

MIDDLE SMITHFIELD TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 239

**AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD,  
MONROE COUNTY, PENNSYLVANIA, AMENDING THE MIDDLE  
SMITHFIELD TOWNSHIP CODE OF ORDINANCES BY ADDING A  
NEW CHAPTER 134, MAINTENANCE OF PROPERTIES,  
ESTABLISHING REGULATIONS FOR THE MAINTENANCE OF  
PROPERTIES WITHIN THE TOWNSHIP, PROVIDING FOR  
REMEDIAL ACTION BY THE TOWNSHIP IN SPECIFIED  
SITUATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF  
THE REGULATIONS**

**WHEREAS**, the Board of Supervisors of Middle Smithfield Township has deemed it necessary to amend the Code of the Township of Middle Smithfield by adding a new Chapter 134, Maintenance of Properties, providing for certain maintenance requirements for properties within the Township of Middle Smithfield (the “Township”).

**NOW THEREFORE**, be it enacted and ordained by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

**SECTION 1.** The Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, under the powers vested in it by the Pennsylvania Second Class Township Code, as amended, at 53 P.S. 66517, 53 P.S. 66529 and 53 P.S. 66533, as well as other laws of the Commonwealth of Pennsylvania, does hereby ordain and enact the following amendment to the Middle Smithfield Township Code of Ordinances by adding a new Chapter 134, Maintenance of Properties, to read as follows:

**Chapter 134  
Maintenance of Properties**

**§ 134-1. Short Title.** This Chapter shall be known and may be cited as the “Middle Smithfield Township Property Maintenance Ordinance”.

**§ 134-2. Preface.** Recognizing the need within Middle Smithfield Township to establish certain minimum health and safety requirements for those buildings, structures, or properties

which are used or associated with human occupancy, this Chapter establishes standards and procedures which the Board of Supervisors of Middle Smithfield Township considers to be necessary, fair and effective in meeting those minimum requirements.

**§ 134-3. Responsibility.** The owner of the premises shall maintain the structures, lot and yard in compliance with these requirements, except as otherwise provided for in this Chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a building, dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the building, dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**§ 134-4. Definitions.** The following terms shall have the following meanings in this Chapter:

**BUILDING** – a roofed structure, enclosed by one (1) or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

**BULK ITEMS** – discarded “white goods” (ex. major appliances), “brown goods” (ex. televisions, DVD players, entertainment systems), mattresses, furniture and similar household items.

**DETERIORATION** – the condition of a building, structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance, or excessive use.

**ENFORCEMENT OFFICER** – any building official, zoning officer and/or code enforcement officer authorized by the Township to enforce this Chapter and/or the applicable code(s).

**EXTERIOR OF PREMISES** – those outside surface portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

**EXTERMINATION** - elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, or by any approved pest elimination methods.

**FIRE HAZARD** – any *thing* or any *act* which increases or may cause an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire, or which may

obstruct, delay, or hinder, or may become a cause of an obstruction, delay, hazard or hindrance to the prevention, suppression, or extinguishment of fire.

**GARBAGE** – putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION** – the presence of an unusually large number of insects, rodents, vermin and/or other pests.

**LITTER** - Garbage, refuse and rubbish, as defined herein, and all other waste material, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

**LOT** – plot, tract, premises or parcel of land, with or without improvements thereto.

**NUISANCE** – any public or private condition that would constitute a “nuisance” according to the statutes, laws, and regulations of the Commonwealth of Pennsylvania, any of its agencies or Middle Smithfield Township’s Code of Ordinances, including but not limited to Chapter 136, Nuisances; any physical condition existing in or on the exterior of any premises, which is potentially dangerous, detrimental, or hazardous to the health or safety of persons on, near, or passing in proximity of the premises where said condition exists.

**OCCUPANT** – any occupant, owner, agent, tenant, lessee, caretaker, or other person or corporation in charge of the premises or having actual possession or use of a business, or other premises affected by this Chapter.

**OWNER** – any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

**PREMISES** – a lot, plot, or parcel of land, including the buildings, structures, and improvements thereon.

**REFUSE** – all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, dead animals and commercial and industrial wastes.

**RUBBISH** – Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**UNOCCUPIED HAZARD** – any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

**YARD** – any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

**§ 134-5. Application.** The provisions of this Chapter shall supplement local laws, ordinances or regulations existing in Middle Smithfield Township or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall control.

**§ 134-6. Buildings and Structures.**

A. No owner and/or occupant of any building or structure shall fail to take such steps and perform such maintenance, as may be required from time to time, to ensure that the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties or to the general public.

B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that the same are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.

C. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards as defined herein, and which constitute a severe health and/or safety hazard, shall, upon direction of the Board of Supervisors of Middle Smithfield Township, or other authorized official or body, remove, or cause the removal of, the building and/or structure in a manner and form acceptable to the Township.

D. All structural members of buildings shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

E. All foundation walls of buildings shall be maintained plumb and free from open and structurally compromising cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. All exterior walls of buildings shall be free from holes, breaks, and loose or rotting materials that compromise the structural integrity of the building. All exterior walls of buildings shall be maintained in a weatherproof condition in order to prevent deterioration.

G. The roof and flashing of buildings shall be sound, tight and not have defects that admit rain and/or create a public nuisance. Roof drains, gutters and downspouts shall be maintained in good repair. Roof water shall not be discharged in a manner that creates a public nuisance.

H. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

J. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

L. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Every window, skylight, door and frame shall be in place and kept in a good and sound condition.

N. All exterior doors, basement entrances, door assemblies and hardware shall be maintained in a good and sound condition.

#### **§ 134-7. Yards, Open Lots, Parking Areas.**

A. Fences, retaining walls and/or minor structures shall not be constructed and/or maintained so as to present a safety or health hazard to persons and/or property. All fences, retaining walls and/or minor structures shall be maintained in a good and sound condition.

B. No person shall permit the development or accumulation of hazards, rodent harborage and/or infestation upon yards and/or lots in a manner and to an extent that

creates a public nuisance and/or otherwise creates a health and/or safety hazard to surrounding properties or to the general public.

C. With the exception of approved storm water retention areas, all lots and yards shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

D. No person shall permit any trees, plants or shrubbery, or any portion thereof, to grow on their property that would constitute a safety hazard to pedestrian and/or vehicular traffic. Maintenance of vegetation along roadways requires that the owner and/or occupant maintain trees, branches, shrubs and weeds trimmed back from the roadway edge at least two feet (2') from the roadway pavement and up at least thirteen feet (13') above the road edge.

E. All premises and exterior property shall be maintained free from weeds, grass or plant growth in excess of ten inches (10") in height, except for cultivated flowers, gardens, ornamental (tall grass), farm fields, farm meadows, and/or wooded lots. All noxious weeds (as defined by the PA Dept of Agriculture) shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers, gardens, ornamental (tall grass), farm fields, meadows, and/or wooded lots.

F. No cutting of any vegetation within fifty feet (50') of ponds, lakes, creek banks, stream banks, and wetlands. (See also Ch. 200, Zoning - Floodplain Management and Ch. 170, SALDO - Stormwater Management). If this provision is found to be in conflict with a provision of Chapter 170 and/or Chapter 200 and/or a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall control.

G. Stormwater drainage swales and culvert pipes along roads shall be maintained by the owner and/or occupant of the property. Drainage swales and culvert pipes shall not be filled in by owners and/or occupants of the property. Drainage swales running across a property shall also be maintained by the owner and/or occupant of the property. (See also Ch. 200, Zoning - Floodplain Management and Ch. 170, SALDO - Stormwater Management).

H. It shall be the responsibility of the owner and/or occupant of the property to remove litter from the property in accordance with Chapter 132, Littering, and Chapter 155, Solid Waste and Recycling.

I. Burning of waste shall be prohibited. (See also Ch. 94, Outdoor Burning).

**§ 134-8. Infestation, Prevention and Correction.**

A. All structures, lots and yards shall be kept free from rodents and other wild and feral animal harborage and infestation that raises to the level of a public nuisance and/or is otherwise a violation of any other Township ordinance. Where rodents or wild or feral animals are found to have created a public nuisance, they shall be promptly exterminated or removed by processes which will not be injurious to human health. After extermination or removal, proper precautions shall be taken to eliminate such harborage and prevent reinfestation.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with Chapter 132, Littering, and Chapter 155, Solid Waste and Recycling.

#### **§ 134-9. Miscellaneous Provisions.**

No person shall permit:

A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.

B. Roof gutters, drains or any other system designed and constructed to transport storm water to be discharged into any sanitary sewage system and/or any part thereof.

C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors; provided, that nothing herein shall be construed so as to permit any act or practice otherwise prohibited by Chapter 132, Littering, and/or Chapter 155, Solid Waste and Recycling.

D. The maintenance or storage by an owner or lessee of a motor vehicle which is unable to move under its own power and which motor vehicle has rusted, broken or sharp edges; missing tires or other components resulting in unsafe suspension of the motor vehicle; ripped upholstery or other conditions which could permit vermin harborage; has a leaking or damaged oil pan, gas tank or other fluid container; or such other defects which the Enforcement Officer may upon investigation determine threaten the health, safety and welfare of the citizens of Middle Smithfield Township.

E. The maintenance or storage by an owner or lessee of any non-motorized equipment requiring a title, such as boats and/or trailers, and which equipment has rusted, broken or sharp edges; missing tires or other components resulting in the unsafe suspension of the equipment; or such other defects which the Enforcement Officer may, upon investigation, determine threaten the health, safety and welfare of the citizens of Middle Smithfield Township.

F. A property to be maintained in such a condition and/or manner that would constitute a nuisance under Chapter 136, Nuisances, of the Code of Ordinances of Middle Smithfield Township.

**§ 134-10. Responsibilities of Owners.** Owners shall be responsible for compliance with the provisions of this Chapter. Any occupant of a premises shall also be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premises which he occupies and/or controls pursuant to the terms of the contract/agreement under which he occupies and/or controls thereof.

A. Owner(s) of premises shall comply with the provisions of this Chapter, as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

B. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Chapter, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Chapter, together with the owner.

**§ 134-11. Notice of Violation.** If in the opinion of the Enforcement Officer the owner and/or occupant is out of compliance with and/or in violation of the standards in this Chapter, the Enforcement Officer shall proceed with the following actions:

A. The owner and/or occupant shall first receive a warning letter from the Enforcement Officer, or other Township authorized representative, describing the violation(s) and providing the owner and/or occupant a reasonable period of time to resolve the violation.

B. If the owner and/or occupant does not resolve the violation to the satisfaction of the Enforcement Officer within the period of time provided for within the warning letter, the Enforcement Officer shall move ahead with a formal Notice of Violation. The owner and/or occupant shall be notified by certified mail or through personal service of said violation or violations. The Notice of Violation shall be in writing and shall identify the premises and shall cite the specific violation or violations. The Notice of Violation shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within thirty (30) days of the said Notice of Violation and shall inform the owner and/or occupant of the fines and penalties which may accrue upon the failure to comply. The Notice of Violation shall also specify that, in lieu of or in addition to fines and penalties, and subsequent to the period of time specified in the said Notice of Violation, Middle Smithfield Township may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. A copy of the said Notice of Violation shall be posted in a conspicuous place on the subject premises.

**§ 134-12. Compliance.** The owner and/or occupant shall correct any and all noted deficiencies within thirty (30) days of the Notice of Violation. Extension of such specified period of time may be granted by Middle Smithfield Township, in its sole discretion upon good cause shown. Failure to comply with any such notice within the time specified shall constitute a violation of this Chapter, with each separate day during which a violation exists constituting a separate violation.

**§ 134-13. Penalties.** Any person, firm or corporation who shall violate any of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding, pay a civil judgment of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred in the enforcement of this Chapter. No judgement shall be imposed until the date of the determination of the violation by the District Justice and/or court. Each day a violation exists shall constitute a separate offense.

**§ 134-14. Owners Severally Responsible.** If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Chapter.

**§ 134-15. Inspection.** The Enforcement Officer may enter, or may cause, through an authorized representative of Middle Smithfield Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within Middle Smithfield Township, upon reasonable advance notice and in accordance with applicable law, for the purpose of ascertaining the existence of violations of this Chapter. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereto.

**SECTION 2. SEVERABILITY.** If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**SECTION 3. REPEALER.** All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

**SECTION 4. ENACTMENT.** This Ordinance shall be effective five (5) days after the date of passage.

**DULY ENACTED AND ORDAINED** this 13<sup>th</sup> day of July 2023, by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, in lawful session duly assembled.

Board of Supervisors of Middle Smithfield Township

By: Annette Atkinson  
Annette Atkinson, Chair

By: Mark Oney  
Mark Oney, Vice-Chair

By: Michael J. Dwyer  
Michael J. Dwyer, Supervisor

ATTEST Michelle Glensell  
Township Secretary

[TOWNSHIP SEAL]