

TOWNSHIP OF POLK
MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2022- _____

AN ORDINANCE AMENDING THE POLK TOWNSHIP ZONING ORDINANCE, TOWNSHIP ORDINANCE # _____ - ____, AS AMENDED; AMENDING THE REGULATIONS PERTAINING TO GROUND SOURCE HEAT PUMPS; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, Polk Township, Monroe County, Pennsylvania, (the "Township") is a Pennsylvania second class township, organized and operating under the Pennsylvania Second Class Township Code ("Township Code"), 53 P.S. Sec. 65101, et seq.;

WHEREAS, pursuant to Sec. 1505 of the Township Code, 53 P.S. Sec. 66505, the corporate powers of the Township shall be exercised by the Township Board of Supervisors (the "Board");

WHEREAS, Section 1506 of the Township Code, 53 P.S. Section 66505, authorizes the Board of Supervisors to make and adopt any ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the Township, and its finances and maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufactures;

WHEREAS, Section 1516 of the Township Code, 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No 247). Known as the "Pennsylvania Municipalities Planning Code";

WHEREAS, pursuant to such authority, the Township enacted on May 1, 2014, Township Ordinance # _____ - ____, commonly known as the Polk Township Zoning Ordinance, (the "Zoning Ordinance");

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments, sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, the Board of Supervisors from time to time has reviewed the Zoning Ordinance, and amended the Zoning Ordinance, as the Board finds in the best of interests of the health, safety and welfare of Township residents;

WHEREAS, the Zoning Ordinance currently only allows the use of ground source heat pumps by special exception as set forth in Section 707.7;

WHEREAS, the Board finds that advances in technology enable ground source heat pumps to function without the use of liquid chemicals that could be harmful to the aquifer if they leached from the pump system; and

WHEREAS, the Board finds that, subject to certain requirements as contained herein, ground source heat pumps can be permitted by right under the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Polk Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

Section 1. Section 707.7 Regulated Uses of the Zoning Ordinance is amended so as to provide that Ground Source Heat Pumps in Wellhead Protection Zones 2 and 3 shall be governed by the underlying zoning district (zon dist), instead of being permitted only by special exception (spec excep). The Schedule of Regulated Land Uses within Section 707.7 is amended accordingly.

Section 2. Section 707.8 I. Ground Source Heat Pumps of the Zoning Ordinance is amended and restated, in its entirety, as follows: "See Section 503.18 for specific requirements."

Section 3. The Zoning Ordinance is amended by adding a new Section 503.18 Ground Source Heat Pumps as stated in the attached Exhibit "A" hereto, which is incorporated herein by reference.

Section 4. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effects.

Section 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Zoning Ordinance Amendment are the same as any provisions of the Zoning Ordinance, as amended, in force immediately prior to adoption of this Ordinance; the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

Section 6. This ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Polk Township, Monroe County, Pennsylvania this ____ day of _____, 2022.

TOWNSHIP OF POLK
BOARD OF SUPERVISORS

Chairperson

Vice Chairperson

Supervisor

(TOWNSHIP SEAL)

Township Secretary