

TILDEN TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 245-2021

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS REGARDING PLANNED RESIDENTIAL DEVELOPMENT WITHIN THE TOWNSHIP, INCLUDING THE PURPOSE, APPLICABILITY OF COMPREHENSIVE PLAN AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES, REQUIRING REVIEW FROM BERKS COUNTY PLANNING COMMISSION, STANDARDS AND CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT, APPLICATION FOR TENTATIVE APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENT, PUBLIC HEARINGS, COMMUNICATION OF FINDINGS TO THE LANDOWNER, STATUS OF PLAN AFTER TENTATIVE APPROVAL, APPLICATION FOR FINAL APPROVAL, JURISDICTION, ENFORCEMENT REMEDIES, REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE, AND EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania ("Township") and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Chapter XXI entitled "Planned Residential Development", is hereby adopted, as follows:

CHAPTER XXI

PLANNED RESIDENTIAL DEVELOPMENT

Section 101. Purposes.

- (a) To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- (b) To provide greater opportunities for better housing and recreation to all citizens and residents of Tilden Township.
- (c) To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may ensure to the benefit of those who need homes and for other uses.
- (d) To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

(e) To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following powers are granted to all municipalities.

**Section 102. Applicability of Comprehensive Plan and Statement of Community Development Objectives.**

(a) All provisions and all amendments thereto adopted pursuant to this Ordinance shall be based on the statement of community development objectives of the Tilden Township Zoning Ordinance (Chapter 32) and may be related to The Joint Comprehensive Plan for Northern Berks County.

**Section 103. Review from Berks County Planning Commission.**

(a) All applications for tentative approval of planned residential development of land located within Tilden Township as set forth in this article shall be referred to the Berks County Planning Commission for study and recommendation. The Berks County Planning Commission shall be required to report to Tilden Township within forty-five (45) days or forfeit the right to review.

**Section 104. Standards and Conditions for Planned Residential Development.**

(a) Uses Permitted in Planned Residential Development.

(1) Residential Uses.

(i) Dwelling units of any dwelling type or configuration, or any combination thereof, are permitted, with the exception of mobile homes.

(ii) Residential lots may make up between 85% and 100% of the area outside of the required common open space. (see Sec. 104.(c)(2)(i) below)

(2) Nonresidential Uses.

(i) The following nonresidential uses and no other are permitted.

- automatic self-service laundry
- banquet facilities
- bowling alley
- club, lodge, or social building
- community recreation building (community center)
- convenience store (without gas pumps)
- eating and drinking place
- financial institution
- fitness center
- golf, tennis
- ice rink

- laundry, dry cleaning, or clothes pressing establishment
- medical/ dental office
- motor vehicle wash establishment
- movie theater
- nursery
- office
- personal service shop
- retail service shop
- roller-skating rink
- shopping center (limited to the uses listed in this section)
- studio
- swimming pools
- veterinarian office
- weddings and special events
- wholesale business establishment

(ii) No residential lots may make up between 0% and 15% of the area outside of the required common open space. (see Sec. 104.(c)(2)(i) below)

(iii) Any proposed "community center" shall be available for use by the residents of the PRD and may be made available for use by the public subject to regulations established by the HOA or equivalent organization and applicable Township ordinances.

(iv) A Transportation Impact Study prepared by a qualified Traffic Engineer and/or Transportation Planner in accordance with all applicable Township ordinances and the then-current policies and procedures suggested by the Pennsylvania Department of Transportation (PennDOT) for traffic impact studies related to highway occupancy permits shall be provided.

(b) Timing of Planned Residential Development.

The timing of development among the various types of residential and nonresidential uses may be phased (built over a period of years). (See Sec. 105.(a)(4), Sec. 107.(c), and Sec. 109.(a) below)

(c) Density or Intensity of Planned Residential Development.

(1) Location and Size.

(i) Planned Residential Developments are permitted within the R-2, R-3, and R-4 zoning districts.

(ii) The minimum existing lot area is fifty (50) acres.

(2) Common Open Space.

(i) The intent of the common open space is also to preserve the viewscape/scenery of the property. The total amount of common open space shall be at least fifteen percent (15%) of existing lot area.

(ii) The common open space shall consist of many/several areas spread throughout the development, not one large area.

(iii) Common open space areas cannot include lot areas or street rights-of-way.

(iv) A maximum of twenty-five percent (25%) of the common open space areas may consist of wetlands and steep slopes. For this section, steep slopes shall be considered those having existing grades over twelve percent (12%).

(v) Common open space areas may never be subdivided in the future. A note shall be provided on the Plan stating that "The common open space areas as depicted on this Plan may never be subdivided in the future."

(vi) The common open space areas may be located anywhere within the overall existing lot.

(vii) Uses.

The allowable use within the common open space areas is recreation. The Developer must submit a Recreation Development Plan that provides for active recreation showing location, types, facilities, etc.

Onlot sewage and water facilities, other utility structures, and stormwater management facilities are permitted within the common open space areas. Agricultural uses cannot occur within the common open space areas.

(viii) Residential Lots.

All residential lots must directly abut common open space areas.

(ix) Organization for Ownership and Maintenance.

The landowner must provide for and establish an organization, such as a Homeowners Association (HOA) or equivalent organization, for the ownership and maintenance of the common open space areas, and spaces on lots used by the residents of the development or the public, prior to Final Plan approval. Such organization shall not be dissolved nor shall it dispose of the common open space areas, by sale or otherwise except to a successor organization conceived and established to own and maintain the common open space areas. Advance notification shall be given to the Township if a successor organization is to take over ownership and maintenance responsibilities of these areas. The Township shall be provided with current, accurate contact information for the organization at all times that shall be kept on file at the Township office.

(x) Failure to Maintain Common Open Space.

In the event that the organization established to own and maintain common open space areas, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space areas in reasonable order and condition in accordance with the development plan, the municipality may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the municipality or a Contractor hired by the municipality, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space areas from becoming a public nuisance, may enter upon said common open space areas and maintain the same for a period of one (1) year. Said maintenance by the municipality shall not constitute a taking of said common open space areas, nor vest in the public any rights to use the same.

Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the governing body or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the municipality shall not, at the option of the municipality, continue for a succeeding year. If the governing body, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the municipality shall cease to maintain said common open space at the end of said year. If the governing body or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The decision of the governing body or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this ordinance.

The cost of such maintenance by the municipality shall be assessed ratably against the properties (residential and nonresidential) within the planned residential

development that have a right of enjoyment of the common open space areas, and shall become a lien on said properties. The municipality at the time of entering upon said common open space areas for the purpose of maintenance shall file a notice of lien in the office of the prothonotary of Berks County, upon the properties affected by the lien within the planned residential development.

It shall be included in the HOA or other organization documents that failure to maintain could result in a lien.

(d) Site Improvements.

(i) Streets.

Streets shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

All proposed streets shall be private streets owned and maintained by the organization. The HOA or similar organization must include in its declaration that the streets are private and that the Township will have no obligation at any time to accept dedication of the streets or to maintain the streets.

(ii) Walkways.

Walkways, having a minimum width of four feet (4'), shall be provided along both sides of all proposed streets, and through common open space areas.

Walkways along streets shall be concrete. All other walkways may be concrete or bituminous.

Walkways through common open space areas shall be provided to allow for pedestrians to traverse areas. They shall also be provided to facilitate movement to active recreation areas within the common open space.

(iii) Curbs.

Curbs shall be provided along both sides of all proposed streets, interior access lanes, access drives, and parking lots.

(iv) Street Lights.

Streets lights shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

(v) Street Trees.

Streets trees shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

(vi) Water.

Water supply shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27). Any proposed water supply system within the development area shall be private and owned and maintained by the organization.

(vii) Sewage.

Sanitary sewer disposal shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27). Any proposed sanitary sewer system within the development area shall be private and owned and maintained by the organization.

(viii) Drainage.

Drainage facilities shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27) and the Tilden Township Stormwater Management Ordinance (Chapter 25).

(ix) Utilities.

Utilities shall be provided in accordance with the requirements contained within the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

(e) Building Sizes and Locations.

(i) Minimum Lot Size.

Each principal building, regardless of use, shall be situated on its own lot that has a minimum area of fifteen-thousand square feet (15,000 sf).

(ii) Building Setbacks. (these are also applicable to detached garages and accessory buildings)

minimum front yard = twenty feet (20')  
minimum side yard = fifteen feet (15')  
minimum rear yard = twenty-five feet (25')

minimum building setback from exterior existing property lines = fifty feet (50')

(iii) Maximum Allowable Building Height = Thirty-five feet (35'), or two (2) stories

(iv) Parking.

Parking spaces shall be provided on each individual lot, for the principal building on that lot, in accordance with the requirements contained within the Tilden Township Zoning Ordinance (Chapter 32).

(v) Each proposed lot shall have access to a proposed street. Access of lots to existing public streets is prohibited.

(vi) Architectural renderings of typical residential and nonresidential buildings shall be provided to relay the basic architectural intent of the proposed site development.

#### **Section 105. Application for Tentative Approval of Planned Residential Development.**

##### **(a) Application Procedures.**

In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by the Tilden Township Board of Supervisors, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a development plan for a planned residential development and the continuing administration thereof shall be consistent with the following provisions:

##### **(1) Pre-Submittal Conference.**

Any landowner contemplating a formal submittal of a planned residential development shall schedule a pre-submittal conference with the Township prior to submittal of an application for tentative approval. This informal meeting shall be between the Tilden Township Zoning Officer, Tilden Township Engineer, Tilden Township Sewage Enforcement Officer, and Tilden Township Planning Commission and shall be held at the proposed development site. Other Township staff or consultants may be invited to attend the conference as needed.

##### **(2) Application.**

An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.

An application for tentative approval of the development plan shall meet all preliminary plan requirements of the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

##### **(3) Fees.**

The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee and with such officials of the municipality as shall be designated in the provisions adopted in the Township's fee schedule.

##### **(4) Schedule.**



In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

The annual updates shall be submitted to the Tilden Township Planning Commission and Board of Supervisors and must include a progress report explaining activities that have occurred during the last year.

If a schedule is not provided at the required time(s), then the tentative approval for the remaining sections shall be considered null and void. A new application for tentative approval for the remaining sections must then be presented if the project is to continue forward.

(5) Written Statement by the Landowner.

The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the municipality and the area of the proposed development.

**Section 106. Public Hearings.**

(a) Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this ordinance, a public hearing pursuant to public notice on said application shall be held by the Tilden Township Supervisors in the manner prescribed in the PA MPC.

Prior to the public hearing, the plan shall be provided to the Tilden Township Zoning Officer, Tilden Township Engineer, Tilden Township Sewage Enforcement Officer, and Tilden Township Planning Commission for review. The plan will be placed on the agenda for the next scheduled Tilden Township Planning Commission meeting and the project will be reviewed and discussed then. All comments shall be provided to the Tilden Township Supervisors prior to the public hearing.

(b) Continuance of Public Hearing if Necessary.

The Tilden Township Board of Supervisors may continue the hearing from time to time, and where applicable, may refer the matter back to the Tilden Township Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

(c) Mediation Option.

The municipality may offer a mediation option as an aid in completing proceedings authorized by this section and by subsequent sections in this ordinance prior to final approval by the Tilden

Township Board of Supervisors. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in the PA MPC.

#### **Section 107. The Findings.**

(a) The Tilden Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this ordinance or within one-hundred eighty (180) days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:

- (1) grant tentative approval of the development plan as submitted;
- (2) grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- (3) deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the governing body notify such governing body of his refusal to accept all said conditions, in which case, the governing body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

(b) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

- (1) those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality, including but not limited to the Northern Berks County Joint Comprehensive Plan;
- (2) the extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- (3) the purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

(4) the physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

(5) the relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

(6) in the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(c) Written Communication of Tentative Approval.

In the event a development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

**Section 108. Status of Plan After Tentative Approval.**

(a) The official written communication provided for in this article shall be certified by the municipal secretary of the governing body and shall be filed in their office, and a certified copy shall be mailed to the landowner.

(b) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development (any site construction activities whatsoever) or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, under this Ordinance or other applicable law or ordinance, the tentative approval shall be

deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted in the records of the municipal secretary of the municipality.

**Section 109. Application for Final Approval.**

(a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof for a phased development. Said application shall be made to the official of the municipality designated by the ordinance and within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

(b) An application for final approval of the development plan shall meet all preliminary and final plan requirements of the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

(c) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the municipality shall, within forty-five (45) days from the date of the regular meeting of the governing body or the planning agency, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed.

(d) In the event the development plan as submitted contains variations from the development plan given tentative approval, the approving body may refuse to grant final approval and shall, within forty-five (45) days from the date of the regular meeting of the governing body or the planning agency, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

(1) refile the application for final approval without the variations objected; or

(2) file a written request with the approving body that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have

already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the approving body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article. Failure of the governing body or agency to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

(e) Recording of Final Plan and Financial Security.

A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Tilden Township Board of Supervisors and shall be filed of record in the office of the Recorder of Deeds of Berks County before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated above, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of the Tilden Township Subdivision and Land Development Ordinance (Chapter 27) and post financial security in accordance with the Tilden Township Subdivision and Land Development Ordinance (Chapter 27).

(f) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the approving body in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated above after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the Tilden Township Zoning Ordinance (Chapter 32) in the manner prescribed for such amendments in the PA MPC.

(g) Each month a municipality shall notify in writing the superintendent of a school district in which development plans for a planned residential development were finally approved by the municipality during the preceding month. The notice shall include, but not be limited to, the

location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

(h) Where final approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map. (this section was moved from 'Tentative Approval'.

#### **Section 110. Jurisdiction.**

(a) The Magisterial District Judge shall have initial jurisdiction over proceedings brought under the above sections, with the exceptions of land use appeals where jurisdiction is with the Court of Common Pleas of Berks County.

#### **Section 111. Enforcement Remedies.**

(a) Violations.

Any person, partnership or corporation, who or which has violated the planned residential development provisions of any ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by Tilden Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid over to Tilden Township.

(b) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

#### **Section 112. Inconsistencies.**

All ordinances or parts of ordinances of the Township which are inconsistent herewith are hereby repealed.

#### **Section 113. Effective date.**

This Ordinance shall become effective on the earliest date permitted by law.

DULY ENACTED AND ORDAINED this 9th day of June, 2021.

TILDEN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA

By: Gene L. Schappell  
Gene Schappell, Chairman

By: Fred Herman  
Fred Herman, Vice Chairman

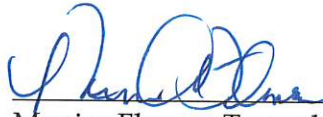
By: Richard DeLong  
Richard DeLong, Supervisor

Attest: Monica Flower  
Monica Flower, Township Manager / Secretary

## MUNICIPAL CERTIFICATION

I, Monica Flower, Township Manager / Secretary of the **TILDEN, BERKS COUNTY, PENNSYLVANIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 245-2021 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 9<sup>th</sup> day of June, 2021.

[SEAL]



\_\_\_\_\_  
Monica Flower, Township Manager / Secretary  
Tilden Township  
Berks County, Pennsylvania