

ORDINANCE NO. 78 , 1990

AN ORDINANCE AMENDING THE TILDEN TOWNSHIP ZONING ORDINANCE OF OCTOBER 20, 1987, REVISING ARTICLE XVII IN ORDER THAT ARTICLE XVII MAY MORE FULLY COMPLY WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AS AMENDED BY ACT 170 OF 1988, TO SPECIFICALLY PROVIDE FOR ADDITIONAL REMEDIES AUTHORIZED BY THE CODE.

WHEREAS, the Township adopted Ordinance No. 72, 1989 in order to more fully comply with the Pennsylvania Municipalities Planning Code as amended by Act 70 of 1988; and

WHEREAS, it appears that additional revisions of Article XVII are necessary to more accurately reflect the powers and remedies authorized by the Municipalities Planning Code pursuant to Act 170 of 1988; therefore

Section 1. It is hereby enacted and ordained that Article XVII, of the Tilden Township Zoning Ordinance of October 20, 1987, as amended, is further amended to include the addition of the following provisions at Section 1706.2.

Section 1706.2.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the Complaint on the secretary of the Board of Supervisors. No such action may be maintained until such notice has been given.

Section 2.

The provisions of this Ordinance shall be severable, and if any provisions shall be held to be unconstitutional and valid, or legal of any Court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provision of this

Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted if such unconstitutional, invalid or illegal provision had not been included therein.

Section 3.

All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Section 4.

This Ordinance shall become effective in accordance with the law.

Duly enacted at a public meeting of the Board of Supervisors of Tilden Township, held on the 1st day of May, 1990.

Board of Supervisors
Tilden Township, Berks County

William R. Ketter
Gary L. Wilhelm
Earl L. Katzman

Attest

Anna M. Schellinger