

ORDINANCE NO. 1999-1

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF SMITHFIELD, HUNTINGDON COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors hereby ordains:

Section 1. Adoption.

The “Code of Ordinances, Township of Smithfield,” as prepared and published for the said Township, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township organized as follows:

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Chapter 10 Health and Safety [Reserved]
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Chapter 12 Libraries [Reserved]
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Chapter 17 Planned Residential Development [Reserved]
Chapter 18 Sewers and Sewage Disposal
Chapter 19 Signs and Billboards [Reserved]
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development
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APPENDIX:

A..... Annexation of Territory
 B..... Bond Issues and Loans
 C..... Franchise and Services
 D Governmental and Intergovernmental Affairs
 E..... Plan Approval
 F..... Public Property
 G Sewers
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Key to the Disposition of All Ordinances
 Key to the Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of Smithfield shall be authoritative.

Section 2. Citation and Effective Date.

The codification referred to in section 1 of this ordinance shall be known and cited officially as the “Township of Smithfield Code of Ordinances,” and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause.

The provisions of the Township of Smithfield Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision.

As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Chapter, Part, Section	Subject	Ordinance No.
15, Entire Chapter	Motor Vehicles and Traffic	1974-1, 1974-13, 1973-2B, 1976-2, 1976-5, 1976-6, 1979-7, 1979-8, 1981-2, 1982-2, 1985-1, 1986-3, 1986-6, 1986-7, 1986-8, 1987-11, 1992-3, 1994-2, 1995-3

B. Revisions

Chapter,Part,Section	Subject	Ordinance No.
24, 3, 301-307	Earned Income Tax	1964-1

Section 5. New Enactments, Amendments and Repeals.

As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Chapter,Part,Section	Subject
20, Part 2, §§201-205	Solid Waste Regulations

B. Amendments

Chapter, Part, Section	Subject	Ordinance No.
1, 5, 503	Planning Commission; Members Unauthorized to Retain Another Township Office	1969-3, §3
4, 1, 101	Buildings; Statement of Intent	1985-4, §501
4, 1, 102	Buildings; Definitions	1985-4, §502
4, 1, 103	Buildings; Application Procedure	1985-4, §503
4, 1, 104	Buildings; Issuance and Display of Permit	1985-4, §504
4, 1, 105	Buildings; Permit Changes	1985-4, §505
4, 1, 106	Buildings; Building Permit	1985-4, §506; 1987-3, §1; 1998-1, §1
4, 1, 107	Buildings; Start of Construction	1985-4, §507
4, 1, 110	Buildings; Inspection and Revocation	1985-4, §511
4, 1, 113	Buildings; Flood Damage Control Regulations	1985-4, §515

Chapter, Part, Section	Subject	Ordinance No.
5, 1, 102	BOCA National Building Code; Additions, Insertions and Changes	1997-2, §3
5, 3, 301	National Electric Code; Adoption of National Electric Code	1997-6, §1
5, 4, 402	International Plumbing Code; Addition, Insertions and Changes	1997-4, §3
5, 5, 502	National Property Maintenance Code; Additions, Insertions and Changes	1997-3, §3
6, 2, 201	Curfew; Unlawful for Minors to be on Street After a Certain Time	1973-3, §1
7, 1, 108	Smoke Detectors; State Law and Regulations	1993-1
8, 1, 102	Floodplains; General Provisions; Applicability	1996-2, §1.01
8, 2, 202	Floodplains; Administration; Issuance of Building Permit	1996-2, §2.02
8, 2, 203	Floodplains; Administration; Application Procedures and Requirements	1996-2, §2.02
8, 2, 204	Floodplains; Administration; Review by County Conservation District	1996-2, §2.03
8, 2, 205	Floodplains; Administration; Review of Application by Others	1996-2, §2.04
8, 2, 206	Floodplains; Administration; Changes	1996-2, §2.05
8, 2, 207	Floodplains; Administration; Placards	1996-2, §2.06
8, 2, 208	Floodplains; Administration; Start of Construction	1996-2, §2.07
8, 2, 209	Floodplains, Administration; Inspection and Revocation	1996-2, §2.08
8, 2, 210	Floodplains; Administration; Fees	1996-2, §2.09
8, 2, 212	Floodplains; Administration; Appeals	1996-2, §2.11
8, 4, 401	Floodplains; Technical Provisions; General	1996-2, §4.00
8, 4, 404	Floodplains; Technical Provisions; Design and Construction Standards	1996-2, §4.03
8, 4, 405	Floodplains; Technical Provisions; Development Which May Endanger Human Life	1996-2, §4.04
13, 1, 101	Soliciting and Peddling; Definitions; Exceptions	1984-1, §301
13, 1, 104	Soliciting and Peddling; License Fee	1984-1, §304

Chapter, Part, Section	Subject	Ordinance No.
13, 1, 105	Soliciting and Peddling; License Term; New License	1984-1, §305
13, 1, 111	Soliciting and Peddling; Record of Licenses	1984-1, §311
18, 1A, 102	Sanitary Sewers; Use of Public Sewers Required	1992-6, Art. II
18, 1B, 111	Sewer Connection and Fees; Sewer Tap-in Fees	1985-4; 1987-10; 1993-2, §103
18, 2A, 202	Industrial Pretreatment Regulations; Definitions	1994-1, §1.2
18, 2D, 246	Industrial Pretreatment Regulations; Notification of Hazardous Waste Discharge	1994-1, §4.5
18, 3, 307	Holding Tanks; Exclusiveness of Rights and Privileges	1985-6, §7
21, 1, 101	Street Openings or Cuts; Street Openings or Cuts Prohibited Without a Permit	1974-11, §1
21, 1, 105	Street Openings or Cuts; Specifications for Restoration of Highways	1974-11
21, 2, 204	Driveway Permit; Application Fee	1997-1, §4
21, 3, 301	Street Cuts for Sanitary Sewers; Excavation of Streets	1985-4; 1987-6
24, 2, 202	Per Capita Tax; Authority	1989-3, §2
24, 2, 206	Per Capita Tax; Due Date, Penalties, Interest	1989-3, §6
24, 2, 208	Per Capita Tax; Authority of the Tax Officer	1989-3, §8
24, 4, 410	Occupational Privilege Tax; Administration of Tax	1970-2, §10
24, 5, 503	Amusement Tax; Permits	1996-3

C. Repeals

Ordinance No.	Subject
	None

Section 6. Adoption of Standard Codes by Reference.

As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Chapter,Part,Section

Short Title

None

Section 7. Land Use Amendments.

The Township of Smithfield Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by strike-through and additions shown by underline, all of which is briefly summarized hereinafter.

- A. New Provisions. The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section

Subject

None

- B. Revised Provisions.

The following provisions of the Code are revised, the text of which indicates deletions by strike-through and additions by underline, and are summarized as follows:

Chapter/Part/Section	Subject	Ordinance No.
22, 2, 201	Definitions	1985-5, §201; 1996-1
22, 3, 302	Variances; Large Scale Development	1985-5, §302
22, 4, 403	Plan Requirements and Processing Procedures; Plans and Data for Preliminary Approval	1985-5, §403
22, 4, 404	Plan Requirements and Processing Procedures; Plans and Data for Final Approval	1985-5, §404
22, 4, 405	Plan Requirements and Processing Procedures; Filing of Plans	1985-5, §405; 1987-4, §1; 1990-2, §1; 1990-3, §1; 1992-4, §§1, 2
22, 4, 406	Plan Requirements and Processing Procedures; Minor Subdivisions	1985-5, §406
22, 5, 501	Design Standards; General Standards	1985-5, §501
22, 5, 506	Design Standards; Building Lines	1985-5, §506
22, 5, 513	Design Standards; Responsibilities	1985-5, §513

Chapter/Part/Section	Subject	Ordinance No.
22, 6, 603	Improvement and Construction Requirements; Erosion and Sediment Compliance	1985-5, §603
22, 7, 704	Conditions of Acceptance; General Provisions	1985-5, §704
22, 8, 801	Administration; Preventive Remedies	1985-5, §801
22, 8, 802	Administration; Enforcement Remedies	1985-5, §802
22, 8, 804	Administration; Amendments	1985-5, §805
22, 9, 902	Mobile Home Parks; Definitions	1985-5, §902
22, 9, 903	Mobile Home Parks; Permits and License	1985-5 §903
22, 9, 905	Mobile Home Parks; Fees	1985-5, §905
22, 9, 906	Mobile Home Parks; License	1985-5, §906
22, 9, 915	Mobile Home Parks; Water Supply	1985-5, §915
22, 9, 916	Mobile Home Parks; Sewage Collection and Disposal	1985-5, §916
22, 9, 918	Mobile Home Parks; Refuse Handling	1985-5, §918
22, 9, 919	Mobile Home Parks; Insect and Rodent Control	1985-5, §919
22, 9, 921	Mobile Home Parks; Responsibilities of the Park Management	1985-5, §921
27, 4, 401	District Regulations; R Residential District	1985-3, §400
27, 4, 402	District Regulations; RC Residential Conservation District	1985-3, §401
27, 4, 403	District Regulations; V Village District	1985-3, §402; 1997-8, §1
27, 4, 404	District Regulations; CH Commercial Highway District	1985-3, §403
27, 5, 502	Supplementary District Regulations; Camps, Lodges and Vacation Homes	1985-3, §501

Chapter/Part/Section	Subject	Ordinance No.
27, 5, 505	Supplementary District Regulations; Drainage Regulations	1985-3, §504
27, 5, 510	Supplementary District Regulations; Lot Area and Dimensions	1985-3, §509
27, 5, 512	Supplementary District Regulations; Mobile Homes	1985-3, §511
27, 5, 516	Supplementary District Regulations; Recreation Vehicles and Recreation Vehicle Parks	1985-3, §515
27, 5, 517	Supplementary District Regulations; Signs	1985-3, §516
27, 7, 704	Validity, Interpretation and Repealer; Fees	1985-3, §704; 1987-1, §1
27, 8, 802	Planned Residential Development; Performance Standards	1985-3, §802

C. Repealed Provisions. The following provisions of the Code are repealed, the text of which indicates deletions by strike-through, and are as follows:

Section	Subject	Ordinance No.
	None	

Section 8. Procedural Changes.

The following minor procedural changes have been made to existing Township ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Second Class Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances.

The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision – “Chapter____, Part____, Section____, Subsection____ is hereby amended [revised] to read as follows. . .”
- B. Additions – “Chapter____, Part____, Section____, Subsection____ is hereby amended by the addition of the following. . .”
- C. Repeal – “Chapter____, Part____, Section____, Subsection____ is hereby repealed in its entirety.”

Section 10. Responsibility for Code of Ordinances.

It shall be the responsibility of the Township Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Township Code of Ordinances and shall be available for public inspection.

Section 11. Penalties.

It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Township. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

Section 12. Severability of Parts of Codification.

It is hereby declared to be the intention of the Board of Supervisors that the chapters, parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 14th day of June, 1999.

TOWNSHIP OF SMITHFIELD

By /s/ Robert C. Kepner
Chairman, Board of Supervisors

By /s/ Wayne W. Mateer
Supervisor

By /s/ Marshall J. Hamilton

ATTEST:

/s/ Vicki Harshbarger
Secretary

Date: 6/14/99