

EAST COVENTRY
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-236

“Amendment re: High Tunnel Facilities”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 9 (GRADING AND EXCAVATING), PART 1 (STORMWATER MANAGEMENT), SECTION 9-106 (EXEMPTIONS AND MODIFIED REQUIREMENTS), SUBSECTION 3 (EXEMPTIONS FOR SPECIFIC ACTIVITIES), PARAGRAPH E (AGRICULTURAL RELATED ACTIVITIES), TO ADD A NEW SUBPARAGRAPH (3) TO CREATE AN EXEMPTION FOR CERTAIN HIGH TUNNEL FACILITIES; AND TO AMEND CHAPTER 9 (GRADING AND EXCAVATING), PART 1 (STORMWATER MANAGEMENT), SECTION 9-112 (DEFINITIONS), TO ADD A NEW DEFINITION FOR “HIGH TUNNEL”.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-106 (Exemptions and Modified Requirements), Subsection 3 (Exemptions for Specific Activities), Paragraph E (Agricultural Related Activities), is hereby amended to add a new Subparagraph (3), as follows:

- (3) High Tunnels (as defined in §9-112), if:
 - (a) The High Tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner’s total contiguous land area; and
 - (b) The High Tunnel meets one of the following:

- (i) The High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line;
- (ii) The High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than seven percent (7%); or
- (iii) The High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of this Part.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-112 (Definitions), is hereby amended to add a new definition for “High Tunnel,” as follows:

HIGH TUNNEL – A structure that:

- A. Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in Section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the “Pennsylvania Farmland and Forest Land Assessment Act of 1974,” or for the storage of agricultural equipment or supplies; and
- B. Is constructed with all of the following:
 - (1) Has a metal, wood or plastic frame;
 - (2) When covered, has a plastic, woven textile or other flexible covering; and
 - (3) Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

SECTION III. – Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

SECTION VI. – Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 14th day of October 2019.

Attest:



David G. Kraynik, Secretary

By:

EAST COVENTRY TOWNSHIP


W. Atlee Kinehart, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on October 14, 2019 at the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will consider and could vote to adopt an ordinance amending the Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, to amend Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-106 (Exemptions and Modified Requirements), Subsection 3 (Exemptions for Specific Activities), Paragraph E (Agricultural Related Activities), to add a new Subparagraph (3) to create an exemption for certain high tunnel facilities; and to amend Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-112 (Definitions), to add a new definition for “High Tunnel”.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for East Coventry Township