

UPPER BERN TOWNSHIP
BERKS COUNTY
COMMONWEALTH OF PENNSYLVANIA

14 - 2012
ORDINANCE NO.: 2 of 2012

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA,
WHICH IS INTENDED TO REVISE THE UPPER BERN TOWNSHIP SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE OF 2008, BY AMENDING THE PROVISIONS
CONTAINED UNDER SECTION 202 (SPECIFIC TERMS).**

BEING ENACTED AND ORDAINED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania (the "Township"), and it is hereby enacted and ordained by authority of the same, as follows:

WHEREAS, the Township has duly adopted and does maintain an ordinance titled the "Upper Bern Township Subdivision and Land Development Ordinance of 2008" (the "Subdivision and Land Development Ordinance").

WHEREAS, Section 505 of Pennsylvania Municipalities Planning Code ("MPC") authorizes municipalities within the Commonwealth of Pennsylvania to amend their Subdivision and Land Development Ordinance.

WHEREAS, the Board of Supervisors believes it is in the best interest of the Township to further regulate floodplain management regulations to comply with the provisions of the Federal Emergency Management Agency and the guidelines established by the Commonwealth of Pennsylvania.

WHEREAS, the Board of Supervisors has considered the comments of the Berks County Planning Commission, the Upper Bern Township Planning Commission and the general public after a public hearing duly conducted in accordance with the provisions of the MPC and the Zoning Ordinance.

NOW THEREFORE, be it ordained that the Upper Bern Township Board of Supervisors does hereby approve and adopt the following amendments to the Subdivision and Land Development Ordinance, as follows:

Section 1: The following principal definition of the "Floodplain Overlay District", as contained under Section 202 (Specific Terms) of the Upper Bern Township Subdivision and Land Development Ordinance of 2008, shall be revised, replaced and/or amended as follows:

Floodplain Overlay District: A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the major creeks and waterways of Upper Bern Township. The Floodplain Overlay District is further defined and regulated under the Upper Bern Township Zoning Ordinance and the Upper Bern Township Floodplain Ordinance, as may be revised or amended.

Section 2: The following subordinate definitions of the "Floodplain Overlay District", as contained under Section 202 (Specific Terms) of the Upper Bern Township Subdivision and Land Development Ordinance of 2008, shall be revised, replaced and/or amended as follows:

Base Flood: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. The definition of "floodplain" shall also apply to "floodplain area".

Floodplain Ordinance: The Upper Bern Township Floodplain Ordinance, as may be revised and/or amended.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

100-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

100-Year Flood Boundary: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

100-Year Flood Elevation: The water surface elevations of the 100-year flood.

Section 3: Repealer: All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 4: Validity: If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 5: Effective Date: This Ordinance shall become effective within five (5) days after adoption.

Section 6: Municipal Enactment

ORDAINED AND ENACTED this 8th day of February, 2012, by a vote of 3 Yes C
No C Abstained C Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

Attest:

Megan Klee
Secretary

By:

David Yoder
David Yoder, Supervisor

Ervin D. Steinly, Jr.
Ervin D. Steinly, Jr., Supervisor

Randy Loeb
Randy Loeb, Supervisor
Rodney