

**BERWICK TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-05

**AN ORDINANCE OF THE TOWNSHIP OF BERWICK, ADAMS COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE NO. 41, THE BERWICK TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

WHEREAS, Berwick Township is empowered by Article V of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*, as amended, Section 1516 of the Second-Class Township Code, and 53 P.S. Section 66516 to regulate Subdivision and Land Development; and

WHEREAS, Berwick Township regulates Subdivision and Land development within Berwick Township by virtue of Ordinance No. 41, the Berwick Township Subdivision and Land Development Ordinance; and

WHEREAS, the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Ordinance No. 41.

BE IT ENACTED, ADOPTED, AND ORDAINED by the Township of Berwick, Adams County, Pennsylvania, by the Berwick Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

SECTION 1: ARTICLE IV DESIGN STANDARDS IS HEREBY AMENDED TO ADD SECTION 417 - CARBONATE ASSESSMENT, AS FOLLOWS:

417 – CARBONATE ASSESSMENT

1. All plans where the subject property contains carbonate features, or if such features are present within 500 feet of the property lines, shall submit a carbonate assessment. Carbonate features include depressions, closed depressions, fissures, lineaments, faults, ghost lakes, bedrock outcrops, sinkholes, seasonal high-water levels, soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams and caverns. If the subject property does not contain any carbonate features and none are present within 500 feet of the property lines, then a licensed professional engineer or surveyor shall certify to the same on the plan instead of providing the carbonate assessment.
2. The carbonate assessment shall be prepared by a licensed professional civil engineer with expertise in geotechnical engineering or a licensed professional geologist, each of said experts being licensed in their field of expertise by the Commonwealth of Pennsylvania. A list of the engineer's or geologist's

qualifications shall be submitted to the Township prior to the commencement of the site's evaluation. The Township reserves the right to reject any report that, in its opinion, was authored by an individual or firm that does not possess the background to properly assess the site conditions as they relate to this section. The carbonate assessment must be signed by the licensed professional.

3. The content of the carbonate assessment shall include but not be limited to the following:
 - A. 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 of the property.
 - B. A map, at a scale of no small than one inch equals 100 feet and a contour interval of two feet, indicating the location of the property, all proposed and existing improvements, and any carbonate features located on the property or within 500 feet of the property lines.
 - C. Information indicating the presence of any of the following carbonate features: depressions, closed depressions, fissures, lineaments, faults, ghost lakes, bedrock outcrops; sinkholes, seasonal high-water levels, soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams and caverns.
 - D. A recommended plan for the repair or remediation of surface or subsurface carbonate features that may impact the proposed development as well as the adjacent improved or unimproved properties.
 - E. A plan indicating the existing and proposed drainage conditions, locations of all proposed public and private sewage disposal systems, and the location of existing private and public water supplies on adjoining properties within 1,000 feet of the applicant's property.
 - F. Should any carbonate features be identified or be suspected to exist on the subject property, the Township shall require the developer to perform additional studies, including but not limited to geophysical investigations, with the intent to identify subsurface hazards.
 - G. A statement that the proposed improvements are or are not recommended in light of the existing carbonate features.
4. The information in the carbonate assessment shall be based upon new or previously published data no older than five years, and field surveys, which may include test borings, excavation of test pits, airtrack probes and other surface or subsurface geophysical methods.

5. The carbonate assessment shall remain on file with the Township for review by prospective purchasers.
6. If the property contains carbonate features then the plan and all building permits must contain the following prominent warning statement:

WARNING: THE PROPERTY COVERED BY THIS [SUBDIVISION/LAND DEVELOPMENT PLAN] [BUILDING PERMIT] IS LOCATED OVER KARST GEOLOGIC FORMATIONS AND IS THEREFORE PRONE TO THE DEVELOPMENT OF SINKHOLES AND SUBSIDENCE. ALL PERSONS WHO ENGAGE IN DEVELOPMENT, CONSTRUCTION AND LAND USES WITHIN THIS AREA:

- A. SHOULD TAKE ALL APPROPRIATE PRECAUTIONS IN THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF ALL STRUCTURES AND FACILITIES AND IN THE MANAGEMENT OF ASSOCIATED STORMWATER; AND
- B. ASSUME THE RISK OF SUCH GEOLOGIC CONDITIONS AND RELATED SINKHOLES AND SUBSIDENCE.

SECTION 2: REPEALER

All provisions of the Berwick Township Subdivision and Land Development Ordinance are hereby revised and amended, as necessary and appropriate, in order to insure and confirm consistency thereof with the provisions of the present Ordinance. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, or any portion of the Berwick Township Subdivision and Land Development Ordinance, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

SECTION 3: SEVERABILITY

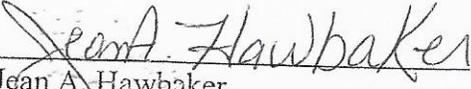
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the present Ordinance.

SECTION 4: EFFECTIVE DATE

The Ordinance shall be effective five (5) days after enactment.

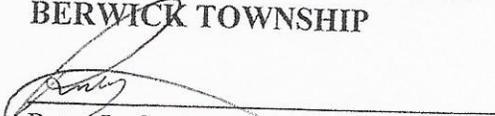
ENACTED AND ORDAINED into an Ordinance this 12 day of November 2024.

ATTEST:



Jean A. Hawbaker
Township Secretary

BOARD OF SUPERVISORS OF
BERWICK TOWNSHIP



Peter L. Socks, Jr., Chairman