

be made to the Township prior to the
issuance of a zoning permit.

SECTION II. All Ordinances or parts of Ordinance
inconsistent with this Ordinance are hereby repealed insofar,
but only insofar, as the same are inconsistent herewith.

ORDAINED and ENACTED as an Ordinance by the Board of
Supervisors of the Township of Hereford, Berks County, Penn-
sylvania, in lawful session, duly assembled this 18th day
of April, 1989.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF HEREFORD, BERKS
COUNTY, PENNSYLVANIA

By: Harold D. Schmutz, Jr.
Chairman, Board of Supervisors

Robert J. White
Supervisor

Clyde J. Macemore
Supervisor

Attest:

Lisa W. Levengood
Secretary

- a. Any tree planted in commercial or industrial areas shall have a minimum caliber of three (3) inches.
- b. A street tree planting plan shall be furnished for approval by the Township as to kind, size, and location of trees.

503.3 Markers: Metal markers are recommended to be accurately placed at all lot corners.

Section 504 Improvement Specifications - Mobile Home Parks

504.1 Service Buildings

Each park having dependent mobile home spaces shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

- a. Toilet facilities of men and women shall be either in separate buildings at least twenty feet (20') apart, or shall be separated if, in the same building, by a soundproof wall.
- b. Flush toilets shall be placed in conveniently located buildings not more than a distance of two hundred feet (200') from any dependent mobile home. The building shall be well lighted at all times, ventilated with screened openings and constructed of moisture-proof materials, permitting satisfactory cleaning. The floors shall be concrete or similar material, slightly pitched to a floor drain. Toilets shall be enclosed in separate compartments with doors that have the minimum width of two feet (2') eight inches (8").
- c. Toilet facilities for women shall

consist of not less than one (1) flush toilet for every five (5) dependent mobile home spaces, one (1) shower or bath for every five (5) dependent mobile home spaces and one (1) lavatory with hot and cold running water for every five (5) dependent mobile home spaces. Each toilet and bathtub shall be in a private compartment. For independent mobile homes, toilet, shower and bathtub facilities shall be in compliance with the Pennsylvania State regulations pertaining thereto.

- d. Toilet facilities for men shall consist of not less than one (1) flush toilet for every five (5) dependent mobile home spaces, one (1) shower or bathtub for every five (5) dependent mobile home spaces and one (1) lavatory with hot and cold running water for every five (5) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment. For independent mobile homes, toilet, shower and bathtub facilities shall be in compliance with the Pennsylvania State regulations pertaining thereto.
- e. An independent mobile home may be parked on a dependent mobile home space, but the requirements of subsection (b), (c) and (d) immediately hereinbefore specified shall not thereby be affected.
- f. A dependent mobile home may be parked on an independent mobile home space, but in such event such space shall be regarded as being a dependent mobile home space for the purposes of determining compliance with the provisions of subsection (b), (c) and (d) of this Section.

- g. Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinance and statutes regulating buildings, electrical installations and plumbing and sanitation systems, and shall be located not closer than twenty-five feet (25') nor farther than two hundred feet (200') from any dependent home space.
- h. Each service building shall contain at least one slop sink located in a separate compartment.
- i. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. The floors of the service building shall be of water impervious material and shall slope to a floor drain connected with the sewerage system.
- j. All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

504.2

Laundry Facilities

All mobile home parks shall maintain laundry facilities with the exceptions hereinafter set forth as follows:

- a. All laundry facilities shall be in conformity with and comply with all applicable Rules and Regulations of

the Pennsylvania Department of Environmental Resources pertaining thereto, and shall contain one washtub, one automatic washer and one automatic dryer, together with adequate hot and cold running water, for each ten (10) dependent mobile home spaces, or fraction thereof, in the mobile home park.

- b. Outside drying space adjacent to the service building housing the laundry facility shall be provided. The outside drying space shall consist of a minimum of fifty (50) square feet for each dependent mobile home space in the mobile home park.
- c. Anything in this Section 504 to the contrary notwithstanding a mobile home park need not provide laundry facilities in a separate building nor adjacent drying space if such park contains no dependent mobile home spaces and if each and every independent mobile home in the mobile home park is equipped with an automatic washer in good working order and with an automatic dryer in good working order.

If the mobile home park operator desires to obtain, retain or continue a mobile home park license without providing laundry facilities in a separate building, such operator shall have the burden of establishing by competent evidence that there are no dependent mobile home spaces in the mobile home park and that each and every independent mobile home in the mobile home park is, in fact, equipped with an automatic washer in good working order and with an automatic dryer in good working order whenever requested by the Board of Supervisors of Hereford Township.

- d. For the purposes of this Section 504 only, an automatic washer and/or dryer shall be considered to be in good working order even though the same is temporarily disordered pending repairs.
- e. For the purposes of this Section 504 only, an independent mobile home space on which is located an independent mobile home not equipped with an automatic washer in good working order and with an automatic dryer in good working order, shall be considered a dependent mobile home space.

504.3 Improvement Specifications

All improvements specifications set forth in these Subdivision Regulations shall apply to and govern mobile home parks, except that wherever there is a conflict between the foregoing provisions of this Section 504 and other provisions of these Regulations, the stricter and more inclusive requirements shall govern.

Section 505 Improvement Specifications in Flood Hazard Areas

- 505.1 No streets shall be laid out in any flood hazard area unless no engineering alternative is practical.
- 505.2 In those situations where it is engineeringly impractical to place a street outside of a flood hazard area, the elevation of the street in the flood hazard area shall not be lower than two feet (2') below the projected level of a regulatory flood.
- 505.3 When the subdivision plan provides for the improvement of lots situate within a flood hazard area, the subdivider shall submit a plan and/or documents certified by a registered professional engineer that all structures to be erected in a

flood hazard area shall be flood-proofed in the following manner:

- a. Have sufficient structural anchorage to prevent flotation and lateral movement.
- b. Have sufficient additional mass or weight to prevent flotation.
- c. Provide for the use of paints, membranes, or mortars embodied in construction to prevent the seepage of water through walls.
- d. Have sufficient reinforcement of walls to withstand water pressures of a regulatory flood.
- e. Make use of water resistant materials in walls and floors which lie below the maximum height of a regulatory flood level.
- f. Have water supply and waste treatment systems which shall be constructed to prevent the entrance of flood waters into structures, including valves and controls to prevent the backup of sewerage and storm waters into structures.
- g. Have all electrical circuit breakers and fuse boxes installed and located in a manner which will assure that they will automatically disconnect all flooded electrical equipment and circuits.
- h. Have all structures orientated and situate so as to offer a minimum obstruction of the flood water flow of a regulatory flood.
- i. Where material is placed as a means of elevating a structure above the regulatory flood level, have the material used and placed in such a manner that the flood channel for a

regulatory flood shall not be reduced by more than five percent (5%) by volume.

- j. Have the banks of all such fill protected against flood velocity and wash by a masonry rip-rap or suitable substitute.

ARTICLE VI

DEFINITIONS

Section 601 Tense, Gender, and Number

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter.

Section 602 General Terms

The words "person", "subdivider" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Section 603 Terms or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Section 604 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Alley: See "Service Street".

Architect: A licensed architect in the Commonwealth of Pennsylvania.

Block: A tract of land, a lot, or groups of lots,

bounded by streets, public parks, railroad rights-of-way, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animal, or property of any kind.

Building Reserve Line: The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Cartway (Roadway): The portion of a street right-of-way paved or unpaved, intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dependent Mobile Home: Dependent Mobile Home means a mobile home which does not have a toilet or a

bath or shower.

Dependent Mobile Home Space: Dependent Mobile Home Space means a mobile home space which is designed to accommodate a dependent mobile home and does not have sewer and water connections to accommodate the toilet and the bath or shower in a mobile home.

Developer: See "Subdivider".

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signatures of the appropriate authority on the Record Plan.

Engineer: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equalled or exceeded.

Flood Hazard Area: An area which will be, or can be expected to be, inundated by a regulatory flood.

Independent Mobile Home: A mobile home that has a toilet and a bath or shower.

Independent Mobile Home Space: A mobile home space which has power and water connections designed to accommodate the toilet and bath or shower contained in an independent mobile home.

Landscape Architect: A licensed landscape architect in the Commonwealth of Pennsylvania.

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Marker: A metal pipe or pin of at least 1/2" in diameter and at least 24" in length.

Mobile Home: Any trailer, housetrailer, movable structure or vehicle constructed and designed, or used for dwelling or sleeping purposes.

Mobile Home Park: Any lot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

Monument: A stone or concrete monument with a flat top at least 4" in diameter or square and at least 24" in length (preferred 30" to 36"). Stone monument shall contain an indented cross or 1/4" drill hole. Concrete monuments shall contain a copper or brass dowel (plug). It is recommended that the bottom sides or radius be at least 2" greater than the top, to minimize movements caused by frost.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, fence, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Official Plans: The Comprehensive Development Plan

and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Township Supervisors pursuant to statute, for the area of the Township in which the subdivision is located.

Permanent Mobile Home: Permanent Mobile Home shall mean any mobile home which will remain in a mobile home park for a period in excess of two months.

Planning Commission or Township Planning Commission: The Planning Commission of Hereford Township.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach describes the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Record Plan: the linen copy of the Final Plan which contains the original endorsements of the Township Planning Commission, Township Supervisors, Township Engineer, and which is intended to be recorded with the County Recorder of Deeds. The Linen Copy shall be a clear and legible black-line or blue-line print on linen.

Regulatory Flood: A flood which is representative of large floods known to have occurred in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood has a frequency of one hundred (100) years determined from an analysis of floods on the particular stream and other streams in the same general region.

Regulatory Flood Protection Elevation: The elevation to which uses regulated by ordinance are required to be elevated or flood-proofed.

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article II, Section 211, of these regulations. Other plattings shall be considered as constituting

a new subdivision of land. See "Subdivision".

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Review: Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the Township in their ultimate and final decisions.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway".

Sanitary Sewage Disposal, On-Site: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sanitary Sewage Disposal, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Septic Tank: A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Service Building: A building housing both toilet facilities with a slop water closet, and with separate bath and shower accommodations.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the center-

line of the road surface to a point 0.5' above the centerline of road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Street: A strip of land, including the entire right-of-way (not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. Streets are further classified as follows:

- (a) Minor Streets: A street used primarily to provide access to abutting properties.
- (b) Cul-de-Sac Street: A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turn-around.
- (c) Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- (d) Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.
- (e) Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial, multi-family, and commercial subdivisions shall generally be considered collector streets).
- (f) Major Street: A street serving a large volume of comparatively high-speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

- (g) Service Street (alley): A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground, including by way of illustration and not of limitation, buildings, factories, sheds, dwelling houses, garages, wharves, piers, and walls.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit (or agent authorized thereby) which undertakes the subdivision or development of land.

Subdivision

- (a) "Subdivision" is hereby defined as the division of a lot, tract, or parcel of land or a part thereof, over any period of time, into two or more lots, tracts, or parcels of land, either by lots or metes and bounds, including changes in street lines or lot lines for the purpose, immediate or future, of conveyance, transfer of ownership, lease, improvement or sale.
- (b) A subdivision as defined above includes division of a parcel of land having frontage on an existing street into two or more parcels having frontage on the existing street.
- (c) For the purpose of these regulations, division of land for agricultural purposes of more than ten (10) acres, where (and only where) said division is created by lease, and not involving any new street or easement of access or residential dwelling shall not be deemed a subdivision.
- (d) The term subdivision shall also include any development of a parcel of land (including industrial parks, mobile home parks, shopping centers, or a multi-family project) which fronts on existing streets or involves

installation of new streets and/or service streets, even though the streets and/or service streets might not be dedicated to public use and the parcel might not be divided immediately for purposes of mortgage, conveyance, transfer, sale, or even though the owner does not transfer legal or equitable title.

- (e) The term subdivision includes resubdivision.
- (f) The term subdivision shall refer, as appropriate in these regulations, to the process of subdividing land or to the land proposed to be subdivided.

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

Tile Disposal Field: A system of open jointed or perforated pipes laid on the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Township: Hereford Township, Berks County, Pennsylvania.

Township Authority: An Authority created by the Township Supervisors, responsible for, but not limited to the construction, operation, and/or maintenance of water storage, and distribution, and/or sewage collection and treatment facilities.

Township Engineer: A duly registered professional engineer employed by the Township or engaged as a consultant thereto or his duly authorized representative.

Township Solicitor: The solicitor appointed by the Township Supervisors or his duly authorized representative.

Township Supervisors: The Supervisors of Hereford Township, Berks County, Pennsylvania.

Township Zoning Officer: The agent or official designated by the Township Supervisors to administer and enforce the Township Zoning Ordinance.

Transient Mobile Home: Transient Mobile Home shall

mean any mobile home which will remain in a mobile home park for a period of time not to exceed two months.

Water Distribution System, On-Site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

Water Distribution System, Public: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

ARTICLE VII

ADMINISTRATION, AMENDMENT, SEVERABILITY

Section 701 Revision and Amendment

701.1 The Township Supervisors may, from time to time on their own motion revise, modify, or amend these regulations in order to increase their effectiveness or to expedite the approval of subdivision plans.

701.2 Any revisions, modifications, or amendments to these regulations shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of Act 247, Section 505 or any amendments thereto.

In addition, in the case of amendment other than that prepared by the Township Planning Commission, the Township Supervisors shall submit each amendment to the Township Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

Section 702 Modifications

The provisions of these regulations are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Township. The Township reserves the right, in unusual situations, to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of these regulations. The list of such modifications and the reasons for them shall be entered in the minutes of the Township Planning Commission or

Township Supervisors, and a copy of this entry shall be transmitted to the Township Secretary. Modifications shall be clearly defined and entered on the Record Plan and signed by the Chairman of the Township Board of Supervisors.

Section 703 Reconsideration, Appeals and Challenges

703.1 Any subdivider aggrieved by a finding, decision, or recommendation of the Township Planning Commission may request and shall receive an opportunity to appear before the Township Planning Commission to present additional relevant information and request, in writing, reconsideration of the original finding, decision, or recommendation.

703.2 Any persons aggrieved by a finding, decision or recommendation of the Township Planning Commission may appeal, in writing, to the Township Supervisors within ten (10) days after the date of action of the Township Planning Commission.

a. Upon receipt of such appeal, the Township Supervisors shall hold a hearing after proper notification to all parties in interest, and in the manner prescribed by law.

b. After such hearing the Township Supervisors may affirm or reverse the action of the Township Planning Commission by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Township Supervisors, and a copy shall be given to the appellant. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

c. Any person aggrieved by action of

the Township Planning Commission or Township Supervisors may appeal within thirty (30) days directly to the Court of Common Pleas of Berks County in accordance with and in a manner prescribed by the Pennsylvania Municipalities Planning Code, Article IX.

703.3 Challenges by any persons to the validity of this Subdivision Ordinance or any amendments thereto shall be taken in accordance with the Pennsylvania Municipalities Planning Code, Article VIII.

Section 704 Fees

704.1 The Township Supervisors shall establish by resolution a collection procedure and Schedule of Fees to be paid by the Subdivider at the time of filing a Preliminary Plan.

704.2 The Schedule of Fees shall be posted in the Township office or in such other place as the Township Supervisors may designate. A copy of fee schedule is to be given to the subdivider upon request.

704.3 In the event the subdivider is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Township Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision for which Preliminary Approval has been obtained.

704.4 No Final Plan shall be approved unless all fees and charges have been paid in full.

Section 705 Penalties

705.1 No lot in a subdivision shall be sold, no

permit to erect any building upon land in a subdivision shall be issued, and no building shall be erected in a subdivision until a Record Plan of such subdivision shall have been approved and properly recorded and until improvements have been either constructed or guaranteed.

705.2 Any person who shall subdivide any lot, tract, or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main or other improvements for public use, travel or for the common use of occupants for buildings abutting thereon, or who shall, or agree to, sell, lease, transfer or improve any land or subdivide any land, or enter into a subdivision without having complied with all the provisions of this Ordinance, or in any other way violate any provisions of this Subdivision Ordinance, shall be prosecuted under the provisions of the Municipalities' Planning Code of the Commonwealth of Pennsylvania.

705.3 The Township Supervisors may initiate and maintain civil action:

- a. To obtain a writ of injunction against the subdivider who attempts the improper sale, lease, or conveyance of land.
- b. To set aside and invalidate any conveyances of land made prior to recording of any subdivision.

705.4 Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violation.

Section 706 Keeping of Records

The Township Planning Commission and the Township Supervisors shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records

shall be made available to the public for review.

Section 707 Responsibility

The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

Section 708 Conflicts

708.1 Whenever there is a difference between the minimum standards specified herein and those included in other Township Ordinances or regulations the more stringent requirements shall apply.

708.2 All existing ordinances or regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 709 Severability

Should any article, section, subsection, paragraph, clause, phrase, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Regulation as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

Section 710 Effective Date

This Ordinance shall become effective ten (10) days after the same shall have been adopted by the Township Supervisors.

Section 711 Warning and Disclaimer of Liability

The degree of flood protection required by the provisions of this Ordinance is reasonable for regulatory purposes and is based upon engineering and scientific studies and determinations. Larger floods may occur on rare occasions and structures erected, enlarged, or added to in accordance with the provisions of this Ordinance, may, nevertheless, suffer damage or destruction. Flood heights

may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The provisions of this Ordinance are not meant to imply that areas outside of the flood hazard areas will be free from flooding or flood damages. The provisions of this Ordinance shall not be construed to create liability on the part of the Township of Hereford or any officer or employee thereof for any flood damages that result from the reliance on the provisions of this Ordinance, or any administrative decision lawfully or reasonably made thereunder.

Section 712 Minimum Requirements

Restrictions and regulations promulgated in this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Township of Hereford and shall not be deemed a limitation or repeal or abrogation of any powers vested in the Township.

ARTICLE VIII

FLOOD HAZARD AREAS

Section 801

Flood Hazard Areas have been recognized and established in Article III, Section 304 of the Hereford Township Zoning Ordinance in certain existing zoning districts within the Township of Hereford. Said flood hazard areas are set forth as the shaded areas along existing streams on the maps of the United States Department of Housing and Urban Development, Federal Insurance Administration, for the Township of Hereford, Berks County, Pennsylvania, FIA Flood Hazard Boundary Maps, Nos. HO1, HO2, HO3, HO4, HO5, HO6, HO7, HO8, HO9, HO10, HO11, copies of which are on file in the Office of the Township Secretary, and available for public inspection. If any owner or subdivider is uncertain whether a particular area is within a flood hazard area or not, he shall contact the Township Engineer who shall review the site and determine whether or not the site of the proposed subdivision, structure or the proposed alterations, enlargements, additions or other modifications are within a flood hazard area.

DULY ENACTED AND ORDAINED by the Supervisors of Hereford Township, Berks County, Pennsylvania, this 14th day of September, 1971, in lawful session duly assembled.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF HEREFORD

By: /s/ Harry G. Crossley

/s/ Raymond G. Albitz

/s/ Earl E. Minnich

ATTEST:

/s/ Raymond G. Albitz
SECRETARY