

CODIFIED ORDINANCES OF TITUSVILLE
PART ELEVEN - PUBLIC HEALTH CODE

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ARTICLE 1103
Animals and Fowl

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CROSS REFERENCES

Power to regulate - see 3rd Class § 2403(8) (53 P.S. § 37403(8))
Dogs prohibited in parks - see GEN. OFF. 705.01
Animals at large - see GEN. OFF. 705.03 et seq.

1103.01 FARM ANIMALS.

The keeping of hogs, cows, goats and sheep is inappropriate within the densely occupied City and is hereby declared to be a public nuisance; no person shall keep or permit to be kept, any hogs, cows, goats, or sheep at any place within the City. The foregoing provision shall not apply to a "normal agricultural operation" as defined in the "Right to Farm Law", 3 P.S. Section 952 as now in effect or as hereafter amended, so long as such normal agricultural operation does not have a direct adverse effect on the public health and safety.
(Ord. 3162. Passed 9-24-07.)

1103.02 KEEPING OF RABBITS AND FOWL.

(a) No person shall keep any rabbits, chickens, ducks or other fowl at any place within the City, except by permit issued by the City Board of Health.

(b) All permits granted for the keeping of rabbits, chickens, ducks or other fowl shall be subject to the following:

- (1) Rabbits, chickens, ducks or other fowl shall not be permitted to run at large.
- (2) Rabbits, chickens, ducks or other fowl shall at all times be confined to a secure coop, pen or enclosure.
- (3) No pen, coop or enclosure shall be located within fifteen feet of any property line.
- (4) No more than three mature rabbits, chickens, ducks or other fowl may be kept on a single property.
- (5) All pens, coops or enclosures shall be kept in a clean and sanitary condition, and in a manner to minimize offensive odors.
- (6) All animal waste shall be collected daily and kept in containers that are vermin-proof and fly-proof pending disposal. All such waste shall be disposed of properly at least weekly. All waste shall be disposed of in the weekly garbage collection. No food shall be left in the open within an enclosure for such time as to attract rodents.
- (7) Permits issued under this section shall be valid for one year, but shall be renewable upon application for review by the City Board of Health at its annual meeting. (Ord. 3162. Passed 9-24-07.)

1103.03 KEEPING OF HORSES.

(a) No person shall keep any horse at any place within the City except by a permit issued by the City Board of Health.

(b) All permits to keep horses issued by the Board of Health shall be subject to the following:

- (1) The owner of a horse or horses shall provide a minimum area of five contiguous acres per horse.
- (2) Horses shall not be permitted at any time to run at large, but at all times shall be kept in a secure pen or pasture.
- (3) Each pasture area shall be enclosed by a secure fence sufficient to prevent the escape of horses.
- (4) No pasture shall be located at a distance of less than fifty feet from any public road or any adjoining property line.
- (5) A clean, ventilated and properly lighted barn or stable shall be provided for horses, with no such structure located closer than 100 feet from any adjoining property line or fifty feet from any public road.
- (6) Each stable or barn shall contain at least 500 cubic feet of air space for each animal stabled therein.
- (7) Each stable and pasture shall be kept in a sanitary condition and free from unpleasant odor, and conditions contributing to the breeding of flies and rodents.
- (8) Manure and soiled bedding materials shall be managed in compliance with the Nutrient Management Act and the regulations promulgated thereunder, as now in effect and as may hereafter be amended.
- (9) Any license for the keeping of horses issued by the Board of Health shall be effective for a period of one year, but shall be renewable upon application for review by the City Board of Health at its annual meeting. (Ord. 3162. Passed 9-24-07.)

1103.04 KEEPING OF WILD AND EXOTIC ANIMALS PROHIBITED.

(a) No person shall keep or permit to be kept, any wild or exotic animal in any place within the City. For the purpose of this section, a wild animal shall be defined as any animal not normally or ordinarily domesticated or not capable of being kept as a household pet. Examples of exotic and wild animals shall include felines other than the domestic cat, wolves, marsupials, raccoons, skunks, badgers, venomous reptiles, bats, and crocodilians.

(b) Notwithstanding subsection (a), exotic animals, the possession of which has been allowed by a permit issued by the United States of America or the Commonwealth of Pennsylvania, may be kept by permit issued by the City Board of Health. All such permits shall be valid for one year, but shall be renewable by application to the City Board of Health. (Ord. 3162. Passed 9-24-07.)

1103.05 KEEPING OF DOMESTIC ANIMALS.

(a) Common cats, common dogs, guinea pigs, hamsters, white mice, non-venomous snakes and reptiles, goldfish, tropical fish, parakeets, parrots, canaries, and other birds ordinarily kept in cages as household pets, and turtles shall constitute domestic animals for purposes of this article and may be kept as household pets within the City, subject to the following conditions. No permit shall be required for the keeping of household pets. The keeping of household pets shall be subject to the following conditions:

- (1) If pets are kept within a dwelling owned or occupied by the owner, the owner shall maintain such number of pets and sufficient sanitation to ensure that no public nuisance shall be created and that no threat to the health of persons living in the dwelling or elsewhere will be created. For purposes of this section, "public nuisance" shall mean any activity or condition that may cause material annoyance, inconvenience or discomfort to the public.
- (2) When household pets are kept in an outside area, such pets shall be confined to an enclosure of sufficient security to prevent animals from running at large and of a size and construction sufficient to maintain the animal in good health and to provide adequate sanitation. All enclosures or pens shall meet the following:
 - A. Have sufficient space to allow the animal to turn normally while standing, to stand and sit erectly, and to lie in a normal position.
 - B. Provide adequate ventilation and clean, absorbent bedding.
 - C. Provide a source of clean drinking water.
 - D. If a digging or burrowing animal is kept, be so constructed as to prevent escape by tunneling.
 - E. No animal shall be chained or tethered within a pen or enclosure in a manner that would impede free movement.
- (3) All litter and droppings from outdoor animals shall be collected daily and kept in containers that are vermin-proof and fly-tight. All such waste shall be disposed of properly on at least a weekly basis either through the weekly garbage collection or by other legal disposal methods.
- (4) No person shall keep such number of animals in any outdoor pen as shall result in the creation of a public nuisance as defined in subsection (a)(1) hereof.
- (5) All pens and enclosures shall be maintained so as to minimize offensive odors and all food shall be stored in a manner to avoid rodent infestation.

- (6) No pens or enclosures shall be located within five feet of any property line.
- (7) This article is not intended to authorize any activity prohibited by Article 705; all persons who keep domestic animals shall comply in all respects with said Article 705.
(Ord. 3162. Passed 9-24-07.)

1103.06 APPLICATIONS FOR PERMITS.

All applications for permits under this article shall be on a form adopted by the City Board of Health, to include all information deemed necessary or advisable by the City Board of Health. All permits under this article shall be evaluated annually.
(Ord. 3162. Passed 9-24-07.)

1103.07 ENTRY.

Any authorized City official may enter property at reasonable times to verify compliance with this article.
(Ord. 3162. Passed 9-24-07.)

1103.08 REVOCATION OF PERMITS.

All permits granted by the Board of Health hereunder may be revoked at any time for violation of any permit condition, for any violation of this article, or when the keeping of any animal under a permit constitutes a public nuisance or violates any rule or regulation of the Board of Health.

A “public nuisance”, for purposes of this section, shall mean the keeping of an animal which repeatedly runs loose or is not under restraint, molests pedestrians or vehicles, damages public or private property, or the keeping of which results in offensive odors affecting others.
(Ord. 3162. Passed 9-24-07.)

1103.09 FEES.

Fees for any permit issued under this article shall be set from time to time by City Council by resolution to be incorporated in the City Fee Schedule at Article 191.
(Ord. 3162. Passed 9-24-07.)

1103.10 GENERAL PROHIBITION.

This article shall not be deemed to permit the keeping of any animal, the possession of which is prohibited by the laws of the Commonwealth of Pennsylvania or of the United States of America. (Ord. 3162. Passed 9-24-07.)

1103.11 SEVERABILITY.

If any provision of this article is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions of this article, and the provisions of this article are declared to be severable.
(Ord. 3162. Passed 9-24-07.)

1103.99 PENALTY.

Anyone who violates any provision of this article shall be fined not more than one thousand dollars (\$1,000) for each violation or sentenced to imprisonment for a period of not more than ninety days, or both.
(Ord. 3162. Passed 9-24-07.)

**ARTICLE 1107
Streams and Watercourses**

1107.01 Dumping into or obstructing streams or watercourses.

1107.99 Municipal claim and penalty.

CROSS REFERENCES

Power to prohibit nuisances - see 3rd Class § 2403(16) (53 P.S. § 37403(16))

Collection and disposal of garbage and rubbish - see S.U. & P.S. Art. 929

1107.01 DUMPING INTO OR OBSTRUCTING STREAMS OR WATERCOURSES.

No person shall throw or dump any rubbish or other material in any of the streams or watercourses in the City and no person shall allow any crib, wall, levee or other such retarding structures to decay and fall into and obstruct any of the streams or watercourses in the City. (Ord. 1746 § 1. Passed 9-13-71.)

1107.99 MUNICIPAL CLAIM AND PENALTY.

(a) Anybody violating Section 1107.01, which violation causes the City to have to remove, repair or remedy such violation shall render the land or premises on which the removal, repair or remedy is made necessary liable for the entry of a municipal claim or lien as provided by the statutes of the Commonwealth of Pennsylvania for entry of municipal liens or claims, and within six months of the completion of work to remove, repair or remedy such violation, the City Manager shall cause the City Solicitor to enter an appropriate lien against the land, the subject matter of such violation, for the actual cost or expense to the City for correcting the condition on the premises. (Ord. 1746 § 2. Passed 9-13-71.)

(b) In addition or in lieu of the provisions of subsection (a) hereof, any person violating the provisions of Section 1107.01 shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus the cost of execution, and in default of payment thereof shall be imprisoned not more than thirty days. For the purposes of this penalty provision, each day's violation shall constitute a separate offense. (Ord. 1940 § 1. Passed 6-8-87.)

**ARTICLE 1111
Weeds**

1111.01	Uncontrolled weeds declared a nuisance.	1111.04	Notice of nuisance; abatement by City for failure to comply.
1111.02	Definitions.	1111.99	Municipal claim and penalty.
1111.03	Weeds as nuisance during certain months.		

CROSS REFERENCES

Power to prohibit nuisances - see 3rd Class § 2403(16) (53 P.S. § 37403(16))
Tree trimming required - see ADM. 157.09 et seq.

1111.01 UNCONTROLLED WEEDS DECLARED A NUISANCE.

The uncontrolled growth of weeds as defined in Section 1111.02 is hereby declared to be a public nuisance, as provided for in the Third Class City Code.
(Ord. 1738 § 1. Passed 7-13-70.)

1111.02 DEFINITIONS.

As used in this article:

- (a) "Weeds" means all vegetation other than trees or shrubbery growing to a height of eight inches or more, including grasses of all varieties.
- (b) "Uncontrolled growth" means growth which is not pursuant to a systematic pattern or design, such as the maintenance of flower beds or other like areas.
- (c) "Municipal claims" means those claims designated in the Municipal Claims Act of May 16, 1923, P.L. 207, as amended or supplemented (53 P.S. § 7101 et seq.).
(Ord. 1738 § 2. Passed 7-13-70.)

1111.03 WEEDS AS NUISANCE DURING CERTAIN MONTHS.

No owner or occupant of property or land within the City shall maintain or allow to be maintained a public nuisance as herein defined growing on his property during the months of May, June, July, August, September and October of each and every year.
(Ord. 1738 § 3. Passed 7-13-70.)

1111.04 NOTICE OF NUISANCE; ABATEMENT BY CITY FOR FAILURE TO COMPLY.

Any person maintaining an uncontrolled growth of weeds on his land, as defined in Section 1111.02, shall be given ten days written notice by the City Manager of the existence of the public nuisance, and such notice shall contain an order to remove, repair or remedy such nuisance. Upon failure of the owner or occupant of the lands or properties within the City to remove, repair or remedy such public nuisance within ten days, the City Manager shall direct appropriate City crews to remove, repair or remedy such public nuisance, and the actual cost thereof to the City shall be computed. Notice as provided herein shall be served in writing either by personal service, registered mail or posting the land or premises in question. (Ord. 1738 § 4. Passed 7-13-70.)

1111.99 MUNICIPAL CLAIM AND PENALTY.

(a) Any person violating this article, which violation causes the City to remove, repair or remedy the public nuisance as provided in Section 1111.04 shall render the land or premises on which such public nuisance was maintained liable for the entry of a municipal claim or lien as provided by the Statutes of the Commonwealth of Pennsylvania for the entry of municipal liens or claims, and within six months of the completion of work to remove, repair or remedy such public nuisance, the City Manager shall cause the City Solicitor to enter an appropriate lien against the land upon which such public nuisance was maintained for the actual expense to the City for correcting the condition on the premises. (Ord. 1738 § 5. Passed 7-13-70.)

(b) In addition or in lieu of provisions of subsection (a) hereof, any person or entity violating provisions of this article by maintaining a public nuisance on land owned or occupied by such person or entity, shall upon conviction be fined an amount of not more than \$1,000, and in default of payment thereof shall be imprisoned for not more than ninety days. (Ord. 1738. Passed 7-13-70; Ord. 3074. Passed 8-12-02.)

ARTICLE 1112
Drilling In To Aquifer Prohibited

1112.01	Definitions.	1112.03	Permitted drilling.
1112.02	Restricted drilling.	1112.99	Penalty.

1112.01 DEFINITIONS.

(a) "Aquifer" means the substrata underlying the surface of land within the boundaries of the City of Titusville from which the City of Titusville could or does obtain water for the benefit of its citizens and industry.

(b) "Drilling" means any mechanical activity designed or intended to penetrate the earth's surface to the depth of the Aquifer.
(Ord. 2089. Passed 12-21-98.)

1112.02 RESTRICTED DRILLING.

All drilling which could reasonably expect to penetrate the Aquifer is prohibited whether said drilling activity is within the boundaries of the City of Titusville or lying outside the boundaries of Titusville and which drilling activity is horizontal and would penetrate the Aquifer underlying the City's boundaries.
(Ord. 2089. Passed 12-21-98.)

1112.03 PERMITTED DRILLING.

Any party having a valid need to perform drilling activities that could penetrate the Aquifer may provide Council with information and documentation showing that their proposed drilling activity will not adversely impact the Aquifer. Council may, upon being satisfied that the proposed drilling will not adversely impact the Aquifer, grant permission to perform the requested drilling. Council may require reasonable bonding and require the requesting party to pay for cost incurred by the City in supervising the drilling to ensure that all necessary safeguards are in effect.
(Ord. 2089. Passed 12-21-98.)

1112.99 PENALTY.

(a) Any person, partnership, corporation or other firm or entity who or which commits a violation of any provision of Section 1112.02 shall, upon conviction, be guilty of a summary offense and shall thereupon be subject to a fine of not more than \$600.00 and may be imprisoned for a period not to exceed thirty (30) days.

(b) In addition to the fine and period of imprisonment set forth in subsection (a) hereof, an offender shall reimburse the City all costs and expenses incurred by it in correcting and addressing any injury, damage or potential injury or damage caused by the offender's activities along with all other costs of enforcing Section 1112.02.
(Ord. 2089. Passed 12-21-98.)

ARTICLE 1115
Restaurants and Food Preparation Facilities

1115.01	Definitions.	1115.04	Maintenance of grease traps.
1115.02	Plumbing to be in good repair.	1115.05	Right of entry.
1115.03	Installation of grease traps and interceptors.	1115.99	Penalty.

1115.01 DEFINITIONS.

As used in this article, the following terms shall be defined as follows:

- (a) "Restaurant" means and includes any public eating place where regular meals are prepared, offered for sale, sold, and served to patrons, customers, or guests for compensation. The words "regular meals" as used herein mean meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage and accompaniments, served at more or less regular scheduled hours.
- (b) "Food preparation facility" means and includes any food establishment in any building, room or place or portion thereof or appurtenance thereto, where food or drink is mixed, cooked or otherwise prepared for human consumption, offered for sale, sold, served or given with or without charge to patrons, customers, or guests, provided, however, that this does not include the mixing, cooking or other preparation and serving of food in single family dwellings to the resident family or its guests.
- (c) "Grease trap" means an interceptor whose flow rate is 35 gallons per minute or less which is located inside the building.
- (d) "Grease interceptor" means an interceptor whose rated flow exceed 35 gallons per minute and which is located underground, outside of the building.
(Ord. 3060. Passed 2-11-02.)

1115.02 PLUMBING TO BE IN GOOD REPAIR.

Every building or room occupied or used as a restaurant or food preparation facility whether new or existing shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps and water in gas pipes shall at all times be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak and all vent pipes shall be kept in good order and repair and free from obstruction.

(Ord. 3060. Passed 2-11-02.)

1115.03 INSTALLATION OF GREASE TRAPS AND INTERCEPTORS.

Every building or room occupied or used as a public eating place or restaurant shall install or cause to be installed a grease trap or grease interceptor. Grease traps shall be rated for a minimum 22.5 gallons per minute.

The type of installation shall be determined by the total fixture flow-through rate of potential grease laden fixtures discharging through the building sewage lines. For flow-through rates of 35 gallons per minute or less, an internal grease trap may be installed in certain existing structures used as restaurant and food preparation facilities. For flow-through rates exceeding 35 gallons per minute, an external, underground grease interceptor must be installed in all new structures or changes of use involving restaurants or food preparation facilities.

Said grease trap or grease interceptor shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line in accordance with the Titusville Building Code. A means to enable inspection of the grease trap or grease interceptor and a means to enable collection of samples of the discharge of the grease trap or grease interceptor shall be installed between the point of interceptor discharge and the connection to the public sewer system.

All installation shall be in accordance with the City of Titusville Building Code and regulations.

No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through the grease trap or grease interceptor. Only potential grease laden fixtures may discharge through the trap or interceptor. Existing structures may request a variance to this provision due to unreasonable hardship because of present plumbing configuration.

All new restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of a minimum 1,000 gallon capacity, regardless of the flow-through rate.

In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as determined by the flow-through rate, as detailed above. In existing facilities where it is determined by the City that a grease trap is not sufficient, the City may require that a grease interceptor be installed. Such insufficiency shall be evidenced by excessive amounts of grease being discharged into the public sewer system by a facility. All existing restaurants or food preparation facilities shall, at a change of ownership or alteration, install an exterior, underground grease interceptor of a minimum 1,000 gallon capacity. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility there shall be installed a grease interceptor, minimum 1,000 gallon capacity, regardless of the flow-through rate.

Restaurants or food preparation facilities may request a variance of the grease trap installation and/or specific provisions by requesting in writing to the City to the Attn. of the City Manager, at 107 North Franklin Street, Titusville, PA 16354. The City will evaluate the request on a case-by-case basis.

Restaurants or food preparation facilities shall be in compliance with this article six (6) months from adoption by City Council unless granted an extension by the City Engineer.

In the event that the remedial work would create a severe economic hardship for the owner, lessee or occupier of the premises, application may be made to the City for an extension of up to six (6) additional months to complete said remedial work.
(Ord. 3060. Passed 2-11-02.)

1115.04 MAINTENANCE OF GREASE TRAPS.

All grease traps shall be maintained and kept in good working order. The trap shall limit the amount of grease discharged into the public sewer system to levels not exceeding those as set forth below:

Discharges from a grease trap or grease interceptor shall not exceed one hundred (100) parts per million by weight of fat, oil or grease, immediately downstream of the grease trap or grease interceptor.

All sampling and analysis of discharges to determine oil and grease concentration shall be performed in accordance with the techniques prescribed in 40 CFR 136, or in accordance with procedures approved by U.S. EPA.

It shall be the duty of any owner, lessee or agent of any restaurant and/or food preparation facility to, at a minimum annually, inspect the sewer line and/or grease trap.

A written record shall be kept of all inspections and recorded on the City form (Exhibit A attached to original Ordinance 3060) for submission to the City Building Inspector annually by January 31 of the subsequent year. The inspection record shall, at a minimum, list the name (of inspector and affiliated company), address, phone number of the inspection/disposal company, the method and frequency of cleaning scheduled and the date of the cleaning/inspection. Such records shall be presented to the City Building Inspector as proof that said inspection was accomplished.

A more frequent cleaning/inspection schedule may be ordered to be performed by the facility when it is determined by the City that the facility is discharging excessive amounts of grease to the public sewer system.

In the event any maintenance or corrective action is required by City personnel due to the facility's failure to properly use and/or maintain said grease trap or grease interceptor, the City shall have the right to bill the cost of said maintenance or corrective action directly to the facility.
(Ord. 3060. Passed 2-11-02.)

1115.05 RIGHT OF ENTRY.

In the discharge of duties, the City Building Inspector, or authorized representative shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of this article.

In the discharge of duties, the City Building Inspector, or authorized representative also shall have the authority to inspect the use and maintenance of the grease trap or interceptor and/or conduct sampling and analysis of the discharge from the grease trap or grease interceptor of any restaurant or food preparation facility in the jurisdiction, at any reasonable hour, whether scheduled or unscheduled, to enforce the provisions of this article. All costs incurred to perform sampling and analysis will be borne by the restaurant or food preparation facility, payable within 15 days of invoicing by the City.

In the event any discharge from a grease trap or grease interceptor is found by the City to contain more than one hundred (100) parts per million by weight of fat, oil or grease, said discharge shall be considered in violation of this article.
(Ord. 3060. Passed 2-11-02.)

1115.99 PENALTY.

Whosoever violates any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of up to one thousand dollars (\$1,000).
(Ord. 3060. Passed 2-11-02.)