

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2019-04

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP STORMWATER MANAGEMENT ORDINANCE, WHICH IS CODIFIED IN CHAPTER 135 OF THE CALN CODE, SECTION 135-202 TO DEFINE A “HIGH TUNNEL” AND SECTION 135-106.D(5) TO EXEMPT CERTAIN HIGH TUNNEL FACILITIES FROM THE REQUIREMENTS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Caln Township as follows:

SECTION 1. The Caln Township Stormwater Management Ordinance, which is codified in Chapter 135 of the Caln Township Code, Section 135-202 titled, “Words and terms defined” shall be amended to include the following definition:

High Tunnel – A structure which meets the following:

1. 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
2. is constructed with all the following:
 - a. has a metal, wood or plastic frame;
 - b. when covered, has a plastic, woven textile or other flexible covering; and
 - c. has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

SECTION 2. Section 135-106.D(5) shall be amended by adding a new subparagraph (c) as follows:

D. Exemptions for Specific Activities

5. Agricultural Related Activities –

- c. High Tunnels (as defined in §135-202), if:
 - i. 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
 - ii. the High Tunnel meets one of the following:
 - (1) the High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line;

- (2) 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 7%; or
- (3) 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 Ordinance.”

SECTION 3. Severability. 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 of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this 26 day of September, 2019.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Jennifer M. Breton, President

George M. Chambers, Vice-President

Joshua B. Young, Member

Lorraine Tindaro, Member

Charles W. Kramer, Member