

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1, 1969, BY MAKING IT UNLAWFUL TO CONSTRUCT, RECONSTRUCT, ERECT, IMPROVE, PAVE OR BLACKTOP A DRAIN, CULVERT, FOOTWALK, DRIVEWAY, OR OTHER MEANS OF INGRESS OR EGRESS TO PROPERTY WHICH CONNECTS WITH A TOWNSHIP ROAD, UNLESS APPLICATION AS PRESCRIBED IS MADE AND APPROVED THEREFOR AND AUTHORIZING FILING FEES AND COSTS AND IMPOSING FINES AND PENALTIES OF VIOLATIONS.

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, amending Ordinance No. 1, 1969, in its entirety to read as follows:

SECTION 1. It shall be unlawful for any person, partnership or corporation to construct, erect, reconstruct, improve, pave or blacktop, any drain, culvert, footwalk, drive or other means of ingress or egress to property in said Township, the entrance or exit of which connects with any Township road for public use or travel in said Township of Tilden, or drainage area thereof, unless application has first been made to said Township Supervisors for a permit for such construction, erection, reconstruction, improvement, pavement or blacktopping and said Township Supervisors have evidenced their approval of such construction, erection, reconstruction, improvement, pavement or blacktopping by granting a permit therefor.

SECTION 2. The application for such permit shall be made by the owner or occupier, or by his constructor or agent, in writing on forms provided by the said Township Supervisors in accordance with such rules and regulations as may be prescribed by the Township Supervisors. There shall be appended to each application a plan showing the outlines of the property affected, with

existing buildings thereon, existing drains, culverts, footwalks and driveways, with the proposed drain, culvert, driveway or footwalk to be constructed, erected, reconstructed, improved, paved, or blacktopped, and its relationship to any Township road for public use or travel in said Township of Tilden, and particularly the construction, reconstruction, improvement, pavement, or blacktopping of said drain, culvert, footwalk or drive and its relationship to the drainage of said road.

SECTION 3. The cost of filing such application or the cost of any permit issued thereon or the cost of any inspection deemed necessary by the Township Supervisors shall be determined according to the general fee schedule to be adopted by a resolution of the Township Supervisors and all such fees and costs shall be paid into the Township treasury.

SECTION 4. The Township Supervisors may alter such plans and specify such changes or modifications of any kind which they may deem necessary to make their approval of the granting of any such permit, subject to any such alterations, changes or modifications.

SECTION 5. Upon the construction or erection, reconstruction, improvement, pavement, or blacktopping of said drain, culvert, drive, or footwalk which does not comply with any conditions imposed by the Township Supervisors as aforesaid, or any construction, erection, reconstruction, improvement, pavement, or blacktopping of any such drain, culvert, drive or footwalk made without the prior approval of the Township Supervisors which does not meet with the approval of the Township Supervisors after construction, erection, reconstruction, improvement, pavement, or blacktopping, then in either case, the Township Supervisors may,

with or without notice, make the necessary correction and recover the cost of such correction in a summary proceeding to be brought before the District Justice in said Township. Any person who shall construct, erect, reconstruct, improve, pave or blacktop a drain, culvert, driveway or footwalk without first having made application and received a permit therefor as aforesaid shall, upon being adjudged guilty of violating this Ordinance before any District Justice having jurisdiction within said Township, be sentenced to pay a fine for the use of the said Township of not less than Ten Dollars (\$10.00), or more than Three Hundred Dollars (\$300.00); and in default of paying said fine and all costs accrued, shall be committed to the County Prison for a period of not exceeding thirty (30) days.

SECTION 6. The provisions of this Ordinance and the necessity of compliance therewith shall not apply to any case wherein the subject of this Ordinance has been incorporated in a sub-division plan which has received the approval of the Board of Supervisors.

SECTION 7. The provisions of this Ordinance are severable; and if any portion thereof is held to be invalid, the decision of the Court shall not affect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Supervisors that this Ordinance would have been adopted if such invalid portion had not been included herein.

SECTION 8. The provisions of this Ordinance shall become effective at the expiration of five (5) days from its adoption.

ORDAINED AND ENACTED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, this 1st day of

May, 1979.

BOARD OF SUPERVISORS OF TILDEN TOWNSHIP

E. Norman Kuffman

Vernon A. Reppert

George E. Savage

Attest:

Anna M. Shindler Secy.