

ORDINANCE NO. 3 - 1987

ENCLOSURE OF POTENTIALLY DANGEROUS OPERATIONS

AN ORDINANCE OF MIDDLETOWN TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDING THAT ALL QUARRY OR WASTE FACILITIES OR ANY OTHER OPERATION WHICH MAY POSE AS AN ATTRACTIVE NUISANCE OR WHICH COULD POSE A DANGER TO THE SAFETY OF INDIVIDUALS PROVIDE AN ENCLOSURE SYSTEM WHICH PROHIBITS THE ENTERING TO OR ON SAID FACILITIES OR PREMISES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middletown Township, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION ONE. All quarry or solid waste facilities (landfills, incinerators, sludge operations) or any other business or operation within Middletown Township which may pose as an attractive nuisance or which could pose a danger to the safety of individuals, provide an enclosure system which prohibits the entering to or on said facilities or premises by foot or motorized vehicles such as cars, trucks, motorcycles, snowmobiles and all-terrain vehicles.

SECTION TWO. Said enclosure will be a minimum of 8 feet in height and will be permanently installed prior to the commencement of activities for which the facility was intended. Enclosures may be constructed of solid fencing or woven wire fencing. Enclosures will have a minimum of 3 strands of barbed wire atop the enclosure the entire length of the enclosures.

SECTION THREE. For operations that are deemed to be unattractive, an eye sore, or unappealing, such as junk yards, land fill sites, sludge operations that are within

visual site of a residence that is within 1 mile of line of sight, or within sight of a public road that is within 1 mile of line of sight, the enclosure will be constructed with materials that obstruct the view of the facility from the residence(s) and/or roadway(s) as described above.

SECTION FOUR. Any person, firm, or corporation which shall violate any of the provisions of this ordinance shall be subject, upon conviction, to pay a fine of three hundred dollars (\$300.00) and cost of prosecution, and in default of the payment of such fine and costs to imprisonment for thirty (30) days for each occurrence. An occurrence is defined as each day that the facility is in violation of this ordinance.

SECTION FIVE. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein.

ENACTED AND ORDAINED this 1st day of FEBRUARY, 1988.

ATTEST:

Scott M. Daily  
Secretary/Treasurer

John Linton  
Chairman

Alfred Jones  
Vice Chairman

Paul Newhart  
Supervisor