

TOWNSHIP OF TILDEN  
Berks County, Pennsylvania

ORDINANCE NO. 57, 1986

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AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 4 OF 1965, PROVIDING FOR THE COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF REFUSE TO AND AT THE TOWNSHIP REFUSE COLLECTION FACILITY AND ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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The Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, hereby enacts and ordains as follows:

Section 1: The following words, as used in this Ordinance, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

"Refuse", all solid municipal waste, except sewage, liquid waste, flammable materials, leaves, rocks, broken concrete, construction materials, appliances, furniture or tires.

"Person", any natural person, association, partnership, firm or corporation.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

Section 2: All refuse shall be deposited in a roll-off body or similar receptacle provided by the Township located adjacent to the Township Building, one and one-half (1-1/2) miles west of Hamburg along

L.R. 06032, Spur E (Old Route 22), and such area shall be designated the Township Refuse Collection Facility (hereinafter "Facility")

Section 3: No person shall dump, deposit, transport, collect, store, or dispose of refuse in the Township of Tilden except at the Township Facility or at such other approved facility as set forth below, and no person shall dump or deposit any garbage in any roadway ravine or upon the property of another within the boundaries of the Township of Tilden, nor shall any person dispose of garbage in such a manner that it becomes offensive, hazardous to health, or a breeding place for vermin. Storage, collection and disposal of refuse at other than the Facility may only be accomplished if the operator and/or owner of such facility shall first obtain all permits and licenses as may be required by the Township of Tilden, Commonwealth of Pennsylvania, the United States of America, or any of the boards or agencies thereof.

Section 4: Dumping of refuse at the Facility shall be permitted on Saturday morning of every week between the hours of 8:00 A.M. and 11:30 A.M. and at no other times; provided, however, that the Board of Supervisors of Tilden Township may provide for other dates or items for refuse deposit after notice thereof has been published one time in the Hamburg Item or after notice given by posting same at the Facility six days prior to any change in time or date.

Section 5: Dumping at the Facility shall be permitted only by persons who reside within the boundaries of the Township of Tilden or who own real property situate within the boundaries of the Township of Tilden. It shall be considered a violation of this ordinance for any

person to misrepresent his or her identity or authority by which such person is depositing materials. Township shall have the authority to require persons depositing materials to sign a log and to identify themselves prior to deposit.

Section 6: Such persons may dump or deposit at the Facility any refuse which originates within the Township of Tilden and accumulates on the property of such person, but not refuse which is brought into the Township of Tilden from outside the boundaries of the Township. No flammable material, leaves, rocks, broken concrete, construction materials, appliances, furniture or tires may be disposed of or deposited at the Facility.

Section 7: The Board of Supervisors of Tilden Township shall have the power from time to time to make rules and regulations for the supervision and control of the Township refuse collection facility, which rules and regulations shall be immediately effective after notice thereof has been published one time in the Hamburg Item or which shall be effective six days after they are posted at the Township Municipal Building. A copy of said rules and regulations shall be made available for examination by any person at the office of the secretary and posted at the Township Municipal Building.

Section 8: A user fee in accordance with the authority provided by the Local Tax Enabling Act in an amount as set, from time to time, by resolution of the Board of Supervisors, shall be assessed according to the volume and/or weight of the materials disposed at the Facility and shall be payable as prescribed by the Township.

Section 9: Depositing of materials at the Facility shall be limited to three (3) thirty-two gallon containers or like amounts, however delivered, of refuse per household per week.

Section 10: Upon depositing refuse at the Facility, an adult member of the household may be required to endorse a certification to be provided in a form approved by the Board of Supervisors, which will set forth the amount of the deposit and the household to which such amount of refuse should be charged. Any misrepresentations contained in this certification will constitute a violation of this Ordinance. This provision shall not constitute a waiver by the Township of its right to bring any appropriate civil or criminal action under the other ordinance of the Township and the laws and regulations of the Commonwealth of Pennsylvania.

Section 12: Any person who shall violate any of the provision of this Ordinance or any of the rules and regulations adopted pursuant hereto will, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution and, in default of such payment of fine and costs, to imprisonment for not more than thirty (30) days in Berks County Prison; provided, however, that each day's violation of any of the provisions of this Ordinance 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 and to bring a civil action at law or summary proceeding before the proper district justice

for recovery of any fines, costs, or other damages incurred as a result of any violation of this Ordinance.

Section 13: It is the intention of the Board of Supervisors of the Township of Tilden that each separate provision of this Ordinance shall be independent of all other provisions herein and it is further the intention of the Board of Supervisors that if any of the provisions of this Ordinance be declared to be invalid, illegal or unconstitutional, all of the other provisions hereof shall remain valid and in full force.

Section 14: Any Ordinance or part of any Ordinance inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed insofar as they are inconsistent herewith.

Enacted and Ordained this 1st day of April, 1986.

BOARD OF SUPERVISORS OF  
THE TOWNSHIP OF TILDEN

By: Vernon A. Reppeb

By: Earl L. Katzanman

By: George E. Stvoje

Attest: Anna M. Shallenbarger