

**EXETER TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 599

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #399 “EXETER TOWNSHIP OFFICIAL MAP”. PROVIDING, REGULATING AND DETERMINING THE MAPPING AND RESERVATION OF LAND FOR FUTURE PUBLIC STREETS, WATERCOURSES AND PUBLIC GROUNDS AND RESTRICTION OF BUILDING WITHIN MAPPED AREAS.

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

ARTICLE II. ESTABLISHMENT OF CONTROLS

The following Section shall be amended as follows:

2.02 INCORPORATION OF THE OFFICIAL MAP

- A) CERTIFICATION OF THE OFFICIAL MAP** - The Official Map shall be identified by the signatures of the Chairman of the Township Board of Supervisors and attested by the Township Secretary, under the following words: “This is to certify that this is the Official Map of the Township of Exeter referred to in Article II of Ordinance No. 599 of the Township of Exeter, Berks County, Pennsylvania”, together with the date of enactment of this Ordinance. The Map shall be kept on file with the Township Secretary.

SEVERANCE CLAUSE

Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

REPEALER CLAUSE

All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this ____ day of _____ 2005.

**EXETER TOWNSHIP
BOARD OF SUPERVISORS**

Chairman

Attest:

Secretary

**EXETER TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 299**

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA PROVIDING, REGULATING AND DETERMINING THE MAPPING AND RESERVATION OF LAND FOR FUTURE PUBLIC STREETS, WATERCOURSES AND PUBLIC GROUNDS AND THE RESTRICTION OF BUILDING WITHIN MAPPED AREAS

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

ARTICLE I. GENERAL PROVISIONS

1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the "Exeter Township Official Map."

1.02 AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, "The Pennsylvania Municipalities Planning Code," Act 170 of 1988, December 21, P.L. No. 170 as amended.

1.03 PURPOSE

This Ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to protect and enhance water resources and to facilitate the subdivision of land and the use of land watercourses.

ARTICLE II. ESTABLISHMENT OF CONTROLS

2.01 PROVISIONS OF THE OFFICIAL MAP

The Official Map, as enacted and subsequently amended, shall identify the location of the lines of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings.

A) For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other method sufficient for the identification, description and publications of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor.

B) The Board of Supervisors, by amending Ordinances, may make additions or modifications to the Official Map or part thereof by following the provisions included in 2.01 A above and may also vacate any existing or proposed public street, water course or public ground contained in the Official Map or part thereof.

C) Unless otherwise specified, all proposed public street rights-of-way and widening of existing public street rights-of-way shall meet the width requirements specified in the Exeter Township Subdivision and Land Development Ordinance for the street classification so designated.

2.02 INCORPORATION OF THE OFFICIAL MAP

The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this Ordinance as if it were fully described herein.

A) **CERTIFICATION OF THE OFFICIAL MAP** - The Official Map shall be identified by the signature of the members of the Chairman of the Township Board of Supervisors, attested by the Township Secretary, under the following words: "This is to certify that this is the Official Map of the Township of Exeter referred to in Article II of Ordinance No. 399 of the Township of Exeter, Berks County, Pennsylvania," together with the date of enactment of this Ordinance. The Map shall be kept on file with the Township Secretary.

B) The Official Map and Official Map Ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and Official Map Ordinance of the Township of Exeter, Berks County, Pennsylvania, are recorded in the Berks County Recorder of Deeds Office.

C) **CHANGES IN THE OFFICIAL MAP** - If, in accordance with the provisions of this Ordinance, changes are made to the location of lines designating existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans as specified in Article IV Section 4.02 below, shall be certified by initialing of the Map by the Chairman of the Board of Supervisors together with the amending Ordinance number and date of enactment.

2.03 RELATIONSHIP WITH COUNTY OFFICIAL MAP

The adoption of an Official Map by the County shall not affect the Official Map of Exeter Township, except that the County Official Map shall govern as to county streets and public grounds, facilities and improvements of the County in accordance with the Pennsylvania Municipalities Planning Code.

2.04 RELATIONSHIP WITH ADJACENT MUNICIPALITIES

If the Official Map, or amendment thereto, shows any street intended to lead into any adjacent Municipality, a certified copy of the Official Map, or amendment thereto, shall be forwarded to such adjacent Municipality.

ARTICLE III. EFFECTS OF CONTROLS

3.01 CONSTRUCTION WITHIN MAPPED STREETS, WATERCOURSES OR PUBLIC GROUNDS

For the purpose of preserving the integrity of the Official Map of Exeter Township, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved shall be removed at the expense of the owner. However, when the property of which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Board of Supervisors for the grant of a special encroachment permit to so build. Before granting any special encroachment permit authorized in this section, the Board of Supervisors may submit the application for a special encroachment permit to the Berks County Planning Commission and allow the Planning Commission thirty (30) days for review and comment and shall give public notice and hold a public hearing at which all

parties in interest shall have an opportunity to be heard. A refusal by the Board of Supervisors to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner and within the same time limitations as is provided in Article IX of the Pennsylvania Municipalities Planning Code in accordance with Article V of this Ordinance.

A) The Board of Supervisors of Exeter Township may fix the time for which streets, watercourses and public grounds on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his intentions 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 Board of Supervisors shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.

b) The adoption of any street, street lines or other public lands as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate Exeter Township to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or an acceptance of any land by Exeter Township.

3.02 RELEASE OF DAMAGE CLAIMS OR COMPENSATION

The Board of Supervisors may designate any of its agencies to negotiate with the owner of land whereon reservations are made, releases of claims for damages or compensation for such reservations are required, or agreements indemnifying the Board of Supervisors from such claims by others may be required. Any releases or agreements when properly executed by the Board of Supervisors and the owner, and recorded, shall be binding upon any successor in title.

ARTICLE IV. ADOPTION AND AMENDMENT

4.01 PROCEDURE

Prior to the adoption of the Official Map or

part thereof, or any amendments to the Official Map, the governing body shall refer the proposed Official Map, or part thereof or amendment thereto, with an accompanying Ordinance describing the proposed map, to the Exeter Township Planning Commission and the Berks County Planning Commission for review. The Planning Commissions shall report their recommendations on said proposed Official Map and accompanying Ordinance, part thereof, or amendment thereto within forty-five (45) days unless an extension of time shall be agreed to by the Board of Supervisors. If, however, the planning agencies fail to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.

The County and adjacent Municipalities may offer comments and recommendations during said forty-five (45)-day review period in accordance with Section 408 of the Municipalities Planning Code. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the Board of Supervisors or planning agency if requested by same during said forty-five (45)-day review period. Before voting on the enactment of the proposed Ordinance and Official Map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice.

Following adoption of the Ordinance and Official Map, or part thereof or amendment thereto, a copy of same, verified by the Board of Supervisors, shall be submitted to the Berks County Recorder of Deeds and shall be recorded within sixty (60) days of the effective date. The fee for recording and indexing Ordinances and amendments shall be paid by the Township in the amount prescribed by law for the recording of Ordinances by the Recorder of Deeds.

4.02 EFFECT OF APPROVED PLANS ON OFFICIAL MAP

After adoption of the Official Map, or part thereof, all streets, watercourses and public grounds and the elements listed in Section 401 of the Municipalities Planning Code on final recorded plats which have been approved as provided by this act shall be deemed amendments to the Official Map. Notwithstanding any of the other terms of this article, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved as provided by this act.

ARTICLE V. VIOLATIONS, PENALTIES AND APPEALS

5.01 NOTICE OF VIOLATION

Whenever any person, partnership or corporation shall have violated the terms of this Ordinance, the Exeter Township Code Enforcement Officer shall cause a written notice to be served upon the owner, applicant, developer, property manager

or other person responsible for the property or the violation, directing him to comply with all the terms of this Ordinance within ten (10) days, or such additional period, not to exceed thirty (30) days, as the Code Enforcement Officer shall deem reasonable, and further the Code Enforcement Officer shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, the Municipality may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply.

A) Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail, or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

5.02 PENALTIES FOR FAILURE TO COMPLY

Any person or partnership or corporation who fails to comply with this Ordinance within the period stated in the notice of the Code Enforcement Officer shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty of not more than one thousand dollars (\$1,000.00). Each and every day of continued violation shall constitute a separate violation.

A) In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Code Enforcement Officer, the Township may take any action necessary to correct the violation. The costs for correction of any violation shall be in addition to any penalties for violations for failure to comply.

B) In addition to the fines for violations, costs and penalties provided for by this Article, the Township may institute proceedings in Courts of Equity to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, and act, conduct, business or use constituting a violation.

C) The cost for removal, fines and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

5.03 APPEALS

Any appeal from a decision or action of the governing body or of any officer or agency of the Township in matters pertaining to this Ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE VI. LANGUAGE INTERPRETATIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

5.01 Words used in the present tense include the future tense; the singular number includes the plural and plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

5.02 The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

5.03 The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

5.04 The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

5.05 The words "used" or "occupied" include the words "intended, designed, maintained or arranged to be used or occupied."

ARTICLE VI. DEFINITIONS

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

6.01 **BOARD OF SUPERVISORS** shall mean the Board of Supervisors of Exeter Township, County of Berks, Commonwealth of Pennsylvania.

6.02 **BUILDING** shall mean a structure, including any part thereof, having a roof and uses for the shelter or enclosure of persons or property.

6.03 **COUNTY** shall mean the County of Berks, Commonwealth of Pennsylvania.

6.04 GOVERNING BODY shall mean the Board of Supervisors of Exeter Township, County of Berks, Commonwealth of Pennsylvania.

6.05 MUNICIPAL/MUNICIPALITY shall mean Township of Exeter, County of Berks, Commonwealth of Pennsylvania.

6.06 PUBLIC shall mean owned, operated or controlled by a government agency.

6.07 PUBLIC GROUNDS shall mean: (a) parks, playgrounds and other public areas; and (b) sites for schools, sewage treatment and other publicly owned or operated facilities

6.08 PUBLIC NOTICE shall mean notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

6.09 STREET shall mean a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians.

6.10 TOWNSHIP shall mean the Township of Exeter, County of Berks, Commonwealth of Pennsylvania.

6.11 WATERCOURSES shall mean a stream of surface water, including river, stream, creek or run, whether or not intermittent.

ARTICLE VII. SEVERANCE CLAUSE

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

ARTICLE VIII. REPEALER CLAUSE

All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this 8th day of April, 1996.

**EXETER TOWNSHIP
BOARD OF SUPERVISORS**

Attest:

Doris T. Concordia
Secretary

John K. Buler
Chairman

MUNICIPAL CERTIFICATION

I, Doris T. Concordia, Secretary of the Board of Supervisors of Exeter Township, hereby certify that the foregoing Ordinance # 399 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Exeter Township, on March 24, 1996, and was duly enacted and approved as set forth at a duly advertised Meeting of the Board of Supervisors held on April 8, 1996.

(SEAL)

Doris T. Concordia
Secretary