

ORDINANCE NO. 98-2009

**AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE OFFICIAL MAP OF UPPER BERN TOWNSHIP**

WHEREAS, the Board of Supervisors of Upper Bern Township ("Township") has determined that it is necessary to enact an Ordinance which will promote the public health, safety, convenience and general welfare, to facilitate adequate provisions of public facilities, to improve vehicular and pedestrian circulation, to provide for the recreational and open space needs of the Township and to protect and enhance water resources within the Township;

WHEREAS, the purpose of this Ordinance is to meet those requirements, to plan for future land use and adopt an Official Map for the Township pursuant to Article IV of the Pennsylvania Municipalities Planning Code;

WHEREAS, pursuant to Sheet 1 of the Official Map attached hereto, the Township wishes to delineate parcels of land that the Township may have an interest in purchasing pursuant to Article III of the Pennsylvania Municipalities Planning Code and/or the Pennsylvania Second Class Township Code;

WHEREAS, pursuant to Sheet 1 of the Official Map, the Township wishes to identify the location of possible future roads that may be acquired and/or constructed in the Township to facilitate public transportation needs;

WHEREAS, Sheet 2 of the Official Map attached hereto identifies the locations for possible future agricultural or conservation easements that may be acquired or preserved in accordance with local and regional plans; and

WHEREAS, pursuant to Sheet 3 of the Official Map attached hereto, the Township has identified possible locations of a future riparian buffer along the Northkill Creek in Upper Bern Township measured 300 feet on either side from the center of the stream and other

potential riparian buffers on lesser quality streams measured 100 feet on either side from the center of the stream.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Township of Upper Bern, County of Berks, Commonwealth of Pennsylvania, as follows:

Section 1. The Township hereby adopts the Official Map of Upper Bern Township in three (3) Sheets, copies of which are attached hereto marked **Exhibit "A,"** and by reference made a part hereof.

Section 2. Pursuant to Section 406 of the Pennsylvania Municipalities Planning Code, the governing body may fix a time for which streets, water courses and public grounds on the Official Map shall be deemed reserved for future taking or acquisition for public use. The Board of Supervisors hereby fix a time of one (1) year as the reservation period for any taking or acquisition pursuant to this Ordinance. The reservation for streets, water courses, public grounds, agricultural and conservation easements shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his intention to build, subdivide or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the Township shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.

Section 3. Exceptions. When the owner of a property subject to the reservations for future taking or acquisition identified in the Official Map submits an application for a building permit within the designated area for an accessory structure, the one (1) year time period fixed for the reservation of future taking or acquisition by the Township shall be reduced to ninety (90) days. The Board of Supervisors shall act upon the application for the building permit for that accessory structure within the ninety (90) day timeframe or the reservation shall lapse and become void. This exception does not apply to applications for (i)

building permits for principal structures, (ii) proposed subdivision of land reserved for agricultural easements, or (iii) proposed residential structures within land reserved for agricultural easements, which time period shall remain at one (1) year as fixed by this Ordinance.

Section 4. Should any provision of this Ordinance be found unconstitutional or otherwise illegal, or in any other manner unenforceable, the remaining sections of the Ordinance shall remain in full force and effect.

Section 5. All ordinances, code sections or parts thereof in conflict herewith shall be repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect five (5) days after enactment thereof.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, this 8 day of July, 2009, in lawful session duly assembled.

BOARD OF SUPERVISORS OF UPPER BERN TOWNSHIP

Paul J. Moyer Jr  
Chairman

[Signature]  
Member

[Signature]  
Member

ATTEST:  
[Signature]  
Secretary



**UPPER BERN TOWNSHIP EASEMENT ACQUISITION MAP NOTES**

- SHADDED PARCELS IF LAND CONTAINING 1/2 OR MORE ACRES WITHIN THE APPLICABLE ZONING DISTRICT ARE NOT PREVIOUSLY ZONED OR OFFICERLY RECLASSIFIED. CONSIDERATION OF EASEMENTS IS APPLICABLE TO SUCH PARCELS.
- SHADDED PARCELS IF LAND CONTAINING 1/2 OR MORE ACRES WITHIN THE ZONING DISTRICT ARE NOT OFFICERLY RECLASSIFIED OR EASEMENTS IN ACCORDANCE WITH THE ZONING DISTRICT MAP AND RESOLUTIONS.



**CERTIFICATION NOTE**  
 CERTIFICATION OF THE TOWNSHIP OFFICIAL MAP

THIS IS TO CERTIFY THAT THE OFFICIAL MAP OF UPPER BERN TOWNSHIP'S ZONING DISTRICTS, PREPARED AND ADOPTED BY THE UPPER BERN TOWNSHIP BOARD OF SUPERVISORS ON \_\_\_\_\_, IS CORRECT AND ACCURATE.

SIGNED: \_\_\_\_\_ OFFICIAL

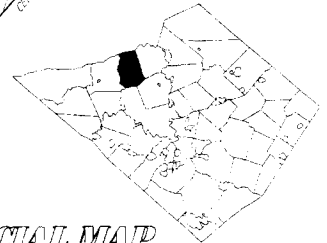
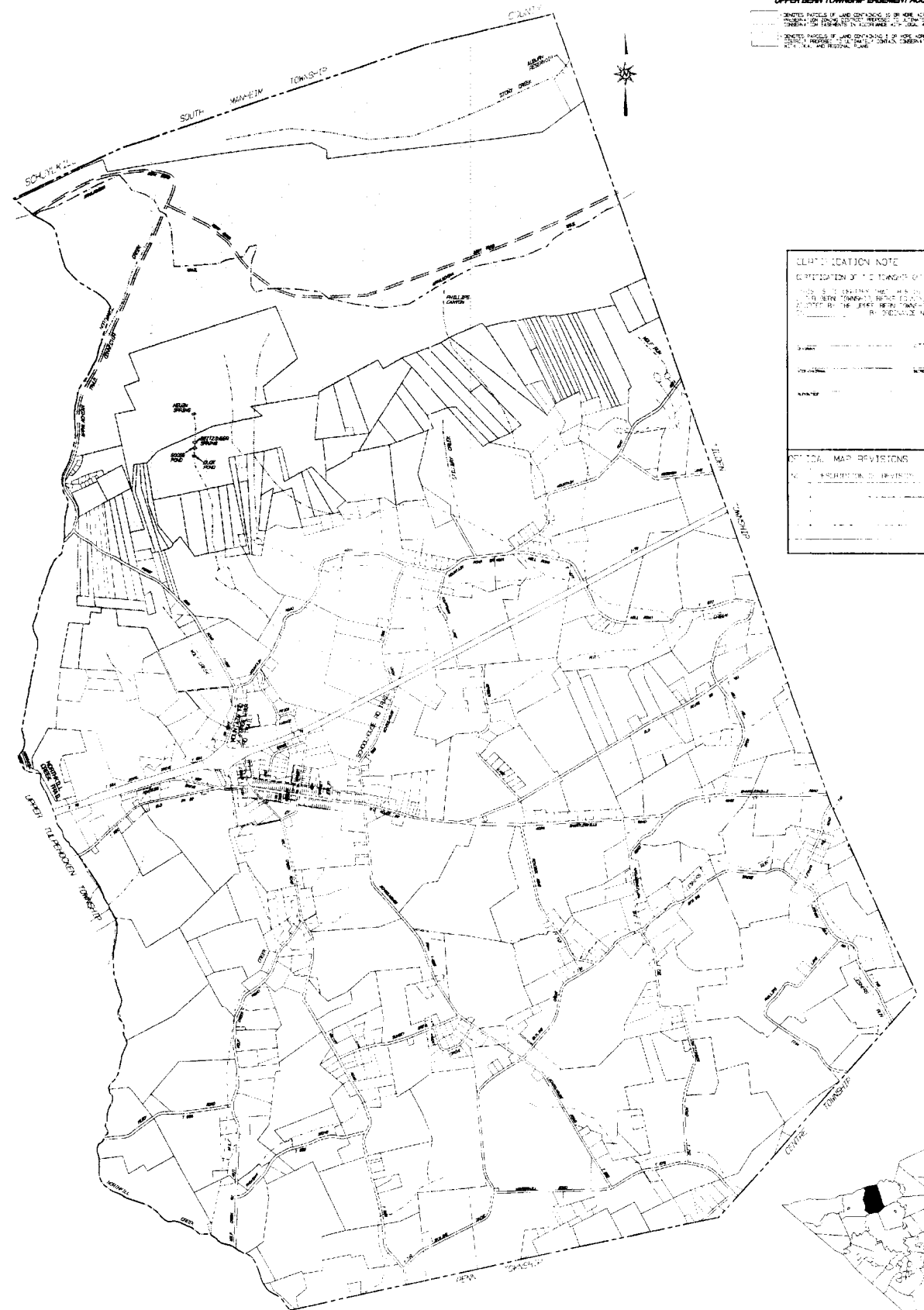
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WITNESSED: \_\_\_\_\_

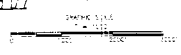
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**OFFICIAL MAP REVISIONS**

NO.	DESCRIPTION OF REVISION	DATE



**UPPER BERN TOWNSHIP EASEMENT ACQUISITION OFFICIAL MAP**  
**SHEET 2 OF 3**



ALL RIGHTS RESERVED BY THE TOWNSHIP OF UPPER BERN, PENNSYLVANIA. THIS MAP IS THE PROPERTY OF THE TOWNSHIP OF UPPER BERN, PENNSYLVANIA.

**UPPER BERN TOWNSHIP STREAMS & WATERWAYS MAP NOTES**

**OFFICIAL OVERLAY** INDICATES THE LOCATION OF A DESIGNATED WATERWAY OR WATERWAY OF INTEREST. THESE ARE THE STREAMS AND WATERWAYS THAT ARE SUBJECT TO THE PROVISIONS OF THE FEDERAL CLEAN WATER ACT AND THE STATE WATERWAY ACT. THESE ARE THE STREAMS AND WATERWAYS THAT ARE SUBJECT TO THE PROVISIONS OF THE FEDERAL CLEAN WATER ACT AND THE STATE WATERWAY ACT.

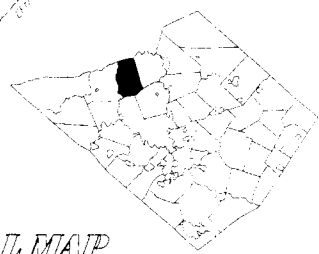
**OTHER WATERWAYS** INDICATE THE LOCATION OF A WATERWAY OF INTEREST THAT IS NOT A DESIGNATED WATERWAY OR WATERWAY OF INTEREST. THESE ARE THE STREAMS AND WATERWAYS THAT ARE SUBJECT TO THE PROVISIONS OF THE FEDERAL CLEAN WATER ACT AND THE STATE WATERWAY ACT.

**CERTIFICATION NOTE**

THE TOWNSHIP OF UPPER BERN HAS BEEN DESIGNATED AS A WATERWAY OF INTEREST BY THE STATE OF NEW YORK. THIS DESIGNATION IS SUBJECT TO THE PROVISIONS OF THE FEDERAL CLEAN WATER ACT AND THE STATE WATERWAY ACT. THE TOWNSHIP OF UPPER BERN HAS BEEN DESIGNATED AS A WATERWAY OF INTEREST BY THE STATE OF NEW YORK. THIS DESIGNATION IS SUBJECT TO THE PROVISIONS OF THE FEDERAL CLEAN WATER ACT AND THE STATE WATERWAY ACT.

**SPECIAL MAP REVISIONS**

NO REVISIONS TO THIS MAP.



**UPPER BERN TOWNSHIP STREAMS & WATERWAY OFFICIAL MAP  
SHEET 3 OF 3**

DATE: 10/15/2010 10:00 AM