

# **Chapter 1**

## **Administration and Government**

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**Part 1****Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Tuscarora shall be the "Township of Tuscarora Code of Ordinances."

*(Ord. 1-2006, 2/6/2006)*

**§1-102. Citation of Code of Ordinances.**

The Township of Tuscarora Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

*(Ord. 1-2006, 2/6/2006)*

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by lower case letters followed by a parenthesis.
  - G. Subitems, identified by small Roman numerals.

*(Ord. 1-2006, 2/6/2006)*

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

*(Ord. 1-2006, 2/6/2006)*

**§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 1-2006, 2/6/2006)

**§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Township of Tuscarora, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Tuscarora (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such "resolutions" are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 1-2006, 2/6/2006)

**§1-107. Normal Numbering.**

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, "§1-101" designates Chapter 1, Part 1, Section 1. Similarly, "§27-305" designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items and items into subitems, designated as follows:

1. Subsection.
  - A. Paragraph.
    - (1) Subparagraph.
      - (a) Clause.
        - 1) Subclause.
          - a) Item.
            - i. Subitem.

(Ord. 1-2006, 2/6/2006)

#### **§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, "§5A-101." If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105A." When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.

2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.

3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.

4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: "[Reserved]."

(Ord. 1-2006, 2/6/2006)

**§1-109. Amending Code.**

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* "Chapter\_\_ , Part\_\_ , Section\_\_ , Subsection\_\_ , is hereby amended (revised) to read as follows . . . ." The amended or revised provisions may then be set out in full as desired.

B. *Addition.* "Chapter\_\_ , Part\_\_ , Section\_\_ , Subsection\_\_ , is hereby amended by the addition of the following . . . ." The new provision shall then be set out in full as desired.

C. *Repeal.* "Chapter\_\_ , Part\_\_ , Section\_\_ , Subsection\_\_ , is hereby repealed in its entirety."

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

**§1-110. Altering Code.**

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 1-2006, 2/6/2006)

**§1-111. Penalties.**

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of ordinances adopting building, housing, property maintenance, health, fire or public

safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of the ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Chapter continues or each section of this Chapter which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, should provide, generally:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more that \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney’s fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 1-2006, 2/6/2006)



**Part 2****Board of Supervisors****A. Compensation****§1-201. Compensation.**

1. Each Supervisor of Tuscarora Township elected or appointed to office on or after the effective date of this Part shall receive compensation for attending duly advertised general or special public meetings or hearing of the Board of Supervisors or other meetings authorized by the Board of Supervisors at the rate of \$50 for each meeting attended by such Supervisors, not to exceed \$1,875 per year.

2. Such compensation shall be paid in monthly or quarterly installments.

3. This Part 2A shall become effective on January 1, 1996.

*(Ord. 2-95, 12/4/1995)*



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**Part 3****Emergency Management Services****A. Requiring Emergency Management Service Providers to Submit to Monthly Incident Reports****§1-301. Authority for Enactment.**

This Part is enacted under authority of the Second Class Township Code, P.L. 103, No. 69, May 1, 1933, 53 P.S. §65101 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(*Ord. 2-96, 7/1/1996, §1*)

**§1-302. Purpose of Submitting Incident Reports.**

The Board of Supervisors is responsible for the maintenance of health and welfare of Tuscarora Township and its citizens. To assure the adequacy of the ambulance, emergency, or fire services being provided to the citizens of Tuscarora Township, the Board of Supervisors is requiring service providers to file reasonably detailed monthly incident reports to allow the Board of Supervisors to monitor the quality of said services.

(*Ord. 2-96, 7/1/1996, §2*)

**§1-303. Definitions.**

*Board of Supervisors* - Tuscarora Township Board of Supervisors.

*Organized provider* - any organization providing ambulance, emergency, or fire services to residents of Tuscarora Township.

(*Ord. 2-96, 7/1/1996, §3*)

**§1-304. Requirement of Submitting Incident/Reports.**

Any organized provider of ambulance, emergency, or fire services to citizens of Tuscarora Township shall submit upon a written request by the Secretary reasonably detailed monthly incident reports describing the services provided throughout the period of a month.

(*Ord. 2-96, 7/1/1996, §4*)

**§1-305. Procedure for Submitting Incident Reports.**

Each organized provider of ambulance, emergency, or fire service shall designate a member or members of the organization to be responsible for accurately completing monthly incident reports. Each organized provider shall use the form attached to this Part as Addendum 1 to submit incident reports. Completed incident reports for the previous month shall be submitted to the Township Secretary by the third day of each month. A copy of the organized provider's log shall be available to the Township Secretary upon request.

(*Ord. 2-96, 7/1/1996, §5*)

**§1-306. Failure to Submit Incident Reports.**

Any organized provider of ambulance, emergency, or fire services which fails to promptly submit upon written request by the Secretary reasonably detailed monthly incident reports to the Board of Supervisors shall risk losing recognition by the Board. Loss of recognition of an organized provider by the Board of Supervisors may include withdrawal by the Board of any financial support provided to the organized provider. Moreover, if an organized provider fails to submit upon written request by the Secretary reasonably detailed monthly incident reports as specified in this Part, the Board of Supervisors reserves the right to request the organized provider to discontinue service to the residents of Tuscarora Township.

*(Ord. 2-96, 7/1/1996, §6)*

**Addendum 1**

**Incident Report**

Month\_\_\_ Year\_\_\_

Report No.\_\_\_\_\_

Name of Organized Provider:

Date of Call:

Time of Call:

Location of Request for Services:

Time of Arrival at Scene:

Number of Provider's Members Responding:

Nature of Call: (i.e. fire, ambulance, emergency)

Number of Injuries:

Nature of Injuries:

Nature of Property Damage:

Name of other Organized Providers Present:

Time of Departure from Scene:

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Title within Service Organization

\_\_\_\_\_  
Date



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**Part 4****Purchasing Guidelines****§1-401. Designation of Purchasing Officer.**

The Township Supervisors shall be designated Purchasing Officer for all departments of the Township. The Township Supervisors, or their designee, shall purchase, in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, and the policies established by resolution by the Board of Supervisors, all supplies and equipment for various agencies, boards, departments and other offices of the Township.

(Res. 8/4/2003, §1)

**§1-402. Purchase Amount Less Than \$10,000.**

Purchasing of materials, goods and services shall be in conformance with the following:

A. *Budgeted Items.* If less than \$4,000, price quotation from only one source. One authorized signature on the purchase order. Above \$4,000, three or more quotations are necessary. (53 P.S. §68102). Two authorized signatures on the Purchase Order.

B. *Unbudgeted Items.* If less than \$4,000, price quotation from only one source. One authorized signature on the purchase order. Above \$4,000, three or more quotations are necessary. (53 P.S. §68102). Two authorized signatures on the purchase order.

C. *Emergency Purchases.* Purchase must be approved by at least one Supervisor.

(Res. 8/4/2003, §2)

**§1-403. Purchase Amount Above \$10,000.**

Purchasing of materials, goods and services shall be in conformance with the following:

A. *Budgeted Items.* Purchases of \$10,000 or more are subject to the bidding process. (53 P.S. §68102).

B. *Unbudgeted Items.* Purchases of \$10,000 or more are subject to the bidding process. (53 P.S. §68102).

C. *Emergency Purchases.* All emergency purchases shall be approved by the Board of Supervisors.

(Res. 8/4/2003, §3)

**§1-404. Exempt Purchases.**

The following items shall be exempt from normal purchasing requirements when previously authorized by action of the Board of Supervisors.

A. Utility bills including, but not limited to, electricity, water, sewer. Telephone and other related services.

B. Insurance including, but not limited to, property, liability, automobile, flood. Workers compensation, life and disability insurance.

C. Bulk chemicals and material purchases, including stone, cinders, and chemicals.

D. Previously approved professional services.

*(Res. 8/4/2003, §4)*

**Part 5****Fire Insurance Proceeds Escrow****§1-501. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Tuscarora Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Township Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Tuscarora Township has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Secretary of the Tuscarora Township shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property; or,

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to paragraph .A of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, or where the Treasurer has issued a certificate described in subsection .2.A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Tuscarora Township, a contractor's signed estimate of the cost of removing, repairing or securing the building or other

structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Tuscarora Township to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Tuscarora Township in connection with such removal, repair or securing or any proceedings related thereto; and,

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Tuscarora Township and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Tuscarora Township a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Tuscarora Township in excess of that required to pay the municipal expenses; provided, the Tuscarora Township has not commenced to remove, repair or secure the building or other structure, in which case the Tuscarora Township will complete the work.

(4) Pay to the Township Secretary, for reimbursement to the Township general fund, the amount of the municipal expenses paid by the Tuscarora Township.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Township Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Township.

(6) Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Township or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

*(Ord. 1-2006, 2/6/2006)*

### **§1-502. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Township, any Township official, a municipality or public official an insured under a policy of

insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

*(Ord. 1-2006, 2/6/2006)*

**§1-503. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Tuscarora Township shall have a full benefit of such payment including all rights of subrogation and of assignment.

*(Ord. 1-2006, 2/6/2006)*

**§1-504. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

*(Ord. 1-2006, 2/6/2006)*

**§1-505. Notification of Pennsylvania Department of Community Affairs.**

The Secretary of the Tuscarora Township shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community Affairs.

*(Ord. 1-2006, 2/6/2006)*

**§1-506. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

*(Ord. 1-2006, 2/6/2006)*

**§1-507. Saving Clause.**

The provisions of this Part, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Part.

*(Ord. 1-2006, 2/6/2006)*

