

ORDINANCE NO. 2024-03

AN ORDINANCE OF UPPER FREDERICK TOWNSHIP MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 240, SUBDIVISION AND LAND
DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF UPPER FREDERICK

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Upper Frederick Township, Montgomery County, Pennsylvania, and, IT IS HEREBY ENACTED AND ORDAINED by the authority of the same, that the Code of the Township of Upper Frederick, Ordinance No. 2008-02, as amended, is further amended as follows:

SECTION 1. Section 240-30 of the Code of the Township of Upper Frederick, is amended by deleting subsection D.(4)(b) and replacing it as follows:

(b) A Phase I study shall be conducted for all projects required to do a water resources impact study and shall be submitted with the Preliminary Plan. The Phase I study shall be based upon available literature and appropriate professional judgment and shall include the following information:

Subsections [1] through [15] shall remain in full force and effect.

SECTION 2. Section 240-30 of the Code of the Township of Upper Frederick, is amended to insert a new subsection F as follows:

F. Water quality composition baseline data collection of existing neighboring wells.

(1) All property owners with existing wells within one mile of a well expected to draw more than 10,000 gallons per day shall be notified by the Applicant and given the opportunity to have their well water collected and samples analyzed to determine the baseline data of its composition. Said notice shall be sent to each property owner by first class mail. In addition, a copy of the notice will be provided to the Township for posting on the Township's website and posting on the property proposed to be developed. Applicant shall submit an Affidavit of Mailing to the Township that includes the names and addresses of all applicable property owners and the date that notices were sent.

(2) For each property owner that elects to have their well tested, Applicant shall provide such testing, at Applicant's sole expense, at least one time in each Season, Winter, Spring, Summer and Fall. All testing shall be completed by one laboratory that shall be designated by the Applicant and shall be in accordance with the laboratory's standard collection process.

(3) A copy of all baseline data collected shall be given to the property owner and a copy shall be provided to the Township.

(4) Property owners with existing wells within one mile of the property to be

developed shall have the right to refuse data collection. A list of any property owners who do refuse shall be provided to the Township.

(5) No preliminary land development plans that will utilize a well that is expected to draw more than 10,000 gallons per day will be accepted without this baseline data collection process being performed.

(6) Bond. In the case of a major subdivision or land development, the developer shall be required to provide the Township with a bond, letter of credit, or cash escrow in accordance with this subsection which will provide a financial guarantee in the following amount to cover the following obligations:

(a) Prior to obtaining building permits, the landowner shall provide or cause to be provided a fund in an amount equal to \$500 per proposed dwelling unit, or such amount as established annually by the Township in its standard fee schedule.

(b) This fund shall be used until exhausted or until seven years after 90% of the dwelling or commercial units in the subdivision or land development have been sold and occupied, whichever is earlier.

(c) The developer shall be required to restore any well within one mile of the proposed development that has had baseline testing performed and which has, since the Developer's construction, experienced a change in those baseline test results to those levels that existed in the baseline testing. The restoration shall be at the developer's sole cost and expense and subject to Township regulations and the Township Engineer's review and approval.

SECTION 3. Repealer. This Ordinance hereby repeals any provision inconsistent with this Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Ordinances of Upper Frederick Township, not inconsistent herewith, shall remain in full force and effect.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect five (5) days after adoption.

ENACTED AND ORDAINED into law, this _____ day of _____, 2024, by the Board of Supervisors of Upper Frederick Township, Montgomery County, Pennsylvania.

ENACTED AND ORDAINED this day of , A.D., 2024.

ATTEST:

**BOARD OF SUPERVISORS
UPPER FREDERICK TOWNSHIP**

Aaron Walizer, Manager

William Landman, Chairman

Elizabeth Fischer, Vice Chairman

William Karaffa, Member