

ORDINANCE NO. 223

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD,
MONROE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE
TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE AMENDED; ADDING A CHAPTER
81, ENTITLED "AUTOMATED EXTERNAL DEFIBRILLATORS"; REQUIRING THE
INSTALLATION AND MAINTENANCE OF AUTOMATED DEFIBRILLATORS IN CERTAIN
TOWNSHIP BUILDINGS; 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 1517 of the Second Class Township Code, 53 P.S. Sec. 67517, authorizes the Board of Supervisors to adopt codes and ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all building and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land in accordance with Article XVII-A of the Second Class Township Code; and

WHEREAS, Section 1527 of the Second Class Township Code, 53 P.S. Sec. 67527, authorizes the Board of Supervisors to adopt ordinances to secure the safety of persons and property in the Township; and

WHEREAS, Section 1553 of the Second Class Township Code, 53 P.S. Sec. 67553, provides that the Township shall ensure that fire and emergency services are provided in the Township by the means and to the extent determined by the Township; and

WHEREAS, the Board of Supervisors finds it necessary to the public health, safety, and general welfare of Township residents, and visitors, to require the installation and maintenance of automated external defibrillator devices within certain buildings in the Township.

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 Code of the Township of Middle Smithfield is hereby amended by adding a Chapter 81, entitled "Automated External Defibrillators", as set forth in Exhibit "A" hereto, the provisions of which are incorporated by reference as though set forth at length.

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. 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.

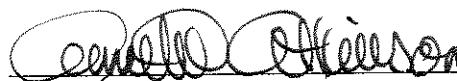
SECTION 4: This ordinance shall take effect five (5) days after the date of its enactment.

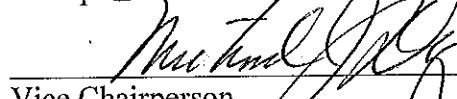
ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 25th day of October, 2018.

TOWNSHIP OF MIDDLE SMITHFIELD BOARD OF SUPERVISORS



(TOWNSHIP SEAL)


Chairperson


Vice Chairperson


Supervisor


Township Secretary

EXHIBIT "A" TO ORDINANCE

Chapter 81, entitled "Automated External Defibrillators"

(attached hereto)

CHAPTER 81, AUTOMATED EXTERNAL DEFIBRILLATORS

§ 81-1. Title

This Chapter shall be known as and may be cited as “The Middle Smithfield Township Automated External Defibrillators (“AED”) Ordinance”.

§ 81-2. Intent

It is the intent of the Township and the purpose of this Chapter to provide for the public health, safety, and general welfare of Township residents and visitors by requiring the installation of automated external defibrillator devices within certain buildings in the Township.

§ 81-3. Applicability

The provisions of this Chapter shall apply to all buildings in the Township which (1) has an occupancy load of fifty (50) or more persons and (2) are newly constructed or substantially renovated after the effective date of the Middle Smithfield Township Automated External Defibrillators (“AED”) Ordinance.

§81-4. Interpretation

This Chapter is not intended to, and does not, excuse any person from compliance with other Middle Smithfield Township Ordinances, and Pennsylvania statutory law, and regulations, as amended from time to time. Whenever possible, this Chapter should be construed and interpreted as being consistent, and not in conflict, with other Middle Smithfield Township Ordinances, and Pennsylvania statutory law, and regulations.

§81-5. Definitions

For the purposes of this Chapter, words and terms used herein shall be interpreted as follows:

“Automated external defibrillator” or “AED” – A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

“Owner” – A person having legal or equitable ownership of a building subject to the requirements of this Chapter. If there is more than one such person, then Owner shall mean each such person, individually and jointly.

“Person” – An individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not).

“Regulated building” – A building in the Township which (1) has an occupancy load of fifty (50) or more persons and (2) is newly constructed or substantially renovated after the effective date of the Middle Smithfield Township Automated External Defibrillators (“AED”) Ordinance.

“Substantially renovated” – Any renovation to an existing building requiring a building permit under the Pennsylvania Uniform Construction Code, or any Township ordinance enacted thereunder.

“Township” – The Township of Middle Smithfield.

§ 81-6. Automated External Defibrillator Devices Required

Every owner of a regulated building in the Township is required to install and maintain an AED in the building, in accordance with this Chapter. Installation of AED’s in unregulated buildings is encouraged.

§81-7. Installation and Operation

- A. The Township and its Code Enforcement Officer shall be entitled to inspect all automated external defibrillator devices for operation prior to being placed in service or available for use, and on an annual basis.
- B. Automated external defibrillator devices shall be:
 - (1) Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - (2) Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of a door, permanently affixed to a wall, and whose top is no more than 48 inches above the floor;
 - (3) Located below a sign having a minimum area of 70 square inches and containing the letters "AED" and the universally recognizable symbol, which shall be placed no more than 60 inches, on center, above the floor;
 - (4) Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons;
 - (5) Placed near the main elevator(s) on the first floor and every consecutive floor. If the building does not have an elevator, automated external defibrillators will be placed in area of main entrance;
 - (6) Automated external defibrillators shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any automated external defibrillators, shall not exceed 300 feet;

- (7) Automated external defibrillators shall be located on each floor such that the maximum length of travel between any two automated external defibrillators shall not exceed 600 feet.
- C. Automated external defibrillator devices shall contain adult and pediatric pads, disposable razors, and bandage scissors. Adult living facilities shall be exempt from providing pediatric pads.
- D. All automated external defibrillator devices shall be used in accordance with the manufacturer's guidelines.
- E. It shall be the responsibility of the building owner to:
 - (1) Install automated external defibrillator devices;
 - (2) Maintain automated external defibrillator devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- F. If an automated external defibrillator device is removed for repair, a replacement shall be provided.
- G. If there is more than one entrance or exit in the building, or if the building is multiple stories, the building owner shall place a sign.
- H. Building owners or their tenants are encouraged to provide training to one or more on-site employees in the use of AED devices, so that there is an individual present on-site during regular business hours capable of operating the AED device in the event of a medical emergency.

§81-8. Inspections and fees

- A. All AED installations shall be subject to inspection by the Township and its Code Enforcement Officer(s).
- B. The Township Board of Supervisors may establish, by resolution, a program for inspection of AED devices, including the assessment of fees upon owners of regulated buildings required to install and maintain AED's in order to fund the costs of the inspection program.

§81-9. Enforcement Officer

- A. The administrator of this article shall be the Township Code Enforcement Officer, who shall have the responsibility and authority to administer and enforce all provisions of this Chapter.

- B. If there is reason to believe that any provision of this Chapter is being violated, the Township Code Enforcement Officer may entry onto the public areas of any regulated building for the purpose of inspection for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of a non-public area of a regulated building is necessitated, prior arrangements shall be made with the owner or his agent to secure access thereof.

§81-10. Violations and Penalties

- A. This Chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Middle Smithfield Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Middle Smithfield Township are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Chapter. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid to Middle Smithfield Township for its general use.
- B. In addition to, but not in limitation of, the provisions of Subsection A, any person who fails to comply with any portion of this Chapter shall be subject to withholding of any Township new or renewal license or permit issuance, or revocation of an existing license or permit upon thirty (30) days advance written notice of the intent to revoke the license or permit. Any person adversely effected by any denial, or notice of revocation, of a license or permit may appeal to the Township Board of Supervisors within thirty (30) days of the action complained of. If no appeal is timely taken, then the person's non-compliance shall be deemed conclusive. Any appeal to the Board of Supervisors shall be heard in accordance with the Pennsylvania Local Agency Law. An appeal shall act as a stay on any notice of revocation. On appeal, the Board of Supervisors shall have full and complete authority to confirm or reverse the prior action of the Township official. The Board of Supervisors is authorized to establish, by resolution, fees for any appeal. Any person successful on appeal shall have his or her fee refunded.