

ORDINANCE NO. 113, 1997

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, (i) AMENDING THE FOLLOWING ORDINANCES BY REVISING ENFORCEMENT PROCEDURES AND SANCTIONS TO PROVIDE FOR SUMMARY CRIMINAL ENFORCEMENT AND SANCTIONS PURSUANT TO ACT 172 OF 1996: NO. 2-1964, NO. 31-1972 AND NO. 82-1991, AS AMENDED, REGARDING JUNK YARDS AND JUNK DEALERS; NO. 1-1969 AND NO. 42-1979, AS AMENDED, REGARDING CONSTRUCTION, RECONSTRUCTION, ERECTION, IMPROVEMENT, PAVING OR BLACKTOPPING OF DRAINS, CULVERTS, FOOTWALKS, DRIVEWAYS OR OTHER MEANS OF INGRESS OR EGRESS TO PROPERTY CONNECTING WITH TOWNSHIP ROADS; NO. 27-1970, AS AMENDED, REGARDING DISORDERLY CONDUCT, CONCEALED WEAPONS, LOAFING, LITTERING, FALSE ALARMS AND OBSTRUCTION OF OFFICERS; NO. 30-1970, AS AMENDED, REGARDING MOBILE HOME PARKS; NO. 53-1984, AS AMENDED, REGARDING VEHICLE MAINTENANCE ON PUBLIC RIGHT-OF-WAYS; NO. 4-1965 AND NO. 57-1986, AS AMENDED, REGARDING THE TOWNSHIP REFUSE FACILITY; NO. 88-1992, AS AMENDED, REGARDING WATER CONSERVATION; NO. 99-1994, AS AMENDED, REGARDING FIRE INSURANCE PROCEEDS AS SECURITY; NO. 100-1994, AS AMENDED, REGARDING DANGEROUS STRUCTURES; AND NO. 104-1994, AS AMENDED, REGARDING STREET OBSTRUCTIONS; AND (ii) AMENDING THE FOLLOWING ORDINANCES BY REVISING ENFORCEMENT PROCEDURES AND SANCTIONS TO PROVIDE FOR CIVIL ENFORCEMENT AND SANCTIONS PURSUANT TO ACT 172 OF 1996: NO. 2-1966 REGARDING EARNED INCOME TAX; NO. 2-1967 REGARDING REALTY TRANSFER TAX; NO. 3-1967 REGARDING AMUSEMENT TAX; NO. 36-1974 AND NO. 37-1974 REGARDING STREET OPENINGS; NO. 43-1979 REGARDING PARKS, PLAYGROUNDS AND RECREATION AREAS; NO. 48-1980 REGARDING LISTINGS OF TENANTS; NO. 59-1986 REGARDING OCCUPATIONAL PRIVILEGE TAX; NO. 76-1990 REGARDING FRANCHISES TO OPERATE AND MAINTAIN COMMUNITY TELEVISION SYSTEMS AND CLOSED CIRCUIT TELEVISION SYSTEMS; NO. 79-1990 REGARDING GRASS, WEEDS AND VEGETATIVE GROWTH; AND NO. 94-1993 REGARDING TRANSIENT RETAIL BUSINESSES.

WHEREAS, Tilden Township adopted Ordinance No. 107 of 1996 in order to conform its ordinance enforcement procedures with the requirements of Act 60 of 1995; and

WHEREAS, Act 172 of 1996 has revised ordinance enforcement requirements to provide for summary criminal enforcement procedures for certain ordinances; and

WHEREAS, Tilden Township desires to have its ordinances comply completely with these Acts, and hereby expenses as a matter of legislative intent that this ordinance is adopted solely to conform with the aforesaid Acts of Assembly and should anything herein conflict with such Acts, Tilden Township desires that the enforcement of the various ordinances set forth herein and in Ordinance No. 107 of 1996 be as allowed and provided by the Assembly;

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

Section 1. Section 10 of Ordinance 2-1964, as amended by Section 10 of Ordinance 31-1972, as further amended by Section 10 of Ordinance 82-1991, as further amended by Section 1 of Ordinance 107-1996, regarding junk dealers and junk yards, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 10. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 2. Section 5 of Ordinance 1-1969, as amended by Section 5 of Ordinance 42-1979, as amended by Section 6 of Ordinance 107-1996, regarding construction, reconstruction, erection, improvement, paving or blacktopping of drains, culverts, footwalks, driveways or other means of ingress or egress to property connecting with Township roads, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 105. Violations; Penalties. Upon the construction, erection, reconstruction, improvement, pavement or blacktopping of any such drain, culvert, drive or footwalk which does not comply with any conditions imposed by the Township Supervisors as aforesaid, or any erection, construction, reconstruction, improvement, pavement or blacktopping of any such drain, culvert, drive or footwalk made without the prior approval of the Township Supervisors, and which does not meet with the approval of the Township Supervisors after construction, erection, reconstruction, improvement, pavement or blacktopping, then in either case, the Township Supervisors may, with or without notice, make the necessary correction and recover the cost of

such correction in a summary proceeding to be brought before a District Justice in the Township.

Any Person, partnership, corporation or other entity who or which has erected, constructed, reconstructed, improved, paved or blacktopped a drain, culvert, driveway or footwalk without first having made application and received a permit therefor as aforesaid, or has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 3. Section 9, entitled "Penalties" of Ordinance 27-1970, as amended by Section 7 of Ordinance 107-1996, regarding disorderly conduct, concealed weapons, looting, littering, false alarms and obstruction of officers, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 9. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 4. Section XXII, entitled "Penalty" of Ordinance 30-1970, as amended by Section 8 of Ordinance 107-1996, regarding mobile home parks, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section XXII. Penalties. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as

required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 5. Section 2 of Ordinance 53-1984, as amended by Section 13 of Ordinance 107-1996, regarding vehicle maintenance upon or within public rights-of-way, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 2. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 6. Section 9 of Ordinance 4-1965, as amended by Section 12 of Ordinance 57-1986, as further amended by Section 14 of ordinance 107-1996, regarding the collection, transportation, processing and disposal of refuse to and at the Township refuse collection facility, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 12. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance or any of the rules and regulations adopted pursuant hereto shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

In addition to the remedies set forth above, the Township shall also retain the right to bring a suit in equity to restrain any violations of this Ordinance."

Section 7. Section Five, entitled "Penalties", of Ordinance 88-1992, as amended by Section 18 of Ordinance 107-1996, regarding water conservation, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section Five. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of

this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 8. Section V of Ordinance 99-1994, as amended by Section 20 of Ordinance 107-1996, regarding fire insurance proceeds as security, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section V. Penalties for Violation. Any owner of property, named insured, Insuring Agent, Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 9. Section 9, entitled "Penalties", of Ordinance 100-1994, as amended by Section 21 of Ordinance 107-1996, regarding dangerous structures, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 9. Penalties. Any Person, partnership, corporation or other entity who or which has failed to comply with any notice or order to repair, vacate or demolish any dangerous building, which notice is served by any person authorized to do so by the Board of Supervisors, shall, upon being found liable therefor in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Any Person, partnership, corporation or other entity who or which has removed the notice provided for in Section 8(e) of this Ordinance shall, upon being found liable therefor in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal

Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense.

All judgments provided for in this section shall be in addition to costs.

Any Person, partnership, corporation or other entity who or which has an interest in any building and has failed to comply with any notice or order to repair, vacate or demolish any dangerous building within sixty (60) days of the receipt of such notice, by such failure, does empower the Board to cause such building or structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with a penalty of ten percent (10%) to be charged upon the land upon which the building exists as a municipal lien, and to recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment therefor to be charged upon the land as a municipal lien; and, this paragraph is separate from and in addition to any judgment which may be imposed by this Section."

Section 10. Section 3, entitled "Penalty for Violation", of Ordinance 104-1994, as amended by Section 22 of Ordinance 107-1996, regarding hinderance, interference, blocking or obstruction of streets, roads, alleys or other public ways, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 3. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars (\$100.00) not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense."

Section 11. Section 901 Ordinance 2-1966, as amended by Section 2 of Ordinance 107-1996, regarding earned income tax, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 901. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has failed, neglected or refused to make any declaration or return required by this Ordinance, refused to permit the Income Tax Officer or any agent designated by him to examine its books, records and papers, knowingly made any incomplete, false or fraudulent return, attempted to do anything whatsoever to avoid the full disclosure of the amount of its net profits or earned income in order to

avoid the payment of the whole or any part of the tax imposed by this Ordinance, or violated or permitted the violation of the provisions of this Ordinance, or any employer who has failed, neglected or refused to register or to pay the tax deducted from his employees or failed, neglected or refused to deduct or withhold the tax from his employees, shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 12. Section 902 of Ordinance 2-1966, as amended by Section 3 of Ordinance 107-1996, regarding earned income tax, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 902. Penalties for Divulging Confidential Information. Any Person, partnership, corporation or other entity who or which has divulged any information which is confidential under the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 13. Section 12 Ordinance 2-1967, as amended by Section 4 of Ordinance 107-1996, regarding realty transfer tax, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 12. Penalties. Any Person, partnership, corporation or other entity who or which has failed, neglected or refused to comply with any of the terms or provisions of this Ordinance or of any regulation or requirement pursuant hereto and authorized hereby, or has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 14. Section 13 of Ordinance 3-1967, as amended by Section 5 of Ordinance 107-1996, regarding amusement tax, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 13. Penalties. Any Person, partnership, corporation or other entity who or which has failed, neglected or refused to comply with any of the terms or provisions of this Ordinance or of any regulation or requirement pursuant thereto and authorized thereby or has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 15. Section Six of Ordinance 36-1974, as amended by Sections 1 and 2 of Ordinance 37-1974, as further amended by Section 10 of Ordinance 107-1996, regarding street openings, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section Six. Penalties. Any Person, partnership, corporation, utility or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 16. Section III of Ordinance 43-1979, as amended by Section 11 of Ordinance 107-1996, regarding parks, playgrounds and recreation areas, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section III. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 17. Subsection 1(c) of Ordinance 48-1980, as amended by Section 12 of Ordinance 107-1996, regarding listing of tenants and addresses, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"(c). Every owner of real estate in the Township who or which has failed to comply with the requirements of this Ordinance or has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 18. Section 9, entitled "Penalties", of Ordinance 59-1986, as amended by Section 15 of Ordinance 107-1996, regarding occupational privilege tax, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 9. Penalties for Violation. Any employer, taxpayer, Person, partnership, corporation or other entity who or which has made a false or untrue statement on any return required by this Ordinance, refused inspection of its records in its custody and control setting forth its employees subject to this tax, failed or refused to file a return required by this Ordinance, or violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 19. Section 9, entitled "Payment to Township", of Ordinance 76-1990, as amended by Section 16 of Ordinance 107-1996, regarding franchises to operate and maintain community television systems and closed circuit television systems, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 9. Payment to Township. Any qualifying company holding a franchise pursuant to the terms of this Ordinance shall pay to the Township for the privilege of operating its community television system under such franchise the sum of five percent (5%) of the annual gross basic cable television service receipts each year thereafter.

The qualifying company shall make payment to the Township of such fees within thirty (30) days following the anniversary date of the grant of its franchise. Such payments shall be accompanied by written proof of the factual basis for computation of the payment.

Any qualifying company which has failed to make such payments in a timely manner pursuant to the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand

and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure.

In addition to the remedies set forth above, the Township shall also retain the right to institute civil proceedings against the qualifying company for collection of the delinquent fees in the Court of Common Pleas or at the District Justice Magisterial District having jurisdiction within the Township."

Section 20. Section 5, entitled "Penalty for Violation", of Ordinance 79-1990, as amended by Section 17 of Ordinance 107-1996, regarding grass, weeds and vegetative growth, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 5. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has failed, neglected or refused to comply with any of the provisions of this Ordinance or violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 21. Section 9, entitled "Penalties", of Ordinance 94-1993, as amended by Section 19 of Ordinance 107-1996, regarding transient retail businesses, of the Township of Tilden, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

"Section 9. Penalties for Violation. Any Person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance shall be subject to a penalty of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Ordinance is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

Section 22. 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 of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tilden

Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 23. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 24. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 4th day of March, 1997.

BOARD OF SUPERVISORS
TOWNSHIP OF TILDEN,
BERKS COUNTY, PENNSYLVANIA

By: Ray W. Borkey
Chairman

By: Eugene D. Schlegel
Supervisor

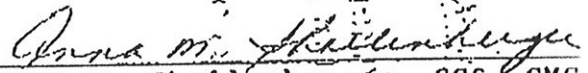
By: James W. Halye
Supervisor

Attest: Anna Shollenberger
Anna Shollenberger, Secretary

CERTIFICATION

I hereby certify that the foregoing ordinance was advertised on February 24, 1997 in the Reading-Eagle Times, a newspaper of general circulation in the Township of Tilden, Berks County, Pennsylvania, and was duly enacted and approved as set forth at a regular scheduled meeting of the Township of Tilden on March 4, 1997 at 7:00 P.M., prevailing time, in the Township Municipal Building, Tilden Township, Berks County, PA.

ATTEST:


Anna M. Shollenberger, CGS, CMC
Secretary