

ORDINANCE NO. 58 , 1986

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 30, 1970, REGULATING THE LOCATION, CONSTRUCTION, EQUIPMENT, MAINTENANCE, AND OPERATION OF MOBILE HOME PARKS IN THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA.

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 that Ordinance No. 30, 1970, is amended as follows:

SECTION 1. The relevant sections of the Mobile Home Park Ordinance are amended to read as set forth below:

"SECTION I. DEFINITIONS.

(c) 'Mobile Home' means a single-family dwelling which is designed, after assembly and fabrication, for transportation on streets and highways on its own running gear, and which may be temporarily or permanently affixed to real estate used for nontransient, residential purposes and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing.

"SECTION III. LICENSE FEES.

The annual license fee for each mobile home park shall be One Hundred Dollars (\$100.00) plus Five Dollars (\$5.00) for each occupied dependent or independent mobile home space in the park in excess of ten (10) as of the first of January of each year.

"SECTION IV. APPLICATION FOR LICENSE.

4.1 The application for the mobile home park license shall be filed in triplicate on a form to be provided by the Township with the Township Secretary. The application shall be in writing, signed by the owner, and shall include the following

- (a) The name and address of the applicant;
- (b) Location and legal description of mobile home park;

- (c) A complete plan of the park showing compliance with Section VI of this Ordinance, including plans for sewage and water facilities;
- (d) Plans and specifications of all buildings and other improvements constructed to enable the issuing authority to determine if the proposed park will comply with legal requirements;
- (e) Such further information as may be requested by the various municipal agencies to enable them to determine if the proposed park will comply with legal requirements.

4.2 The application shall be reviewed by the Tilden Township Planning Commission to insure that the applicants' plans and proposed park comply with the Township Zoning Ordinance, Subdivision and Land Development Ordinance, and all other ordinances and statutes. If the applicant has complied with said ordinances and statutes, the Planning Commission, within sixty (60) days of filing, shall refer the application to the Township Board of Supervisors with a recommendation that such application be approved. The Board of Supervisors, with the assistance of the Township Zoning Officer, Engineer, Solicitor, Sewage Enforcement Officer, and any other designated municipal official or representative shall review the application for compliance with all ordinances and statutes as aforesaid and render its decision on the application within sixty (60) days of receipt from the Planning Commission. In the absence of a decision within sixty (60) days, the application shall be deemed approved as filed.

4.3 Before the plan, size, or area of any licensed mobile home park is altered, and before any roadway, street, water facility, sewer facility, service building or service facility in the licensed mobile home park is relocated or materially altered, a new application setting forth such alteration and/or relocation shall be first filed and approved in accordance with Section 4.2. Any new construction, alteration, or extension of an existing mobile home park shall comply with the provisions of the Township subdivision and zoning ordinances.

4.4 Except when a new application is required under the provisions of Section 4.3, a license shall be reissued annually upon payment of the license fee and upon the applicant's furnishing proof that his or her park continues to meet the standards prescribed by this Ordinance.

"SECTION VIII. WATER SUPPLY.

8.1 All mobile home parks shall be connected with a public water supply approved by the Pennsylvania Department

of Environmental Resources or other authorities having jurisdiction over water supply systems where such public water supply is available, and water shall be supplied from such public water supply to each mobile home space by type.

"SECTION X. SEWAGE DISPOSAL.

10.3 All sewage systems shall meet applicable local plumbing and sanitary codes, shall be approved by the Sewage Enforcement Officer and/or other appropriate officials, and shall meet the standards of the Pennsylvania Department of Environmental Resources and other authorities having jurisdiction over sewage disposal.

"SECTION XX. REVOCATION OF LICENSE.

20.1 Notice and hearing. Whenever a suspected violation of this Ordinance comes to the attention of the Board of Supervisors, the Board may cause an examination or investigation to be made of the park. If such examination or investigation fairly indicates that a violation may exist, the investigating official will submit a report to the Township Secretary, setting forth the existing circumstances of such violation. The Board, upon its determination that sufficient evidence of violation exists to warrant a hearing, will schedule a hearing upon such alleged violation. The hearing will be held by the Board upon advertisement and ten (10) days notice to the property owner, and shall otherwise be in accordance with the Local Agency Act. At the conclusion of the hearing, if the Board determines that a violation exists, it shall enter a written adjudication within thirty (30) days of the conclusion of the hearing by filing the same with the Township Secretary and delivering a copy to the landowner by mail or personal service.

20.2 Revocation of license. The adjudication as set forth in Section 20.1 may provide for revocation of an owner's license for a period not to exceed five (5) years from the date of the adjudication. The running of such five-year period will be tolled during the time in which the owner continues to operate the park during pendency of appeal, if such operation is allowed by the court of common pleas, or during such time in which the owner operates the park in disregard of the adjudication. In the case of an owner's first adjudication as to a particular violation of this Ordinance, the owner shall be allowed a 30-day grace period within which to remedy the violation. If the owner does, to the satisfaction of the Township Engineer upon his inspection, remedy that violation, the license will be reinstated upon resolution at the next regularly scheduled or special meeting of the Board. If

the violation is not remedied within the 30-day period, the license will be revoked in accordance with the adjudication and the owner may appeal to the Board in accordance with the Local Agency Act.

20.3 Fines and penalty. The adjudication of violations as set forth above may also provide for a fine of at least One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00) for each instance of noncompliance with the Ordinance, provided that each day of such noncompliance shall constitute a separate violation.

20.4 Collection of fines. Upon adjudication, the Township may maintain a suit in a district court or Berks County Court of Common Pleas for the collection of a fine of at least One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00) for each day of each continued violation of this Ordinance. A certified copy of the written adjudication may serve as conclusive evidence of the existence and duration of each violation.

20.5 Other civil remedies. In addition to other remedies set forth herein, the Township may enforce an adjudication entered pursuant to the provisions of this Ordinance by seeking judicial relief in equity or otherwise in the court of common pleas. In addition to any other remedy available to the Township, the Township may seek any other civil remedy as provided in the second class Township Code."

SECTION 2. In the event that one or more provisions, sentences, clauses, or other parts of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provisions, sentences, section, clauses, or parts of this Ordinance, it being the intention of the Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

SECTION 3. Any ordinance, ordinances, or parts of an ordinance, or ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same are inconsistent with this Ordinance.

SECTION 4. This Ordinance shall become effective five (5) days after the date of its enactment.

Duly enacted at a public meeting of the Board of Supervisors
of the Township of Tilden, held on the 1st day of July , 1986.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF TILDEN,
BERKS COUNTY, PENNSYLVANIA

Vernon A. Rappert
Earl L. Katzman

Attest: Anna M. Shellenbarger