

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE PROVISIONS OF ORDINANCE NO. 129, ADOPTED APRIL 9, 1992, AS AMENDED BY ORDINANCE NO. 166, ADOPTED DECEMBER 9, 1999, THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG BY PROVIDING FOR THE DESIGNATION OF MINIMUM STREET RIGHT-OF-WAY AND CARTWAY WIDTHS BY RESOLUTION; AMENDING PROVISIONS REGARDING SIGHT DISTANCE REQUIREMENTS; AMENDING PROVISIONS REGARDING CARBONATE AREAS; AND AMENDING PROVISIONS REGARDING STREET AND TRAFFIC SIGNS BY PROVIDING FOR THE INSTALLATION OF DELINEATORS.

BE IT ENACTED AND ORDAINED and it is hereby Enacted and Ordained by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, as follows:

SECTION 1. Street Right-of-Way and Cartway Widths. The opening paragraph of Section 802.3.1 of Ordinance No. 129 is deleted in its entirety and the following substituted in its place:

"802.3.1 Minimum street right-of-way and cartway (pavement) widths shall be as shown on the Official or Comprehensive Plan or as may be otherwise designated by the Board of Supervisors by resolution from time to time shall be as follows:"

SECTION 2. Sight Distance Requirements at Intersections. Section 802.9 of Ordinance 129 is deleted in its entirety and the following substituted in its place:

"802.9 Sight Distance Requirements at Intersections

802.9.1 All new streets that are proposed to intersect an existing or proposed public street or road shall be provided with clear sight triangles at that intersection. Within such triangles, no vision-obstructing objects other than utility poles, streetlights, street signs, or traffic signs shall be permitted which obscure vision below the height of ten (10) feet, measured from the centerline grade of the proposed street. Such triangle shall be established from a distance of:

- a. Seventy-five (75) feet along all centerlines, measured from the point of intersection of the centerlines, for intersections with minor streets, or

- b. One hundred fifty (150) feet along all centerlines, measured from the point of intersection of the centerlines, for intersections with collector and other major streets.

802.9.2 All new streets and driveways that are proposed to intersect an existing public street or road shall be provided with safe stopping distance sight triangles at that intersection. All intersections shall be provided with at least the minimum safe stopping sight distance listed in Appendix VI Table 1 based on the conditions of the existing street at the new street or driveway intersection. Said distance shall be measured to the left and to the right with the driver of a vehicle positioned ten (10) feet back from the edge of cartway. Within such triangles, no vision-obstructing objects other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscure vision below the height of ten (10) feet, measured from the centerline grade of the proposed street or driveway. Field measured sight distances for intersection or driveway approach conditions shall also be provided on the plans.

802.9.3 Clear sight triangles shall be provided for all new street intersections. Safe stopping sight distance triangles shall be provided for all new street intersections and all new driveway intersections. Written agreements authorizing access to adjoining property for maintenance of all sight triangles must be submitted for the Township Solicitor's review prior to recording the document.

802.9.4 Whenever a portion of the line of the clear sight triangle(s) occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision or land development and shall be considered a building setback (reserve) line."

SECTION 3. Carbonate Areas. Section 817 of Ordinance No. 129 is deleted in its entirety and the following substituted in its place:

"817 Carbonate Areas

817.1 Designation of Area. Areas subject to this section shall include all areas of Duffield (DfA, DfB2, DfC2, and DfD2), Duffield and Hagerstown (DhE3), Hagerstown (HaB2 and HaC2), and Murrill (MuA, MuB2 and MuC2) soils. In addition, any Group II (Carbonate) soil series as classified by the Pennsylvania Department Environmental Protection that is not included in the preceding list but is found to exist in the Township shall also be considered carbonate for the purpose of this Ordinance.

In Carbonate areas, the Township recognizes that alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Therefore, within the limitations of the information available at the time of review of individual applications, the Township shall evaluate the applicant's compliance with the standards of Section 817.2. Under no circumstances shall the Township or any officer or employee of the Township assume any liability for any damages that may result from any applicant's or any interested party's reliance upon the regulations of Section 817.2 or any decisions made by the Township in the administration of such regulations.

817.2 Standards

817.2.1 All private buildings, structures, driveways, storm drainage facilities, and other utilities shall be so situated, designed and constructed as to minimize the risk of structural damage from existing or future sinkholes. The owner of such structures or improvements shall be required to retain a licensed geotechnical consultant if a sinkhole is encountered within 100 feet of the proposed improvements or structure during the construction process. This consultant shall certify under seal, in writing, that a minimal risk of structural damage due to sinkholes exists or indicate mitigating measures to be taken to minimize risk of structural damage.

817.2.2 All public improvements including but not limited to public utilities, storm drainage facilities, sidewalk, curbing, roadways and other impervious surfaces within the public right-of-way shall be so designed, located and constructed as to minimize the potential damage from existing or future sinkholes. In connection with the Township's review of the proposed development, at the Township Engineer's request, the Township may retain a licensed geotechnical consultant to perform inspections and advise on appropriate mitigating measures to be taken to prevent future sinkhole formation.

817.2.3 A low permeability clay liner or an impermeable membrane liner system shall be installed to prevent the formation of sinkholes whenever a storm water detention basin or diversion berm/swale is proposed in an area underlain with Carbonate bedrock. All liners shall be designed to provide a minimum permeability factor of $k = 1 \times 10^{-6}$ cm/sec. No subsurface detention facilities will be considered unless the concept has the approval of the Board of Supervisors, the Township Engineer and any consultant that the Township may involve. All detention facilities shall be designed as surface storage unless otherwise approved by the Board of Supervisors. If an applicant wishes to challenge the need for a liner, then a licensed geotechnical consultant shall complete a Carbonate Geology Evaluation Report in accordance with Section 817.3.2 of this Ordinance. Regardless of the results of the geological evaluation, financial security shall be established in accordance with the Pennsylvania Municipalities Planning Code for the estimated cost of a clay liner or a membrane liner system installation for every detention basin or swale proposed in the designated Carbonate areas. This financial security will be returned to the applicant at the end of the 18-month maintenance period if, upon inspection, there is no indication of sinkhole formation in the detention facility or swales.

817.2.4 Should the Board of Supervisors find, upon consultation with a licensed geotechnical consultant, that an application may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risks, or should the Board of Supervisors determine that the applicant has not taken all reasonable actions to minimize such risks, the Board of Supervisors may deny the application.

817.3 General Submission Requirements

817.3.1 The following information shall be submitted by the subdivider or developer:

a. For all areas proposed for grading, construction of buildings and other improvements, documentation indicating the presence of any of the following carbonate features:

- Depressions
- "Ghost lakes" occurring after rainfall events
- Outcrops of bedrock
- Seasonal high water tables
- Sinkholes
- Surface drainage entering the ground

b. A plan indicating existing and proposed drainage conditions, existing and proposed grading, locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements.

817.3.2 Where the need for an impermeable liner is disputed, the subdivider or developer shall submit a Carbonate Geology Evaluation Report containing the following information:

a. Description of Existing Conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.

b. Description of the Proposed Action. This section shall describe the proposed action including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements.

c. Proposed Measures to Control Potential Adverse Environmental Impacts. This section shall describe all measures proposed to control all adverse impacts which may occur as a result of the proposed action.

d. List and Qualifications of Preparers. The names, addresses, telephone numbers and qualifications of the licensed geotechnical consultant(s) responsible for the Carbonate Geology Evaluation Report.

817.4 The following guidelines shall be considered during construction activities:

a. Care should be taken to prevent collection and drainage of surface water into excavated or low-lying areas of the site during excavation and construction.

b. Soft and wet conditions shall be located on a site plan whenever they are encountered.

c. Soft areas shall be removed and replaced with suitable fill compacted in accordance with recognized standards, such as ASTM.

d. The bottom of all excavations shall be inspected for soft or unusually moist conditions. A visual inspection of the excavated bearing surface, together with soundings or probes of the soil at regular intervals shall be performed. Any soft or unusually moist soil shall be further excavated and a determination made of the extent of the problem. Remedial measures shall be adopted as necessary. Findings and remediations shall be documented and provided to the Township.

e. End points of swales and drainage pipe outlets shall be protected with impermeable liners in conjunction with stone rip-rap in order to prevent infiltration of runoff.

f. Excavation should be kept to a practical minimum.

g. Water from roof drains or other drainage systems should be collected and conveyed away from structures to prevent infiltration near foundations. Where possible, roof drains shall discharge directly into a storm sewer system or the street gutter.

h. Subsoil erosion/sinkholes that occur during the construction of a project should be corrected as quickly as possible under the supervision of a qualified geotechnical consultant. Locations, extents and remedial procedures shall be documented and provided to the Township.

i. Blasting should be avoided.”

SECTION 4 Street and Traffic Signs and Delineators. Section 902.10 of Ordinance No. 129 is deleted in its entirety and the following substituted in its place:

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| “902.10 | Street and Traffic Signs and Delineators |
| 902.10.1 | Street name and traffic signs shall be installed at all street intersections. The design and placement of street signs shall be in accordance with Township standards. |
| 902.10.2 | The design and placement of traffic signs shall be in accordance with PennDOT standards. The cost of all signs shall be borne by the applicant. |
| 902.10.3 | Reflectorized post delineators shall be installed at 50 foot intervals along both sides of road curves, at 150 foot intervals along both sides of road tangents, and at both ends of pipe culverts. |

902.10.4 Design and placement shall be in accordance with Township standards. The cost of all delineators shall be borne by the applicant”.

SECTION 5 Repealer. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

SECTION 6 Invalidity. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance is, for any reason, declared to be unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word or remaining portion of the remaining Ordinance. The Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word or remaining portion hereof, irrespective of the fact that any one or more of these sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words made to be declared illegal, unconstitutional or invalid.

SECTION 7 Effective Date. This Ordinance shall take effect five (5) days from the date of enactment.

ENACTED AND ORDAINED this 25th day of January, 2001.

ATTEST:

TOWNSHIP OF SOUTH HEIDELBERG

Richard E. Hummel
Secretary

John P. Brest
Chairman

Richard E. Hummel
Supervisor

[Signature]
Supervisor