

# **Chapter 4**

## **Buildings**

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**Part 1****Building Permits and Floodplain Regulations****A. General Provisions****§4-101. Intent.**

The intent of this Part is to:

- A. Promote the general health, welfare, and safety of the community
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future
- C. Minimize danger to public health by protecting water supply and natural drainage
- D. Reduce the financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive developments in areas subject to flooding.

*(Ord. 1-2003, 3/3/2003, §1.00)*

**§4-102. Applicability.**

1. It shall be unlawful for any person, contractor, partnership, business or corporation to undertake or cause to be undertaken, any building/construction or development anywhere within the municipality unless an approved building permit has been obtained from the Building Permit Officer.

2. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

*(Ord. 1-2003, 3/3/2003, §1.01)*

**§4-103. Abrogation and Greater Restrictions.**

This Part supersedes any provisions currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

*(Ord. 1-2003, 3/3/2003, §1.02)*

**§4-104. Warning and Disclaimer of Liability.**

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted debris. This Part does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Part shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(*Ord. 1-2003, 3/3/2003, §1.04*)

**B. Administration****§4-111. Building Permits Required.**

Building permits shall be required before any proposed construction or development is undertaken as provided for in §4-102 hereof.

*(Ord. 1-2003, 3/3/2003, §2.00)*

**§4-112. Issuance of Building Permit.**

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. No building permit shall be issued until all other required permits have been obtained from any other office or agency.

3. Building permits will be issued by appointment only by the Building Permit Officer.

*(Ord. 1-2003, 3/3/2003, §2.01)*

**§4-113. Application Procedures.**

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address or owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location and tax parcel number.
- E. Proposed lowest floor and basement elevations in relations to mean sea level.
- F. Brief description of proposed work and estimated cost.
- G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures, well, proposed well, septic tank and drain fields, and any other underground utilities (including, but not limited to, telephone cables, water lines, electric cables and television cables).

2. If any proposed construction or development is located within, or adjacent to, any identified flood-prone areas, applicants for building permits shall also provide the following specific information:

A. A plan which accurately delineated the area which is subject to flooding, the location of the proposed construction, the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land developments in order to assure that:

- (1) All such proposals are consistent with the need to minimize flood damages.
- (2) All utilities and facilities, such as sewer, gas, electrical and water

systems are located, elevated and constructed to minimize or eliminate flood damages.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Such plan shall also include existing and proposed contours; information concerning 100-year flood elevations, velocities, and other applicable information such as pressures, impact and uplift associated with the 100-year flood; size of structures, location and elevation of streets; water supply and sanitary sewage facilities, soil types and flood proofing measures.

C. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydronamic and buoyance factors associated with the 100-year flood.

3. Such statement shall include a description of the type and extent of the flood proofing measures which have been incorporate into the design of the structure.

*(Ord. 1-2003, 3/3/2003, §2.02)*

#### **§4-114. Review by County Conservation District.**

A copy of all applications and plans for any proposed construction or development in any identified flood-prone areas to be considered for the approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

*(Ord. 1-2003, 3/3/2003, §2.03)*

#### **§4-115. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development is any identified flood-prone area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

*(Ord. 1-2003, 3/3/2003, §2.04)*

#### **§4-116. Other Permit Issuance Requirements.**

Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 527, the Pennsylvania Sewage Facilities Act and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 USC §1334. No permit shall be issued until this determination has been made.

*(Ord. 1-2003, 3/3/2003, §2.05)*

#### **§4-117. Changes.**

After the issuance of a building permit by the Building Permit Officer, no changes

of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

*(Ord. 1-2003, 3/3/2003, §2.06)*

#### **§4-118. Placards.**

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

*(Ord. 1-2003, 3/3/2003, §2.07)*

#### **§4-119. Start of Construction.**

Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, electrical or other service lines from the street.

*(Ord. 1-2003, 3/3/2003, §2.08)*

#### **§4-120. Inspection and Revocation.**

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

*(Ord. 1-2003, 3/3/2003, §2.09)*

#### **§4-121. Fees.**

Applications for a building permit shall be accompanied by a fee, payable to the Township in an amount as established from time to time by resolution of the Board of Supervisors.

*(Ord. 1-2003, 3/3/2003, §2.10; as amended by Ord. 1-2006, 2/6/2006)*

#### **§4-122. Enforcement.**

1. *Notices.* Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has

been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, such authority shall give notice which shall: (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time for the performance of any act it requires; (D) be served on the property owner, his agent, or the person, contractor, partnership, business or corporation believed to be in violation of any provision of this Part; provided, however, that such notice that shall be deemed to have been properly served upon that owner, agent, or person believed to be in violation when a copy of it has been served with the notice by any other method authorized or required by the laws of this Commonwealth; (E) contain an outline of remedial action which, if taken, will effect compliance with the provision of this Part, or any part thereof, and with the regulations adopted pursuant thereto.

2. *Hearings.* Any person, contractor, partnership, business or corporation affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any regulations adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Supervisors; provided, that such person shall file with the Township Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Township Secretary shall set a time and place for such a hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced no later than 10 days after the date on which the petition was filed; provided, that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such 10 day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

3. *Findings and Order.* After such hearing the Board of Supervisors shall make finding as to compliance with the provisions of this Part and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in subsection .1.

4. *Records and Appeals.* The proceedings at such a hearing, including the findings and decision of the Board of Supervisors and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the municipality but the transcript of the proceedings need not be transcribed unless judicial review of this decision is sought as provided this Section. Any person aggrieved by a decision of the Township may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

5. *Penalties.* Any person, contractor, partnership, business or corporation who fails to comply with any or all of the requirements of provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Township, or who shall violate any provision of this Part, 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 Part continues shall constitute



a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliance with a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated, in non-compliance with this Part may be declared by the governing body of the municipality to be a public nuisance and abatable as such.

(*Ord. 1-2003, 3/3/2003, §2.11, as amended by Ord. 1-2006, 2/6/2006*)

**§4-123. Appeals.**

1. Any person, contractor, partnership, business or corporation aggrieved by an action or decision of the Building Permit Officer, or by any of the requirements of this Part, may appeal to the Board of Supervisors of Tuscarora Township. Such appeal must be filed, in writing, within 30 days after the decision of action of the Building Permit Officer. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

2. Any person, contractor, partnership, business or corporation aggrieved by any decision of the Board of Supervisors of Tuscarora Township, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth, i.e., Court of Common Pleas of the 41st Judicial District of Pennsylvania - Juniata County Branch.

(*Ord. 1-2003, 3/3/2003, §2.12*)



## C. Identification of Flood-Prone Areas

### §4-131. Identification.

1. For the purpose of this Part, the areas considered to be flood-prone within the Township shall be those areas identified as being subject to the 100-year flood in the Flood Insurance Study prepared for the Township by the Federal Insurance Administration dated September 1, 1977.

2. A map showing all areas considered to be flood-prone is available for inspection at the Township building. For the purpose of this Part and the following nomenclature is used in referring to the various kinds of flood-prone areas: [Ord. 1-2006]

A. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.

B. FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.

C. FP (General Floodplain Area) - the areas identified as "100-year Floodplain" in the Flood Insurance Study prepared by the FIA.

D. FA (General Floodplain Area) - the areas identified as "approximate 100-year Floodplain" in the Flood Insurance Study prepared by the FIA.

E. FO (Shallow Floodplain Area) - the areas identified as "100-year Shallow Floodplain" in the Flood Insurance Study prepared by the FIA.

(Ord. 1-2003, 3/3/2003, §3.00; as amended by Ord. 1-2006, 2/6/2006)

### §4-132. Change in Identification of Flood-Prone Areas.

1. The areas considered to be flood-prone may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

2. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 1-2003, 3/3/2003, §3.01)

### §4-133. Disputes.

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Building Permit Officer and any person aggrieved by such decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

(Ord. 1-2003, 3/3/2003, §3.02)



## D. Technical Provisions

### §4-141. General.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified, and until all required permits or approvals have been first obtained from the Commonwealth. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse. [Ord. 1-2006]

2. Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:

A. Within any designated Floodway (FF) Area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements.

B. Within any designated Flood-Fringe (FF) Area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

(Ord. 1-2003, 3/3/2003, §4.00; as amended by Ord. 1-2006, 2/6/2006)

### §4-142. Elevation and Flood Proofing Requirements.

#### 1. Residential Structures.

A. Within any FW or FF area, the lowest floor (including basement) of any new or improved residential structure shall be at least 1½ feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

B. Any structure, or part thereof, which will be completely or adequately elevated, shall be designed and construed to be completely or essentially dry in accordance with the standard contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

(Ord. 1-2003, 3/3/2003, §4.01)

### §4-143. Design and Construction Standards.

The following minimum standard shall apply for all construction proposed to be undertaken with any identified flood-prone area:

#### A. Fill. If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock material only. Sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to

erosion, scouring, or settling.

(4) Be no, steeper than one vertical to two horizontal, unless substantial data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points of all streets, and will provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. *Sanitary Sewer Facilities.* All new or replacement sanitary sewer facilities, and private package sewer treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. All new and replacement sewer facilities shall be approved and permitted by the Township Sewage Enforcement Officer.

D. *Water Facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. *Streets.* The unfinished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation.

F. *Utilities.* All utilities such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. *Storage.* No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

H. *Placement of Buildings and Structures.* All buildings and structures shall be designed, located, and constructed so as to offer the minimum construction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

I. *Anchoring.*

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objection to components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(Ord. 1-2003, 3/3/2003, §4.02)

#### **§4-144. Special Requirements for Mobile Homes.**

1. All mobile homes and any additions thereto shall be anchored to resist

flotation, collapse, or lateral movements by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974) (ANSI A 119.3-1975) as amended for Mobile Homes in Hurricane-Zones or other appropriate standards such as the following:

2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

A. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest fill of the mobile home will be at or above the elevation of the regulatory flood.

B Adequate surface drainage is provided.

C. Adequate access for a hauler is provided.

D. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above ground level.

3. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the appropriate municipal official for mobile home parks and mobile home subdivisions where appropriate.

4. No mobile home shall be placed in any designated floodway area.

(Ord. 1-2003, 3/3/2003, §4.03)





**E. Variance****§4-151. Variance.**

1. If compliance with the elevation or flood-proofing requirements of this Part would result in an exceptional hardship for a prospective builder, developer, or landowner, the Board of Supervisors may, upon request, grant relief, from the strict application of the requirement.

2. Requests for variances shall be considered by the Township in accordance with the procedures contained in §4-123.1 and the following procedures.

A. No variance shall be granted for any construction, development, use, or activity within any flood way area that would cause any increase in the 100-flood elevation.

B. If granted, a variance shall involve only the least modification necessary to provide relief.

C. In granting any variances, the governing body of municipality may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objective of this Part.

D. In reviewing any request for a variance, the Board of Supervisors shall consider, but not be limited, to the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.

*(Ord. 1-2003, 3/3/2003, Art. V)*



**F. Existing Structures in Flood-Prone Areas****§4-161. Existing Structures in Flood-Prone Areas.**

Structures existing in any identified flood-prone area prior to the enactment of this Part, but which are not in compliance with these provisions, may continue to remain subject to the following:

A. Existing structures located in any designated floodway areas shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

B. Any modifications, alteration, reconstruction, or improvement of any kind to any existing structure, to an extent or amount of less 50% of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

C. Any modifications, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Part.

*(Ord. 1-2003, 3/3/2003, Art. VI)*



## G. Definitions

### §4-171. General.

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.

(Ord. 1-2003, 3/3/2003, §7.00)

### §4-172. Specific Definitions.

*Accessory use or structure* - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Building* - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailer to be used for human habitation.

*Completely dry space* - a space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.

*Construction* - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes, prefabricated homes, and prefabricated sheds, garages or other similar items.

*Development* - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

*Essentially dry space* - a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

*Flood* - temporary inundation of normally dry land areas.

*Flood-fringe area* - that portion of the flood plain outside of the flood way area.

*Floodplain* - see definition of flood-prone area.

*Flood proofing* - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and their contents.

*Flood-prone area* - a relative flat or low land area which is subject to partial or complete construction from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

*Flood way area* - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the 100 year magnitude.

*Governing body* - the body of a local government having the power to adopt ordinances.

*Land development* - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division of allocation of land or space between or among two or more existing

or prospective occupants by means of, or for the purpose of streets, common areas, lease holds, condominiums, building groups or other features; (ii) a subdivision of land.

*Minor repair* - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in the construction, existing facilities, or permanent fixtures or equipment.

*Mobile home* - a transportable, single family dwelling intended for permanent occupancy, office, or place of, assembly, contained in one or more section, but on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incident unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The terms does not include recreational vehicles or travel trailers.

*Mobile home park* - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

*Municipality* - Tuscarora Township, Juniata County, Pennsylvania.

*Municipality's Secretary* -the Secretary of the Board of Supervisors of Tuscarora Township.

*Obstruction* - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change die direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

*One-hundred year flood* - a flood that on the average, is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

*Regulatory flood elevation* - the 100-year flood elevation plus a freeboard safety factor of one and one-half feet.

*Secretary* - (see “municipality's secretary.”)

*Structure* - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds (movable and permanent), garages, mobile homes, and other similar items.

*Subdivision* - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediately of future, of lease, transfer of ownership, or building, or development, provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

(Ord. 1-2003, 3/3/2003, §7.01)

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**Part 2****Building Numbering Plan****§4-201. Short Title.**

This Part shall be known as the “Tuscarora Township Building Numbering Plan.”  
(*Ord. 1-2001, 6/4/2001, §101*)

**§4-202. “Building” Defined.**

The word “building” as used in this Part shall mean any structure used or intended to be used as a dwelling, place of business, industry, public building or place of worship, but shall not include any accessory building located upon a lot where there is also a main building.

(*Ord. 1-2001, 6/4/2001, §102*)

**§4-203. Numbering Plan.**

There shall be maintained by the Township Supervisors a numbering plan for all lots and buildings located in the Township of Tuscarora. This plan shall be kept at the Township office and it shall be subject to amendment from time to time by majority vote of the Township Supervisors.

(*Ord. 1-2001, 6/4/2001, §103*)

**§4-204. Notice to Owner.**

Every owner hereby effected shall have 30 days from the effective date of this Part to comply herewith. Thereafter, the Township Secretary shall send to any owner not in compliance herewith, notice of the number assigned to such building and directing that such number be affixed to such building or elsewhere upon the property in accordance with §105 of this Part within 30 days of such notice. Every property owner who shall disregard or fail to comply with such notice, within the time limit stated therein, shall be in violation of this Part.

(*Ord. 1-2001, 6/4/2001, §104*)

**§4-205. Standards for Displaying Numbers.**

Numbers, as assigned to each building in the Township according to the provisions of this Part, shall be affixed to a permanent standard, base or support between such building and the street. Each number shall be at least 3 inches high, shall be of such color and material as to be visible from the street and shall be constantly maintained in complete and legible form. The property owners shall re-affix or renew all numbers that shall not continue to conform to the requirements of this Section.

(*Ord. 1-2001, 6/4/2001, §105*)

**§4-206. Application for Official Number.**

Whenever a building shall hereafter be erected in the Township, the owner thereof shall forthwith apply to the Township Secretary in conformity with the requirement set

forth in this Part for numbers for existing buildings and shall, within 30 days after being assigned to such building, be affixed by the owner thereof in the manner required by this Part in the case of existing buildings and shall thereafter be maintained as hereby required for the numbers of existing buildings.

*(Ord. 1-2001, 6/4/2001, §106)*

**§4-207. Violation; Penalty.**

Any person, firm or corporation, who shall violate any provision of this Part, 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. upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 1-2001, 6/4/2001, §107; as amended by Ord. 1-2006, 2/6/2006)*