

TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

CERTIFICATION OF ENACTED ORDINANCE

I, MICHELE L. CLEWELL, BEING THE DULY APPOINTED TOWNSHIP SECRETARY OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, HEREBY CERTIFY THAT ATTACHED HERETO IS A TRUE AND CORRECT COPY OF THE TOWNSHIP ORDINANCE TITLED AS FOLLOWS:

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE AMENDED, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", ARTICLE IX "SIGNS", DIVISION 90 "SIGN PROVISIONS"; AMENDING §090-20 SIGN DEFINITIONS AND INTERPRETATION, §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, SUBPARAGRAPH C., PERMIT REVIEW AND ACTION, §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, SUBPARAGRAPH G.(2)., ENFORCEMENT NOTICE, §090-50, SIGNS NOT REQUIRING A PERMIT, §090-60, PROHIBITED SIGNS, §090-80 ALLOWED SIGNS IN EACH ZONING DISTRICT, §090-130 MISCELLANEOUS INDIVIDUAL SIGNS, AND §090-140 SIGN ILLUMINATION, SUBPARAGRAPH B., TYPES OF SIGN ILLUMINATION; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.



TOWNSHIP SEAL

Michele L. Clewell

TOWNSHIP SECRETARY,
TOWNSHIP OF MIDDLE
SMITHFIELD

March 24, 2017

DATE

ORDINANCE NO. 212

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE AMENDED, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", ARTICLE IX "SIGNS", DIVISION 90 "SIGN PROVISIONS"; AMENDING §090-20 SIGN DEFINITIONS AND INTERPRETATION, §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, SUBPARAGRAPH C., PERMIT REVIEW AND ACTION, §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, SUBPARAGRAPH G.(2)., ENFORCEMENT NOTICE, §090-50, SIGNS NOT REQUIRING A PERMIT, §090-60, PROHIBITED SIGNS, §090-80 ALLOWED SIGNS IN EACH ZONING DISTRICT, §090-130 MISCELLANEOUS INDIVIDUAL SIGNS, AND §090-140 SIGN ILLUMINATION, SUBPARAGRAPH B., TYPES OF SIGN ILLUMINATION; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield" (the "Code"); and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code"; and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Zoning Ordinance of 2010-A, including Article IX "Signs", Division 90 "Sign Provisions", which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 200 "Zoning" (the "Zoning Ordinance"); and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments", sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, the Board of Supervisors finds that it is in the best interests of the health, safety and welfare of Township residents to amend Article IX "Signs", Division 90 "Sign Provisions", of the Township's Zoning Ordinance, for one or more of the following purposes : (i) creation and maintenance of an attractive and harmonious community; (ii) establishment of reasonable and impartial regulations for all signs and street graphics; (iii) reduction of traffic hazards caused by distracting and confusing signs and street graphics; (iv) assurance of the effectiveness of public traffic signs and signals; (v) protection of property values; (vi) preservation of the beauty and unique character of the Township; (vii) furtherance of economic development; (viii) fair and consistent enforcement of the sign regulations throughout the Township; and (ix) repair and/or removal of substandard signs and outdated sign messages; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: The following amendments are made to the Middle Smithfield Township Zoning Ordinance, Article IX, Signs, Division 90 - Sign Provisions:

A. §90-20 SIGN DEFINITIONS AND INTERPRETATION is amended by adding the following definitions:

Airdancer. Inflatable moving advertising product comprised of a long fabric tube which is attached to and powered by an electrical fan causing the tube to move about in a dynamic dancing or flailing motion."

Feather Flag/Banner. A flexible fabric item affixed on one side to a flexible flagpole designed to be freestanding with or without words or advertising.

B. §90-20 SIGN DEFINITIONS AND INTERPRETATION is amended by amending and restating, in their entirety, the following definitions:

Banner. A flexible plastic or fabric-type device intended to be hung with or without frames that displays a message. A banner is a type of "Special Event Sign." (See Figure 9-2).

Snipe Sign. A sign that is attached to a tree, pole, stake, fence or similar object, and which is readable from a street, and which is not allowed in that location by this Article as a different type of sign.

C. §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, Subparagraph C., Permit Review and Action, is amended and restated, in its entirety, as follows.

“C. Permit Review and Action. The Zoning Officer shall review the permit application for the sign and issue or deny the permit in conformance with this Ordinance.

- (1) Official Date - The official date of submission shall be the day the Zoning Officer determines the completed application with all required or necessary data has been properly prepared and submitted.
- (2) Time to Decide - The Zoning Officer shall determine whether the proposed sign will or will not be in compliance with the requirements of this Article, and shall within thirty (30) calendar days of the official date of a complete submission, issue or deny the permit for the sign, unless the application is dependent upon another Township approval that has not yet been obtained. The Zoning Officer should notify an applicant within five (5) business days if an application is incomplete, and should highlight information that is missing.
- (3) Photograph - When the sign installation has been completed, the Applicant shall photograph the completed sign and forward the photograph to the Zoning Officer with a request for a Certificate of Compliance. The photograph shall be in a format specified by the Zoning Officer.
- (4) Inspection for Compliance - Upon completion of the work, the Zoning Officer shall perform a final inspection of any approved sign. Where the sign has been constructed in accordance with the Permit, the Zoning Officer shall issue a Certificate of Compliance. The final dimensions of the sign will be noted by the Zoning Officer on the Final Zoning Permit and a photograph of the sign shall be attached to the Permit.
- (5) Discrepancies - When there is a discrepancy between an approved sign permit and the sign as constructed, the Zoning Officer shall notify the owner in writing that a discrepancy has been identified. The Zoning Officer may also issue a Stop Work Order regarding the installation of an unauthorized sign. The Zoning Officer shall issue an Enforcement Notice and require that the sign shall be removed or brought into compliance within 20 days.
- (6) Complaints - The Zoning Officer shall investigate complaints of alleged violations of these regulations and may revoke any permit if there is any violation of these regulations or if there was any mis-representation of any material fact in either the sign permit application or the plans.”

D. §090-40, SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS, Subparagraph G.(2), Enforcement Notice, is amended and restated, in its entirety, as follows:

“(2) **Enforcement Notice.** The Enforcement Notice shall be sent to the property owner of record of the parcel on which the sign is located and should also be sent to any tenant who is using the sign, and to any agent who the landowner has designated in writing to the Township. An enforcement notice shall meet the requirements for such notice in the Municipalities Planning Code.”

E. §090-50, SIGNS NOT REQUIRING A PERMIT, is amended by deleting the phrase “or Decorative Flags” from Subparagraph H.

F. §090-60, PROHIBITED SIGNS, is amended by adding the following signs:

“F. Feather Flag/Banner.

G. Pennants

H. Airdancer”

G. §090-80 ALLOWED SIGNS IN EACH ZONING DISTRICT, is amended by deleting the Phrase “Decorative Flags or” from Subparagraph A.(2). .

H. §090-130 MISCELLANEOUS INDIVIDUAL SIGNS, is amended and restated in its entirety as follows.

“A. The following miscellaneous types of “Individual Signs” shall be permitted where allowed by Schedule I of this Article, provided the sign complies with the other requirements of this Article. See Section 090-50 concerning whether a zoning permit is required.

(1) **Automobile Dealer Vehicle Sign.** Such signs are permitted as allowed in Schedule I of this Article provided that:

- (a) The sign shall be attached to a vehicle.
- (b) No vehicle shall display more than three such signs.
- (c) No Automobile Dealer Vehicle Sign shall exceed two (2) square feet in area.

(2) **Business Nameplate Signs.** Business Nameplate Signs are permitted as allowed in Schedule I of this Article provided that:

- (a) One square feet of sign area shall be allowed per non-residential establishment in a non-residential building. No Business Nameplate Sign shall exceed eight (8) feet in height.
- (b) Business Nameplate Signs shall not include information pertaining to an off-site activity.

(3) **Charitable Special Event Street Banners On or Above a Public Right-of-Way.** A Charitable Special Event Street Banner, on or above a public right-of-way, is permitted, as allowed in Schedule I of this Article, provided that:

- (a) The bottom of the sign shall have a minimum clearance of seventeen and one-half (17.5) feet above the street surface. The application shall specify the exact location and the method that will be used to attach the sign.
- (b) The sign may be double-faced with seventy-five (75) square feet on each face.
- (c) PennDOT approval shall be required if a State right-of-way is involved, approval by the Board of Supervisors or their designee is needed over a Township right-of-way. A certificate of insurance shall be supplied to the Township that provides a minimum of \$1 million of liability protection to the Township and its officials, unless the sign is for a Township program.
- (d) Such sign shall be posted for a maximum of 14 days.

- (e) At the Township's option, the Township may require that Township staff or their designee post and remove the sign, with the costs of such work required to be reimbursed by the applicant, unless the sign is for a Township program.
- (4) **Construction Sign.**
- (a) One (1) temporary, non-illuminated, sign may be placed on any lot, development or site where construction, repair, or renovation is in progress. Such sign shall have a maximum sign area of sixteen (16) square feet for a lot containing up to 4 dwelling units and thirty (30) square feet for other uses. If the sign is not attached to a building wall, the sign shall have a maximum total height of six (6) feet.
 - (b) Construction Signs shall be removed upon: (1) the issuance of the last Certificate of Occupancy, where required, or (2) the end of the related work on the lot where a Certificate of Occupancy is not required.
 - (c) The Construction Sign shall be removed if construction in question does not commence within ninety (90) days of the installation of said Construction Sign.
 - (d) No Construction Sign shall be erected for more than eighteen (18) consecutive months from the date of issuance of a zoning permit for the installation of the Construction Sign.
- (5) **Farm Product Sign.** Signs announcing the availability of seasonal farm products are permitted as allowed in Schedule I of this Article, provided that:
- (a) The number of farm product signs shall not exceed two (2) per lot.
 - (b) The total area of all farm product signs shall not exceed twenty (20) square feet.
 - (c) No single farm product sign shall exceed ten (10) square feet.
 - (d) No farm product sign shall exceed five (5) feet in height.
 - (e) The farm product signs shall not be erected more than fifteen (15) days in advance of the sales.
 - (f) All farm product signs shall be removed within five (5) days of the end of the sales.
 - (g) The sign shall be located on the same lot as the sale of the seasonal farm product.
- (6) **Flag.** Flags are permitted in all districts provided that:
- (a) No single flag shall exceed forty (40) square feet in area (except the U.S. flag), and no single lot shall fly more than six (6) flags, except individual households may fly their own U.S. flag.
 - (b) Flagpoles shall not exceed forty (40) feet in height.
 - (c) Wall-mounted flags shall not exceed twelve (12) feet in height.
 - (d) Note - Federal law stipulates many aspects of etiquette for the U.S. flag, including through the Flag Code. Some guidelines from the Flag Code include:
 - (i) The U.S. flag should be lighted at all times at night.
 - (ii) The U.S. flag should not be used for any decoration in general. Bunting of blue, white and red stripes is available for these purposes. The blue stripe of the bunting should be on the top.
 - (iii) The U.S. flag should never be used for any advertising purpose.

- (iv) The U.S. flag should be cleaned and mended when necessary.
 - (v) When a U.S. flag is so worn it is no longer fit to serve as a symbol of our country, it should be destroyed by burning in a dignified manner.
 - (e) If a flag has an advertising message, it shall be regulated as a type of freestanding sign.
 - (f) Decorative flags may be used on residential use properties
- (8) **Incidental Sign.** Incidental Signs are permitted in all districts under the following additional standards:
- (a) Each incidental sign shall not exceed a sign area of three (3) square feet.
 - (b) An incidental sign shall not exceed a height of five (5) feet if attached to a pole or post, or eight (8) feet if attached to a building wall.
 - (c) An incidental sign shall not include advertising.
 - (d) Any illumination shall meet Section 090-140. The use of reflective materials is encouraged.
- (9) **Mural.** Murals are permitted as allowed in Schedule I of this Article, provided that:
- (a) No mural shall cover any windows, doors, or other architectural features.
 - (b) No mural shall exceed a height of fifteen (15) feet.
 - (c) No mural shall exceed an area of thirty-two (32) square feet and no more than one (1) mural shall be permitted on a building.
 - (d) A mural visible to the public shall be integrated into the design of the building and not involve nudity or sexual explicit images.
 - (e) No mural shall contain a commercial message or shall advertise a use located in the building on which the mural is located, unless the mural meets all of the regulations for the applicable type of sign.
 - (f) The area of a mural shall be included within the maximum sign area of Wall Signs permitted by this Article.
- (10) **Personal Use and Information Signs (includes Home Occupation Signs).** Except as otherwise provided herein, Personal Use and Information Signs are allowed in all districts and shall meet the following additional standards:
- (a) No Personal Use and Information sign may exceed two (2) square feet in area.
 - (b) The aggregate area of all Personal Use and Information Signs on a lot that are readable from a street shall not exceed eight (8) square feet.
 - (c) No Personal Use and Information sign may exceed five (5) feet in height.
 - (d) Commercial messages in a residential district shall be limited to an on-premises use, such as an approved home occupation.
 - (e) Building address numbers shall be posted within clear view of a street in compliance with Chapter 85 of the Middle Smithfield Township Code of Ordinances, in order to provide adequate visibility for emergency responders in vehicles. Such ordinance covers such matters as the height, location, size and visibility of such address numbers.
- (11) **Political Signs.** Political Signs are permitted in all districts, provided that:
- (a) No political sign shall be displayed more than fifteen (15) days after the election or vote to which the sign pertains, if it pertains to an election or vote.
 - (b) A political sign shall not be posted on Township property, except as may be allowed outside of a polling place on election day.

- (c) The maximum sign size shall be sixteen (16) square feet on each of 2 sides. Any larger sign shall be regulated as an off-premises sign (such as on a billboard).
 - (d) A political sign for any candidate or issue shall not be located within one hundred (100) feet of any other sign for the same candidate on the same lot that is readable from the same street.
- (12) **Real Estate Signs.** Except as otherwise provided herein, Real Estate Signs indicating the availability of real property for lease or sale are in all districts if they meet the following additional provisions:
- (a) The real estate sign must be located on the premises being leased or sold.
 - (b) Display of real estate signs shall be limited to one (1) per street frontage.
 - (c) No real estate sign shall exceed six (6) feet in height unless attached to the side of a building.
 - (d) A real estate sign in a CON, PRD, RR, R1, R2 or R3 District or for an individual dwelling unit shall not exceed sixteen (16) square feet in sign area.
 - (e) Except as provided in subsection (d) above, a real estate sign shall have a maximum size of thirty-two (32) square feet. In addition, a lawful existing sign may be temporarily used as a real estate sign.
 - (f) All real estate signs shall be removed within seven (7) days after settlement, lease of the property, or expiration of the listing term.
- (13) **Special Event Sign (includes "Banners").** Signs announcing special events including but not limited to: auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service organization or occasional festivals within a Resort Complex/Commercial Resort are permitted as allowed in Schedule I of this Article, provided that:
- (a) A zoning permit shall be obtained at least once a year that lists the dates or weeks when the special event signs will be displayed. Such signs shall not be displayed on one lot a grand total of more than sixty (60) days per calendar year, except a maximum total of ninety (90) days shall apply where the special event benefits a charitable or public service organization.
 - (b) A maximum of two (2) special event signs are permitted on-site, except four (4) special events signs shall be allowed where the special event benefits a charitable or public service organization.
 - (c) No special event sign may advertise an off-site event, except an event that benefits a charitable or public service organization or that is within a Resort Complex or Commercial Resort.
 - (d) The signs shall comply with Sections 090-100.D., E. and F.
 - (e) The signs shall comply with the following requirements:
 - (i) Maximum sign area of ten (10) square feet in Residential Areas or Rural Areas.
 - (ii) Maximum sign area per sign of twenty-five (25) square feet in all other areas or within a Resort Complex or Commercial Resort.
 - (iii) Maximum sign height of ten (10) feet.
 - (f) A maximum of 4 special events that run for no longer than seven consecutive calendar days per parcel per year are permitted except where the special event benefits a charitable or public service organization.
 - (g) Special event signs may be displayed for no more than fourteen days prior to the

event and no more than two days following the event.

- (14) **Subdivision Identification Sign.** Unless otherwise noted herein; Subdivision Identification Signs are permitted as allowed in Schedule I of this Article provided that:
- (a) The subdivision contains a minimum of six (6) lots.
 - (b) The subdivision has received preliminary plan approval from the Board of Supervisors.
 - (c) The subdivision identification signs are located on-premises.
 - (d) The subdivision identification sign must be landscaped in accordance with Section 090-120.C.
 - (e) There is a maximum of two (2) one-sided subdivision identification signs or one (1) two-sided subdivision identification sign at each entrance to the subdivision.
 - (f) The maximum aggregate square footage of subdivision identification signage allowed for each subdivision shall be thirty-two (32) square feet. Such sign may be attached to a decorative masonry wall with a maximum height of six (6) feet and a maximum length of twelve (12) feet. Such wall shall be treated as a sign for the purposes of setbacks.
 - (g) The maximum height for a subdivision identification sign shall be six (6) feet.
- (15) **Vending Machine Sign.** Vending Machine Signs are permitted provided that:
- (a) The sign does not extend in height or area beyond the vending machine.
 - (b) The sign is an integral part of a vending machine and cannot be used apart from the vending machine.”

I. §090-140 SIGN ILLUMINATION, Subparagraph B., Types Of Sign Illumination, is amended and restated, in its entirety as follows:.

“B. Types of Sign Illumination.

- (1) **Indirect Illumination.** Indirect illumination of signs is permitted in all districts.
- (2) **Internal Illumination.** Internal illumination of signs is permitted only in C1, C2 & I districts. Where allowed, internal sign illumination shall involve one of the following methods:
 - (a) Only the letters, logos, and/or symbols are illuminated, shining through a solid non-white background (as seen in Figure 9-15), or

FIGURE 9-15 - INTERNAL ILLUMINATION



- (b) Illuminated channel letters, logos, and/or symbols are utilized (as seen in Figure 9-16)

FIGURE 9-16 - INTERNAL ILLUMINATION II



- (3) **Floodlight Illumination.** Floodlight illumination is permitted only in C1, C2 & I districts.”

SECTION 2: If any sentence, clause, 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of the amended Article IX "Signs", Division 90 "Sign Provisions", are the same as any provisions of the Article IX "Signs", Division 90 "Sign Provisions" in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

SECTION 4: This ordinance shall take effect five (5) days after the date of its enactment.

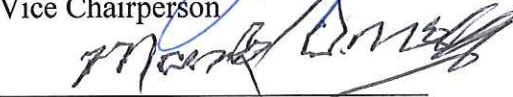
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ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 23rd day of March, 2017.

TOWNSHIP OF MIDDLE SMITHFIELD BOARD OF SUPERVISORS


Chairperson


Vice Chairperson


Supervisor

(TOWNSHIP SEAL)




Township Secretary