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AN ORDINANCE OF UPPER BERN TOWNSHIP BOARD OF SUPERVISORS, BERKS COUNTY, PENNSYLVANIA, REGARDING MITIGATION MEASURES IN RESPONSE TO CLASS II ENVIRONMENTAL ASSESSMENT REPORT OF RURAL UTILITIES SERVICE.

WHEREAS, the Rural Utilities Service of the United States Department of Agriculture prepared an amended Class II Environmental Assessment with respect to the Upper Bern Township's proposed sewer project (the "Environmental Assessment"); and

WHEREAS, of the Environmental Assessment established certain mitigation measures to be required in conjunction with the sewer project in order to reduce the potential impact on flood plains, wetlands and farmland.

NOW, THEREFORE, BE IT ENACTED and ORDAINED that the Upper Bern Township Board of Supervisors hereby establishes the following mitigation measures in conjunction with the Township's sewer project in order to reduce the potential impact on flood plains, wetlands and farmland:

1. The Township contract documents will require the contractor to follow the Soil Erosion and Sedimentation Control Plan approved by the Berks County Conservation District.
2. The Township shall prohibit new connections to the sanitary sewer system which are outside the project area. This measure is intended to protect important farmland.
3. The Township hereby prohibits new connections for new development in the floodplain as identified by the most recent FEMA map. No fill will be placed in the floodplain. This mitigation measure is intended to protect floodplains from unwarranted development.
4. Any applicant desiring approval for a request for connection of structures that could impact wetlands, or be in close proximity to wetlands must first obtain a Corps of Engineers 404 Permit. This measure is intended to insure that appropriate wetlands protection occurs. No fill will be placed in wetlands.
5. The Township shall require construction contract documents to require that manholes placed in the floodplain will be floodproofed.

ADOPTED this 7 day of Aug., 2001.

TOWNSHIP OF UPPER BERN
BERKS COUNTY, PENNSYLVANIA

Attest: *Sara Cass*
Township Secretary

Paul J. Magold Sr. (SEAL)
Chairman, Board of Supervisors