

**NORTH MIDDLETON TOWNSHIP**  
**CUMBERLAND COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2019-01**

AN ORDINANCE OF THE TOWNSHIP OF NORTH MIDDLETON AMENDING AND REVISING THE NORTH MIDDLETON TOWNSHIP ZONING ORDINANCE, CHAPTER 204 OF THE NORTH MIDDLETON TOWNSHIP CODE, SECTION 204-44(D) DUMPSTERS/RECYCLING

The Board of Supervisors of North Middleton Township hereby ordains as follows:

**Section 1.**    Amendment.

Section 201-44(D) of the Code of Ordinances of North Middleton Township shall be amended and modified as follows:

**D.**    **Dumpsters/recycling**

- (1)    Except as permitted in § 204-44 D (5), trash dumpsters and recycling containers (excluding those curbside containers used for municipal trash disposal) shall be located within a side or rear yard.
  
- (2)    Except as permitted in § 204-44 D (4) and (5), trash dumpsters and recycling containers shall not encroach into required setbacks or buffer yards.
  
- (3)    Except as permitted in § 204-44-D (4), trash dumpsters and recycling containers shall be screened in accordance with § 204-26 of this chapter, and equipped with a self-latching door or gate.
  
- (4)    Individual trash dumpsters and recycling containers not exceeding 10 cubic yards each that are placed to serve the principal use on a lot zoned VMU, NC, CLI, or IND shall be permitted to be located at the lot line where the abutting lot is zoned VMU, NC, CLI, or IND and contains the same or similar use and where the use on either lot is not residential. Such dumpsters shall be screened with solid architectural walls to insure complete visual obstruction of dumpsters and containers. Screen construction shall consist of structurally solid, weather resistant materials including, but not limited to steel and masonry that can withstand impact. Chain-link fences, vinyl fences, and wood fences shall not be approved for the required screening. Screening shall be a minimum of 1-1/2 feet higher than the top of the dumpster. Enclosures shall be equipped with a self-latching, solid, opaque door or gate. A building permit shall be secured for the construction of the enclosure(s).

(5) Temporary use of trash dumpsters not exceeding 30 cubic yards shall be permitted on a driveway or access drive for a maximum of 60 days to facilitate trash and debris removal for construction, renovation, and rehabilitation projects. A zoning permit must be secured to place a dumpster on a driveway or access drive. A zoning permit for the temporary placement of a dumpster on a driveway or access drive may be extended at 30-day intervals. A fee equal to the fee for the original permit shall be imposed for a zoning permit extension for the temporary placement of a dumpster. Placement of dumpsters on driveways and access drives shall not encroach into the required clear sight triangle as shown in § 204-32. Temporary trash dumpsters shall not be used to store garbage or any materials that create odors considered a nuisance. Toxic and hazardous materials shall not be placed in dumpsters. Temporary trash dumpsters shall not be placed on driveways or access drives where such placement hinders access to lots by emergency responders.

**Section 2.**     Continuation.

All other provisions of the Code and its underlying Ordinances, so far as they are the same as those Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

**Section 3.**     Effective Date.

This Ordinance shall become effective by operation of the law pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

**Section 4.**     Severability.

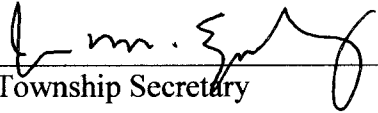
In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of North Middleton Township that such remainder shall be and shall remain in full force and effect.

**Section 5.**     Relationship to Other Ordinances.

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same are expressly repealed.

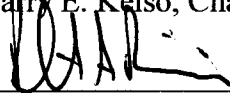
ADOPTED AND ORDAINED this 17<sup>th</sup> Day of January, 2019.

ATTEST:


  
Township Secretary

NORTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS

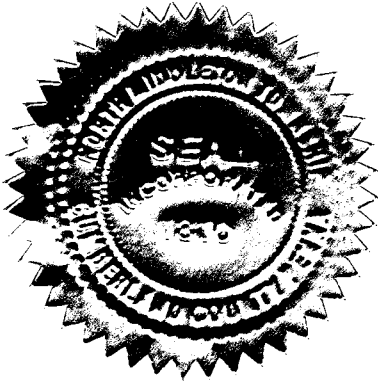
  
Harry E. Kelso, Chairman

  
Robert E. Reisinger, Vice-Chairman

James E. Hare, Member

  
Denise A. Gembusia, Member

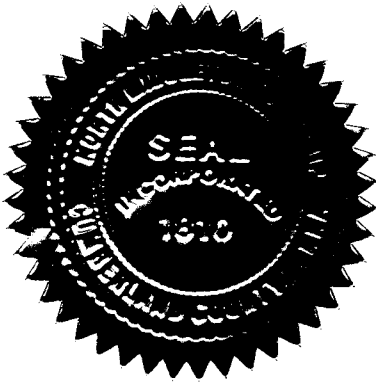
David B. Smith, Member

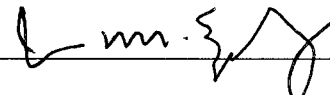


CERTIFICATE

I, the undersigned, Secretary of the Township of North Middleton, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on January 17, 2019; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this  
18 day of January, 2019.



  
Secretary