

Borough of Smithton

Westmoreland County, Pennsylvania

ORDINANCE NUMBER 231A of 2022

**AN ORDINANCE OF THE BOROUGH OF SMITHTON,
WESTMORELAND COUNTY, PENNSYLVANIA REPEALING AND
REPLACING CHAPTER 10: HEALTH AND SAFETY AND CHAPTER 4:
BUILDINGS OF THE BOROUGH OF SMITHTON CODE OF
ORDINANCES**

WHEREAS, the Borough Council is by virtue of the Laws and Constitution of the Commonwealth of Pennsylvania empowered to regulate standards and practices regarding buildings and properties in the Borough, regarding health, safety and welfare within the Borough; and

WHEREAS, Smithton Borough Ordinance Number 167, enacted September 18, 1989, forms the base framework of all Borough Ordinances, with various chapters dedicated to various subjects and individual regulations contained therein; and

WHEREAS, Smithton Borough Ordinance Number 216, enacted November 9, 2015 and Smithton Borough Ordinance Number 219, enacted July 16, 2018 both make significant additions and alterations to Chapter 10: Health and Safety of Smithton Borough Ordinance Number 167; and

WHEREAS, Smithton Borough Ordinance Number 231A of 2022 makes significant additions and alterations to Chapter 10: Health and Safety and Chapter 4: Buildings of the Borough of Smithton Code of Ordinance; and

WHEREAS, Borough Council has from time to time seen fit to alter and amend these ordinances to encompass new standards and practices for the purpose of improving public health and happiness in the Borough;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Smithton that:

Section 1: Section 504 Construction Standards and Regulations of Part 5 Fences of Chapter 10 Health and Safety is amended by inserting the underlined text as follows:

§ 504. Construction Standards and Regulations.

1. All fences erected must be of good quality and must be firmly and sturdily footed in the ground. In addition to the standards and regulations set forth in this Part, all fences erected must abide by the terms of the Borough's Flood Plain Ordinance and

by all other Federal, State and Borough laws, ordinances, regulations, guidelines and standards.

2. No fences shall be permitted within the Floodway. Within the 100-year Floodplain area, fences that allow the complete passage of flood waters without restriction may be permitted. Such fences may include wire mesh or chain link type fences which are fully open with wire spacing no less than 2"x2" and a typical post spacing or breakaway fencing designed by a licensed professional engineer to fail at strategic locations to allow floodwaters to pass. Breakaway fences shall be designed with hinges to allow the fence to collapse or swing in the direction of flow and additional setbacks as required to meet section 507.

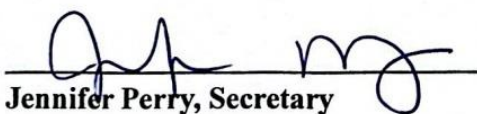
Section 2: Any and all Ordinances, amendments, and/or resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

Section 3: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgement or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered illegal, invalid or unconstitutional. It is hereby declared intent of the Borough of Smithton Council that this ordinance would have been adopted if such, illegal, invalid or unconstitutional clause, sentence or section had not been included therein.

Section 4: This ordinance shall be effective immediately upon final enactment.


ORDAINED AND ENACTED into law this 14th day of April, 2025.

Attest:


Jennifer Perry, Secretary


Fred Foster, President Fred Robert Foster

I, the undersigned, Mayor of the Borough of Smithton, Westmoreland County, Pennsylvania, do hereby certify that I have reviewed and approved the within Ordinance this 14th day of April, 2025.


Christine Tutena, Mayor