

CODIFIED ORDINANCES OF TITUSVILLE
PART SEVEN - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF TITUSVILLE
PART SEVEN - GENERAL OFFENSES CODE

ARTICLE 705
Animals and Birds

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| 705.01 Dogs at large; noise disturbance. 705.02 Killing or injuring birds. 705.03 Animals and fowl at large. 705.04 Dogs at large. (Repealed) 705.05 Poundmaster; appointment and duties. (Repealed) 705.06 Seizure and impounding authorized. 705.07 Impounding licensed dogs; notice to owner; redemption and disposition. | 705.08 Impounding unlicensed dogs; redemption and disposition. 705.09 Records and monthly report by Police Department. 705.10 Disposition of funds, fines and penalties. 705.11 Obstructing or interfering with enforcing officials. 705.12 Animal wastes. 705.13 Damage by animals. 705.99 Penalty. |
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CROSS REFERENCES

Power to regulate - see 3rd Class § 2403(8) (53 P.S. § 37403(8))

Cruelty to animals - see Crimes Code, 18 Pa. C.S.A. §5511

Animal bites - see 3 P.S. §455.1 et seq.

Hunting prohibited; exceptions - see GEN. OFF. 733.02

Keeping stables, pig pens and chicken coops - see HLTH. Art. 1103

705.01 DOGS AT LARGE; NOISE DISTURBANCE.

(a) Definitions. As used in this section, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:
(Ord. 1918 §§ 1-6. Passed 5-12-86.)

- (1) "Owner" means any person having a right of property in any dog or cat or having custody of any dog or cat, or any person who harbors or permits a dog or cat to remain on or around his or her property.
(Ord. 3050. Passed 9-10-01.)
- (2) "Running at large" means being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not under the control of the owner or any other person having custody of such dog either by leash, cord, chain or other holding device.

(b) Dogs Prohibited to Run at Large. No owner of any dog shall allow or permit such dog to run at large in the City.

(c) Dogs Prohibited in Posted Areas. No owner of any dog shall allow or permit such dog to be in posted areas of any public park, playground or recreation area of the City.

(d) Threatening Dogs. Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden. (Ord. 1918 §§ 1-6. Passed 5-12-86.)

(e) Noise Disturbance.

(1) No owner of any dog or cat shall allow or permit the dog or cat to engage in repeated loud howling or barking or other unreasonable noise to the disturbance of any person any time of the day or night regardless of whether the dog or cat is physically situated in or upon private property. Such noise is hereby declared to be a public nuisance.

(2) Whenever any person shall complain to the Police Department that a dog which repeatedly barks or howls or a cat which repeatedly cries or howls is being kept by any person in the City, the Police Department shall notify the owner that a complaint has been received and direct the owner to take the necessary steps to alleviate the barking, howling or crying.

(3) If, despite the warning provided in subsection (e)(2) hereof, the dog or cat continues to bark, howl or cry to the disturbance of any person, a verified complaint of at least two citizens of the City not residing in the same household may be presented to the Police Department and the Police Department shall cite said owner for a violation of this subsection. (Ord. 3050. Passed 9-10-01.)

(f) Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of subsection (c) hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person. (Ord. 1918 §§ 1-6. Passed 5-12-86.)

705.02 KILLING OR INJURING BIRDS.

No person shall kill or injure any bird within the City. (Ord. Unno. Passed 10-18-1875.)

705.03 ANIMALS AND FOWL AT LARGE.

No person being the owner of or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals, whether wild or domestic, shall permit them to run or stray at large upon any public place, upon any unenclosed lands or upon the premises of another. (Ord. 1725 § 1. Passed 12-22-69.)

705.04 DOGS AT LARGE.

(EDITOR'S NOTE: This section was repealed by Ordinance 1918, passed May 12, 1986. See Section 705.01.)

705.05 POUNDMASTER; APPOINTMENT AND DUTIES.

(EDITOR'S NOTE: Former Section 705.05 (Ord. 1725, passed 12-22-69) was repealed by Ordinance 3092, passed April 28, 2003.)

705.06 SEIZURE AND IMPOUNDING AUTHORIZED.

It shall be the duty of any police officer of the City to seize and detain every dog or other animal, whether licensed or not, which is in violation of this article or any other pertinent law. When any police officer is in immediate pursuit of any such dog or other animal, he is authorized to go upon any open private property upon which the dog or other animal is trespassing in order to seize and detain such dog or other animal. The City shall provide a suitable pen or pound within or without the City for the keeping of such dogs or other animals as may be found running or wandering at large in violation of this article.

(Ord. 1725 § 4. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.07 IMPOUNDING LICENSED DOGS; NOTICE TO OWNER; REDEMPTION AND DISPOSITION.

Any dog, bearing a proper license tag of a county of the Commonwealth of Pennsylvania, seized and detained under the provisions of this article, shall be properly kept and fed. Immediate notice, either personal or by registered mail, shall be given by the Police Department to the owner of such dog or his agent, if known, directing of the owner to claim such dog within 10 days. The owner of a licensed dog so detained shall pay all fines and costs imposed by this article for the violation thereof and also the expense of impounding and keeping the dog before the dog is returned. Such expense shall be the greater of fifteen dollars (\$15.00) or any higher fee authorized by Pennsylvania law for each day or part of a day during which a dog is detained by the Police Department. The fee for impounded dogs may hereafter be revised from time to time by resolution of City Council to be incorporated in the City of Titusville's master fee schedule.

(Ord. 1725. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.08 IMPOUNDING UNLICENSED DOGS; REDEMPTION AND DISPOSITION.

All dogs found running at large in the City, which do not bear a proper license tag or are unlicensed, shall be impounded for a period of 48 hours after the capture thereof. During said 48-hour period, such dog may be reclaimed by its owner upon payment of all fines and costs imposed under this article for the violation thereof and the costs of impounding and keeping such dog as is set forth in Section 705.07.

At the expiration of 48 hours, if such dog is not reclaimed as aforesaid, the Police Department shall dispose of such dog by delivery to the Crawford County Humane Society.

(Ord. 1725. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.09 RECORDS AND MONTHLY REPORT BY POLICE DEPARTMENT.

The Police Department shall keep an accurate and up-to-date record of all animals received, returned or delivered to the Crawford County Humane Society.

(Ord. 1725. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.10 DISPOSITION OF FUNDS, FINES AND PENALTIES.

All funds received as reimbursements shall become the property of the City of Titusville. All fines and penalties collected under this article shall be paid to the City Treasurer for the use of the City.

(Ord. 1725. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.11 OBSTRUCTING OR INTERFERING WITH ENFORCING OFFICIALS.

Any person who shall obstruct a police officer of the City in carrying out the provisions of this article, or who shall willfully or maliciously obstruct or molest him or them in the seizure or transportation of dogs or other animals in violation of this article, shall be liable upon conviction thereof for the penalties provided in Section 705.99.
(Ord. 1725. Passed 12-22-69; Ord. 3092. Passed 4-28-03.)

705.12 ANIMAL WASTES.

No person shall cause or permit a dog or cat to be present on property, public or private, not owned or occupied by such person unless such person has in his or her immediate possession an appropriate device for cleaning up any waste by such animal for immediate transmission and deposit in a receptacle located upon property owned or possessed by such person. This section shall not apply to a handicapped individual using an animal as a guide animal.
(Ord. 3050. Passed 9-10-01.)

705.13 DAMAGE BY ANIMALS.

No owner of a dog or cat shall allow such dog or cat to damage in any respect any property, public or private, not owned or possessed by such owner.
(Ord. 3050. Passed 9-10-01.)

705.99 PENALTY.

Any person, firm or corporation who violates any provision of this article or any other provision of law pertaining to animals and birds shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00) or be imprisoned not more than ninety days.
(Ord. 1918 § 7. Passed 5-12-86.)

ARTICLE 707
Alcohol

707.01 Alcohol consumed by minors.

707.99 Penalty.

CROSS REFERENCES

Misrepresentation to obtain liquor - see 18 Pa. C.S.A. § 6307 et seq.
Inducement of minors to buy liquor - see 18 Pa. C.S.A. § 6310

707.01 ALCOHOL CONSUMED BY MINORS.

It shall be unlawful for any individual under the age of twenty-one years to have any alcohol, liquor, malt or brewed beverage in their body or system when in the City, regardless of where the alcohol, liquor, malt or brewed beverage was consumed.
(Ord. 2022 § 1. Passed 8-9-93.)

707.99 PENALTY.

Whoever violates Section 707.01 shall, upon conviction thereof in a hearing before District Magistrate, be subject to payment of a fine not in excess of three hundred dollars (\$300.00) or, in default of payment of such fine, be imprisoned for a period not to exceed ninety days.
(Ord. 2022 § 2. Passed 8-9-93.)

**ARTICLE 709
Destruction of Property**

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| <p>709.01 Damage or injury to property.</p> <p>709.02 Damage of buildings or fixtures; trespass.</p> <p>709.03 Injury or destruction of trees or growing products.</p> <p>709.04 Defacing or injuring public property.</p> | <p>709.05 Tampering or injuring fire alarm system; false fire alarms.</p> <p>709.06 Disturbing or altering stakes set by City Engineer.</p> <p>709.99 Penalty.</p> |
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CROSS REFERENCES

Destruction or injury of trees - see ADM. 157.08
Defacing or damaging parking meters - see TRAF. 525.07

709.01 DAMAGE OR INJURY TO PROPERTY.

No person shall cause damage or injury to another or another's property, the State or the City, and no person shall unlawfully injure or damage public or private property of a City resident or of the City or its agencies or sub-governmental units.
(Ord. 1726 § 1. Passed 12-22-69.)

709.02 DAMAGE OF BUILDINGS OR FIXTURES; TRESPASS.

No person shall injure or deface a church edifice, schoolhouse, library, tombstone or other cemetery property, dwelling house or other building, its fixtures, books or appurtenances, or commit a nuisance therein, or commit a trespass upon the enclosed grounds attached thereto or fixtures placed thereon, or an enclosure or sidewalk about such grounds.
(Ord. 1726 § 2. Passed 12-22-69.)

709.03 INJURY OR DESTRUCTION OF TREES OR GROWING PRODUCTS.

No person, without lawful authority, shall cut down, destroy or injure a vine, bush, shrub, sapling or tree standing or growing upon public property or the land of another, or sever, injure or destroy a product standing or growing thereon or other thing attached thereto.
(Ord. 1726 § 3. Passed 12-22-69.)

709.04 DEFACING OR INJURING PUBLIC PROPERTY.

No person shall deface or otherwise injure any public property owned, controlled or operated by the City or its agencies or sub-governmental units.
(Ord. 1726 § 4. Passed 12-22-69.)

709.05 TAMPERING OR INJURING FIRE ALARM SYSTEM; FALSE FIRE ALARMS.

No person shall willfully and maliciously or mischievously tamper with or interfere with any part of the fire alarm system of the City, or give or cause to be given through such system any false alarm of fire. No person shall willfully and maliciously or mischievously break, mar, disfigure or injure any fire alarm signal box belonging to such fire alarm system, or break the glass of any such box or cut or injure any wire or apparatus connected therewith.

(Ord. 747 § 1. Passed 3-6-11.)

709.06 DISTURBING OR ALTERING STAKES SET BY CITY ENGINEER.

No person shall disturb or molest either by driving down, pulling up, breaking off or in any manner or form altering the true alignment or grade in the City of any stake set by the City Engineer and which stake may have been set by such Engineer for the purpose of designating the grade or alignment of any street, lot, pavement, sewer, sidewalk, curb, bridge or any other work of like character, whether such stake or stakes are set as final, permanent or temporarily for the purpose of reference.

(Ord. 639 § 1. Passed 7-2-06.)

709.99 PENALTY.

Whoever violates any of the provisions of this article shall, upon conviction in a summary proceeding, be fined not more than three hundred dollars (\$300.00) plus costs, or imprisoned for not more than 90 days, or both.

(Ord. 1726. Passed 12-22-69; Ord. 3100. Passed 4-28-03.)

ARTICLE 713
Disorderly Conduct and Vagrancy

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| 713.01 Acts constituting disorderly conduct. | 713.03 Limitation on permission or permit. |
| 713.02 Disorderly conduct prohibited. | 713.99 Penalty. |

CROSS REFERENCES

Power to regulate disorderly conduct - see 3rd Class § 2403(55) (53 P.S. § 37403(55))
Disturbing the peace - see GEN. OFF. Art. 717

713.01 ACTS CONSTITUTING DISORDERLY CONDUCT.

Any person, upon the streets, lanes, alleys, parks, public places or private premises in the City shall be guilty of disorderly conduct if he shall:

- (a) Be found drunk;
- (b) Engage in, aid or abet any riot, affray, unlawful assemblage or fight;
- (c) Use loud, boisterous, profane, indecent or vulgar language;
- (d) Act in a loud, boisterous manner;
- (e) Make or cause to be made any loud, boisterous noise or disturbance;
- (f) Loaf or loiter upon the streets, lanes, avenues, alleys or public places of the City to the annoyance of the public;
- (g) Obstruct the entrance to any public or private building;
- (h) Fire any gun, pistol or other firearm or explode any explosives or fireworks of any kind;
- (i) Willfully obstruct any public street, lane, avenue or alley, pavement, footwalk or crossing;
- (j) Write, post or expose to view any lewd or indecent word, picture or device;
- (k) Indecently expose his person;
- (l) Prowl or loiter around or upon any of the streets, lanes, avenues, alleys, parks, public places or private premises for the purpose of inviting immoral or indecent conduct;
- (m) Establish or carry on upon the streets, lanes, avenues, alleys or public places any show, game or other demonstration for the purpose of attracting a crowd without the permission of the Police Department of the City or the license officer under appropriate City ordinances;
- (n) Congregate with others or loaf or loiter in and around poolrooms, bowling alleys, taverns and other public or private places to the annoyance of the public; or
- (o) Fail to obey a lawful order of dispersal by a police officer where acts of disorderly conduct are being committed in the immediate vicinity.
(Ord. 1717 § 1. Passed 9-8-69.)

713.02 DISORDERLY CONDUCT PROHIBITED.

No person shall engage in disorderly conduct in the City.
(Ord. 1717 § 2. Passed 9-8-69.)

713.03 LIMITATION ON PERMISSION OR PERMIT.

When permission to do an act is required from the license officer or the City, such permission shall not be withheld unless prohibited by the ordinances of the City, Statutes of the State or Federal government or the Common Law. Such permission shall be given in writing and shall be limited by reference to this article; which article is hereby incorporated in any permit or permission so given.

(Ord. 1717 § 3. Passed 9-8-69.)

713.99 PENALTY.

Whoever violates any provision of this article, upon the judgment of the Mayor or any alderman of the City, shall be fined not more than one hundred dollars (\$100.00), and costs for each offense, and, in default of payment thereof, shall be imprisoned for not more than ninety days.

(Ord. 1717 § 4. Passed 9-8-69.)

**ARTICLE 714
Minor's Curfew**

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| <p>714.01 Definitions. 714.02 Proscribed curfew hours. 714.03 Police to stop minors for inquiry. 714.04 Procedure if parent has not given consent. 714.05 Alternative procedures. 714.06 Procedures for nonresident minors.</p> | <p>714.07 Responsibility of parent. 714.08 Record keeping. 714.09 Exceptions. 714.10 School activities. 714.99 Penalty.</p> |
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CROSS REFERENCES

Curfew for minors at dances - see 3rd Class § 2638 (53 P.S. § 37638)
Disorderly conduct - see GEN. OFF. 713.01 et seq.

714.01 DEFINITIONS.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "City" means the City of Titusville.
- (b) "Consent" means actual authorization by a parent or legal guardian or means silent acquiescence by a parent or legal guardian having knowledge.
- (c) "Emancipated minor" means anyone under the age of eighteen whose parent or legal guardian has renounced his right to the care, custody and earnings of such person.
- (d) "Knowledge" need not be actual knowledge of the exact location of the minor in question, rather it may be imputed from the knowledge that the minor is not at home, that the minor has an ultimate destination, and that the minor may make a diversionary trip on his way to or from the ultimate destination.
- (e) "Minor" means anyone under the age of eighteen whose care and custody as well as right to his earnings, repose in a parent or legal guardian. It does not include an emancipated minor or anyone under the age of eighteen who is legally married.

- (f) "Public place" means any bar, bowling alley, cafe, drive-in restaurant, drive-in theater, drug store, grocery store, hamburger stand, hotel, ice cream parlor, lobby, parking lot, pool room, restaurant, saloon, shopping center, supermarket, parked automobile, theater or any place dedicated to amusement and entertainment, to which the public is invited, whether enclosed or out-of-doors, and which includes any accompanying parking lot or pedestrian walkway, or any appurtenance thereto which is used by the public.
(Ord. 1806 § 1. Passed 11-28-77.)

714.02 PROSCRIBED CURFEW HOURS.

No minor shall be present in or on any public street, park, square or any public place within the City between the hours of 12:00 midnight and 5:00 a.m. of the following (same) day without the knowledge and consent of a parent or legal guardian having the care and custody of such minor.

(Ord. 1806 § 1. Passed 11-28-77.)

714.03 POLICE TO STOP MINORS FOR INQUIRY.

(a) It shall be the duty of the Police Department to require identification from any person who loiters, idly remains, congregates, tarries or stays on any public street, park, square or any public place within the City during the proscribed hours and whose actions, appearance, demeanor or other facts within the knowledge of the police officer give rise to reasonable belief that the person stopped is a minor. Such identification shall include the person's name, age, home address, phone number and if the person's home address is outside the limits of the City, the address within the City at which he is staying, if any.

(b) Should the person stopped and questioned, not be a minor, he shall be allowed to proceed, with no record made of the inquiry.

(c) Should the person stopped and questioned be a minor, the police officer shall inquire of him whether the parent or legal guardian having care and custody of such minor has knowledge of, and has given consent to the presence of such minor in or on the public street, park, square or public place involved.

(Ord. 1806 § 1. Passed 11-28-77.)

714.04 PROCEDURE IF PARENT HAS NOT GIVEN CONSENT.

A response by the minor that a parent or legal guardian neither has knowledge nor has given consent to his presence in or on the public street, park, square or public place in question, shall constitute grounds for the officer to escort the minor in question to the address given, to inform the parent or legal guardian of the actions of minor in question, and to inform the parent or legal guardian that he may be held responsible for the delinquency of the minor under Section 714.07 should the minor later be brought before the Juvenile Court or any other Court of the County for delinquency or youthful offender proceedings. Should no parent or legal guardian be found at the address given, the procedure found in Section 714.06 shall be followed.

(Ord. 1806 § 1. Passed 11-28-77.)

714.05 ALTERNATIVE PROCEDURES.

A response by the minor that a parent or legal guardian has knowledge of and/or has given consent to his presence in or on the public street, park, square or public place in question shall constitute grounds to call the parent or legal guardian of the minor, at the phone number given, or at the phone number registered and listed with the phone company, for a corroborating statement by the parent or legal guardian.

- (a) Should the parent not corroborate the statement of the minor, or should no parent or legal guardian answer the phone, or should there be no phone available to a parent or legal guardian, the police officer shall escort the minor home and shall follow the procedure in Section 714.04.
- (b) Should the parent or legal guardian answering the phone corroborate the statement of the minor in question, the police officer shall inform the parent or legal guardian that continued incidents of the presence of a minor in or on the public streets, parks, squares or other public places during the proscribed hours may constitute lack of proper supervision and care by the parent or legal guardian of such minor and shall be considered prima-facie evidence in criminal proceedings for aiding or contributing to the delinquency of a minor, as prescribed in Section 714.07. The police officer shall then allow the child to continue on his way or shall escort the child home.
(Ord. 1806 § 1. Passed 11-28-77.)

714.06 PROCEDURES FOR NONRESIDENT MINORS.

Should the minor identify himself as a nonresident of the City the police officer shall check to see if the minor has been found present in or on a public street, park, square or other public place within the previous six months.

- (a) If not, the police officer shall inform the minor in question of the provisions of this article and shall escort him to the place within the municipal jurisdiction of the City at which he is staying. If the minor is a transient who intends to leave the City before the next morning, the police officer shall check the missing persons files, locate and inform the parent or legal guardian of the presence of the minor within the City and inform the parent or legal guardian that the minor in question will be detained if desired until the parent or legal guardian, or the designee of the parent or legal guardian, arrives to claim such minor. Should the name or description of the minor not be on the missing persons list, and should the parent or legal guardian not be located, the Police Department shall release the minor at the City line.
- (b) If the nonresident minor has been found present in or on a public street, park, square or other public place within the previous six months, the officer shall follow the procedure for transient minors, as found in subsection (a) of this section, except that the Police Department shall not release the minor until claimed by a parent or legal guardian, or the designee of the parent or legal guardian, unless such parent or legal guardian cannot be located.
- (c) If, under this section or any other section of this article which refers to this section, no parent or legal guardian can be located or contacted, then notice to such parent or legal guardian shall be given by certified mail to the parent or legal guardian of the presence of such minor in the City at a noted time and date, and the possible consequences of the continued incidence of the presence of such minor in or on the public streets, parks, squares or other public places during the proscribed hours.
- (d) If the police officer cannot contact or obtain a mailing address of the parent or legal guardian of any minor from the minor or other sources, the minor shall be released and an appropriate petition shall be filed with Juvenile Court or Child Welfare Officers at the earliest possible opportunity.
(Ord. 1806 § 1. Passed 11-28-77.)

714.07 RESPONSIBILITY OF PARENT.

No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child in that such failure of supervision or care shall cause the child to be brought before the Juvenile Court or any other Court of the Commonwealth for delinquency or youthful offender proceedings. Continued incidence of the presence by a minor during the proscribed hours in or on the public streets, parks, squares or other public places shall constitute prima-facie evidence of failure by the parent or legal guardian to properly supervise such minor and shall be considered a cause of the delinquency or offense committed. (Ord. 1806 § 1. Passed 11-28-77.)

714.08 RECORD KEEPING.

It shall be the duty of the Police Department to maintain records of those minors having been stopped by police officers, and of those parents or legal guardians having been informed of the provisions of this article. Such records shall include the name of the minor stopped and questioned, the name of the parent or legal guardian who was located and informed, the location at which the minor was stopped for questioning and the date on which it occurred. All information pertaining to the minor and not to the parent or legal guardian shall be maintained as privileged and confidential, and shall not be used by the Police Department or by any other agency of government or by any other person except as expressly authorized by this article or in a Court proceeding. (Ord. 1806 § 1. Passed 11-28-77; Ord. 3096. Passed 4-28-03.)

714.09 EXCEPTIONS.

The provisions of this article shall not apply to any minor accompanied by a parent or guardian or to a minor on an errand or other legitimate business directed by such minor's parent or guardian, or to any minor who is engaged in gainful and lawful employment during curfew hours. Evidence in writing which makes this section applicable shall be provided by the minor from the parent or employer on request. (Ord. 1806 § 1. Passed 11-28-77.)

714.10 SCHOOL ACTIVITIES.

The provisions of this article shall not apply for one-half hour after the end of any activity sponsored and authorized by the Titusville Area School District. (Ord. 1806 § 1. Passed 11-28-77.)

714.99 PENALTY.

Whoever violates any of the provisions of this Article 714 shall, upon conviction thereof in a summary proceeding, be fined not more than three hundred dollars (\$300.00) plus costs, or imprisoned for not more than 90 days, or both. (Ord. 1806. Passed 11-28-77; Ord. 3096. Passed 4-28-03.)

**ARTICLE 717
Disturbing the Peace**

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| 717.01 | Assisting or participating in disturbances. | 717.99 | Penalty. |
| 717.02 | Loud noises and peace disturbance prohibited. | | |

CROSS REFERENCES

Power to prevent noises - see 3rd Class § 2403(25) (53 P.S. § 37403(25))
Disorderly conduct - see GEN. OFF. Art. 713

717.01 ASSISTING OR PARTICIPATING IN DISTURBANCES.

No person shall permit, authorize, assist or participate in any riot, unlawful assembly, disorderly assembly, affray or disturbance of the quiet and peaceful enjoyment in any street, house or place in the City.
(Ord. 1513 § 1. Passed 11-2-59.)

717.02 LOUD NOISES AND PEACE DISTURBANCE PROHIBITED.

No person shall in any manner, permit, authorize or make any loud, boisterous and unseemly noise or disturbance of the quiet and peaceful enjoyment in any street, house or place in the City.
(Ord. 1513 § 2. Passed 11-2-59.)

717.99 PENALTY.

Whoever violates any provision of this article, shall upon conviction thereof in a summary proceeding, be fined not more than three hundred dollars (\$300.00) plus costs, or imprisoned for not more than 90 days, or both.
(Ord. 1513. Passed 11-2-59; Ord. 3097. Passed 4-28-03.)

**ARTICLE 721
Enforcement**

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| 721.01 | Impersonating officials; | enforcing | 721.03 | Arrests without a warrant. |
| | wearing uniforms unlawfully. | | 721.99 | Penalty. |
| 721.02 | Falsely exercising duties or powers of City officials. | | | |

CROSS REFERENCES

Obstructing or interfering with officials enforcing laws re animals - see
GEN. OFF. 705.11

721.01 IMPERSONATING ENFORCING OFFICIALS; WEARING UNIFORMS UNLAWFULLY.

No person not a member of the Police Department, a legally elected law enforcement official or an official commissioned by the proper legal authority, shall falsely represent himself to be a police officer, sheriff, deputy sheriff, constable or deputy constable. No person not a member of the Police Department, for the purpose of such false representation, shall wear a uniform or part thereof similar to the uniform worn by a member of the Police Department. No person not a member of the Fire Department, for the purpose of such false representation, shall wear a uniform or part thereof similar to the uniform worn by a member of the Fire Department. (Ord. 1727 § 1. Passed 12-22-69.)

721.02 FALSELY EXERCISING DUTIES OR POWERS OF CITY OFFICIALS.

No person shall falsely represent himself to be an officer of the City, or exercise or attempt to exercise any of the duties, functions or powers of a City officer or member of any other department, bureau or subdivision of the City government. (Ord. 1727 § 2. Passed 12-22-69.)

721.03 ARRESTS WITHOUT A WARRANT.

(a) Authorization for Warrantless Arrests for Summary Offenses. A police officer employed by the City of Titusville shall, upon view, have the right to arrest a person without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property for the following summary offenses:

- (1) Disorderly conduct (18 Pa. C.S. §5503);
- (2) Public drunkenness (18 Pa. C.S. §5505);
- (3) Obstructing highways and other public passages (18 Pa. C.S. §5507);
- (4) Purchase, consumption, possession or transportation of liquor or malt or brewed beverages (18 Pa. C.S. §6308).

(b) Guidelines for Warrantless Arrests. A police officer employed by the City of Titusville, before and during a warrantless arrest pursuant to the authority granted by this section and 42 Pa. C.S.A. §8902, must observe the following criteria:

- (1) The offense must be in the presence and in the view of the arresting officer;
- (2) The officer must have probable cause that the conduct for which the arrest is intended is ongoing and the conduct imperils the personal security of any person or endangers public or private property.
- (3) The officer must exhibit some sign of authority.

(c) Procedure Following Arrest. Following a warrantless arrest, the police officer employed by the City of Titusville, shall follow the procedure set forth in Pa. Rules of Criminal Procedure 71, as the same shall be amended from time to time.
(Ord. 2070. Passed 5-12-97.)

721.99 PENALTY.

Whoever violates any of the provisions of this article shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) or imprisoned not more than ninety days, or both.

(Ord. 1727 § 3. Passed 12-22-69.)

ARTICLE 725
Gambling

EDITOR'S NOTE: Former Article 725 (Ord. 203, passed 12-6-1888) was repealed by Ordinance 3098, passed April 28, 2003.

**ARTICLE 729
Handbill Distribution**

- | | | | |
|---------------|--|---------------|-----------------|
| 729.01 | Depositing paper or handbills prohibited; exceptions. | 729.99 | Penalty. |
| 729.02 | Placing handbills on vehicles prohibited. | | |

CROSS REFERENCES
Licensing billposters - see B.R. & T. Art. 321

**729.01 DEPOSITING PAPER OR HANDBILLS PROHIBITED;
EXCEPTIONS.**

No person shall throw, place, deposit or cast, nor procure the same to be done, into the streets or the sidewalks of the City, or into vestibules or yards or upon porches of any dwellings within the City any paper, advertisement, handbill, circular or waste paper. However, nothing herein shall be held to apply to newspapers and addressed envelopes.
(Ord. 1160 § 1. Passed 1-9-34.)

729.02 PLACING HANDBILLS ON VEHICLES PROHIBITED.

No person shall throw, place, deposit, attach or procure or direct the same to be done, any paper, advertisement, handbills, circular, advertising tag or sticker, or other card or paper in or upon any motor vehicle, truck or other vehicle in or upon any of the streets of the City or elsewhere within the City without the consent of the owner of such vehicle.
(Ord. 1160 § 2. Passed 1-9-34.)

729.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction thereof in a summary proceeding, be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than 90 days, or both.
(Ord. 1160. Passed 1-9-34; Ord. 3099. Passed 4-28-03.)

**ARTICLE 733
Hunting and Firearms Discharge**

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|--|------------------------|
| 733.01 Definitions. | 733.99 Penalty. |
| 733.02 Hunting prohibited; exceptions. | |
| 733.03 Firearms discharge prohibited; exceptions. | |

CROSS REFERENCES

Power to regulate weapons - see 3rd Class § 2403(26) (53 P.S. § 37403(26))
Firearms discharge as act constituting disorderly conduct - see GEN. OFF.
713.01(h)

733.01 DEFINITIONS.

(a) "Game" includes game birds and game animals as defined in the Game Laws of the Commonwealth of Pennsylvania, Act of June 3, 1937, P.L. 1225, Art. I, Sec. 101; May 24, P.L. (1955) 1736, Sec. I; 1957, May 6, P.L. 102, Sec. I.

(b) "Firearms" and "other lethal weapons" includes revolvers, pistols, shotguns and rifles which may be used for the explosions of cartridges, and any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.
(Ord. 1684 § 1. Passed 12-29-67.)

733.02 HUNTING PROHIBITED; EXCEPTIONS.

No person shall hunt game at any time within the City provided, that nothing herein shall be construed to prevent any person on property under his rightful control, from killing, in any manner, except through the use of poison, explosives or snares, any wild animals which he may find actually engaged in the material destruction of cultivated crops, trees, vegetables, domestic animals or beehives, or immediately following such destruction, or in reasonable apprehension of the imminence of such destruction.
(Ord. 1684 § 2. Passed 12-29-67.)

733.03 FIREARMS DISCHARGE PROHIBITED; EXCEPTIONS.

No person shall discharge or operate any firearms or other lethal weapon within the City, except as permitted by the laws of the Commonwealth of Pennsylvania, for the purposes of law enforcement or in defense of human life or property. However, nothing in this section shall be construed to apply to licensed shooting galleries or in private grounds or premises, by or with the consent of the owner or legal occupant thereof, under circumstances when such firearm or other weapon can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence.

(Ord. 1684 § 3. Passed 12-29-67.)

733.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction before the Mayor or any alderman, be fined not more than twenty-five dollars (\$25.00) and costs, and in default of payment, shall be imprisoned for not more than one day for each dollar of fine imposed and unpaid. All fines collected hereunder shall be paid over to the City Treasurer.

(Ord. 1684 § 4. Passed 12-29-67.)

ARTICLE 737
Oil Tanks

EDITOR' S NOTE: Former Article 737 (Unno. Ordinance, passed 9-30-1874) was repealed by Ordinance 3093, passed April 28, 2003.

**ARTICLE 741
Streets and Sidewalks**

741.01 Consumption of alcoholic beverage or possession of open container.

741.99 Penalty.

CROSS REFERENCES

- Planting trees near sidewalks - see ADM. 157.07
- Tree trimming required - see ADM. 157.09
- Street and alley excavations - see S.U. & P.S. Art. 903
- Sidewalk snow removal - see S.U. & P.S. Art. 904
- Persons obstructing sidewalks - see S.U. & P.S. 905.10
- Permit for obstructing materials - see S.U. & P.S. 905.12
- Trucks dropping or leaking loads - see S.U. & P.S. 929.08
- Awnings over sidewalks - see BLDG. 1725.01

741.01 CONSUMPTION OF ALCOHOLIC BEVERAGE OR POSSESSION OF OPEN CONTAINER.

No person shall consume any alcoholic beverage or be in possession of any alcoholic beverage in an open container in any public park in the City, nor on any public street, roadway, alley or sidewalk within the City, nor in or adjacent to any public facility of the City, nor shall any person consume any alcoholic beverages or be in possession of any alcoholic beverage in an open container while in a vehicle parked on a public street, roadway, alley or sidewalk or in any public vehicle parking area, or in or adjacent to any public park or public facility of the City. (Ord. 1791 § 1. Passed 10-11-76.)

741.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction in a summary proceeding, be subject to a fine not exceeding three hundred dollars (\$300.00), or imprisonment of not more than 90 days, or both. (Ord. 1791. Passed 10-11-76; Ord. 3094. Passed 4-28-03.)

**ARTICLE 745
Public Indecency**

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|---------------|--|---------------|---------------------------------------|
| 745.01 | Committing public indecency; exception. | 745.04 | Construction and severability. |
| 745.02 | Definitions. | 745.99 | Penalty. |
| 745.03 | Abatement of nuisances authorized. | | |

745.01 COMMITTING PUBLIC INDECENCY; EXCEPTION.

- (a) A person who knowingly or intentionally does any of the following in a public place commits public indecency, a summary offense:
- (1) Engages in sexual intercourse;
 - (2) Engages in deviate sexual intercourse as defined by the Pennsylvania Crimes Code;
 - (3) Appears in a state of nudity; or
 - (4) Fondles the genitals of himself, herself or another person.
- (b) The prohibition set forth in subsection (a)(3) hereof shall not apply to:
- (1) Any child under ten years of age; or
 - (2) Any individual exposing a breast in the process of breastfeeding an infant under two years of age.
- (Ord. 2084. Passed 4-13-98.)

745.02 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which devices simulate and give the realistic appearance of nipples and/or areola.

- (b) “Public place” includes all outdoor places owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party room or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.
(Ord. 2084. Passed 4-13-98.)

745.03 ABATEMENT OF NUISANCES AUTHORIZED.

In addition to the specific penalties provided in this article, it is hereby declared that any building, portion of a building or enclosed place used for the prohibited display of public nudity is a public nuisance, subjecting the owner, proprietor or other operator thereof to any and all actions authorized by the Commonwealth of Pennsylvania for the abatement of public nuisances.
(Ord. 2084. Passed 4-13-98.)

745.04 CONSTRUCTION AND SEVERABILITY.

It is the intention of the City that the provisions of this article be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this article. Should a court of competent jurisdiction determine that any part of this article, or any application or enforcement of it, is excessively restrictive of such rights or liberties, then such portion of this article, or specific application of this article, shall be severed from the remainder, which shall continue in full force and effect.
(Ord. 2084. Passed 4-13-98.)

745.99 PENALTY.

Whoever violates any provision of this article, either by commission of a public indecency, or by the promotion or maintenance of public indecency as property owner, proprietor, promoter or manager of a business, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned for not more than ninety (90) days, or both. Each day such violation continues is a separate offense.
(Ord. 2084. Passed 4-13-98.)