



**Middle Smithfield  
Township Supervisors**

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**RESALE, USE, and OCCUPANY CERTIFICATES  
are now REQUIRED in Middle Smithfield Township**

On Thursday, May 25, 2017, the Board of Supervisors adopted Ordinance 214 amending the Code of Ordinances of the Township of Middle Smithfield adding chapter 179 entitled "Use and Occupancy of Real Property". This regulates the use and occupancy of leased properties and properties in which title-of ownership is transferred in order to ensure that the use and occupancy of such properties will be conducted in accordance with public health, safety, and welfare.

So, what does this mean for you and your clients?

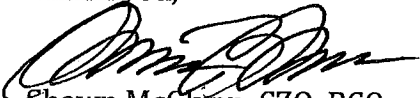
Owners of a Business or Residential Building desiring to lease or sell the building, or portion thereof, must apply for and obtain a Use and Occupancy Certificate from the Building Inspector of the Township of Middle Smithfield no later than fifteen days prior to leasing or sale. The certificate issued is valid for thirty days from the date of issuance.

The application includes a checklist of basic building and zoning codes that will be inspected and should be compliant prior to inspection. A copy of both the residential and commercial applications is enclosed for your convenience. For buyers, this does not replace the standard home inspection recommended prior to purchase.

If violations are found during inspection, this will not impede the sale or rental. A Temporary Use and Occupancy Certificate or Temporary Access Certificate will be issued with time allowed to correct the violations.

*Please share this information with your clients and colleagues.* If you have any questions, would like additional information or would like to obtain a copy of Chapter 179 or application, please contact Judith Acosta in the Zoning Office at 570-223-8920 ext. 128 or by email at [jacosta@mstownship.com](mailto:jacosta@mstownship.com).

Thank you,

  
Shawn McGlynn, CZO, BCO  
SFM Consulting, LLC



MIDDLE SMITHFIELD TOWNSHIP  
147 MUNICIPAL DRIVE  
EAST STROUDSBURG, PA 18302  
570-223-8920  
570-223-8935 FAX

## RESIDENTIAL RESALE/OCCUPANCY APPLICATION FOR CERTIFICATE

- Resale                       Change of Tenant \*Include lease agreement

1. Property Address: \_\_\_\_\_
2. Property Identification Number (PIN): \_\_\_\_\_
3. Applicants Name: \_\_\_\_\_  
 Seller/Owner       Agent       Buyer
- Mailing Address: \_\_\_\_\_
- Phone Number: \_\_\_\_\_
- Email: \_\_\_\_\_
4. Property Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_
- Phone Number: \_\_\_\_\_
5. Type of Dwelling: \_\_\_\_\_
6. Total number of bedrooms: \_\_\_\_\_ Total number of bathrooms: \_\_\_\_\_
7. Zoning classification of property: \_\_\_\_\_
8. Does property have private septic or public sewer? \_\_\_\_\_  
If septic, date of last inspection/pump: \_\_\_\_\_  
Must provide township with copy of seller's certification of septic system
9. Estimated Sale/Rental Date: \_\_\_\_\_
10. Is property subject to deed restrictions/easements or HOA restrictions? \_\_\_\_\_  
If so, list: \_\_\_\_\_

Application must be submitted with a copy of the current Deed and required fee of \$100.00. The fee includes one inspection. Additional inspections, if required, are \$50.00 each. If it is found, upon inspection, that building permits are required, the fee of \$100.00 will be applied to the permit fee.

Applicant hereby authorizes members of Township Boards, staff and representatives to enter the lands proposed for site inspections, if necessary.

I hereby certify that I have been authorized by the owner to make this application as his/her authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

In accordance with Middle Smithfield Township Ordinance 176, any owner or authorized agent intending to transfer ownership and/or change the occupancy of a residential property must first apply for and receive a "Certificate of Occupancy" issued by the Code Enforcement Officer. Applicants must demonstrate compliance with Ordinance No. 176 and the Middle Smithfield Township Zoning Ordinance. Upon submission of this application, an inspection will be scheduled. Specific items to be inspected for compliance include, but are not limited to, the following:

NOTE: To avoid additional inspection fees, ensure the following are compliant prior to inspection.

- Property being used in accordance with the Township Zoning Ordinance
- House number posted properly with required size numbers. (4" x 5" minimum size with contrasting background)
- No visible exposed and uncapped electric wires or uncovered receptacles
- GFCI on all receptacles within 6 feet of a water source
- All exterior and interior flights of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards.
- No unfilled openings in circuit breaker box
- Functioning smoke detectors at each level, including basements and attics
- Pools must be fenced or enclosed.
- No defective pipes or leaks in plumbing
- Sump pump away from house and not hooked up to sewer system
- Dryer must be vented to the outside (no plastic vent pipe)
- Attached garages must have fire separation of one layer of ½ inch drywall and a "C" labeled door
- The owner of the property shall supply the Township with a certified evaluation of the septic system and proof that the tank was pumped.



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**COMMERCIAL RESALE/USE/OCCUPANCY APPLICATION FOR CERTIFICATE**

Resale     Change of Use     Change of Tenant \*Include lease agreement

1. Property Address: \_\_\_\_\_  
 For Change of Use/Tenant, specify Unit/Suite #: \_\_\_\_\_
2. Property Identification Number (PIN): \_\_\_\_\_
3. Applicants Name: \_\_\_\_\_  
 Seller/Owner     Agent     Buyer  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email: \_\_\_\_\_
4. Property Owner's Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_
5. Current Use: \_\_\_\_\_  
 \*\*For resale, state all uses on property. Use additional paper if needed.
6. Total number of units: \_\_\_\_\_    Number of units to be inspected: \_\_\_\_\_
7. Zoning classification of property: \_\_\_\_\_
8. Does property have private septic or public sewer? \_\_\_\_\_  
 If septic, date of last inspection/pump: \_\_\_\_\_
9. Estimated Sale/Rental Date: \_\_\_\_\_
10. Is property subject to deed restrictions/easements? \_\_\_\_\_  
 If so, list: \_\_\_\_\_

Application must be submitted with a copy of the current Deed and required fee of \$200.00. The fee includes one inspection. Additional inspections, if required, are \$50.00 each. If it is found, upon inspection, that building permits are required, the fee of \$200.00 will be applied to the permit fee.

Applicant hereby authorizes members of Township Boards, staff and representatives to enter the lands proposed for site inspections, if necessary.

I hereby certify that I have been authorized by the owner to make this application as his/her authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

In accordance with Middle Smithfield Township Ordinance 176, any owner or authorized agent intending to transfer ownership and/or change the occupancy of a commercial property must first apply for and receive a "Certificate of Occupancy" issued by the Code Enforcement Officer. Applicants must demonstrate compliance with Ordinance No. 176 and the Middle Smithfield Township Zoning Ordinance. Upon submission of this application, an inspection will be scheduled. Specific items to be inspected for compliance include, but are not limited to, the following:

NOTE: To avoid additional inspection fees, ensure the following are compliant prior to inspection.

- Property being used in accordance with the Township Zoning Ordinance.
- Property address/identification posted properly with required size in accordance with Section [F]501.2 of the 2009 IBC. (4" x 5" minimum size on contrasting background)
- Current and proposed use and occupancy category must be provided in accordance with Chapter 3 of the 2009 IBC.  Group A: Assembly  Group B: Business  Group E: Educational  
 Group F: Factory/Industrial  Group H: High Hazard  Group I: Institutional  
 Group M: Mercantile  Group R: Residential  Group S: Storage  Group U: Utility/Misc
- No visible exposed and uncapped electric wires or uncovered receptacles
- GFCI on all receptacles within 6 feet of a water source
- All exterior and interior flights of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards.
- No unfilled openings in circuit breaker box
- Current certification of sprinkler system by licensed sprinkler company.
- Fire alarm and monitoring systems tested and functioning.
- All buildings with kitchen ventilation hoods/ansul system must have system certified by licensed installer.
- Means of egress clearly marked and unobstructed with exit signs and emergency lighting.
- No defective pipes or leaks in plumbing system.
- The owner of the property shall supply the Township with a certified evaluation of the septic system and proof that the tank was pumped or, if the building is connected to the municipal sewage disposal system, current and proposed EDU's must be provided.
- For transfer of commercial/industrial properties undergoing change of use and occupancy, a building permit is required in accordance with the PA UCC prior to occupancy.