

ORDINANCE NO. 82 , 1991

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP JUNK YARD ORDINANCE NO.2 OF 1964, AS AMENDED BY ORDINANCE NOS. 31 AND 33 OF 1972, TO AUTHORIZE THE TOWNSHIP ORDINANCE ENFORCEMENT OFFICER AND POLICE OFFICERS SERVING ON BEHALF OF THE TOWNSHIP TO ENFORCE THE TERMS OF THE JUNK YARD ORDINANCE AS AMENDED, PROVIDING FOR AN INCREASE IN THE MAXIMUM FINE THAT MAY BE IMPOSED FOR EACH VIOLATION OF THE JUNK YARD ORDINANCE TO THE AMOUNT OF \$1,000 PER VIOLATION, AND INCREASING APPLICATION FEES AND TRANSFER FEES.

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BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the authority of the same and pursuant to the authority granted by the Legislature of the Commonwealth of Pennsylvania, as follows:

SECTION I - SECTION 16 OF THE ORDINANCE NO. 33 OF 1972 IS HEREBY AMENDED AND SHALL PROVIDE AS FOLLOWS:

SECTION 16. - The Township Ordinance Enforcement Officer or such police officers as duly authorized to provide police services for the Township shall, from time to time, regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Ordinance and such rules and regulations which may hereafter be adopted by the Township of Tilden regulating and licensing junk dealers and the establishment and maintenance of junk yards. The Township Ordinance Enforcement Officer or authorized police officer shall forthwith prosecute any discovered violation of this Ordinance. The Ordinance Enforcement Officer shall, not less than

twice yearly, furnish to the Township Board of Supervisors a report of such inspections, the same to be in writing, and in the form prescribed by the Board of Supervisors of the Township of Tilden.

SECTION 17 OF THE ORDINANCE NO. 31 OF 1972 IS HEREBY AMENDED AS FOLLOWS:

SECTION 17 - Every junk yard in the Township of Tilden shall at all times be subject to inspection during reasonable hours of the day by the Township Ordinance Enforcement Officer or such police officer having jurisdiction in the Township. To facilitate such inspection and fire control, all junk therein shall be arranged and maintained in a neat and orderly fashion. All of such junk vehicles and other junk are to be arranged in rows, with a minimum of twenty (20) feet clear space between each row, and each of said rows to be no greater in width than forty (40') feet.

SECTION 5 OF THE ORDINANCE NO. 2 OF 1964 IS HEREBY AMENDED TO READ AND PROVIDE AS FOLLOWS:

SECTION 5 - License Fee. The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be calculated in accordance with the following schedules determined by the actual land to be used by the person to whom the license is issued, excluding all setback areas.

- A. Less than 15,000 square feet - \$100.00
- B. More than 15,000 square feet but  
less than 40,000 square feet - \$200.00
- C. More than 40,000 square feet - \$400.00

No license shall be issued for the use of a tract of land in excess of twenty (20) acres, excluding set-back areas.

SECTION 8 OF THE ORDINANCE NO. 2 OF 1964 IS HEREBY AMENDED AS FOLLOWS:

SECTION 8 - Transfer Fee. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay the Township a transfer fee of twenty-five dollars (\$25).

SECTION 10 OF THE ORDINANCE NO. 2 OF 1964 IS HEREBY AMENDED TO READ AND PROVIDE AS FOLLOWS:

SECTION 10. Violations. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, by summary proceedings, be sentenced to pay an amount of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution, provided that each day's violation of any of the provisions of the Township Junk Yard Ordinance as amended, shall constitute a separate offense.

SECTION 11 OF THE ORDINANCE OF NO. 2 OF 1964 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 11. Abatement of Nuisances. In addition to the remedies provided in Section 10, above, the Board of Supervisors may proceed against the violator for any continued violations of the Junk Yard Ordinance, as amended, in a Court of Equity to seek relief in order to abate such violations.

SECTION II. Severability. If any section of this Ordinance shall be found to be invalid, the other section of the Ordinance shall not be affected thereby.

SECTION III. Repeal. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

APPROVED, ADOPTED, AND ENACTED into an ordinance, this 7th day of January, 1991, to become effective five days after adoption.

BOARD OF SUPERVISORS OF  
TILDEN TOWNSHIP

By:

William R. Schaefer  
Gay L. Wilhelm  
Earl L. Katzman

ATTEST: Anna M. Schallinger  
Secretary