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## PART 1

**ORGANIZATION OF TOWNSHIP MEETINGS****§ 1-101. Order of Township Meetings. [Res. 1998-20, 12/14/1998]**

1. All regular and special meetings of Smithfield Township shall be conducted according to the following order of business:
  - A. Call to order.
  - B. Pledge to the flag.
  - C. Citizens comments.
  - D. Approval of minutes.
  - E. Scheduled persons to be heard.
  - F. Official action.
  - G. Old business.
  - H. New business.
  - I. Items for the good of the order.
  - J. Adjournment.
2. Citizens comments/scheduled persons to be heard at regular or special meetings shall be governed by the following rules and regulations:
  - A. A period of public comment/scheduled persons to be heard shall be held at each meeting.
  - B. The Chairman of the Board shall preside over the public comment/scheduled persons to be heard period and may within his discretion:
    - (1) Recognize individuals wishing to offer comment.
    - (2) Require identification of such persons.

- (3) Allocate available time among individuals wishing to comment.
  - (4) Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting.
- C. The time allocated for the public comment/scheduled persons to be heard period at each meeting shall be three minutes per person.
- D. If there is not enough time for public comment at a meeting, the Board of Supervisors, at its discretion, may defer the public comment period to a meeting held before the next regular or special meeting or until the next regular or special meeting.

## PART 2

**PARK AND RECREATION COMMITTEE****§ 1-201. Establishment of Park and Recreation Committee. [Res. 1994-1, 4/4/1994]**

A Park and Recreation Committee be and hereby is established, comprised of five members on five year reappointments. The initial committee to serve one, two, three, four and five year terms with names drawn at random for each of those terms. First reappointment will be April 1, 1995, unless a resignation occur in the interim.



## PART 3

**HUNTINGDON WATER AND SEWER AUTHORITY****§ 1-301. Intention and Desire to Join Huntingdon Water and Sewer Authority. [Ord. 1992-8, 8/3/1992, § 1]**

The Board of Supervisors of this Township signifies its intent and desire to join the Huntingdon Water and Sewage Authority (the "Authority"), concurrently with Oneida, under provisions of the Act of the General Assembly approved May 2, 1945 P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the "Authorities Act").

**§ 1-302. Notice. [Ord. 1992-8, 8/3/1992, § 2]**

The Chairman of the Board of Supervisors and the Secretary of this Township are authorized and directed to cause notice of the substance of this Part to be published as required by the Authorities Act.

**§ 1-303. Filing of Joint Application. [Ord. 1992-8, 8/3/1992, § 3]**

The joint application, substantially in the form attached hereto and marked "Exhibit A,"<sup>1</sup> to be filed with the Secretary of the Commonwealth, is approved.

**§ 1-304. Execution of Joint Application and Filing of Joint Application. [Ord. 1992-8, 8/3/1992, § 4]**

The Chairman of the Board of Supervisors and the Secretary of this Township, jointly with proper officers of Oneida, the Authority and the Borough, are authorized and directed to execute the joint application and to file such joint application, together with the necessary proofs of publication of the notice, with the Secretary of the Commonwealth and to do all other things necessary to effect the joining of this Township in such Authority, including payment of required filing fees.

**§ 1-305. Number of Representatives to Serve on the Authority. [Ord. 1992-8, 8/3/1992, § 5]**

This Township shall have two representatives to the Board of the Authority and hereby appoints, as the initial member of the authority from this Township, the person specified in the joint application, in the form attached hereto as "Exhibit A,"<sup>2</sup> for the term therein specified.

**§ 1-306. Certification. [Ord. 1992-8, 8/3/1992, § 6]**

The Secretary of this Township is hereby authorized and directed to certify a copy of this Part and deliver the same to the Authority with the request of this Township

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1. Editor's Note: Exhibit "A" is on file in the Township office.
  2. Editor's Note: Exhibit "A" is on file in the Township office.

for the consent of the Authority to the joinder of this Township in the Authority and, upon such consent, to furnish to the Authority one or more copies of the joint application duly executed in behalf of this Township for execution by Oneida, the Authority and the Borough.



PART 4

**COMPENSATION OF SUPERVISORS**

**§ 1-401. Compensation of Board of Supervisors. [Ord. 1995-2, 12/28/1995]**

1. Each Supervisor of Smithfield Township elected or appointed to office on or after the effective date of this Part shall receive compensation as a Supervisor in the annual amount of \$1,875.
2. Such compensation shall be paid in monthly or quarterly installments.



## PART 5

## PLANNING COMMISSION

**§ 1-501. Establishment of Planning Commission. [Ord. 1969-3, 10/17/1969, § 1]**

The Board of Supervisors of Smithfield Township, Huntingdon County, Pennsylvania, do hereby create and establish by ordinance a Township Planning Commission consisting of five members.

**§ 1-502. Terms of the Members of the Commission. [Ord. 1969-3, 10/17/1969, § 2]**

The terms of the members shall be for a term of five years each, except that the members first appointed shall be so fixed that one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years; and, annually thereafter, a member shall be appointed each year for a term of five years.

**§ 1-503. Members Unauthorized to Retain Another Township Office. [Ord. 1969-3, 10/17/1969, § 3; as amended by Ord. 1999-1, 6/14/1999]**

The members shall hold no other incompatible Township office except that of a member of the Township Zoning Hearing Board.

**§ 1-504. Residency Requirement. [Ord. 1969-3, 10/17/1969, § 4]**

All members of the said Planning Commission shall reside within the Township, shall serve without compensation, but may be reimbursed for necessary expenses.

**§ 1-505. Removal of Members. [Ord. 1969-3, 10/16/1969, § 5]**

The Board of Supervisors of Smithfield Township may, after public hearing, remove any member of the Smithfield Township Planning Commission for a neglect of duty or inefficiency or malfeasance in office.

**§ 1-506. Powers of the Commission. [Ord. 1969-3, 10/17/1969, § 6]**

The said Planning Commission shall have such powers as shall reasonably enable it to carry out the purposes of its appointment, and to promote Township planning; reports and recommendations shall be made to the Board of Supervisors of Smithfield Township relative to programs and improvements.



## PART 6

**SMITHFIELD ECONOMIC DEVELOPMENT FINANCING AUTHORITY****§ 1-601. Authority Created. [Ord. 1999-4, 12/13/1999, § 1]**

The Board of Supervisors signifies its intention and desire to organize an Authority under provisions of the Act of the General Assembly approved August 23, 1967, P.L. 251, as amended and supplemented (73 P.S. § 371 et seq.), formerly known as the Industrial and Commercial Development Authority Law, now known as the Economic Development Financing Law (the "Act"), which Authority shall be named "Smithfield Economic Development Financing Authority."

**§ 1-602. Authority to Execute. [Ord. 1999-4, 12/13/1999, § 2]**

The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to execute, in behalf of this Township, Articles of Incorporation for such Authority in substantially the form attached hereto as Exhibit "A" and made a part hereof.<sup>3</sup>

**§ 1-603. Advertisement. [Ord. 1999-4, 12/13/1999, § 3]**

The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

**§ 1-604. Authorization to File. [Ord. 1999-4, 12/13/1999, § 4]**

The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary, respectively, of this Township, are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

**§ 1-605. First Members of Board. [Ord. 1999-4, 12/13/1999, § 5]**

The following named persons are appointed the first members of the Board of the Authority on behalf of this Township for the following term of office:

[Here followed the names, addresses and terms of office of the first members of the Board of said Authority.]

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3. **Editor's Note: The Articles of Incorporation for said Authority are on file in the Township office.**



## PART 7

**OPEN RECORDS POLICY****§ 1-701. Open Records Officer. [Res. 2009-2, 1/5/2009]**

The Township hereby designates Vicki Harshbarger as the Township Open Records Officer. The Open Records Officer may be reached at: Smithfield Township, 202 S. 13th Street, Suite #3, Huntingdon, PA 16652, Phone #814-643-6702, Fax #814-643-1951, or smithtwp@comcast.net.

**§ 1-702. Hours of Availability. [Res. 2009-2, 1/5/2009]**

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours (8:30 a.m. to 4:00 p.m.), with the exception of weekends, holidays and vacation days.

**§ 1-703. Requests. [Res. 2009-2, 1/5/2009]**

Requests shall be made in writing to the Township Open Records Officer on a form provided by the Township (see attached form).<sup>4</sup>

**§ 1-704. Fees. [Res. 2009-2, 1/5/2009]**

Paper copies shall be \$0.25 per page per side. The certification of a record is \$1 per record. Specialized documents, including but not limited to blueprints, color copies, and non-standard-sized documents, shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment if the total fees are estimated to exceed \$100.

**§ 1-705. Response. [Res. 2009-2, 1/5/2009]**

1. The Township shall make a good-faith effort to provide the requested public records(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft, damage, and/or modification.
2. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law.
3. If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2009, the Right-to-Know Law.

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4. **Editor's Note: The Records Request Form is on file in the Township Municipal Building.**

**§ 1-706. Contact Information for Appeals. [Res. 2009-2, 1/5/2009]**

If a written request is deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

**§ 1-707. Appeals Process. [Res. 2009-2, 1/5/2009]**

The appeal shall be filed within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.



## PART 8

**BAD CHECKS AS PAYMENT****§ 1-801. Penalty. [Ord. 2004-7, 10/26/2004, §§ 1,2]**

1. A penalty is hereby imposed on any person or entity submitting a bad check as payment to Smithfield Township for any bill, taxes, fees, charges or payment due. A "bad check" includes, but is not limited to, dishonored drafts, drafts returned for insufficient funds, "bounced checks," checks made on closed checking accounts and checks made on frozen accounts.
2. Any person who submits a bad check shall be required to pay a charge of \$100 for each bad check submitted as well as any attorney's fees incurred by Smithfield Township in collecting the amount of the bad check.



## PART 9

**FEES AND CHARGES****A. Zoning Hearing Board.****§ 1-901. Payment of Hearing Fees and Deposits. [Ord. 2008-1, 1/7/2008, § 1]**

Any applicant requesting a decision from the Smithfield Township Zoning Hearing Board, which requires a hearing, shall deposit with the Smithfield Township Zoning Hearing Board the sum of \$750. A fee shall be charged to the applicant, which fee shall include the actual cost of secretarial services, compensation for the Zoning Hearing Board members, all notices and advertising costs, 1/2 of the stenographer's appearance fees and all administrative overhead connected with the hearings and rendering of a decision in the matter. No legal fees, engineering fees, architectural fees or other technical consultants' or experts' costs shall be included in the fee. Following the hearing, a bill for the fee shall be rendered to the applicant and any excess deposit shall be refunded. If the deposit is insufficient to cover the bill, the balance shall be paid within 15 days. The Board may request additional deposits prior to the Board's decision on the matter, and the requested deposit shall be paid within 10 days.

**§ 1-902. Failure to Pay Fees. [Ord. 2008-1, 1/7/2008, § 2]**

Failure of any person to pay the fee of the Zoning Hearing Board when due, pursuant to this Subpart, shall obligate the person failing to pay the fee to pay all costs and expenses in connection with the collection of the fee, including legal fees and costs of suit.



## PART 10

**FIRE INSURANCE PROCEEDS****§ 1-1001. Designated Officers. [Ord. 2018-3, 6/5/2018]**

The Township Secretary (or such others as the Board of Supervisors may designate) is hereby appointed as the designated officer ("designated municipal officer") who is authorized to carry out all responsibilities and duties stated herein.

**§ 1-1002. Use of Fire Insurance Proceeds. [Ord. 2018-3, 6/5/2018]**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Smithfield Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished by the Township with a municipal certificate pursuant to Section 508(b) of Act 98 of 1992 (and unless there is compliance with Section 508(c) and (d) of Act 98 of 1992<sup>5</sup> and the provisions of this Part.

**§ 1-1003. Municipal Claims. [Ord. 2018-3, 6/5/2018]**

1. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Township has incurred for costs of removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the designated municipal officer shall immediately render a bill for such work, if not already done. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the designated municipal officer shall furnish a certificate within 14 days after the request of the insurer, either:
  - A. Stating that there are no unpaid municipal claims or municipal expenses against the property; or
  - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.
2. In accordance with Subsection 1B of this section, the insurer shall transfer to the designated municipal officer an amount from the insurance proceeds sufficient to pay municipal claims and municipal expenses prior to making payment to the named insured, subject to the provisions of § 1-1004 hereof.
3. Where, pursuant to Section 508(b)(1)(i) of Act 98 of 1992, the Township issues a certificate indicating that there are no delinquent taxes,

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5. Editor's Note: See 40 P.S. § 638.

assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Township in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000; or
- B. If, at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Township from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Township in excess of the estimate to the named insured, if the Township has not commenced to remove, repair or secure the building or other structure.
- E. Upon receipt of proceeds under this section, the Township shall do the following:
  - (1) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing of the building or any proceedings related thereto; and
  - (2) It is the obligation of the insuring agent when transferring the proceeds to provide the Township with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this subsection shall be followed; and

- (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Township and the required proof of such completion received by the designated officer, and if the Township has not incurred any costs for repairs, removal or securing, the funds shall be returned to the named insured. If the Township has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the Township shall transfer the remaining funds to the named insured; and
- (4) To the extent that interest is earned on proceeds held by the Township pursuant to this section, and not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned upon receipt of a certificate issued by the designated municipal officer that the repair, removal, or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Township.
- (5) Nothing in this section shall be construed to limit the ability of the Township to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

**§ 1-1004. Insurance Company Rights Reserved. [Ord. 2018-3, 6/5/2018]**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structural removal liens or removal expenses insured by the Township shall have full benefit of such payment, including all rights of subrogation and of assignment.

**§ 1-1005. Reasonable Municipal Fees. [Ord. 2018-3, 6/5/2018]**

The Board of Supervisors may by resolution adopt procedures and regulations to implement Act 98 of 1992<sup>6</sup> and this Part, and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this Part, including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

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6. Editor's Note: See 40 P.S. § 638 et seq.

**§ 1-1006. Penalties, Costs and Attorneys' Fees. [Ord. 2018-3, 6/5/2018]**

Any owner of property, any named insured or any insuring agent who violates this Part shall be subject to a penalty of up to \$1,000 per violation, together with legal costs and reasonable attorneys' fees of not less than 5% of the amount due, as incurred by the Township in enforcement of this Part.

**§ 1-1007. Severability. [Ord. 2018-3, 6/5/2018]**

The provisions of this Part shall be severable, and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this Part shall remain in effect.

**§ 1-1008. Construal of Provisions. [Ord. 2018-3, 6/5/2018]**

This Part shall be liberally construed to accomplish its purpose to deter commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration, and to assure the payment of municipal expenses.

**§ 1-1009. Conflicts; Compliance With State Law. [Ord. 2018-3, 6/5/2018]**

All ordinances or parts of ordinances conflicting with any of the provisions of this Part are hereby repealed insofar as same affect this Part. If any sentence, clause, section and/or provision of this Part is deemed to be in conflict with state law, the terms of any such state law shall supersede the language and provisions of this Part, and such state law shall control. Any conflict with the state law shall not invalidate this Part nor be a basis for failing to pay any and all municipal expenses. Act 93 of 1994<sup>7</sup> is incorporated herein and shall be the basis for payment of all municipal expense if this Part is rendered null and void, in whole or in part.

**§ 1-1010. When Effective. [Ord. 2018-3, 6/5/2018]**

This Part shall become effective five days after the adoption hereof.

**§ 1-1011. Notification to Pennsylvania Department of Community and Economic Development. [Ord. 2018-3, 6/5/2018]**

The designated municipal officer shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development or to the successor agency of the Pennsylvania Department of Community and Economic Development.

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7. Editor's Note: See 40 P.S. § 638, as amended.