Date - This Ordinance shall become effective on the earliest date permitted by law.

DULY ENACTED AND ORDAINED at a public meeting of the Supervisors of the

Township of Centre, Berks County, Pennsylvania this 10 day of ~~March~~^{April}, 1996.

* TOWNSHIP OF CENTRE
Berks County, Pennsylvania

Attest:

Nancy S Kachel
Secretary

(SEAL)

By: Nancy S Kachel
Chair

By: Wilmer H Phillips
Supervisor

By: Larry O Zimmerman
Supervisor