

TOWNSHIP OF TILDEN  
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 149

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DEFINING "CONSTRUCTION ACTIVITY," PROHIBITING SUCH ACTIVITY ON PROPERTIES WITHIN THE TOWNSHIP BETWEEN THE HOURS OF 11:00 PM AND 6:00 AM, PREVAILING TIME TO THE EXTENT THAT SUCH ACTIVITY CAUSES NOISE AUDIBLE AT ANY PROPERTY BOUNDARY; PROVIDING FOR PENALTIES FOR VIOLATION; REPEALING OTHER TOWNSHIP ORDINANCES AND REGULATIONS TO THE DEGREE THAT THEY ARE INCONSISTENT WITH THE TERMS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE ON THE EARLIEST DATE ALLOWED BY LAW

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, as follows:

**SECTION 1. "Construction Activity" Defined:** "Construction Activity" shall be defined as the conduct of erecting a building, fixture, or structure, altering a building, fixture or structure, or conducting repair or maintenance activity on a building, fixture, or structure. "Construction Activity" shall not include road work conducted by or ordered by Township or Commonwealth employees or officials, or emergency repairs or maintenance ordered by public authorities to be conducted immediately prevent imminent danger to health or safety, or further property damage.

**SECTION 2. Prohibition of Construction Activity During Certain Hours:** No Construction Activity as shall be conducted on property in the Township between the hours of 11:00 p.m. and 6:00 a.m., prevailing time, which causes noise audible at any property boundary.

**SECTION 3. Penalties for Violation:** Any person, firm, corporation, or other entity who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars and 00/100 (\$600.00), and/or to undergo imprisonment for a term of not more than ninety (90) days. Each day that a violation of this Ordinance continues after notice of violation shall constitute a separate offense.

**SECTION 4. Severability:** If any section, clause, section, or part of this Ordinance is for any reason found to be illegal, unconstitutional, or invalid, such illegality, unconstitutionality, or invalidity shall not affect or impair any of the remaining portions

of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such illegal, unconstitutional, or invalid portion thereof had not been included herein.

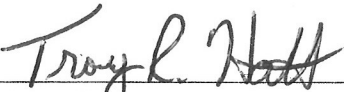
**SECTION 5. Effective Date:** This Ordinance shall become effective on the earliest date permitted by applicable law.

ENACTED this 3rd day of July, 2004.

BOARD OF SUPERVISORS OF  
TILDEN TOWNSHIP

  
Russell Werley, Chairman

  
Marilyn Wilson, Supervisor

  
Troy Hatt, Supervisor

 (SEAL)  
Secretary