

ORDINANCE NO. 222

**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 §090-120 ON-
PREMISES SIGNS, PARAGRAPH H. WALL SIGNS, AND §090-140 SIGN ILLUMINATION,
PARAGRAPH C., REGULATIONS ON SIGN ILLUMINATION, ELECTRONICALLY
CHANGEABLE MESSAGE SIGNS, AND MOVEMENT OF SIGNS; 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. **§090-120 ON-PREMISES SIGNS, Paragraph H. Wall Signs, subpart (ii)**, is amended by adding the following sentence to the end of the subpart:

Notwithstanding the foregoing, the sign must meet the standards of §190-140.

B. **§090-140 SIGN ILLUMINATION, Paragraph C., Regulations on Sign Illumination, Electronically Changeable Message Signs, and Movement of Signs**, is amended by adding the following subsections:

- (8) No electronically changing message sign shall be located within a one (1) mile radius of any other electronically changing message sign.
- (9) Maximum sign area for an electronically changing message sign is 40 sq. ft. per face.

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.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this/ 3 th day of Sept. 2018.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS

Debbie Hinson
Chairperson

Donald J. Dwyer
Vice Chairperson

Mark Dugay
Supervisor



Michele J. Clewell
Township Secretary