

CODIFIED ORDINANCES OF TITUSVILLE

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CODIFIED ORDINANCES OF TITUSVILLE

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

Art. 101. Codified Ordinances.

Art. 103. Real Estate Registry.

ARTICLE 101
Codified Ordinances

EDITOR'S NOTE: The provisions of this Article 101 are incorporated in the ordinance which adopts the Codified Ordinances of Titusville, Pennsylvania, 1970.

<p>101.01 Codification adopted; procedure.</p> <p>101.02 Component codes; short title; citation.</p> <p>101.03 Amendments and supplements; numbering.</p> <p>101.04 Definitions and interpretation.</p> <p>101.05 Separability of provisions.</p>	<p>101.06 Sections and ordinances repealed.</p> <p>101.07 Exemptions from repeal.</p> <p>101.08 Costs of prosecution.</p> <p>101.99 General penalty.</p>
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CROSS REFERENCES

Compilation and codification of City ordinances - see 3rd Class Charter Law § 609 (53 P.S. § 41609); 3rd Class § 1014.1 (53 P.S. § 36014.1)

101.01 CODIFICATION ADOPTED; PROCEDURE.

(a) The ordinances of the City of Titusville, Pennsylvania, of a general and permanent nature, consolidated and codified with minor nonsubstantive changes, as attached hereto and made a part hereof (Exhibit A), are ordained as the general ordinances of the City, and are hereby approved, adopted and enacted as the Codified Ordinances of Titusville, Pennsylvania, 1970.

(b) This ordinance shall be introduced in Council, notice of introduction shall be published and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with subsections 1014.1(b) and (c) of 1951, P.L. 662, as amended by 1957 P.L. 631.

101.02 COMPONENT CODES; SHORT TITLE; CITATION.

The Codified Ordinances of Titusville, Pennsylvania, 1970, hereby adopted, shall be comprised of the following component parts:

- Part One - Administrative Code
- Part Three - Business Regulation and Taxation Code
- Part Five - Traffic Code
- Part Seven - General Offenses Code
- Part Nine - Streets, Utilities and Public Services Code
- Part Eleven - Public Health Code
- Part Thirteen - Zoning Code
- Part Fifteen - Fire Prevention Code
- Part Seventeen - Building Code
- Part Nineteen - Housing Code

The Codified Ordinances of Titusville, Pennsylvania, 1970, may be referred to as the "Codified Ordinances"; any component code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code"; sections of the Codified Ordinances may be cited by number, such as Section 101.01.

101.03 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Titusville, Pennsylvania, 1970, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in and deemed a part of the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Titusville, Pennsylvania, 1970, and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each code shall be subdivided into titles; each title shall be subdivided into articles and each article shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, and the two figures "01" before the decimal signifying the article within the code, and the two figures "01" after the decimal signifying the first section in Article 101 of the code. Penalty sections shall be designated "99" and shall be the last section of the article.

101.04 DEFINITIONS AND INTERPRETATION.

In the construction of the Codified Ordinances, the following rules shall control, except those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article:

- (a) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the City adopting the Codified Ordinances of Titusville, Pennsylvania, 1970, in conformity with the Third Class City Code of Pennsylvania and this article.

- (b) Authority. Whenever in the Codified Ordinances, authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (c) Calendar-Computation of Time. "Month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, except if the last is Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.
- (d) City and Municipality. "City" and "Municipality" mean the City of Titusville, Pennsylvania.
- (e) Conjunctions. "And" includes "or" and "or" includes "and", if the sense so requires.
- (f) Council. "Council" means the Council of the City of Titusville, Pennsylvania.
- (g) County. "County" means the County of Crawford, Pennsylvania.
- (h) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (i) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (j) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (k) Keeper or Proprietor. "Keeper" or "proprietor" means and includes persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (l) Land or Real Estate. "Land" or "real estate" includes rights and easements of incorporeal nature.
- (m) Number. Words in the plural include the singular and the singular include the plural number.
- (n) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.
- (o) Owner. "Owner", when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (p) Person. "Person" extends and applies to associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.
- (q) Premises. "Premises", when used as applicable to property, extends to and includes land and buildings.
- (r) Property. "Property" includes real and personal and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property, and "real property" includes lands, tenements and hereditaments.
- (s) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.
- (t) Sidewalk. "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

- (u) State or Commonwealth. "State" or "Commonwealth" means the Commonwealth of Pennsylvania.
- (v) Street. "Street" includes alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.
- (w) Tenant or Occupant. "Tenant" or "occupant", as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.
- (x) Tenses. The use of any verb in the present tense includes the future.
- (y) Third Class City Code. "The Third Class City Code" means the Pennsylvania Act of June 28, 1951 (P.L. 662), as amended.
- (z) Optional Third Class City Charter Law. The "Optional Third Class City Charter Law" means the Council-Manager Plan of the Pennsylvania Act of July 15, 1957 (P.L. 901), as amended.
- (aa) Time. Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or legal holiday, such time shall not expire on such day but shall expire on the next week day.

101.05 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof or the application thereof to any person or circumstances is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid.

101.06 SECTIONS AND ORDINANCES REPEALED.

All ordinances or parts thereof in conflict with provisions of the Codified Ordinances of Titusville, Pennsylvania, 1970 are hereby repealed.

101.07 EXEMPTIONS FROM REPEAL.

The repeals provided for in Section 101.06 shall not affect:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred or any contract or right established or accruing before the adoption of these Codified Ordinances.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness or any contract or obligation assumed by the City.
- (c) The administrative ordinances or resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances.
- (d) Any right, license or franchise conferred by any ordinance or resolution of Council on any person or corporation.
- (e) Any ordinance establishing, naming, relocating or vacating any street or public way.
- (f) Any ordinance or part thereof providing for the establishment of positions, for salaries or compensation.
- (g) Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the adopting of these Codified Ordinances.

- (h) Any ordinance levying or imposing taxes or assessments.
- (i) Any ordinance establishing or changing the boundaries of the City.
- (j) Any ordinance or resolution adopted by Council after the adoption of the Codified Ordinances.

101.08 COSTS OF PROSECUTION.

Whenever, in the Codified Ordinances as in any ordinance of the City, there is no specific direction or authority for the taxing and collection of costs of prosecution, such costs shall be charged and collected as provided by law.

(Ord. 1735 § 9. Passed 4-13-70.)

101.99 GENERAL PENALTY.

Whenever in the Codified Ordinances or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision or any ordinance shall be fined not more than three hundred dollars (\$300.00) or imprisoned not more than ninety days, or both.

ARTICLE 103
Real Estate Registry

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| <p>103.01 Registry created.</p> <p>103.02 City Engineer to keep records.</p> <p>103.03 Search for title not reported.</p> <p>103.04 Changes to be recorded.</p> <p>103.05 Registration of title; stamping; penalty.</p> <p>103.06 Registry Clerk; qualifications and duties.</p> | <p>103.07 Compensation; removal from office.</p> <p>103.08 Recording deeds.</p> <p>103.09 Certified copies issued by the City Engineer; fee.</p> |
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CROSS REFERENCES

- Real Estate Registry - see 3rd Class § 1515 et seq. (53 P.S. § 36515 et seq.)
- Information from registry - see 3rd Class § 2510 (53 P.S. § 37510)
- Realty Transfer Tax - see B.R. & T. Art. 351

103.01 REGISTRY CREATED.

A registry of the ownership of all real estate situated within the City liable to municipal taxation or assessments is created.
(Ord. 909 § 1. Passed 3-22-18.)

103.02 CITY ENGINEER TO KEEP RECORDS.

The City Engineer is hereby authorized to prepare the necessary books and papers to register all such real estate, and maintain and keep the same in his office in accordance with the terms, conditions and provisions of the Acts of Assembly.
(Ord. 909 § 2. Passed 3-22-18.)

103.03 SEARCH FOR TITLE NOT REPORTED.

The City Engineer may also cause a search to be made for evidence of title not reported to him, as required for the completion of such plans.
(Ord. 909 § 3. Passed 3-22-18.)

103.04 CHANGES TO BE RECORDED.

Books of plans and other papers shall be carefully preserved by the City Engineer, and shall be so kept by additions from time to time as to show the ownership of each lot or piece of real estate or subdivision thereof, within the City limits, with the successive transmissions of title from the date of the commencement of such plans.
(Ord. 909 § 4. Passed 3-22-18.)

103.05 REGISTRATION OF TITLE; STAMPING; PENALTY.

It shall be the duty of all purchasers, devisees or persons acquiring title, by partition or otherwise to any real estate within the limits of the City, within one month after acquiring title to the same, to furnish to the City Engineer at his office, a description of such real estate upon blanks furnished by the City and at the same time present their conveyances to be stamped by the City Engineer or the Registry Clerk as hereinafter provided, as evidence of the registration thereof.

Any person neglecting or refusing to comply with the provisions of this section shall be liable to any penalty of five dollars (\$5.00) to be recovered with costs of suit in the name of and for the use of the City, as penalties for the violation of City ordinances are recoverable. (Ord. 909 § 5. Passed 3-22-18; Ord. 911 § 1. Passed 4-15-18.)

103.06 REGISTRY CLERK; QUALIFICATIONS AND DUTIES.

Council may designate some person, a resident of the City and of more than twenty-one years of age, to act as Registry Clerk, who shall have his or her office with the City Engineer and whose duty shall consist of the recording and stamping of all deeds and other instruments of writing as provided for in this article; Council may assign the Registry Clerk to perform additional duties in the City Engineer's office.

(Ord. 909 § 6. Passed 3-22-18.)

103.07 COMPENSATION; REMOVAL FROM OFFICE.

The compensation of the Registry Clerk shall be fixed by Council, such salary to be payable monthly.

Such Registry Clerk may be removed from office at the pleasure of Council. (Ord. 909 § 7. Passed 3-22-18.)

103.08 RECORDING DEEDS.

The sheriff of Crawford County shall present for registry the deeds of all properties within the City limits hereafter sold by him at judicial sales, whether in partition or otherwise, and the Prothonotary and Recorder of Deeds shall not admit for record any deed for any City property bearing a date subsequent to the approval of this article (March 22, 1918) for the establishment of such registry, unless the same shall first have been duly stamped by the signature of the City Engineer, as proof of registry. Any prothonotary or recorder who shall record any deed before the provisions of the Act of June 27, 1913 and this article shall have been complied with, shall be fined five dollars (\$5.00) for each deed recorded in violation hereof, as provided by Article 16, Section 8 of the Act of June 27, 1913.

(Ord. 909 § 8. Passed 3-22-18.)

103.09 CERTIFIED COPIES ISSUED BY THE CITY ENGINEER; FEE.

The City Engineer is hereby authorized to issue to any person applying for the same, certified copies of any or the entries in such books of plans, upon the payment to him of the sum established by Council for the use of the City, for each and every certificate issued as aforesaid.

(Ord. 909 § 9. Passed 3-22-18.)

TITLE THREE - Legislative
Art. 111. Council.
Art. 113. Ordinances and Resolutions.

ARTICLE 111
Council

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| 111.01 Regular meetings. (Repealed) | 111.06 Appointment of officials. |
| 111.02 Special meetings. | 111.07 Boards and Commissions created or continued. |
| 111.03 Public notice posted. | 111.08 Participation in State purchase contracts. |
| 111.04 Election of the Mayor. | |
| 111.05 Deputy Mayor; election and duties. | |

CROSS REFERENCES

- Powers and limitations - see 3rd Class Charter Law § 301 et seq. (53 P.S. § 41301 et seq.)
Composition and term - see 3rd Class Charter Law § 504 et seq. (53 P.S. § 41504 et seq.)
Vacancy - see 3rd Class Charter Law § 506(a) (53 P.S. § 41506(a))
Organizational meeting - see 3rd Class Charter Law § 507 (53 P.S. § 41507)
Powers and policy vested in Council - see 3rd Class Charter Law § 509 (53 P.S. § 41509)
Appointment of City Manager, City Clerk and City Solicitor - see 3rd Class Charter Law § 510 (53 P.S. § 41510)
Meetings and rules - see 3rd Class Charter Law § 606 et seq. (53 P.S. § 41606 et seq.)
Public notice - see Sunshine Law (65 P.S. § 265)
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111.01 REGULAR MEETINGS.
(EDITOR'S NOTE: Former Section 111.01 was repealed by Ordinance 3168, passed January 28, 2008.)

111.02 SPECIAL MEETINGS.

The Mayor or City Manager may, and upon request of two Councilmen shall, call special meetings of Council upon twenty-four hours' notice to each member, which notice shall state whether such meeting is to be convened for special or general business. If called for special business, only such business shall be considered as is stated in the notice. Such notice may be waived by unanimous consent of Council.

(Ord. 1628 § 1. Passed 3-2-64.)

111.03 PUBLIC NOTICE POSTED.

Public notice shall be given by posting notice on the bulletin board of City Hall at least three days prior to the time of a regularly scheduled meeting and at least twenty-four hours prior to the time of a specially scheduled meeting.

(Ord. 1628 § 1. Passed 3-2-64.)

111.04 ELECTION OF THE MAYOR.

The presiding officer of Council shall be the Mayor, who shall be elected by Council from its membership on the first Monday of January, 1964, and on the first Monday of January every two years thereafter.

(Ord. 1628 § 1. Passed 3-2-64.)

111.05 DEPUTY MAYOR; ELECTION AND DUTIES.

Council, from its membership, shall elect on the first Monday of January, 1964, and the first Monday of January every two years thereafter, a Deputy Mayor who shall preside at all meetings in the absence or inability of the Mayor, and who shall act in the capacity of Mayor in the event of the Mayor's inability to act for any cause. In the absence of the Mayor or Deputy Mayor, the City Clerk shall call Council to order, whereupon a Chairman shall be elected from and by the members of Council present.

(Ord. 1628 § 1. Passed 3-2-64.)

111.06 APPOINTMENT OF OFFICIALS.

Council shall, on the first Monday of March, 1964, and the second Monday of March every two years thereafter, or as soon thereafter as practicable in each of such years, appoint the following officials whose duties shall be as defined and described in the Third Class City Code, the particular provisions of which are hereby incorporated by reference: City Assessor, City Clerk, City Engineer and City Solicitor.

(Ord. 1641 § 2. Passed 1-10-66.)

111.07 BOARDS AND COMMISSIONS CREATED OR CONTINUED.

Council hereby creates and/or continues the following Boards and Commissions, the powers, duties, composition and terms of office of such to continue as heretofore determined by ordinance, statute, motion, resolution, rule or regulation:

- Shade Tree Commission
- Zoning Hearing Board
- Civil Service Commission
- Planning Commission
- Building Code Board of Appeals
- Board of Health.

(Ord. 1628 § 2. Passed 3-2-64; Ord. 2-2016. Passed 2-23-16.)

111.08 PARTICIPATION IN STATE PURCHASE CONTRACTS.

(a) The City requests authority to participate in or purchase off purchase contracts for materials, supplies and equipment entered into by the Pennsylvania Department of General Services.

(b) The City agrees that it shall be bound by such terms and conditions as the Department may prescribe and that it shall be responsible for payment directly to the vendor under each such purchase contract.

(c) The City understands that it shall be exempt from other statutory requirements governing competitive bidding and execution of contract requirements with respect to its participation in or purchase off purchase contracts entered into by the Department of General Services.

(Ord. 1889 §§ 1-3. Passed 8-27-84.)

ARTICLE 113
Ordinances and Resolutions

113.01 Employee compensation by resolution.

CROSS REFERENCES

- Adoption and enforcement of local police ordinances - see 3rd Class Charter Law § 303(2) (53 P.S. § 41303(2)); § 608 (53 P.S. § 41608)
- Codification - see 3rd Class Charter Law § 609 (53 P.S. § 41609); 3rd Class § 1014.1 (53 P.S. § 36014.1)
- Ordinances and resolutions - see 3rd Class § 1006 (53 P.S. § 36006)
- Passage of ordinances - see 3rd Class § 1007 (53 P.S. § 36007)
- Journal of proceedings - see 3rd Class § 1008 (53 P.S. § 36008)
- Introduction and reading of bills - see 3rd Class § 1011 et seq. (53 P.S. § 36011 et seq.)
- Time of effect, publication and proof - see 3rd Class § 1014 (53 P.S. § 36014)
- Enforcement - see 3rd Class § 1017 (53 P.S. § 36017)
- Initiative - see 3rd Class § 1030 et seq. (53 P.S. § 36030 et seq.)
- Referendum - see 3rd Class § 1050 et seq. (53 P.S. § 36050 et seq.)

113.01 EMPLOYEE COMPENSATION BY RESOLUTION.

Council, from and after the effective date of this section, shall prescribe the compensation of City employees by resolution.
(Ord. 1823 § 1. Passed 12-27-78.)

TITLE FIVE - Administrative

- Art. 121. City Manager.
 - Art. 123. City Treasurer.
 - Art. 124. City Finances Management.
 - Art. 125. City Controller.
 - Art. 127. City Solicitor.
 - Art. 129. City Engineer.
 - Art. 131. City Clerk.
 - Art. 133. City Assessor.
 - Art. 135. Officers and Employees Generally.
 - Art. 137. Ethics Code.
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**ARTICLE 121
City Manager**

121.01 Powers and duties.

CROSS REFERENCES

- Appointment; term - see 3rd Class Charter Law § 510, § 513 et seq. (53 P.S. § 41510, § 41513 et seq.)
 - Powers and duties - see 3rd Class Charter Law § 516 (53 P.S. § 41516)
 - Budget; recommendations - see 3rd Class Charter Law § 517 et seq. (53 P.S. § 41517 et seq.)
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121.01 POWERS AND DUTIES.

The City Manager shall be the chief executive and administrative officer of the City government and shall enforce the laws of the City and require faithful performance of all administrative duties.

- (a) The duties and powers of the City Manager shall be as defined and described in the Third Class City Code, the particular provisions of which are incorporated herein by reference.
- (b) The City Manager shall have the following additional powers and duties:
 - (1) He shall be the Building Official and Zoning Officer of the City as created under the City Zoning Ordinance and Building Code, and all supplements and amendments thereto, and shall have the power to delegate inspection duties in connection therewith.
 - (2) All licenses and permits shall issue from the City Manager after proper application and upon receipt of payment therefor to the City Treasurer.

- (3) He shall have the power to assign any employee of the City to any department or branch thereof.
- (4) He shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority under standards established by resolution or ordinance of Council; and he shall have the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.
- (5) He shall have the power either by himself or any other person designated by him to investigate and to examine or inquire into the affairs or operation of any department, bureau, office, board or commission; and when authorized by Council, he shall have the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.
- (6) He shall have the power to set aside any action taken by a department head, and may supersede him in any function of his office.
- (7) He shall have the power to direct any department or division thereof to perform the work of any other department or division.
(Ord. 1628 § 2. Passed 3-2-64.)

**ARTICLE 123
City Treasurer**

123.01 Bond required.

123.02 Fire Damage Security Fund.

CROSS REFERENCES

- Election and term - see 3rd Class Charter Law § 503 (53 P.S. § 41503)
- Vacancy - see 3rd Class Charter Law § 506(b) (53 P.S. § 41506(b))
- Powers and duties - see 3rd Class Charter Law § 522 (53 P.S. § 41522)
- Qualifications - see 3rd Class § 1401 (53 P.S. § 36401)
- Bond and salary - see 3rd Class Charter Law § 607 (53 P.S. § 41607); 3rd Class § 1402 (53 P.S. § 36402)
- Keeping accounts - see 3rd Class § 1404 (53 P.S. § 36404)

123.01 BOND REQUIRED.

(a) The City Treasurer shall give lawful fidelity bond to the Commonwealth of Pennsylvania, with a surety company authorized by law to act as surety, in the sum of three hundred thousand dollars (\$300,000), conditioned for the accounting for and paying over all moneys received by him in his capacity as City Treasurer and the safekeeping and payment over of all public moneys entrusted to his care. As tax collector of City and school taxes he shall account for and pay over all moneys received by him as taxes, penalties and interests.

(b) The City Treasurer shall maintain his fidelity bond at all times during his tenure in office.
(Ord. 2002 §§ 1, 2. Passed 5-11-92; Ord. 2032 § 1. Passed 3-14-94.)

123.02 FIRE DAMAGE SECURITY FUND.

(a) Authorization. The City of Titusville hereby adopts and authorizes the procedure set forth in subsections (a), (b), (c) and (d) of Section 508 of The Insurance Company Law of 1921, enacted May 17, 1921 (P.L. 682), as amended by Act No. 1994-93, enacted October 13, 1994, taking effect 90 days thereafter.

(b) Certification.

- (1) In the event a named insured shall submit a claim to his/her insurance company, association or exchange as a result of fire damage to a structure located within the corporate limits of the City of Titusville where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500) and the named insured shall submit a request to the City Treasurer, the City Treasurer shall issue the named insured a certificate, as provided in subsection (b)(2) hereof.
- (2) The City Treasurer shall, upon the written request of a named insured specifying the tax description of the property, name and address of the insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, furnish the insurance company, association or exchange either of the following certificates:
 - A. A certificate or, in the discretion of the Municipality, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Treasurer's certificate or verbal notification, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property; or
 - B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property. For purpose of this subsection, the City shall certify to the Treasurer the total amount, if any, of such costs. A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.
- (3) The Treasurer of the City is hereby designated to be the municipal officer to receive any funds required to be transferred to the City by an insurance company, association or exchange when the loss agreed to between the named insured and the insurance company, association or exchange equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or other structure damaged by fire, as provided in subsection (c) of Section 508 of The Insurance Company Law of 1921, as amended.
(Ord. 2061. Passed 11-25-96.)

- (4) Upon receipts of proceeds by the City as authorized by Section 508 of The Insurance Company Law of 1921, as amended, the City Treasurer shall place the proceeds in a separate escrow fund, which account shall be established in the name of the City Treasurer, City Controller, and the City Solicitor, and require the signatures of all three before funds can be withdrawn therefrom, to be used solely as security against the total cost of removing, repairing or securing the damaged structure incurred by the City. Upon being provided with the name and address of the named insured by the insurance company, association or exchange transferring the funds to the City, the City Treasurer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures set forth in Subsection (d) of Section 508 of The Insurance Company Law of 1921, as amended, and this subsection have been complied with. The funds shall be returned by the City Treasurer, with the approval of the City Controller and the City Solicitor, to the named insured when repairs, removal or securing of the building or other structure has been completed and the required proof received by the City Treasurer if the City has not incurred any costs for repairs, removal or securing. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remain, the City shall transfer the remaining funds to the named insured. Nothing contained in this section shall limit the ability of the City to recover any deficiency against the named insured or any other person. Further, nothing in this subsection shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has not been negotiated.
(Ord. 2080. Passed 4-13-98.)

ARTICLE 124
City Finances Management

- | | |
|---|---|
| <p>124.01 Encumbrance system of budget operation.</p> <p>124.02 Expenditures upon requisition.</p> <p>124.03 Form of contracts and requisitions.</p> <p>124.04 Payment from public funds through use of individual warrants.</p> <p>124.05 Payment of claims and demands against the City.</p> | <p>124.06 Procedure.</p> <p>124.07 Signature on checks.</p> <p>124.08 Absence or illness of City Manager or City Controller.</p> <p>124.09 Exceptions. (Repealed)</p> |
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CROSS REFERENCES

City Treasurer - see ADM. Art. 123
City Controller - see ADM. Art. 125

124.01 ENCUMBRANCE SYSTEM OF BUDGET OPERATION.

All funds under the control of the City shall be encumbered by the budget adopted by Council for the current fiscal year. No funds shall be expended other than provided for in the budget or any amendments thereto.
(Ord. 2007 § 1. Passed 11-9-92.)

124.02 EXPENDITURES UPON REQUISITION.

(a) There shall be no expenditure of City funds for the purchase of services to benefit the City other than those provided for in a written agreement with the person or entity providing the services.

(b) There shall be no expenditure of City funds for the purchase of equipment, supplies or any other tangible personal property other than through use of a written requisition.

(c) There shall be no draw from any petty cash fund maintained for the benefit of the City other than through use of a written requisition.
(Ord. 2007 § 2. Passed 11-9-92.)

124.03 FORM OF CONTRACTS AND REQUISITIONS.

(a) The City Solicitor shall draft all written agreements for the acquisition of services to benefit the City, as referred to in Section 124.02(a).

(b) The form of the written requisition for the purchase of equipment, supplies or any other tangible personal property shall be the same as Exhibit A attached to Original Ordinance 2007.

(c) The form for the written requisition for a draw from petty cash shall be the same as Exhibit B attached hereto.
(Ord. 2007 § 3. Passed 11-9-92.)

124.04 PAYMENT FROM PUBLIC FUNDS THROUGH USE OF INDIVIDUAL WARRANTS.

There shall be no payment out of any public funds, except for petty cash, for any purpose, unless the same shall be accompanied by a written warrant, the form of which is the same as Exhibit C attached to Original Ordinance 2007.
(Ord. 2007 § 4. Passed 11-9-92.)

124.05 PAYMENT OF CLAIMS AND DEMANDS AGAINST THE CITY.

There shall be no payment of any claim or demand against the City unless the same shall have been pre-audited by the City Controller.
(Ord. 2007 § 5. Passed 11-9-92.)

124.06 PROCEDURE.

(a) All contracts for services, written requisitions for purchase or for draws from petty cash, and any claims and demands against the City shall first be submitted for approval by the City Manager.

(b) Upon approving an expenditure, the City Manager shall forward the contract, written requisition, or statement of claim or demand to the City Controller for approval.

(c) The City Controller shall, upon completion of a review of any contract, written requisition, or claim or demand against the City, execute a written warrant for the payment of funds therefore. The Controller shall forward the warrant, along with the contract, written requisition, claim or demand, to the Finance Department for the preparation of a check or checks.

(d) A copy of every written contract, requisition or statement of claim or demand against the City shall be kept on file in the Finance Department and a copy may be retained by the City Controller.

(e) Council shall be notified in writing whenever the City Manager or the City Controller refuse payment on an invoice and the reason for the refusal, and this notification shall state what actions are being taken to resolve it.
(Ord. 2007 § 6. Passed 11-9-92.)

124.07 SIGNATURE ON CHECKS.

Checks or drafts drawn on City funds shall be signed by the Mayor, City Treasurer or City Controller and in addition by either the City Manager or Finance Director, either by hand or through the use of a mechanical check writer.
(Ord. 3020. Passed 10-9-00.)

124.08 ABSENCE OR ILLNESS OF CITY MANAGER OR CITY CONTROLLER.

(a) In the event the City Manager shall be unable to perform the duties set forth herein due to temporary absence or disability, the duties of that office shall be performed by a qualified administrative officer theretofore designated by the City Manager or, in the event of the City Manager's failure to make a designation, by an officer of the City appointed by Council for such purpose.

(b) In the event the City Controller shall be unable to perform the duties set forth herein due to temporary absence or disability, the duties of that office shall be fulfilled by a Deputy Controller appointed by the City Controller.

(c) In the event there is no Controller, or the office is not functioning, bills shall be approved by Council as per the Third Class City Code.
(Ord. 2007 § 8. Passed 11-9-92.)

124.09 EXCEPTIONS. (REPEALED)

(EDITOR'S NOTE: Former Section 124.09 was repealed by Ordinance 2-2016, passed February 23, 2016.)

ARTICLE 125
City Controller

EDITOR'S NOTE: There are no sections in Article 125. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Election and term - see 3rd Class Charter Law § 503 (53 P.S. § 41503)
Vacancy - see 3rd Class Charter Law § 506(b) (53 P.S. § 41506(b))
Control function in management of finances - see 3rd Class Charter Law § 519 (53 P.S. § 41519)
Qualifications - see 3rd Class § 1701 (53 P.S. § 36701)
Examination and audit of accounts - see 3rd Class § 1704 (53 P.S. § 36704)
Annual report to Council - see 3rd Class § 1705 (53 P.S. § 36705)
Disbursement - see ADM. 135.07

ARTICLE 127
City Solicitor

EDITOR'S NOTE: There are no sections in Article 127. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment by Council - see 3rd Class Charter Law § 510 (53 P. S. § 41510); ADM. 111.06
Duties - see 3rd Class § 1603 (53 P.S. § 36603); ADM. 111.06
Return and payment of money and fees received - see 3rd Class § 1608 (53 P.S. § 36608)

ARTICLE 129
City Engineer

EDITOR'S NOTE: There are no sections in Article 129. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment by Council - see 3rd Class Charter Law § 510 (53 P.S. § 41510); ADM. 111.06
Duties - see 3rd Class § 1503 (53 P.S. § 36503); ADM. 111.06
Preservation of records - see 3rd Class § 1517 (53 P.S. § 36517)
Real estate registry - see ADM. Art. 103

ARTICLE 131
City Clerk

EDITOR'S NOTE: There are no sections in Article 131. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment by Council - see 3rd Class Charter Law § 510 (53 P.S. § 41510); ADM. 111.06

Record of ordinances and resolutions - see 3rd Class Charter Law § 609 (53 P.S. § 41609)

Power to administer oaths; duties - see 3rd Class § 1302 (53 P.S. § 36302)

Records open to inspection - see 3rd Class § 1303 (53 P.S. § 36303)

ARTICLE 133
City Assessor

EDITOR'S NOTE: There are no sections in Article 133. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment by Council - see 3rd Class Charter Law § 510 (53 P.S. § 41510); ADM. 111.06

Oath and vacancy - see 3rd Class § 2502 (53 P.S. § 36502)

Duties - see 3rd Class § 2504 et seq. (53 P.S. § 36504 et seq.); ADM. 111.06

ARTICLE 135
Officers and Employees Generally

135.01	Departmental organization.	135.15	PTO and the Family and Medical Leave Act.
135.02	Oaths of officers.	135.16	PTO buy-back/cash in/carry over.
135.03	Bonds.	135.17	Short term (STD) disability.
135.04	Duties of officers.	135.18	Long term disability (LTD).
135.05	Department heads; defined and duties.	135.19	Other leaves of absence.
135.06	Cooperation and hours.	135.20	Insurance and other benefits.
135.07	Finances.	135.21	Notice of resignation.
135.08	Employees' probationary period.	135.22	Extension of Social Security coverage.
135.09	Benefits of City exempt and non-exempt employees.	135.23	Pensioner permitted as employee or elected official.
135.10	Hours of work and overtime.	135.24	Compensation of elected officials; health insurance.
135.11	Compensation.	135.25	Money Accumulation Pension Plan.
135.12	Holidays.		
135.13	Paid time off (PTO).		
135.14	PTO and salary continuance.		

CROSS REFERENCES

Power to establish and abolish positions - see 3rd Class Charter Law § 303(1) (53 P.S. § 41303(1))

Compensation - see 3rd Class Charter Law § 607(c) (53 P.S. § 41607(c))

Rules and regulations - see 3rd Class Charter Law § 610 (53 P.S. § 41610)

135.01 DEPARTMENTAL ORGANIZATION.

The administrative service of the City shall be divided under the administrator into the same departments as provided for in the City budget.
(Ord. 1628 § 2. Passed 3-2-64.)

135.02 OATHS OF OFFICERS.

All officers of the City, whether elected or appointed, shall, before entering upon their respective duties, take and subscribe the oath prescribed by Section I of Article VII of the Constitution of this Commonwealth.
(Ord. 1628 § 2. Passed 3-2-64.)

135.03 BONDS.

The following named City officials shall, before entering upon the duties of their respective offices, give a good and sufficient surety company bond to the City, duly approved by the Solicitor, conditioned upon the faithful performance and discharge of their respective duties and/or the proper application and payment of all money or property coming into their hands by virtue of their office: City Treasurer, City Engineer, City Solicitor, City Controller and the Secretary of the Board of Health. (Ord. 1628 § 2. Passed 3-2-64.)

135.04 DUTIES OF OFFICERS.

Each officer shall perform all duties required of his office by State law, the Charter, this Administrative Code and ordinances of the City, and such other duties not in conflict therewith as may be required by the City Manager.

(Ord. 1628 § 2. Passed 3-2-64.)

135.05 DEPARTMENT HEADS; DEFINED AND DUTIES.

(a) Defined. Department heads shall be defined, for the purposes of this section, as those City employees appointed to their respective positions by the City Manager, and shall include, but not be limited to: the Chief of Police, Fire Chief and Public Works Superintendent.

However, such appointments will not be made contrary to the laws of this Commonwealth relating to the appointment or election of officials.

(Ord. 1654 § 1. Passed 12-20-65.)

(b) Duties. The heads of departments shall:

- (1) Be immediately responsible to the City Manager;
- (2) Submit reports of the activities of his department to the City Manager;
- (3) Establish and maintain a system of filing and indexing records and reports;
and
- (4) Be responsible for the proper maintenance of all City property and equipment used in his department.

(Ord. 1628 § 2. Passed 3-2-64.)

135.06 COOPERATION AND HOURS.

(a) Each department shall furnish to any other department, upon the direction of the City Manager, any service, labor and materials.

(b) All departments shall maintain hours as prescribed by the City Manager.

(Ord. 1628 § 2. Passed 3-2-64.)

135.07 FINANCES.

Disbursements shall be made by the City only upon written requisition and pre-audit by the Controller of all claims and demands against the City prior to payment, and upon the preparation of individual warrants for each payment and the signature of the Mayor and Controller on all checks drawn in satisfaction thereof.

(Ord. 1628 § 2. Passed 3-2-64.)

135.08 EMPLOYEES' PROBATIONARY PERIOD.

All employees of the City shall be under probation for a minimum period of three months from the date of employment, after which the City Manager may place the employee on full status, after which he shall be entitled to all of the benefits of City employment.

(Ord. 1641 § 3. Passed 1-10-66.)

135.09 BENEFITS OF CITY EXEMPT AND NON-EXEMPT EMPLOYEES.

This Policy affects only those Management/Administrative employees, who are either in Exempt or Non-Exempt positions as defined under the Fair Labor Standards Act and who are not covered by a collective bargaining agreement. The description of benefits herein is not intended to create and shall not be interpreted as creating either an express and/or implied contract between the City of Titusville and/or its employees. Management-Administrative level employees of the City of Titusville are "at will" employees and they can be terminated with or without cause, and with or without notice, at any time, at the option of either the City or employee, except as otherwise provided by law.

The City of Titusville reserves the right to terminate or modify any of the policies or benefits described herein and/or compensatory payments at any time with or without notice. All benefits described herein are available only upon successful completion of an initial orientation and training period of ninety (90) days unless modified by the City Manager. (Ord. 3071. Passed 6-24-02.)

135.10 HOURS OF WORK AND OVERTIME.

(a) Exempt employees are salaried employees who shall work any times or hours necessary or indicated in order to accomplish the assignments of their respective positions. As these employees are salaried, no overtime or compensatory (comp) time payments are made.

In general, exempt employees are not eligible for and/or may not accrue compensatory time. However, City Council and Administration recognize that often Exempt employees must attend meetings of Council, Boards, and Commissions or other groups or organizations as a necessary part of their duties.

Exempt employees are not expected to attend such meetings in addition to their normal workday, but rather the following alternatives apply:

- (1) The employee may utilize a later starting time the day of the meeting in an amount equal to the anticipated time to be spent in the scheduled meeting.
- (2) The employee may utilize a later starting time or early departure the day following the meeting in an amount equal to the actual time spent in the scheduled meeting.
- (3) As a limited alternative to the two above alternatives, exempt employees may with the prior knowledge and written approval of the City Manager, accrue such additional time for future use. However, such approved accrual shall not exceed eight (8) hours and must be utilized within thirty (30) days of when it occurred.

(b) Non-exempt employees are hourly employees whose normal workweek shall consist of five (5) consecutive days during the week from Monday to Friday, inclusive. Adjustment of the normal workweek is the right of Management. The normal workday is eight (8.5) and one-half consecutive hours exclusive of a one-half (1/2) hour lunch period. When employees report for the regularly scheduled workday, they shall receive no less than actual hours worked for the day.

Under normal circumstances, the employees will be granted two (2) fifteen (15) minute rest breaks daily to be taken at the job site. The intent of the rest breaks is to afford employees time away from the employee's normal work duties to be taken at times which do not interfere with the normal flow of work. Employee rest breaks may be taken in conjunction with the lunch period; however, breaks may not be utilized in order to excuse a late arrival or early dismissal.

Non-exempt employees may be required to work reasonable amounts of overtime when additional work is indicated or necessary. The Employer will make every reasonable effort to give advance notice of scheduled overtime. Overtime payment will be made in accordance with the forty (40) hour workweek provision of the Fair Labor Standards Act. Overtime shall first be offered on a volunteer basis with employees having the initial option to refuse such work. However, if all qualified employees refuse an overtime assignment, the City Manager has the right to assign the most appropriate employee with no right of refusal. No employee shall work any overtime without the prior knowledge and approval of the City Manager and/or Department Head.

Flextime, defined as starting times other than those cited above, may, upon written approval of the City Manager, be available to either exempt or non-exempt employees. Employees must be present during a defined central or "core time" in the middle of the workday and must work a standard eight (8) hour day.
(Ord. 3071. Passed 6-24-02.)

135.11 COMPENSATION.

The basic rate of compensation shall be the straight time wage in accordance with the annual budget approved by City Council and/or compensation scale approved by the City Manager and City Council.
(Ord. 3071. Passed 6-24-02.)

135.12 HOLIDAYS.

- (a) Each employee shall be entitled to the following holidays:
- | | |
|--------------------|---|
| (1) New Year's Day | (6) Thanksgiving Day |
| (2) Good Friday | (7) Day after Thanksgiving or
First Day of Buck Season |
| (3) Memorial Day | (8) Christmas Day |
| (4) Fourth of July | (9) Day after Christmas |
| (5) Labor Day | |

(b) Non-exempt employees required to work on any of the holidays specified above shall be paid one and one-half (1- 1/2) times the employee's straight time hourly rate of pay plus the holiday pay. Time and one-half (1-1/2) plus the holiday pay will be paid for the day, which is celebrated as the holiday. It is recognized that when a holiday falls on a Sunday, it is usually celebrated on the following Monday; and when a holiday falls on a Saturday, it is usually celebrated on the prior Friday.
(Ord. 3071. Passed 6-24-02.)

135.13 PAID TIME OFF (PTO).

(a) Effective with the date of this article, the policy governing vacation, personal and sick time for full time exempt and non-exempt employees is converted to paid-time-off (PTO). Each full time employee covered by this policy will receive a specified number of days/hours of PTO for each year of employment. During each PTO year, employees must work at least ninety percent of their normally scheduled time each month; not including time off for paid short-term absences, PTO, or holidays, in order for the month to count for PTO accrual purposes. For the purpose of calculations, the PTO leave year begins January 1, and ends December 31 of each year and all PTO must be used in the year it is earned.

NOTE: Please see PTO scale in Section 135.16 for available paid time off.

(b) Newly hired full time employees have an initial waiting period of thirty days following date of hire. Those individuals hired in the first three quarters shall receive paid time off to be used by the end of the PTO leave year as follows:

- (1) First quarter 18.00 days @ 8 hours;
- (2) Second quarter 13.50 days @ 8 hours;
- (3) Third quarter 9.00 days @ 8 hours.

Those individuals hired in the final quarter of the calendar year shall receive no paid time off for that calendar year. At the start of the second year the employee shall receive the second year entitlement as per schedule. If an employee submits a timely resignation, he/she shall be paid for any unused PTO available as provided in subsection (c) hereof.

(c) PTO pay is calculated by multiplying the employee's normal scheduled hours of work per day by his straight time hourly rate of pay. Unused PTO leave shall be paid to all terminating or laid off employees on a pro-rated monthly basis at the normal hourly rate. (Ord. 3071. Passed 6-24-02.)

135.14 PTO AND SALARY CONTINUANCE.

(a) In the event of an employee's serious illness or accident, which is anticipated to last two weeks or more, the City will continue to pay the salary of the Exempt employee for the first ten days. This ten day period of time will not be taken from the employee's paid leave time if the following conditions are met:

- (1) The employee must produce a physician's statement, which clearly certifies the employee's disability and inability to perform the duties of his/her position.
- (2) The City reserves the right to require a second opinion and to select the health care provider who will provide the second opinion.
- (3) The City shall pay for the second opinion.

(b) If an employee's serious illness is due to a Worker's Compensation injury, or illness, the employee shall be required to reimburse the City the entire amount of any monies advanced during this two-week period.

(Ord. 3071. Passed 6-24-02.)

135.15 PTO AND THE FAMILY AND MEDICAL LEAVE ACT.

(a) In the event of a Family Medical Leave (FML) due to the serious illness of an employee the following shall apply:

- (1) The two weeks of salary continuance mentioned above shall apply.
- (2) Prior to or during the initial period of absence, the paperwork necessary to apply for Short Term Disability (STD) shall be completed.
- (3) When short-term disability payments begin, all salary continuance shall terminate and the employee is not eligible to receive any PTO payments as long as STD or LongTerm Disability (LTD) payments continue.
- (4) In the event the employee's disability ceases and the employee chooses to remain off work, the employee shall be required to utilize PTO to the extent available prior to any unpaid time.

(b) In the event of a FML for any reason other than an employee's serious medical illness the following shall apply:

- (1) The employee shall be required to use PTO prior to any unpaid time.
- (2) The employee shall not be eligible for salary continuance.

NOTE: STD and LTD are considered unpaid time in non-compensable status.
(Ord. 3071. Passed 6-24-02.)

135.16 PTO BUY-BACK/CASH IN/CARRY OVER.

(a) In the event an employee does not use all of his or her available paid time of employees are permitted to cash-in a maximum of three days (24 hours) under the following conditions:

- (1) The employee must notify the City prior to December 1st that he/she is requesting to cash-in an amount of available PTO, not to exceed 3 days.
- (2) Payment shall be made with the final pay of December of each year.
- (3) With the written permission of the City Manager, Exempt Employees may carry ten (10) days of available PTO over to the next year for use within the first six months and/or accumulated for early retirement purposes only.

PTO SCALE

<u>Year of Employment</u>	<u>PTO</u>
1st Year	Prorated per rules
2nd - 3rd Year	20 days
4th - 9th Year	25 days
10th - 15th Year	30 days
16th - 20th Year	33 days
21st +	35 days

(Ord. 3071. Passed 6-24-02.)

135.17 SHORT TERM (STD) DISABILITY.

(a) Employees who have completed their (90) day waiting period shall additionally be entitled to short term disability pay, for illness or accident of a non-occupational nature and for which worker's compensation is not paid, as provided below:

- (1) A short-term disability is defined as a period of disability, which may be anticipated to last ten (10) or more calendar days that provides income beginning on the 14th day of disability.
- (2) The employer shall, within each calendar year, provide up to a maximum of twenty-six (26) weeks of short term disability pay at 80% of regular base earnings, for each occurrence of short term disability or recurrence of previously compensated STD.

The employee must present to the City Manager, for approval, appropriate medical documentation that the illness may be anticipated to last ten (10) or more calendar days.

- (3) In the event of an employee's serious illness, which is anticipated to last 10 workdays or more, the City will continue to pay the salary of Exempt employee for the first ten day period. This ten day period of time will not be taken from the employee's paid leave time if the following conditions are met:
 - A. The employee must produce a physician's statement, which clearly certifies the employee's disability and inability to perform the City of Titusville Benefits of Exempt and Non-Exempt Employees duties of his/her position.
 - B. The City reserves the right to require a second opinion and to select the health care provider who will provide the second opinion.
 - C. The City shall pay for the second opinion.
- (4) The City may, if it desires, self-insure or provide the short-term disability benefit herein described through an insurance carrier.
- (5) Buy up Option may be available to permit the employee to purchase an additional amount over what the City covers through payroll deduction.
- (6) Periodic medical examinations may be required by the City Manager and, if so required, will be at the City's expense. After receipt of a valid medical examination and at the discretion of the City Manager, an individual injured in the line of duty and not otherwise qualified for full disability may be assigned to another position in the City for which he or she qualifies.

NOTE: If an employee does not elect the buy-up option, it may not be available until the next enrollment period subject to carrier restrictions.
(Ord. 3071. Passed 6-24-02.)

135.18 LONG TERM DISABILITY (LTD).

- (a) In the event of a non-work related extended illness or injury, the City of Titusville provides Management/Administrative Employees with further protection from financial hardship through its long-term disability program (LTD).
- (b) At the conclusion of twenty-six (26) weeks on Short Term Disability (STD), the employee may be eligible for Long Term Disability (LTD) if the disability continues as follows:
 - (1) Only active employees are eligible for coverage.
 - (2) The term "active" means the employee is employed full time and paid regular earnings.
 - (3) The LTD monthly benefit is 66 2/3% of earnings with a maximum monthly benefit of \$7,500 and a minimum of \$100.
 - (4) Own occupation period is 24 months with exception of public safety employee is 12 months subject to carrier restrictions.
 - (5) If benefits are available from any other sources, then the LTD benefit will be reduced by the offset equal to the amount of the benefit, including but not limited to Social Security Act, Worker's Compensation, Unemployment Compensation, or any disability benefits from other plans.
 - (6) Buy up Option is available to purchase an additional amount over what the City covers through payroll deduction.

NOTE: Under no circumstances will any employee receive more income while disabled than what is earned while actively working.
(Ord. 3071. Passed 6-24-02.)

135.19 OTHER LEAVES OF ABSENCE.

(a) Bereavement Leave. In the event of a death in the nuclear family of an employee, defined as spouse, child, or employee's parent, up to five (5) consecutive days of paid leave will be granted the employee. In the event of a death in the immediate family of the employee defined as being the parent-in-law, brother, sister, brother-in-law, sister-in law, stepchild, foster child, foster parent, grandparent, grandparent-in-law, and grandchild, up to three (3) paid consecutive days of leave will be granted upon request. For other relations defined as uncles, aunts, and first cousins, one (1) day of paid leave to attend the funeral will be granted.

(b) Military Leave. Employees will receive up to two (2) weeks of paid military leave if called to temporary or summer training duty with the armed forces as part of a military program elected in lieu of active duty. Employees requesting paid military leave shall submit to the City Manager a copy of their orders and any military compensation received from the military during the period of leave. In such case, the City will provide the difference, if applicable, between the employee's regular pay and the amount he or she received from such military duty.

(c) Witness Leave. Any employee subpoenaed to appear in court in order to testify on behalf of the City in relation to their duties shall be paid for the day. Any employee requesting court leave shall submit to the Payroll Clerk a copy of the applicable Court Order or Subpoena related to City business. No witness leave will be granted for matters not related to City business.

(d) Jury Leave. Any employee ordered to report for jury duty shall be granted a leave of absence from his or her regular duties during the actual period of such jury duty. The City shall pay the difference between any jury duty compensation received and the employee's regular daily wage for each day of jury service.

(e) Extended Leave of Absence. Exempt employees may be granted a 30 day, renewable up to a maximum of 120 days extended unpaid leave of absence, at the discretion of the City Manager; however, all available days of other forms of leave must be exhausted before such leave is considered and/or granted.

(f) Emergency Leave. Employees may receive up to three (3) days leave once a year, with or without pay, at the discretion of the City Manager.

(g) Official Duty Leave. Official duty leave, with full pay, is granted while on official business for the City including training courses, conferences, meetings or conventions. (Ord. 3071. Passed 6-24-02.)

135.20 INSURANCE AND OTHER BENEFITS.

(a) Insurance. All full time employees shall be eligible for group term life insurance paid for by the City effective on the first day of the calendar month coinciding with or next following 90 consecutive days of regularly scheduled work of at least 30 hours per week subject to carrier restrictions. The coverage shall be two (2) times the employee's annual earnings with a maximum benefit of \$125,000 with Accidental Death and Dismemberment (AD&D).

(b) Health Care. The City intends to provide health care benefits that are generally consistent with those provided to other municipal employees in the City:

- (1) Hospitalization - \$250 deductible (Out of Network);
- (2) Basic eye care - Vision Service Plan of Pennsylvania or equivalent;
- (3) Low option dental - Blue Shield or equivalent; and
- (4) Basic prescription drug - Blue Cross or equivalent. (\$8.00 co-pay - generic, \$15.00 co-pays - brand name)

NOTE: Coverage will be generally consistent with what other City employees receive and subject to employee ninety day waiting period. Waiting period for Exempt Employees may be waived by the City Manager.

The hospitalization portion of the benefit shall be governed by the conditions of the Managed Care Program, or as from time to time amended by the City.

Furthermore, continuation of hospitalization coverage under the City's group health care policy may be purchased by the retiring employee subject to carrier restrictions.

The City offers a cash rebate program for non-participation in the City's group health plan. Currently the cash rebate is as much as 50% of premium and is received in biweekly payments.

NOTE: If an employee elects the cash rebate program, there is no opportunity to change the election status until the next renewal period.

(c) Pension Plan. For those not covered by separate agreement, fire or police pension plans, the City maintains a defined contribution Employees' Pension Plan administered by The Travelers Insurance Company. Employees will be included in the Plan the first day of the month after they have satisfied the following requirements: complete at least three months of full-time (30-hours/week) service and fill out an enrollment application. Application shall be made at least 30 days before the date the employee wishes to be included in the Plan. At least one (1) representative for the employee group shall serve on any Employee Pension Committee formed now or in the future.

(d) Uniforms, Safety Apparel and Equipment. This provision applies to employees, as determined by the City Manager, who have outside activities, which might cause damage to personal clothing. The City will furnish a uniform reimbursement allowance of \$250.00 per employee per year to be paid in January and \$150.00 safety boot allowance available only to those employees designated by the City Manager.

(e) Educational and Skill Development. Reimbursement is granted to those demonstrating ability, interest, and reasonable justification for participating in certificate or degree educational programs. The area of training or study must be directly related to the employee's present occupational field as determined by the City Manager. Written authorization to participate in a voluntary educational program must be received from the City Manager. Educational benefit forms must be filled out and submitted to the employee's Department Head in September during budget preparation each year for approval for the year following (i.e. January semester). The following costs will be reimbursed: tuition, registration, books and materials, and examination costs contingent on the following:

- (1) Grade of C (passing) or above is achieved.
- (2) If employee withdraws, there is no payment by City.
- (3) An obligation to the City upon successful completion of a program shall consist of a commitment of one (1) month future employment for each credit hour or continuing education unit (CEU), or pro-rated reimbursement of the expense monies received should the employee voluntarily separate from municipal employment.
(Ord. 3071. Passed 6-24-02.)

135.21 NOTICE OF RESIGNATION.

In the event an exempt or non-exempt employee separates from City employment, the City expects proper notification in order to have adequate time to find a replacement or review possible job consolidations.

Accordingly, the following applies:

<u>Job Position</u>	<u>Notice Due</u>
Non-exempt professionals	2 weeks prior to separation
First Line Supervisors	3 weeks prior to separation
Department Heads/City Manager	4 weeks prior to separation

Failure to provide proper notification of resignation shall result in forfeiture of any and all paid leave time (PTO).
(Ord. 3071. Passed 6-24-02.)

135.22 EXTENSION OF SOCIAL SECURITY COVERAGE.

(a) The 1951 session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, enacted a statute known as Act No. 491, which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the "State Agency" to implement the coverage of employees and officers under the Old Age and Survivors Insurance System. The City is hereby authorized to execute and deliver to the State Agency a plan or plans and agreement, required under Section 6 of the enabling Act and the Social Security Act, to extend coverage to employees and officers of the City and do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivors Insurance System.

(b) The Tax Clerk is hereby authorized to establish a system of payroll deduction to be matched by payments by the City to be made into the contribution fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to employees of the City. Such payments are to be made in accordance with the State Agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

(c) Appropriation is hereby made from the proper fund or funds of the City in the necessary amount to pay into the contribution fund as provided in Section 4 of the enabling Act and in accordance with the plan or plans and agreement. Authority is given to the Mayor and the City Controller to enter into an agreement with the State Agency, which agreement shall be in accordance with Act No. 491 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the City shall commence as of January 1, 1951.
(Ord. 1380 §1. Passed 7-28-52.)

135.23 PENSIONER PERMITTED AS EMPLOYEE OR ELECTED OFFICIAL.

The fact that any person is receiving a pension, from whatever source, including prior duty or employment by the City, shall in no way affect his eligibility for present or future City employment at any time. While employed by the City, such employee receiving a pension shall be entitled to continue to receive such pension, regardless of the source, during the employment with the City, and it shall have no effect on his then rate of compensation for the services performed or to be performed. In an office elected by popular vote during the term of such office, any person shall be entitled to any pension, regardless of the source of such pension, in addition to his regular salary as an elected official of the City.
(Ord. 1748 §2. Passed 12-27-71.)

135.24 COMPENSATION OF ELECTED OFFICIALS; HEALTH INSURANCE.

(a) The annual compensation for the Mayor and members of Council shall be as follows for all such officials first taking office after January 15, 2002:

<u>Official</u>	<u>Per Year</u>
Mayor	\$1,800
Other Council member	1,200

(b) The annual compensation for the Controller shall be \$1,800 per year.

(c) The annual compensation for the Treasurer shall be \$300 per year.

(d) Any Council member who fails to attend at least one regular meeting of Council during any month other than when there is only one meeting shall not be entitled to any salary for such month. Council shall adopt a monthly statement setting forth the name or names of any Council members not entitled to payment of salary for such month. A "regular meeting" for purposes of this section shall mean a meeting at which official action as defined in the Sunshine Act may be taken. (Ord. 3049. Passed 8-27-01.)

(e) The City shall make available health insurance coverage for its Mayor, members of Council, Controller and Treasurer under the plan or plans made available from time to time to other administrative employees of the City, in the following manner:

- (1) If the Mayor or a member of Council elects to be covered as an individual under the City's basic health insurance coverage, the amount of such official's salary as provided under Section 135.24(a) shall be applied to the premiums for the health coverage. The balance of the premium, if any, shall be paid by such official. In lieu of payment of salary, the Treasurer and Controller may elect to be covered under the City's basic health coverage plan. If the City provides its administrative employees dental, optometric and/or pharmaceutical coverages, any elected official may elect one or more of such coverages provided he or she pays all premiums incident to such coverages.
- (2) In the event the City makes available dependent or family coverage under its basic health coverage plan for other administrative employees, the officer or official may elect such coverages provided he or she pays all premiums incident to such coverages.
(Ord. 3195. Passed 6-21-11.)

135.25 MONEY ACCUMULATION PENSION PLAN.

The Money Accumulation Pension Plan for the employees of the City of Titusville (Plan), for the benefit of the non-uniformed employees of the City of Titusville which has been amended and restated by ordinances and resolutions of the City Council thereafter, adopted September 1, 1976 and shall be, and hereby is, amended and restated as set forth in the Money Accumulation Pension Plan for the Employees of the City of Titusville, Amended and Restated as of January 1, 2012, attached to Ordinance 3207. This restatement shall be applicable to participants employed by the City of Titusville as of January 1, 2012. Participants who terminated employment prior to January 1, 2012 shall have their pension benefits controlled by the terms of the plan that was in place as of the date of their termination of employment.
(Ord. 3207. Passed 7-3-12.)

ARTICLE 137
Ethics Code

137.01	General provisions.	137.04	Ethics Board.
137.02	Definitions and word usage.	137.05	Complaints and proceedings.
137.03	Conflicts of interest; restricted activities.	137.99	Violations and penalties.

137.01 GENERAL PROVISIONS.

(a) Title. This code shall be known as the “Ethics Code of the City of Titusville” and shall be hereinafter referred to as "the Code."

(b) Findings.

- (1) The Titusville Council does hereby find that the public confidence and trust in municipal government depends on the integrity, impartiality and commitment to ethics of public officials and public employees.
- (2) The reputation and efficiency of, and public confidence and faith in, municipal government suffer whenever the public trust is violated by an official or employee who commits an act of misconduct, attempts to realize personal financial gain or does not avoid conflicts of interest or the appearances of impropriety.
- (3) There is a need to ensure that the citizens of the City have complete confidence in their municipal officials and employees.
- (4) It is essential that there exists legislation to ensure that the highest standards of conduct in City government will be enforced regardless of any change in City Council.
- (5) The Titusville Council determines that every public official and public employee should:
 - A. Put loyalty to the City and to the highest moral principles above all private interests.
 - B. Uphold the United States and Pennsylvania Constitutions, all laws, statutes and regulations of the United States and all governments therein and the Third Class City Code Optional Charter and all ordinances and regulations of the City and neither condone nor be a party to their evasion.

- C. Give a full day's work for a full day's pay.
 - D. Avoid conflicts of interest and strive to avoid the appearance of conflicts of interest, not only being above reproach but appearing above reproach.
 - E. Never use for personal benefit confidential information obtained in the course of one's duties.
 - F. Never give special favor or special privilege to anyone in return for any personal benefit or promise of future benefit.
 - G. Never accept favors, gifts or benefits for oneself or a member of one's family except in situations specified in this Code.
 - H. Make no use of municipal employment or resources for private gain or political benefit for any individual or entity or for other than official government purposes.
 - I. Attempt to remedy or eliminate public corruption, waste and inefficiency wherever and whenever discovered.
 - J. Demonstrate the highest standards of personal integrity, truthfulness and fortitude in all public activities.
 - K. Strive for personal professional excellence and encourage the professional development of all public officials and public employees.
 - L. Exercise whatever discretionary authority held to promote the public interest.
 - M. Serve the public with respect, concern, courtesy and responsiveness and administer the public's business with professional competence, fairness, impartiality, efficiency and effectiveness, recognizing that service to the public is beyond service to oneself.
 - N. Uphold these ethical principles, ever aware that public service and public employment are public trusts.
- (6) It is the duty of the Titusville Council to earn and maintain for the government of the City the reputation as a no-nonsense, honest City, and, to that end, any section of this Code in which the intent is in doubt should be construed in a manner that favors the public good over the convenience of the public official or employee.

(c) Intent.

- (1) It is the intent of the Titusville Council that, as contemplated by the Legislature, this Code supplements the Public Official and Employee Ethics Law and, as such, is more restrictive than that Act.
- (2) Because public confidence and trust in municipal government can best be sustained by assuring the people of Titusville of the integrity and impartiality of all public officials and public employees, it is the specific intent of the Titusville Council to remedy and eliminate public corruption; special privileges, gifts, except as allowed under this Code, and, as anticipated by Titusville's Third Class City Optional Charter, involuntary political contributions.
(Ord. 3165. Passed 11-26-07.)

137.02 DEFINITIONS AND WORD USAGE.

The following words and phrases, when used in this Code, shall have, unless the context clearly states otherwise, the meanings given to them in this section:

- (a) "Agency" means any department, bureau, commission and board or other governmental body within or established by the City, including City Council.
- (b) "Appointed office" means any position or office, with the exception of that of an elected official, held by an employee who is required under the Public Official and Employee Ethics Law to file an annual statement of financial interests with the City Manager and any position on the boards, authorities and commissions of Titusville.
- (c) "Appointed official" means:
 - (1) An individual holding an office named in this Code or in any other ordinance of the City, to which he is named by the City Council, whether that individual serves full-time or part-time, whether or not he receives compensation from the City for his services and whether or not he holds a single named office or is one of several individuals serving on a board, commission or authority.
 - (2) An individual employed by the City on a full-time or part-time basis, exercising supervisory authority over any other municipal employee and/or performing non-ministerial action in connection with municipal affairs.
- (d) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or any legal entity organized for profit.
- (e) "Business dealing with the City" means any contract, service, work or business with, any sale, renting or other disposition to, any purchase, leasing or other acquisition from and any grant, license, permit or other privilege from the City or any City board, commission or authority and any performance of or litigation with respect to any of the foregoing.
- (f) "Business with which he or she is associated" means any business in which the person or a member of the person's family is a director, officer, owner, employee or holder of stock or percentage ownership exceeding five percent (5%) of the equity at fair market value of the business or more than five percent (5%) of the assets or the economic interests in indebtedness of the business.
- (g) "Candidate" or "candidates" means any individual, individuals or slate of individuals seeking any office which is filled by the vote of the electorate.
- (h) "City" means the City of Titusville.
- (i) "Compensation" means any thing of economic value, however designated, which is paid, granted, given, donated or transferred or to be paid, loaned, granted, given, donated or transferred for personal services to any person, official or employee of the City.
- (j) "Confidential information" means nonpublic information, the possession of which renders an advantage in dealing with the City.
- (k) "Conflict of interest" means any situation in which a public official or public employee is in a position where his or her vote or decision can result in a financial benefit to himself or herself or a member of his or her immediate family other than those benefits which may accrue to the public generally and an economic consequence which has an insignificant effect.
- (l) "Elected office" means the office of Mayor and members of the Council.

- (m) "Elected official" means the Mayor and members of the Council.
- (n) "Ethics Board" means a duly appointed and qualified Ethics Board of the City, comprised of three individuals who are not regular employees or elected officials of the City and who shall possess qualifications necessary for carrying out their duties as members of the Ethics Board and who shall be retained by the City to conduct investigations, swear witnesses, take testimony and make appropriate determinations as to whether or not violations of this Code have been made.
- (o) "Family member" means a parent, spouse, child, sister or brother.
- (p) "Gift" means:
 - (1) Anything which is received without consideration of equal or greater value. "Gift" shall include, but not be limited to, any payment, favor, gratuity, thing of value, service or services, promise, discount, admission, performance of any act or series of acts, entertainment, reward, loan which is not commercially reasonable and made in the ordinary course of business or promise of any of the preceding.
 - (2) "Gift" shall not include:
 - A. A political contribution reported as permitted by law;
 - B. A commercially reasonable loan made in the ordinary course of business; or
 - C. A gift received from a relative.
- (q) "Governmental body" means any department, authority, commission, committee, council, board, bureau, division, service office, office, administration, legislative body or other establishment in the municipal government or a political subdivision thereof.
- (r) "Income" means any money or thing of value received or to be received as a claim on future services whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.
- (s) "Person" means any individual, union, association, committee, club or other organization or group of persons.
- (t) "Political office" means a position in a political party.
- (u) "Privilege" means any exemption, consideration, special treatment or advantage.
- (v) "Public employee" means any individual employed by the City, with the exception of public officials.
- (w) "Public office" means any elected or appointed office or position of the City.
- (x) "Public official" means any elected or appointed official of the City.
- (y) "Relative" means a member of an individual's immediate family and also that individual's father, mother, grandfather, grandmother, son, daughter or sibling, whether by blood, adoption or marriage, the latter including, for example, stepparents, stepchildren, half brothers and half sisters.
- (z) "Respondent" means any person who is alleged to have or who is found to have violated the Code.
(Ord. 3165. Passed 11-26-07.)

137.03 CONFLICTS OF INTEREST; RESTRICTED ACTIVITIES.

- (a) Unlawful Acts; Financial Disclosure.
 - (1) No public official or public employee shall disclose or use for his or her own benefit or the benefit of others confidential information which he or she has acquired by reason of his or her public position.

- (2) No public official or public employee shall receive any benefit from or participate in the selection, award or administration of or vote or participate in the legislative discussion on any contract to which the City is a party or participate in the selection, award or administration of a contract supported by public funds if a conflict of interest would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:
 - A. The public official or public employee.
 - B. Any member of his or her family.
 - C. Any person with whom he or she has a business or other financial relationship.
 - D. An organization which employs any of the above.
- (3) No public official or public employee shall be or become interested directly or indirectly in any manner whatsoever, except by operation of law, in any business dealing with the City or any City board, commission or authority.
- (4) No public official or public employee shall act as agent, broker, employee or consultant for any person, firm, corporation or other entity interested directly or indirectly in any manner whatsoever in any business dealings with the City or any City board, commission or authority.
- (5) No public official or public employee shall engage in any business transaction or private employment or shall have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.
- (6) No public official or public employee shall use or attempt to use his position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for himself or herself or any person, firm, or corporation or other entity with which he or she is associated. He or she shall be deemed "associated" with each person who is a member of his or her family, with each person with whom he or she has a business or other financial relationship and with each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.
- (7) No public official or public employee shall attempt to influence the course of any proposed legislation before City Council that affects any private or financial interest not readily apparent of himself or herself, of any of his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.
- (8) Every public official and public employee shall publicly disclose, as provided in subsection (b) hereof, any direct or indirect financial or other private interest in any proposed legislation before City Council of himself or herself, of any of his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect. A subcontract of a contract with the City shall be deemed a "direct or indirect financial interest."

- (9) No public official or public employee shall become financially interested, subsequent to final action, in any legislation before City Council, including ordinances and resolutions, awards, contracts, leases, cases, claims, decisions, decrees or judgments made by him or her in his or her official capacity, during his or her term of office or employment and until two years have elapsed since the expiration of employment or service. This prohibition shall apply so as to prevent a family member or any person, firm, partnership, corporation, business association, trustee or straw party from becoming financially interested for or on behalf of a public official or public employee within said two-year period.
- (10) This section shall not be construed to prohibit any public official or public employee from:
 - A. Accepting or receiving any benefit which is provided for or made available to citizens or residents or classes of citizens or residents.
 - B. Being affiliated with by an investment not exceeding five percent (5%) of the equity at fair market value or more than five percent (5%) of the assets or the economic interest in indebtedness, employed by or representing a person, firm or corporation or other entity whose business dealings with the City or any City board, commission or authority from an insubstantial part of its total business, provided that he or she has no direct or indirect interest in such business dealings and receives no part of the benefit thereof, takes no part in such business dealings and receives no compensation in connection thereof.
- (11) Nothing in this section shall apply to the affiliation of any public official or public employee with any nonprofit or community service organization.

(b) Voting Conflicts. Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed:

- (1) Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interests as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken; any such contract or municipal matter shall not be acted upon or approved by the Council except by an affirmative vote of at least four of the members thereof. When the interested officer is a member of Council, such officer shall refrain from voting on said contract or City matter.
- (2) The provisions of this section shall not apply to cases where such officer is an employee of the person, firm or corporation involved in a municipal contract or municipal matter in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefited thereby, either financially or in any other material matter.

- (c) Gifts.
- (1) No public official or public employee or family member of a public official or public employee of the City shall accept a gift, as defined in Section 137.02:
- A. From a person seeking to obtain a contract grant, employment or any financial relationship from the City.
 - B. From a person or business having a financial relationship with the City.
 - C. From a person or business whose operations or activities are regulated or inspected by the City.
 - D. From a principal, agent and/or attorney in proceedings in which the City is an adverse party.
 - E. From a person who has an interest that may be substantially affected by the performance or nonperformance of any public official's or public employee's official duties.
- (2) Exceptions. The prohibitions imposed by subsection (c)(1) hereof shall not apply to the following:
- A. Acceptance of a gift when circumstances make it clear that the motivation for the gift is due to a family relationship, close personal relationship or traditional practices among close friends, such as exchange of birthday and holiday gifts.
 - B. Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, civic or similar organization.
 - C. Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance.
 - D. Acceptance of small tokens or favors given to everyone attending a function or celebrating an occasion.
 - E. Acceptance of a legal political contribution made to and reported by a duly registered campaign committee. However, there shall not have been an understanding that the contribution was for the purpose of influencing a vote, action or judgment of the public official or public employee.
 - F. Acceptance of unsolicited advertising or promotional material such as pens, calendars and other such items of nominal intrinsic value.
 - G. Acceptance of food and refreshment of nominal value on infrequent occasions or in the ordinary course of a luncheon, dinner party or meeting.
- (d) Employment Restrictions.
- (1) No public official or public employee shall engage in, solicit, negotiate for or promise to accept private employment or render his or her services for private interests or conduct a private business when this employment, service or business creates a conflict of interest or impairs the proper discharge of his or her duties.

- (2) Full-time public employees shall provide written notification of acceptance of a secondary, paid position to their supervisor. Included in this notification shall be the name of the secondary employer and the employee's intended job classification and duties. Secondary employment may be undertaken only when not in conflict with the conditions of employment or regulations promulgated by the City.
- (3) No person who has served as a public official or public employee, whether paid or unpaid, within a period of two years after termination of his or her employment or service, shall appear before any municipal board or commission, department or public official or employee on behalf of any person, firm, corporation or other entity or receive compensation or remuneration of funds for any services rendered on behalf of any person, firm, corporation or other entity in relation to any case proceeding, application, business dealings or other matter with the City or any City board, commission or authority.

(e) Preferential Treatment of Applicants for Employment. No public official, with the exception of the City Manager and directors of departments, shall exert his or her influence to gain or attempt to gain preferential treatment on behalf of an applicant for employment with the City, with the exception of his or her personal staff, except for good cause shown. "Good cause" shall be found to be a showing that such effort is necessary for the best interests of the City.

(f) Equal Treatment Required.

- (1) No public official or public employee shall grant, offer or provide any privilege to any person, persons, business or other entity beyond that which is available to every other person, business or other entity, with the exception of any legally determined affirmative action plan or municipally authorized program.
- (2) No public official or public employee shall in any manner receive benefit from the profits of any work or service for the City, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm, corporation or other entity having dealings with the City. Privileges granted by the City to public officials are exempted from the terms of this provision.
- (3) No public official or public employee shall solicit or receive any compensation, gratuity or other thing of value for any act done in the course of public work other than his normal wage or salary paid by the City and set as a condition of employment or as provided for in law.

(g) Use of Official Influence. No public official or public employee shall use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.

(h) Use of Municipal Property. No public official or public employee shall request or permit the use of or use any municipal motor vehicle, equipment, material or property except in the conduct of official municipal business or as provided in the terms of his or her employment.

(i) Political Activity.

- (1) No public official or public employee shall require any public employee to engage in any campaign activities related to the election of any candidate or candidates.
- (2) No public official or public employee shall use any public property, material or resources on behalf of any political party, political committee, candidate or candidates or use his or her official authority for the purpose of interfering with an election or affecting the results thereof, except the City Council Chambers upon written consent by the City Manager. It is the intention that all political parties shall have equal access to the chambers as approved by the City Manager.
- (3) No appointed official or public employee shall engage in any type of partisan political activity while at work or while the employee should be at work.
- (4) An appointed official or public employee who desires to undertake any partisan political activity restricted by this section may take a leave of absence from municipal employment without pay, thereby temporarily leaving the municipal payroll.

(j) Representation of Private Interests Before Municipal Agencies. It shall be unlawful for any elected or appointed official or for any employee to appear in behalf of another private interest before any agency of the City or to represent any private interest in the action or proceeding against the interests of the City in any litigation to which the City is a party. (Ord. 3165. Passed 11-26-07.)

137.04 ETHICS BOARD.

(a) Composition of Board; Vacancies; Terms.

- (1) The Ethics Board shall be composed of three individuals, who shall be appointed in the following manner:
 - A. One individual appointed by Council.
 - B. One individual appointed by the Mayor.
 - C. A third individual appointed by the Council representative and the Mayor's representative.
- (2) All members of the Ethics Board shall sit for a term of two years. In the case of a vacancy on the Board, an appointment shall be made to said vacancy by that body which made the original appointment prior to the vacancy occurring.

(b) Responsibilities. There is hereby delegated to the Ethics Board as defined herein the responsibility set forth in Section 137.05 relating to enforcement procedures. If an allegation or complaint is filed with the office of the City Manager, said Manager shall send notice to the Ethics Board to conduct an investigation into the allegation or complaint, provided that in the event that said complaint shall involve in some manner the office of the Ethics Board, said matter shall be referred to the City Solicitor for investigation, all in accordance with the procedures outlined herein. (Ord. 3165. Passed 11-26-07.)

137.05 COMPLAINTS AND PROCEEDINGS.

(a) Any person who has knowledge of a violation of this Code of Ethics committed by any person subject to the jurisdiction of this Code may make a signed written report of the same to the City Manager. The fact that a report has been received, the contents of the report and the identity of the person making the report shall remain confidential until such time as the Manager, after receipt of notice as provided herein, has referred the same to the Ethics Board for an initial threshold determination that probable cause exists to believe that a violation of the Code of Ethics has occurred.

(b) Upon receipt of a report, the Ethics Board, without benefit of subpoenas or sworn testimony, shall make such preliminary investigation as it deems appropriate to determine whether probable cause exists to believe that a violation of the Code of Ethics has occurred. If the Ethics Board is satisfied that probable cause does exist, it may choose between two courses of action as follows:

- (1) Refer the matter to the proper authorities for criminal prosecution, provided that upon a determination that the proof beyond a reasonable doubt necessary for criminal conviction is not available, the proper authorities may refer the matter back to the Ethics Board proceedings consistent with this chapter.
- (2) Retain the matter for its own formal investigation with a view toward the ultimate disposition by the Ethics Board in the event that it is determined an actual violation has occurred.

(c) If the Ethics Board should determine probable cause does not exist, it shall communicate its decision, in writing, to the person who made the initial report. The Ethics Board's determination of lack of probable cause shall remain confidential, unless the person who made the initial report chooses to make his or her complaint public. Should this latter event occur, all of the Ethics Board's records, files, notes, correspondence and investigative materials relating to the finding of lack of probable cause shall be made open for public inspection.

(d) Should the Ethics Board decide to retain the matter for its own formal investigation pursuant to subsection (b)(2) above, the Ethics Board shall notify, in writing, the person who made the report and the person complained against of its decision to pursue a formal investigation by way of holding a hearing to determine if a violation has occurred. The person complained against may choose whether the hearing shall be open or closed to the public.

(e) Hearings Conducted by the Ethics Board.

- (1) Hearings conducted by the Ethics Board shall be informal. The person complained against may be represented by legal counsel and/or by his or her bargaining representative and may present and cross-examine witnesses and give evidence before the Ethics Board. The Ethics Board may call witnesses on its own motion and compel the production of books, records, papers or other evidence needed. To that end, the proper authorities shall issue subpoenas and subpoenas duces tecum at the request of the Ethics Board or the person complained against. All testimony shall be under oath administered by the Ethics Board. The Ethics Board may adjourn its hearing from time to time in order to allow for the orderly presentation of evidence.

- (2) Upon motion made by the person complained against or upon its own motion, the Ethics Board may temporarily stay or permanently suspend its investigation when, in its informed discretion, the manifest needs of justice and fairness will be better served thereby.
- (3) The Ethics Board shall prepare an official record of the hearing, including all testimony, which shall be recorded manually or by mechanical device, and exhibits, provided that the Ethics Board shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Within thirty days after the conclusion of the hearing, the Ethics Board shall make and fully record in its permanent records, findings of fact, conclusions of law and its determination of a final disposition. A copy of the findings, conclusions and final disposition shall be forwarded by registered mail to the person who made the initial report and to the person complained against at addresses as given by both persons to the Ethics Board. An additional copy of the findings, conclusions and recommendations shall be forwarded to City Council.

(g) Any person found, by final written order of the Ethics Board, to be in violation of this Code of Ethics may appeal the Board's decision to the Court of Common Pleas of Crawford County. (Ord. 3165. Passed 11-26-07.)

137.99 VIOLATIONS AND PENALTIES.

(a) Any elected official, appointed official or public employee who violates the code shall be subject to the following disciplinary action:

- (1) Private formal reprimand;
- (2) Written reprimand;
- (3) Other types of penalties authorized by collective bargaining agreements or statutes; or
- (4) Referral to a supervisor for appropriate disciplinary action,

(b) Any disciplinary action taken by the City shall be conducted in accordance with pertinent provisions of relevant labor agreements, with applicable procedures as established by the Employee Disciplinary Code and Civil Service for municipal officers and employees, and with applicable requirements for procedural due process of law.

(c) When appropriate, the City may take the necessary legal steps pursuant to a breach of contract with a third party, agent, sub-recipient, contractor or consultant. Such steps may include, but not be limited to:

- (1) Termination of the agreement with no further transfer of funds.
- (2) Recovery of appropriate liquidated damages.

(d) Any person, corporation, company or other entity found to have benefited as a result of a violation of this Code shall be debarred from participating in business dealings with the City for ten years, unless the City would suffer a hardship as a result of the debarring, in addition to being subject to any other penalty provided by law or this Code.

(e) A public official, appointed official or public employee of a political subdivision who acts in good faith reliance on a written, non-confidential opinion of the Solicitor of the City or upon an opinion of the Solicitor of the City, publicly stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in subsection (a), (b), (c) or (d) hereof unless the Solicitor's opinion has been rendered under duress or where the parties seeking and rendering the Solicitor's opinion have colluded to purposely commit a violation of this Code.
(Ord. 3165. Passed 11-26-07.)

TITLE SEVEN - Pensions

Art. 141. Police Pension Fund. (Repealed)

Art. 143. Firefighters' Pension Fund. (Repealed)

ARTICLE 141

Police Pension Fund (Repealed)

EDITOR'S NOTE: Former Article 141 was repealed by Ordinance 3226. The plan document entitled Police Pension Plan, as amended and restated as of August 20, 2013 is hereby approved and adopted as the plan document governing the Police Pension Plan from and after August 20, 2013.

ARTICLE 143
Firefighters' Pension Fund (Repealed)

EDITOR'S NOTE: Former Article 143 was repealed by Ordinance 3225. The plan document entitled Firefighters' Pension Plan, as amended and restated as of August 20, 2013 is hereby approved and adopted as the plan document governing the Firefighters' Pension Plan from and after August 20, 2013.

(NOTE: The next printed page is page 71.)

TITLE NINE - Authorities, Boards and Commissions

- Art. 151. Authorities.
- Art. 153. Civil Service Commission.
- Art. 155. Leisure Services Board. (Repealed)
- Art. 157. Shade Tree Commission.
- Art. 158. Blighted Property Review Committee.
- Art. 159. Benson Memorial Library.
- Art. 161. Juvenile Commission. (Repealed)
- Art. 163. Colonel Drake Steamer Fund Commission.
- Art. 165. Board of Health.
- Art. 167. Planning Commission.
- Art. 169. Zoning Hearing Board.
- Art. 171. Building Code Board of Appeals.
- Art. 173. Plumbing Board of Examiners.
- Art. 175. Oil Region Council of Governments.
- Art. 177. Recreation Commission. (Repealed)

ARTICLE 151
Authorities

EDITOR'S NOTE: This article has been established to provide a synopsis of legislation relating to the creation of authorities by Council.

Municipal Water Authority. Under the provisions of the Act of May 2, 1945 (P.L. 382), as amended, the Municipal Water Authority was created by Ordinance 1592, passed December 3, 1962. Ordinance 1602, passed March 18, 1963, authorized the conveyance of the City-owned water supply and distribution system to the Municipal Water Authority. Ordinance 1603, passed March 18, 1963, provided for the leasing of that portion of the water supply system within the City. Ordinance 1604, passed March 18, 1963, approved a management agreement with the Municipal Water Authority. Ordinance 1605, passed March 18, 1963, authorized the Municipal Water Authority to lay, construct, maintain, repair and replace water distribution lines and appurtenances in the City streets, roads and alleys. Ordinance 1606, passed March 18, 1963, authorized the establishment of the Water System Management Fund.

Municipal Authority. Under the provisions of the Act of May 2, 1945 (P.L. 382), as amended, the Municipal Authority was created by Ordinance 1425, passed February 7, 1955. Ordinance 1451, passed April 2, 1956, authorized the transfer of City sewer facilities to the Municipal Authority. Ordinance 1452, passed April 2, 1956, provided for the leasing of the sewer system from the Municipal Authority. Ordinance 1453, passed April 2, 1956, authorized the Municipal Authority to lay, maintain and replace sewer lines in the City streets, roads and alleys.

Industrial Development Authority. Under the provisions of the Act of May 2, 1945 (P.L. 382), as amended, the Industrial Development Authority was created by Ordinance 1682, passed December 11, 1967.

Redevelopment Authority. Under the provisions of the Urban Redevelopment Law, Act of May 24, 1945 (P.L. 991), as amended, the Redevelopment Authority was created by Ordinance 1531, passed June 6, 1960.

Parking Authority. Under the provisions of the Parking Authority Law, Act of June 5, 1947 (P.L. 458), as amended, the Parking Authority was created by Ordinance 1416, passed November 15, 1954. Ordinance 1462, passed November 19, 1956, as amended by Ordinance 1489, passed January 20, 1958, related to the development and financing of off-street parking facilities.

Oil Creek Watershed Joint Flood Control Authority. Under the provisions of the Act of May 2, 1945 (P.L. 382), as amended, the Oil Creek Watershed Joint Flood Control Authority was created by Ordinance 1743, passed March 22, 1971.

Tri-City/County Joint Solid Waste Authority. Under the provisions of the Act of May 2, 1945 (P.L. 382), as amended, the Tri-City/County Joint Solid Waste Authority was created by Ordinance 1756, passed November 13, 1972, as amended by Ordinance 1766, passed October 22, 1973.

Airport Authority. Under the provisions of the Municipality Authorities Act of 1945, the Airport Authority was created by Ordinance 1960, passed August 29, 1988.

CROSS REFERENCES

Municipality Authorities Act - see 53 P.S. § 301 et seq.
Parking Authorities - see 53 P.S. § 344

ARTICLE 153
Civil Service Commission

EDITOR'S NOTE: There are no sections in Article 153.
This article has been established to provide a place for cross
references and any future legislation.

CROSS REFERENCES

Examination of appointees - see 3rd Class § 4401 (53 P.S. § 39401)
Appointment of examining boards - see 3rd Class § 4402 (53 P.S. § 39402)
Examination regulations - see 3rd Class § 4404 (53 P.S. § 39404)
Selection of appointee from lists - see 3rd Class § 4406 (53 P.S. § 39406)
Suspension and discharge - see 3rd Class § 4408 (53 P.S. § 39408)
Review of eligibility lists - see 3rd Class § 4410 (53 P.S. § 39410)
Firemen's Civil Service - see 53 P.S. § 39861 et seq.
Commission continued - see ADM. 111.07

ARTICLE 155
Leisure Services Board (Repealed)

EDITOR'S NOTE: Former Article 155 was repealed by Ordinance 3213.

ARTICLE 157
Shade Tree Commission

157.01	Definitions.	157.10	Organization and responsibilities of Shade Tree Commission.
157.02	Prohibited activity.	157.11	Violations, remedies and penalties.
157.03	Permit application.	157.12	Memorial Tree Fund.
157.04	Permit issuance.	157.13	Board of Appeals.
157.05	General permit.	157.99	Penalty.
157.06	Fees.	Appendix A - Rules and Regulations.	
157.07	Declaration of public nuisance.		
157.08	City tree care.		
157.09	Cost of trimming and removal.		

157.01 DEFINITIONS.

- (a) "Adjacent Owner" shall mean the owner of the real property adjacent to a Public Area.
- (b) "Article" shall mean this Article 157 entitled "Shade Tree Commission."
- (c) "Board of Appeal " shall mean a board appointed by City Council to review appeals by property owners of notices and actions by the Shade Tree Commission.
- (d) "City" shall mean the City of Titusville, Pennsylvania.
- (e) "City Council " shall mean the City Council of the City of Titusville.
- (f) "Paid Consultant" shall mean a non-voting, paid consultant by the City contracted by the City to carry out responsibilities of the Shade Tree Commission set forth in this Article.
- (g) "Emergency" shall mean any unexpected or sudden occurrence that poses a danger to the public health, welfare or safety. Nonexclusive examples of emergencies include fallen trees or damaged or diseased tree limbs which pose a risk of falling into a Public Area.
- (h) "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

(i) "Public Area" shall mean any real estate under the control or ownership of the City of Titusville or any of its agencies or authorities, public right-of-way, park or easement.

(j) "Shade Tree Commission" shall mean the Shade Tree Commission of the City of Titusville.

(k) "Substantial Injury" shall mean such injury and damage which endangers the continued life and structural integrity of any tree.

(l) "Top" or "Topping of a Tree" shall mean the cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to substantially remove the natural canopy.

(m) "Tree" shall mean a woody plant with one main trunk which generally reaches 20 feet or more in height, at maturity, and shall not include shrubs or bushes. (Ord. 1783. Passed 9-22-75; Ord. 3039. Passed 4-23-01.)

157.02 PROHIBITED ACTIVITY.

It shall be unlawful:

- (a) To plant, cut down or top, or cause to be planted, cut down or topped any tree within Public Areas without a permit issued by the Shade Tree Commission in accordance with the provisions of this Article.
- (b) To plant or cause to be planted any tree within a Public Area except in accordance with spacing requirements set forth in the Rules and Regulations, which establishes required distances from other trees, street intersections, fire hydrants, curbs, sidewalks, underground water, sewer or other utility and overhead utility wire, cable or facility as measured from the main tree trunk based upon classification of trees by species and size as set forth in the Rules and Regulations adopted in accordance with this Article.
- (c) For any person engaged in multiple tree trimming or tree removal activities for or on behalf of any utility company or other person to trim any trees within a Public Area without a permit issued by the City's Shade Tree Commission pursuant to and in accordance with the provisions of this Article, and for any such person to conduct such activities in any manner which is not in conformity with regulations adopted by City Council in accordance with the provisions of this Article. All of the above applies except in a state of emergency as determined by any of the following: City Manager, Director of Public Works, Police Chief, Fire Chief, Mayor. As soon as reasonably convenient following an emergency, the person directing the removal or trimming of a tree shall notify or cause notification of said activity to be given to the Shade Tree Commission.
- (d) To apply chemicals in the nature of fungicides or pesticides to trees within a Public Area without a permit issued by the Shade Tree Commission pursuant to the provisions of this Article and except in accordance with applicable local, federal and state laws, rules and regulations relating thereto.
- (e) To fasten ropes, wires, cables, electric attachments, signs or other devices to a tree within a Public Area without a permit issued by the City's Shade Tree Commission pursuant to the provisions of this Article, and in conformity with regulations adopted by City Council in accordance with the provisions of this Article.

- (f) To cut or disturb roots, to obstruct free access of air and water to roots, to maintain fires in close proximity to trees, or to undertake demolition or construction work without protecting or guarding nearby trees, where such activity is likely to cause substantial injury or destruction of a tree within a Public Area without a permit from the City's Shade Tree Commission.
(Ord. 3039. Passed 4-23-01.)

157.03 PERMIT APPLICATION.

To obtain a permit form to conduct any activities governed by the provisions of Section 157.02 of this Article, this form together with such fee as may be established from time to time by resolution of the City Council, shall be submitted to the Shade Tree Commission. The permit form shall contain the following information:

- (a) Name, address and telephone number of the applicant.
(b) Location and description of the property on which the activity requiring a permit is to occur.
(c) Owner(s) of the specified property if different from applicant.
(d) A description of activity to be undertaken which requires a permit. All relevant information must be detailed, including a description of trees affected; their location with respect to streets, property lines, sidewalks and structures; types of chemicals or other matter to be applied; the person doing the work; and any other information requested by the Shade Tree Commission and reasonably necessary to determine if a permit should be issued.
(Ord. 3039. Passed 4-23-01.)

157.04 PERMIT ISSUANCE.

A permit shall only be issued after the applicable fee has been paid and after a representative of the City's Shade Tree Commission determines that the planting, trimming or cutting down of a tree, or application of chemicals, or other matter or activity involving a tree or trees within a Public Area, will be performed in accordance with the regulations promulgated and adopted pursuant to the provisions of this Article, will be in the City of Titusville's best interest and will not be detrimental to traffic or to utility services in or about the Public Area, and will not otherwise be detrimental to the public health, safety and welfare.
(Ord. 3039. Passed 4-23-01.)

157.05 GENERAL PERMIT.

By the passage of this article a general permit for the trimming of trees is issued to the Titusville Department of Public Works enabling said department to undertake all activities related to the trimming of trees either above ground or below ground where and whenever said trimming is deemed necessary by the said Public Works to protect and/or maintain the storm water system, sanitary sewer system, water system or the public safety. Whenever the Department of Public Works undertakes any said trimming activities, the Director of Public Works shall notify or cause to be notified the Shade Tree Commission prior to any said planned activity that substantially or materially affects a tree within the jurisdiction of this chapter.
(Ord. 3039. Passed 4-23-01.)

157.06 FEES.

Fees shall be paid to the City of Titusville for issuance of permits required under this Article in accordance with the Fee Schedule in effect at the time of issuing the permit(s). (Ord. 3039. Passed 4-23-01.)

157.07 DECLARATION OF PUBLIC NUISANCE.

A tree within a Public Area which causes a hazard to sidewalk pedestrians, street traffic or to the public generally by reason of its dead or diseased condition, or dead, diseased, broken or decayed limbs or branches, or limbs, branches or foliage which hang into the path of street traffic or persons using sidewalks, shall constitute a public nuisance and be subject to correction or abatement as is generally provided for the abatement of public nuisances at the sole cost and expense of the Adjacent Owner of the property in accordance with Section 157.09. (Ord. 3039. Passed 4-23-01.)

157.08 CITY TREE CARE.

(a) The City's Shade Tree Commission shall have the right to plant trees within Public Areas to preserve and to enhance the symmetry and beauty of Public Areas.

(b) Subject to Section 157.05, the City's Shade Tree Commission shall have the right to trim, maintain and remove trees within Public Areas which may be dead, diseased or in an unsafe condition or which may interfere with or cause harm to sewers, water lines, and other public utilities, or to public improvements; which may pose a hazard to traffic or pedestrians; which may interfere with traffic control devices or street lights; which have been damaged by storm or other occurrence; or which in any other manner may pose a threat to the public health or safety. (Ord. 3039. Passed 4-23-01.)

(c) The City's Shade Tree Commission shall provide any Adjacent Owner who might incur a liability under Section 157.09 with respect to such tree or trees including Titusville City Council with at least seven (7) days' notice of its planned action with respect to trees within a Public Area. (Ord. 3039. Passed 4-23-01; Ord. 2-2016. Passed 2-23-16.)

(d) Any Adjacent Owner who disagrees with the planned action may appeal to the Board of Appeal by filing a notice of appeal with the Board of Appeal within five (5) days of receipt of the Shade Tree Commission's notice. (Ord. 3039. Passed 4-23-01.)

157.09 COST OF TRIMMING AND REMOVAL.

The trimming or removal of a tree within a public area pursuant to Sections 157.07 or 157.08 or any other provision of Article 157 shall be at the sole cost and expense of the owner of the subject property provided that the City may, when proper funds are available and allocated, pay the cost of removal or trimming and charge the owner of the property upon which the tree is situate one-half of the cost incurred by the City up to a maximum of two hundred fifty dollars (\$250.00) during calendar year 2002 and for calendar years 2003 and succeeding years as set by City Council by resolution pursuant to Ordinance No. 3028 of 2000, provided further that the owner of the subject property pays the bill for removal or trimming within sixty days of notification. If the owner does not pay said bill within sixty days of notification, the property owner shall be responsible for one hundred percent of the entire cost borne by the City in removing or trimming said tree. (Ord. 3070. Passed 6-24-02.)

157.10 ORGANIZATION AND RESPONSIBILITIES OF SHADE TREE COMMISSION.

(a) Organization. The Shade Tree Commission shall have five members, all of whom shall be residents of the City, who shall be appointed by the City Council. In addition, non-voting associate members who may or may not be residents of the City, may be approved by the City Council. The members of the Shade Tree Commission shall serve without compensation. (Ord. 3219. Passed 11-19-13.)

(b) Term of Office. The members of the Shade Tree Commission shall be appointed for a term of five years, and these terms shall be staggered so that one member's term expires each year. A vacancy on the Shade Tree Commission which occurs for reason other than the expiration of a term, shall be filled for the unexpired portion of the term. A member may remain on the Shade Tree Commission after expiration of his or her term until a replacement is duly appointed or qualified.

(c) Officers and Actions. The members of the Shade Tree Commission shall elect a Chairman, and such other officers as appropriate. The terms of the officers so elected shall be for one year. Officers may serve consecutive terms. All officers shall be eligible for re-election. A majority of the voting members shall be a quorum for the purpose of taking action. A majority of votes cast at any meeting at which a quorum exists shall determine all issues.

(d) Responsibilities and Duties.

- (1) The Shade Tree Commission shall develop and establish Rules and Regulations for the various classifications of trees and the planting, maintenance, protection and removal of trees within Public Areas. These Rules and Regulations shall be effective upon approval by resolution of City Council. These Rules and Regulations may be amended from time to time in accordance with this procedure.
- (2) The Shade Tree Commission shall study and make recommendations to City Council on all matters affecting trees within Public Areas, including ordinances and regulations for the placement, removal, care and protection of trees.
- (3) The Shade Tree Commission may solicit and accept grants and contributions. Funds obtained by the Shade Tree Commission in the form of grants and contributions shall be placed in the Memorial Tree Fund or other special funds established by the City and may be used by the Shade Tree Commission in a manner approved by the City Council.
- (4) With the approval of City Council, the Shade Tree Commission may utilize the services of a Community Forester who shall be responsible to the Shade Tree Commission for the performance of activities authorized by City Council and included by City Council in any annual budget appropriations or special appropriations designated for the City's Shade Tree Commission.
- (5) The City's Shade Tree Commission shall also be responsible for determining and ordering the removal and proper disposition of any tree or portions thereof or treatment of any tree deemed to be threatened by any disease or insect which constitutes a serious hazard to that or other trees in all property in the City. The determination of a disease or insect as a serious threat to a tree species shall be made at a public meeting and the City's Shade Tree Commission or Arborist may, without further public hearing, remove or order the removal and proper disposal of any tree or portions of any such tree or trees.

(Ord. 3039. Passed 4-23-01.)

157.11 VIOLATIONS, REMEDIES AND PENALTIES.

(a) Any Person who shall violate or fail to comply with the requirements or obligations set forth in this Article shall be served with a written notice of violation issued by the City's Shade Tree Commission requiring such action as appropriate to correct a hazardous condition or a condition in violation of this Article or Rules and Regulations promulgated pursuant to this Article. Any Person aggrieved by a notice of violation may file an appeal with the Board of Appeals within five days of receipt of the notice of violation.

(b) In the event a Person fails or refuses to comply with any notice of violation of the City's Shade Tree Commission as provided by this Article or by general law or otherwise fails to correct any prohibited condition or to cease any continuing violation, then the City's Shade Tree Commission may take one or more of the following actions:

- (1) Revoke any permit issued pursuant to the provisions of this Article.
- (2) Correct or remedy the subject condition or violation at the cost of the property owner or possessor, or other Person responsible for the violation or subject condition. This cost, together with a reasonable administrative fee, shall be paid by the property owner or other Person responsible for the violation or for failing to take any action required by this Article. Property owners and other Persons responsible for the violation or subject conditions shall be jointly and severally liable for compliance with the provisions of this Article and for the payment of any and all sums which may be due to the City's Shade Tree Commission hereunder.
- (3) Should any property owner or other Person responsible for the subject condition or violation fail to pay the cost of any corrective action, together with the administrative fee authorized herein, such costs may be assessed against the subject premises and the owners thereof and collected as a municipal lien or collected otherwise as permitted by law.
- (4) Institute a summary proceeding before the District Justice for imposition of a penalty as provided for under Section 157.99 hereafter.
- (5) Proceed with an action as permitted by law for any other appropriate relief at law or in equity.

(Ord. 3039. Passed 4-23-01.)

157.12 MEMORIAL TREE FUND.

(a) There is hereby created among the accounts of the City of Titusville, a special trust fund account to be known and denominated as the City of Titusville Memorial Tree Fund.

(b) It shall be the purpose of the Memorial Tree fund to accept contributions from the public at large and to employ the sums so accumulated therein, together with any income earned thereupon, for the placement and maintenance of trees along the public rights of way and on public property in the City, as a memorial to those in whose names the contributions are made.

(c) The Memorial Tree Fund shall be administered by the City Shade Tree Commission.

(d) If, at any time, continued maintenance of the Memorial Tree Fund becomes impractical, in the opinion of Council, Council by resolution may dissolve the Fund and direct that the proceeds therefrom be paid directly to the Shade Tree Commission for the general purposes of such Commission.

(Ord. 1898A. Passed 2-11-85; Ord. 3039. Passed 4-23-01.)

157.13 BOARD OF APPEALS.

(a) Where specifically provided in this article, aggrieved property owners may appeal actions of the Shade Tree Commission to the Board of Appeals.

(b) The Board of Appeals shall be comprised of three members of City Council designated by resolution of City Council, each to serve for a two year term.

(c) All appeals shall be filed with the City Manager.

(d) All appeals shall be heard at a meeting of the Board of Appeals, open to the public, at which at least a majority of members are present, held within seven days of filing of the appeal.

(e) All decisions of the Board of Appeals shall be by majority vote of the members present.

(f) If the property owner's appeal is upheld, the Shade Tree Commission shall be directed to refrain from taking the proposed action. If the appeal is rejected, the Shade Tree Commission shall be authorized to proceed with the proposed action.

(g) A member of the Shade Tree Commission and/or the Shade Tree Professional Consultant will be present at all Board of Appeals hearings.
(Ord. 3039. Passed 4-23-01.)

157.99 PENALTY.

(a) For willfully injuring or killing a living tree in any Public Area by cutting, debarking, breaking, by the use of herbicides, use of a vehicle or in any other manner wherein it is determined by the District Justice that such damage or destruction was wantonly or intentionally inflicted, a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) per day up to nine hundred dollars (\$900.00), plus the cost of repairing or replacing each damaged tree shall be levied. If the Person found guilty of violating this Article is an abutting property owner, the cost of repair or replacing the damaged tree shall be assessed against the property in accord with Section 157.09 of this Article.

(b) For all other violations, where it is determined by the District Justice that such damage or destruction was not intentionally or willfully inflicted, a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) plus the cost of repairing or replacing the damaged tree shall be levied. If the Person found guilty of violating this Article is an abutting property owner, the cost of repair or replacing the damaged tree shall be assessed against the property in accord with Section 157.09 of this Article.

(c) All penalties or assessments imposed under such Sections shall be paid to the City Treasurer to be placed to the credit of the Shade Tree Commission or the Memorial Tree Fund, subject to be drawn upon by the City's Shade Tree Commission for the purposes authorized in this article.
(Ord. 1959. Passed 8-29-88; Ord. 3039. Passed 4-23-01.)

APPENDIX A

RULES AND REGULATIONS

The following Rules and Regulations for planting, trimming, care, and protection of trees within City streets and public areas are adopted by the City Council of the City of Titusville pursuant to and in accordance with Article 157 entitled "Shade Tree Commission" of the Codified Ordinances of the City of Titusville.

I. General Requirements

- A. All persons performing activities regulated under Article 157 of the Codified Ordinances of the City of Titusville entitled "Shade Tree Commission" and relating to the planting, removal, or trimming of trees within City streets and public areas, and applying chemicals or devices to trees within City streets and public areas, and affecting the health of trees within City streets and public areas, shall comply with these rules and regulations as applicable.
- B. All persons performing activity requiring a permit issued pursuant to Article 157 of the Codified Ordinances of the City of Titusville entitled "Shade Tree Commission" shall comply with these Rules and Regulations as applicable.
- C. The following fees shall be paid to the City of Titusville for issuance of permits as required by Article 157 of the Codified Ordinances of the City of Titusville:
 - 1. \$5.00 for each permit for activities subject to the permitting requirement that occurs at one location or site, to be waived for individual homeowners.
 - 2. \$25.00 for each permit for activities subject to the permitting requirement that occurs at more than one location or site.

II. Pruning and Removal Specifications

- A. Specific Requirements Pertaining to the Pruning of Trees.
 - 1. For persons engaged in multiple tree trimming, cutting, pruning and removal activities for a fee or as a business, the applicant shall be required to demonstrate possession of liability insurance covering the activities involved in minimum amounts of \$300,000 for bodily injury or death and \$100,000 for property damages.

2. Authority to prune or trim trees within City streets and public areas shall not include the cutting back of sound, healthy tree branches outside the stated purpose of the permit issued.
3. All dangerous deadwood and all broken limbs or other defective tree parts which constitute a hazard to the health of the tree, to public safety, or to property shall be removed.
4. Tree branches shall be removed and controlled in such a manner as not to cause damage to other parts of the tree or to other plants, people or property, including, but not limited to sidewalks and driveways.
5. All tools used on a tree known to contain an infectious tree disease shall be properly disinfected immediately after completing work in such a tree and prior to being used on any other tree.
6. All cutting tools and saws used in tree pruning shall be kept adequately sharpened to assure clean cuts without jagged edges.
7. When tree pruning all cuts are to be made to a side branch (lateral), at least 1/3 diameter of the branch being cut away from the main stem.
8. Whenever removing branches too large to hold securely in one hand during the cutting operation, such branches shall be cut off several inches beyond the intended final cut. Final cuts shall then be made in a manner to prevent any unnecessary tearing of the bark and wood (See Figure 1).
9. All final pruning cuts shall be made sufficiently close to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub, so that closure can readily start under normal conditions. Clean cuts shall be made in all cases (See Figure 1).

B. Standards of Workmanship for Pruning and Removal.

1. The use of climbing spurs or spikes shall be permitted only in the process of removing a tree.
2. Public trees or poles in the public right-of-way shall not be used as an anchor for any mechanical device or any process for any reason.
3. Under no circumstances, when in the process of removing a tree or any part of a tree, shall the work site be left unattended unless the tree and its branches are in a safe condition.
4. Unless the tree work area is totally barricaded or otherwise kept safe while pruning or removing trees, at least one responsible worker shall serve to coordinate safe operating on the ground at all times when work operations are in progress.
5. Under no condition shall it be considered proper to leave any severed or partially cut branches in the upper portion of any tree being worked on after the tree workers leave the scene of the operation.
6. Whenever large tree sections are being cut which may endanger person or property, such materials shall be secured by ropes and lowered safely in a controlled manner.
7. Cleanup of branches, logs or any other debris resulting from any tree pruning or removal shall be promptly and properly accomplished. The work area shall be kept safe at all times during the cleanup operation. Under no condition shall the accumulation of brush, branches, logs or other debris be allowed upon a public property in such a manner as to result in a public hazard.

8. All removal of public trees shall be done in a manner so that the remaining stumps will be left as close to ground level as possible. If stump removal is required, they shall be ground at least 8 inches below ground level or removed intact.
9. Excavations resulting from tree or shrub removal must be properly filled in to conform to the surrounding ground level with a clean earth fill lightly compacted and free of debris. Surface material shall be restored to match adjacent material.

C. Authorized Types of Tree Pruning. Authorized types of tree pruning follow the National Arborist Association's Pruning Standards for Shade Trees and are summarized below:

1. Class I - Fine Pruning. Fine pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and weak branches, as well as selective thinning to lessen wind resistance. The removal of such described branches is to include those on the main trunks, as well as those inside the leaf area. An occasional undesirable branch up to one-half inch in diameter, as described above, may remain within the main leaf area to its full length when it is not practical to remove it.
2. Class II - Standard Pruning. Standard pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and weak branches, as well as selective thinning to lessen wind resistance. The removal of such described branches is to include those on the main trunks, as well as those inside the leaf area. An occasional undesirable branch up to one inch in diameter may remain within the main leaf area where it is not practical to remove it.
3. Class III - Hazard Pruning. Hazard pruning shall consist of the removal of dead, diseased, decayed, and obviously weak branches.
4. Class IV - Crown Reduction Pruning. Crown reduction pruning shall consist of the reduction of tops, sides or individual limbs. It involves the removal of tops of a parent limb or dominant leader at the point of attachment of a lateral branch (see figure 2). This practice is to be undertaken only for the following reasons:
 - a. In situations where branches interfere with utility lines.
 - b. When there has been significant crown dieback.
 - c. In cases where, due to storm damage or prior incorrect pruning, it is appropriate to prune for safety and aesthetic reasons.

III. Chemical Application Specifications

The following specifications pertain to the spray application, soil application or injection of fertilizers, pesticides, or growth inhibitors to the above ground portions of trees or roots.

A. General Specifications.

1. Applicators applying chemical pesticides to public trees shall adhere to all federal and state laws and regulations pertaining to pesticides and their application.
2. All work pertaining to the treatment of trees for insect, disease, or other pests shall be completed by a person(s) with a current Pesticide Application License and proof of license shall accompany the City Permit application.

3. The pesticide applicator shall know and understand the capacities and safety precautions of those materials used recommendations stipulated by the manufacturer.
4. Ineffectual control; damage, injury or death to plants; or adverse effects on animals or persons; resulting from the use of materials beyond the limitation of the manufacturer's guarantee shall be considered the responsibility of the licensed operator and his employer.
5. Spray equipment shall be kept clean and in good working order.
6. It shall not be permitted to perform chemical application with dirty or contaminated tanks or equipment.
7. Operators shall properly dispose of excess chemicals, including rinse water, in accordance with federal and state laws and regulations. Unsanitary or unsafe methods of washing out or draining tanks and equipment into public sewers and gutters is prohibited.
8. No spray application shall be carried out when there is sufficient wind to make pesticide control ineffectual or create an overspray hazard to persons, plants or property.
9. No spraying of pesticides shall be done when air temperature is less than 40 degrees Fahrenheit.
10. All spray machines other than hand pump sprayers must have agitators capable of maintaining a uniform spray solution at all times when spray application is in progress.
11. Adequate precautions shall be taken in all phases of chemical preparation and application in order to minimize the chances of toxicity or phytotoxicity to non-target species .

B. Specific Requirements Pertaining to Tree Injections.

1. Authorization by the Shade Tree Professional consultant must be given prior to any injection of chemicals into City-owned trees.
2. Injection hole size, spacing and timing of application will be according to product label and tree species.
3. Injection holes should not be placed near wounds in the tree trunk, such as knots, frost cracks, cankers, decay, etc.
4. Holes shall be drilled as low on the trunk as feasible.
5. Avoid vertical alignment of holes from previous treatments.
6. Remove external fixtures as soon after treatment as the manufacturer and legal requirements allow.
7. If growth regulators are used, each stem of a multi-stemmed tree should be treated as a separate tree and any tree showing visible signs of decline or decay should not be injected unless permitted by the Shade Tree Professional Consultant.
8. A record of trees injected shall be kept and turned into the Shade Tree Professional consultant upon the completion of work. The record shall include the date, time of day and location that the tree or trees were injected, the operator, chemicals used, size and species of tree, amount of chemical used and any other pertinent information.

IV. Planting Specifications

A. Plant Material.

1. Plant material shall conform to the latest version of the American Standard for Nursery stock (ANSI Z60.1). Plant material shall be of standard quality or better, true to name and type of their species or variety.
2. Plants shall have normal, well developed branches and root systems. They shall be healthy, vigorous plants free from defects, decay, sunscald injuries, abrasions of the bark, insect pests and all forms of infestations.
3. Balled and burlapped plants shall have solid balls of adequate size, the balls securely wrapped with burlap or canvas, tightly bound with rope or twine. Plastic twine or wrapping material is not permitted, unless completely removed as detailed in Section B.8. of this Item IV.
4. The Shade Tree Commission or its designee shall be notified and have the right to inspect any trees or shrubs before or after they are planted.
5. Tree List. See attached Appendix "A-1".

B. Planting Methods and Techniques.

1. No plant pit shall be dug or approved until all underground electric or telephone lines, gas lines, water lines or any other improvement locations are checked in accordance with Act 172 of 1986 of the Commonwealth of Pennsylvania.
2. Trees may not be planted less than 40 feet from a public street intersection or 15 feet from a fire hydrant or 10 feet from a driveway or utility pole. Trees will be planted according to the Inventory Plan with driveways, utility poles, fire hydrants and Public Areas taken into consideration. Actual tree locations shall be approved by the Shade Tree Professional consultant or the Shade Tree Commission.
3. To plant or cause to be planted any tree less than the following distances from curbs, sidewalks, underground water, sewer or other utility facility, and overhead utility wire, cable or similar utility facility, except that in some cases the Shade Tree Professional Consultant may approve the planting of smaller species of trees in tree lawns less than four feet wide.

Curbs and sidewalks -	small trees -	2 feet
	medium trees -	3 feet
	large trees -	4 feet

Underground water, sewer or other utility facility -	medium trees -	5 feet
	large trees -	5 feet

4. The spacing of street trees shall be as follows: Small trees - 25 feet; medium trees - 35 feet; large trees - 45 feet; except in special plantings designed by a landscape architect and approved by the Shade Tree Commission. The inventory and variety of trees will address this.
5. Every pit should be 50% wider and at least the depth of the soil ball or the full extent of the root system of bare root trees (See Figure 3). In the process of digging the pit, avoid "glazing" the sides of the hole.

6. For all balled and burlapped, bare root and container plantings, the backfill should be of desirable structure, texture and ph to support vigorous plant growth. The backfill shall be added and tamped firmly but not excessively around the ball or root system at 12 inch increments until full.
7. Each plant should be centered and vertical, aligned in the pit and set at the depth at which it was growing at the nursery.
8. For all balled and burlapped stock, once it has been properly positioned in the pit, the burlap and twine shall be removed from around the trunk of the tree and removed or tucked down in the planting hole. Plastic burlap or other synthetic materials shall be completely removed from the pit. Tree baskets may remain on the root ball but the top ring of all wire baskets should be removed.
9. The soil in the planting hole shall be thoroughly soaked with water after planting.
10. All tree and shrub plantings shall be mulched with 4 inches of wood chips coarse fibrous bark or other surface treatment as specified by the Shade Tree Professional Consultant.
11. Any tree loose in the ball or ground shall be guyed or staked securely. The method shall be approved by the Shade Tree Professional Consultant.
12. For every plant moved with a tree spade all space between the ball and surrounding soil shall be filled. Trees shall be mulched and watered immediately after transplanting.
13. When planting a tree that will be surrounded by an impervious surface there shall be a minimum of 40 square feet of porous surface around the tree. A lesser area may be provided if approved by the Shade Tree Professional Consultant.
14. Under no circumstance shall a tree or shrub be planted in a container within City sidewalks or tree lawns located within the City limits.

C. Planting Standards of Workmanship.

1. Plant material shall be handled in a manner so as to cause the least amount of damage during the planting process. The trunk shall be protected against mechanical impact during handling and transport.
2. Balled and burlapped and container plants shall always be handled by the soil ball or container. Under no circumstances may they be dragged lifted or pulled by the trunk or foliage parts in a manner that will loosen the roots in the ball.
3. Plant material shall be planted the day it is taken to the planting site or it shall be watered and placed in a shady area to prevent dehydration.
4. Bare root plants shall have their roots covered either with a moist tarp or mulch while they are being transported to and being held at the planting site.
5. Trees and shrubs shall not be dug, balled and burlapped or moved with a tree spade during the active growth period unless the ball is large enough to insure survival.
6. All twine or rope and plant labels secured around the trunk and branches shall be removed after planting is completed.

7. Cleanup of soil, branches or other debris resulting from any tree or shrub planting shall be promptly accomplished. The work area shall be kept safe at all times until the cleanup operation is completed. Under no condition shall be accumulation of soil, branches or other debris be allowed upon public property in such a manner as to result in a public hazard or be unsightly.
8. Excavated plant pits that will be left open when work is not in progress or pose hazards to pedestrians or vehicles shall be adequately barricaded with qualified warning devices.

V. Protection and Preservation Specifications

The following specifications are intended to prevent unnecessary damage and destruction to trees.

A. General Specifications.

1. Authorization must be given by the Shade Tree Professional Consultant or his/her designee before any of the following is performed:
 - a. Attach or install any metal materials, signs, cables, wires or other things foreign to the natural structure of a tree within City streets.
 - b. Treatment of the soil within the root zone with a soil sterilant.
2. All site or landscape plans involving public property shall show all existing trees. Trees proposed to be saved and removed shall be indicated. Every possible effort shall be made to preserve desirable trees.
3. Existing trees to be saved shall be marked with prominent identification. Protective devices shall be placed around all "save" trees as soon as possible. Acceptable protective devices include but are not limited to standard snow fencing attached to metal posts, wire or string with flagging attached to wooden or metal post set securely in the ground, or board fencing.
4. Heavy equipment shall not be allowed to travel over the root zone of existing trees unless landscape fabric and wood chips or boards in small areas are used to avoid compaction of the soil and damage to the tree's roots.
5. Curb cuts shall not be closer than 5 feet from the trunk of a tree. No paving or asphaltting shall be installed closer than 2-1/2 feet from a tree trunk.
6. New sidewalks, paving or asphaltting must allow space for tree roots that is permeable to air and water. The following should be used as a guideline. For trees up to 4 inches in trunk caliper, 23 square feet of porous area is needed. For each additional 2 inches of tree caliper, 10 more square feet are needed. The Shade Tree Commission should be consulted any time a sidewalk permit is requested for an area located nearby a tree within the City limits.
7. Grade changes within the drip line of a tree to be saved shall be avoided whenever possible. If grade changes are absolutely necessary within the drip line of "save" trees, tree wells or walls shall be used.

8. Avoid cutting surface roots whenever possible. Sidewalks and paving levels shall be detoured sufficiently to avoid such cutting.
9. If trees are in full leaf during the construction phase, it may be necessary to supply supplemental irrigation. The Shade Tree Commission shall notify the permittee when irrigation is required.

B. Specific Requirements Pertaining to the Protection of Trees.

1. Necessary and reasonable measures should be taken to protect street trees from damage during excavation and associated activities. Any damage sustained by a tree, such as broken limbs or roots or scarred trunks resulting from construction and/or installing underground facilities shall be reported immediately to the Shade Tree Commission or its designee or treated according to the tree care standards specified in these Regulations. All measures taken to protect or treat City trees under this section shall be done under the supervision of the City.
2. When an underground project encounters the roots of a tree within City streets, a tunnel or some other method of modification of the project under or around the tree shall be used as reasonably necessary to protect the health and survivability of the tree.
3. When in the process of excavating within the drip line of a tree within City streets, roots larger than 2 inches are encountered, the Shade Tree Commission or its designee shall be contacted. All roots shall be cleanly pruned on the tree side of the excavation. Backfilling shall be done as soon as possible to prevent the drying out of exposed roots.
4. Installations of curbs and sidewalks shall be completed in a manner least damaging to trees and tree roots. Clean cuts shall be made in every case.
 - a. Sidewalks. Roots less than 2 inches in diameter of trees within City streets and public areas may be cleanly pruned on the tree side without notifying the Shade Tree Commission. Notification of the Shade Tree Commission is required to prune roots larger than 2 inches in diameter. Sidewalk cutouts are permitted to clear trees or large roots while maintaining a minimum 4 foot wide sidewalk.
 - b. Curbs. Damage to trees within City streets and public areas or roots over 2 inches in diameter shall be avoided when installing curbs. Removal of larger roots must be as directed by the Shade Tree Commission. Encroachment upon the tree lawn while excavating can not exceed 6 inches, unless done under the supervision of the Shade Tree Professional Consultant. Replacement of concrete curbing with metal curbing to clear trees or large roots is an option if permission is granted by the City Engineer.

City of Titusville
Rules and Regulations

APPENDIX A-1

SMALL

Flowering Crabapple (Var.)
Flowering Dogwood
Hawthorn (Thornless)
Serviceberry
American Hornbeam
Kousa Dogwood
Amur Maple

MEDIUM

Norway Maple (Cr. King)
European Hornbeam
Amur Corktree
Horse Chestnut
Buckeye
Sugar Maple

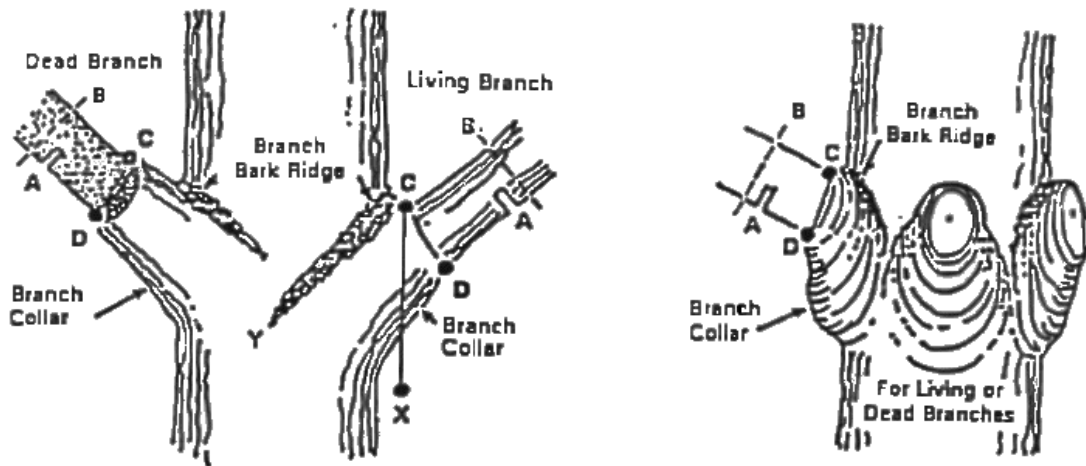
LARGE

Green Ash
Honey Locust
Linden
English Oak
Red Oak
White Oak
Kentucky Coffeetree
London Planetree
Tupelo
Zelkova
White Ash
Hackberry
Red Maple
Pin Oak
Norway Maple
Yellow Wood
Metasequoia

Additional trees may be added as new varieties and species become available and other conditions warrant.

FIGURE 1
TREE PRUNING

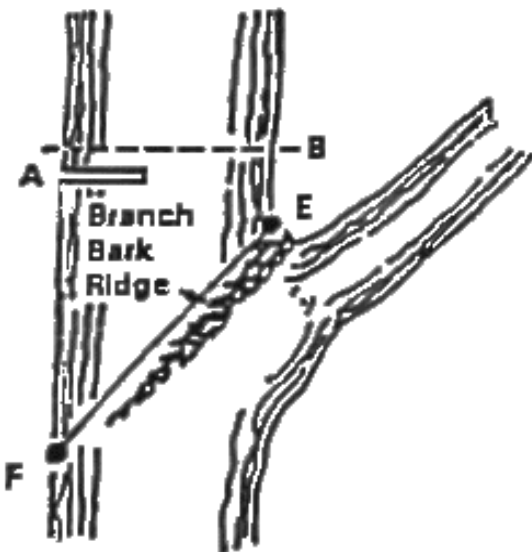
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PRUNING A BRANCH

1. Remove branch weight by undercutting at A and remove limb by cutting through at B.
2. Remove stub at CD (line between branch bark ridge and outer edge of branch collar).

3. If D is difficult to find on hardwoods, drop vertical from C (line CS). Angle $XC Y = XCD$. Cut should be made at CD.



PRUNING A LEADER OR TO REDUCE SIZE

1. Remove top weight by cutting at A & B.
2. Remove stub at EF parallel to the Branch Bark Ridge.

FIGURE 2
 CROWN REDUCTION
 -or-
 DROP CROTCH PRUNING

Through the use of drop-crotch pruning, tree size can be reduced without weakening the tree or creating an eyesore.

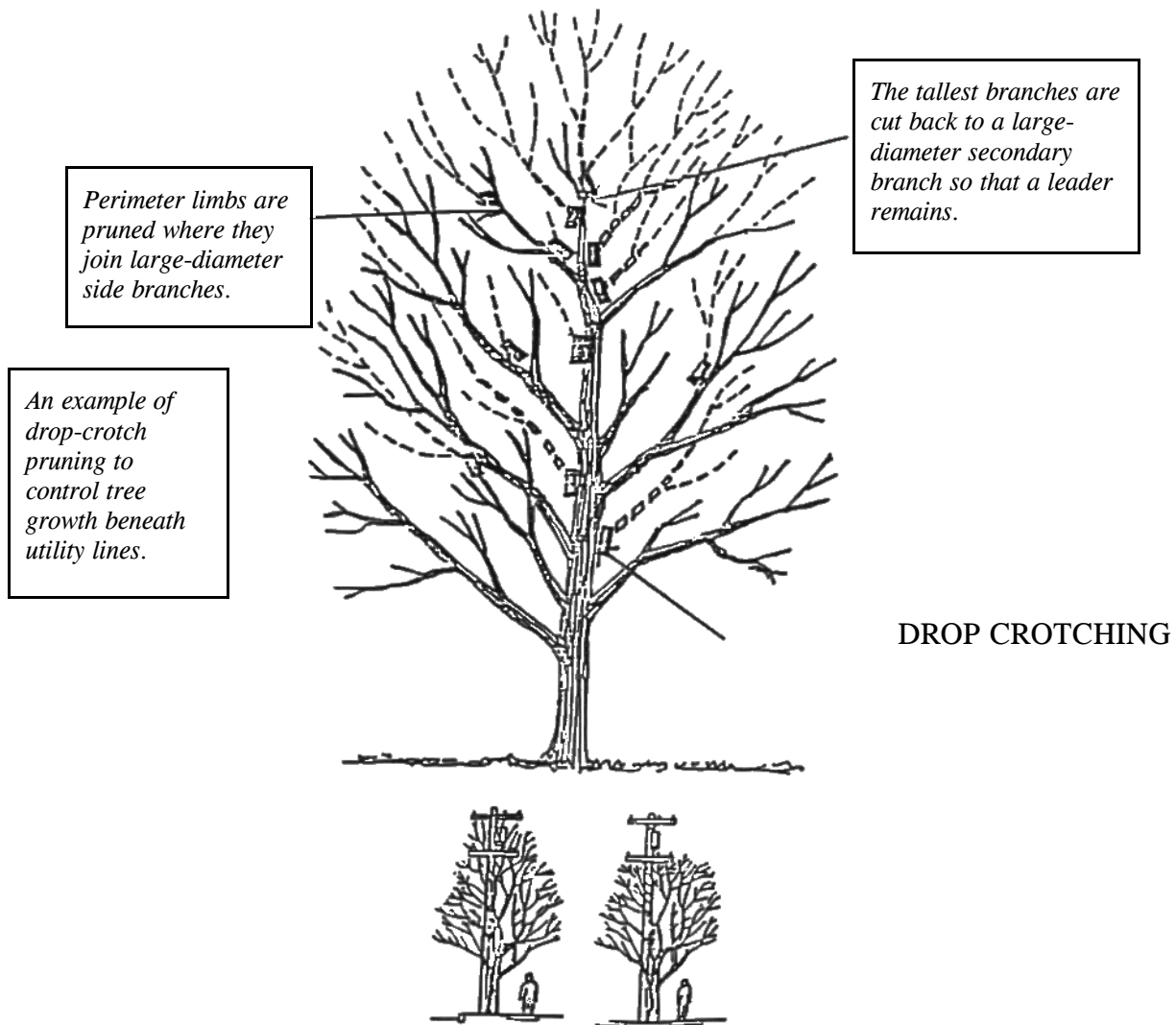
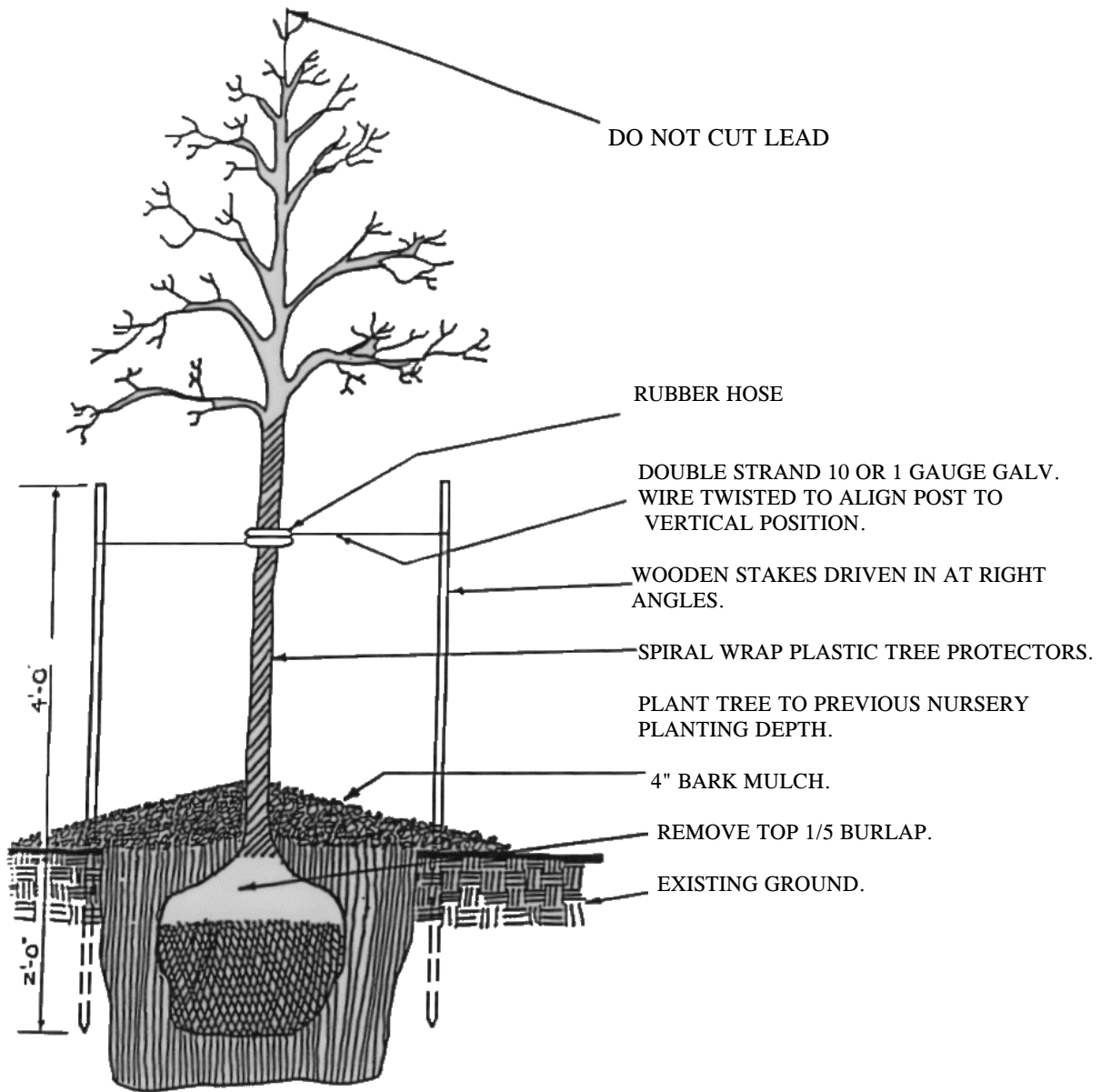


FIGURE 3
TYPICAL TREE PLANTING DETAIL



ARTICLE 158
Blighted Property Review Committee

158.01 Purpose.	158.05 Blighted property to include.
158.02 Board composition/terms of office.	158.06 Certification to and action by the Titusville Redevelopment Authority.
158.03 Meetings.	158.07 Other functions of the Committee.
158.04 Procedure.	

158.01 PURPOSE.

The purpose of this article is to establish a Blighted Property Review Committee which shall work with the City of Titusville Code Enforcement Office (Code Office) to officially designate City properties as blighted, to promote reuse, rehabilitation and reinvestment in these properties, and to implement the provisions of Section 1712.1 of the Urban Redevelopment Law of 1945, as amended, if necessary. The Blighted Property Review Committee shall be known and hereinafter referred to as the "Committee". In order to fulfill its obligations as delineated above, the Committee shall be responsible for, among other tasks, the following:

- (a) Improving the safety, quality of life, and environment of Titusville for present and future generations.
- (b) Protecting the public health, morals and general welfare of the City as it pertains to premises and buildings used for residential, commercial, industrial and institutional purposes.
- (c) Discouraging destruction and displacement of properties associated with neighborhood life, especially in the lives of low to moderate income persons.
- (d) Establishing certain policies and procedures to follow regarding blighted, vacant, and abandoned properties within the City that are a nuisance and/or a health, safety or fire hazard.
- (e) Committing to the appropriate use of eminent domain if necessary to promote public health, safety, and welfare.
- (f) Improving the socio-economic benefits associated with living in the City.
- (g) Certifying blighted properties to the Titusville Redevelopment Authority (Authority) so that it may acquire, hold, clear, manage, or dispose of property for residential or related reuse and commercial, industrial or institutional reuse.
- (h) Handling other responsibilities related to blighted property matters as may be directed by City Council. (Ord. 3173. Passed 10-14-08.)

158.02 BOARD COMPOSITION/TERMS OF OFFICE.

(a) The Committee shall consist of seven (7) members, holding four year terms, or a term equal to the term of office for ex officio members, consisting of the following:

- (1) The Mayor of the City of Titusville and one other member of Titusville City Council, appointed by the Mayor;
- (2) The Executive Director of the Titusville Redevelopment Authority (TRA), ex officio;
- (3) The Building Inspector of the City of Titusville;
- (4) The Executive Director of the Titusville Housing Authority, ex officio;
- (5) The Business Manager of the Titusville Area School District or his/her designee; and
- (6) One member of the public, appointed by the Mayor;

(b) Any vacancy on the Committee as to a member appointed by the Mayor shall be filled for the unexpired term by the Mayor.

(Ord. 3173. Passed 10-14-08.)

158.03 MEETINGS.

The Committee shall meet on a monthly basis in Council Chambers, City Hall, 107 N. Franklin Street, Titusville, PA, or at such other location as is designated by the Committee. The Committee shall establish its meeting day and time at its initial meeting, and cause the same to be advertised in accordance with any laws or regulations relating to such advertisement. All meetings of the Committee will require at least a majority of the members of the Committee to be present to transact official business. (Ord. 3173. Passed 10-14-08.)

158.04 PROCEDURE.

(a) The Code Office shall submit to the Committee at its regular meeting a list of properties that appear to be in a blighted condition. This submission shall include pertinent information about the property, including but not limited to, matters related to general structural conditions, foundation, roofing, drainage, exterior walls, windows, doors, chimneys and porches. In addition to this information, the Code Office shall also provide a list of blighting conditions from Section 158.05 that appear to apply to each potentially blighted property. The Committee shall then inspect each property individually to ascertain whether or not the property meets one or more of the standards provided in Section 158.05. The Committee shall then designate each property that meets any of the criteria as "blighted", and the Code Office shall notify the property owner(s) of this determination, who shall then be required within thirty (30) days to eliminate the blight or develop a plan to eliminate the blight. Nothing in the above language shall restrict the Code Office from granting any additional time that might be necessary to eliminate the blight or to develop a plan for its elimination, if the owner or his or her agent has made a reasonable and responsible effort to comply with the Order.

(b) If the owner does not eliminate all the blighting conditions on the cited property or develop an appropriate blight abatement plan within the thirty (30) days period, or if a blight abatement plan is developed and not followed, the Committee shall then declare the property a public nuisance and compel the abatement of the nuisance in one of the following manners depending on the extent and circumstances of the blight:

- (1) Have the Code Office issue an order to demolish the property;
- (2) Have the Code Office secure the property, if necessary, and pursue any legal steps necessary to assure compliance with appropriate codes;

- (3) Carry out the demolition and clearance of the property with available City funds, and take whatever steps are necessary to recover the costs associated with the abatement of the blighted structure, including any staff and overhead costs;
- (4) Refer the property to the Titusville Redevelopment Authority for action, after the appropriate certification from the Committee and the City of Titusville Planning Commission as referred to in Section 158.06;
- (5) Pursue an alternate course of action approved by the Code Office that provides the greatest likelihood that the property will be handled in an appropriate fashion that will protect the health and safety of the public and that will enhance the neighborhood integrity where the property is located. (Ord. 3173. Passed 10-14-08.)

158.05 BLIGHTED PROPERTY TO INCLUDE.

The Committee, with the assistance of the Code Office, may only designate a property as blighted if one or more of the following conditions exist:

- (a) Any premises which, because of physical condition or use, constitutes a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire or related codes.
- (b) Any premises which, because of physical condition, use or occupancy, constitutes an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- (c) Any dwelling which, because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities and equipment required by the City's Property Maintenance Code, has been designated by the Code Office as unfit for human habitation.
- (d) Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.
- (e) Any structure, from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
- (f) Any vacant or unimproved lot or parcel of ground in a predominantly build-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents and other vermin.
- (g) Any unoccupied property which has been tax delinquent for a period of two (2) years according to the latest records of the Crawford County Tax Claim Bureau.
- (h) Any property which is vacant, but not tax delinquent, which has not been rehabilitated within one year of the receipt of a Notice of Violation by the Code Official.
- (i) Any abandoned property. A property shall be considered abandoned if:
 - (1) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure previously located on the property remains unpaid for a period of six (6) months; or
 - (2) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claims of the municipality are in excess of 150% of the fair market value of the property, as established by the Crawford County Assessment Office or other body with legal authority to determine the taxable value of the property; or

- (3) The property has been declared abandoned by the owner, including an estate that is in possession of the property.
- (j) Any property which has defective or unusual conditions of title or no known owners rendering the title unmarketable.
- (k) Any property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.
- (l) Any property that has three or more of the following characteristics:
 - (1) Has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;
 - (2) Has unsafe external and internal access ways;
 - (3) Is being served by an unsafe public street or right of way;
 - (4) Violates the applicable property maintenance code adopted by the City and is an immediate threat to public health and safety;
 - (5) Is vacant; or
 - (6) Is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area where more than 90% of the units of property are nonresidential, or in an area with a density of a least 2,500 people per square mile.(Ord. 3173. Passed 10-14-08.)

158.06 CERTIFICATION TO AND ACTION BY THE TITUSVILLE REDEVELOPMENT AUTHORITY.

(a) Certification. The Committee, with the concurrence of the Titusville Planning Commission, upon making a determination that any property is blighted within the terms of this article and the Urban Redevelopment Law as amended, may certify said blighted property to the Titusville Redevelopment Authority. This may be done by the Committee in those situations whereby the redevelopment of the property appears to be the most appropriate method of dealing with the blighting conditions, has the greatest chance of minimizing the detrimental effects of the blight to the community, and has the potential to render the property economically viable in the future. Such certification may be made, except that:

- (1) No property shall be certified to the Authority unless it is vacant. A property shall be considered vacant if:
 - A. The property is unoccupied or its occupancy has not been authorized by the owner of the property;
 - B. In the case of an unimproved lot or parcel of ground, a lien for the cost of demolition of any structure previously located on the property remains unpaid for a period of six months; or
 - C. In the case of an unimproved lot or parcel of ground the property has remained in violation of any provision of local building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.
- (2) No property shall be certified to the Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may

render the property subject to condemnation under the Urban Redevelopment Law, as amended. The notice shall be served upon the owner or his agent in accord with this subsection pertaining to service of notice of determination of blight. The owner or his agent shall have the right of appeal from the determination as per the requirements established in this subsection.

- (3) No blighted property shall be certified to the Authority until the time period for appeal of all orders from the Code Office has expired and no appeal has been taken, or, if taken, the appeal(s) has been disposed of, and the owner or his agent has failed to comply with the order(s) from the Code Office.

(b) Blighted Property Removal.

- (1) Notwithstanding any other provision of law, the Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential or related uses, and commercial, industrial or institutional reuse, as provided by law. This power shall be exercised in accordance with the procedure set forth hereinafter.
- (2) Residential and related use shall include residential property for sale or rent and related uses, including but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

(c) Notice of Determination. The service of the Notice of Determination of Blight by the Authority shall be served, at a minimum, through one of the methods listed below. The Notice shall detail the reasons for such determination, shall order that the blighting conditions be eliminated within a certain time frame, and shall notify the owner that failure to eliminate or abate the blighting conditions may render the property subject to condemnation. Service of the Notice shall be by one of the following methods:

- (1) Service by Certified Mail and First Class Mail at the last known address of the said owner; or
- (2) Posting of said notice upon the premises that have been determined blighted, record of said posting being made by photograph.

(d) Appeal of Determination of Blight. Any owner or person who is aggrieved by a ruling of the Authority that their property has been determined to be blighted for the reasons set forth in Section 158.05, may appeal the decision as hereinafter stated. The appeal shall be in the form prescribed by the City and shall state the specific reasons for appeal.

- (1) The appeal shall be filed with the City's Board of Code Appeals in writing within thirty (30) days of the date of the receipt of the determination of blight by said owner or his agent. Appeals shall be filed at the Titusville Code Office, 107 N. Franklin Street, Titusville, Pennsylvania. A copy of the appeal shall also be forwarded by the Code Office to the Blighted Properties Review Committee for its records.
- (2) The required fee for each appeal shall be two hundred dollars (\$200.00) which shall be payable to the City of Titusville and must accompany the appeal.

- (e) Reuse of Acquired Property.
- (1) Acquisition and disposition of blighted property under this article shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least thirty (30) days prior to acquisition of any property, the Authority shall transmit identification of the property to the City Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Authority shall not acquire the property when the Planning Commission certifies that disposition for residential or related uses or commercial, industrial or institutional reuse would not be in accordance with the City's comprehensive plan.
 - (2) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Act, as amended.
 - (3) Property disposed of outside of an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law. (Ord. 3173. Passed 10-14-08.)

158.07 OTHER FUNCTIONS OF THE COMMITTEE.

The Blighted Property Review Committee may at its own discretion conduct the following other functions:

- (a) The Committee may advise the Authority in matters relating to the establishment and modification of policies, priorities and procedures affecting the disposition of properties acquired through the certification process of the Committee.
- (b) The Committee may advise the City's administration in matters relating to the provision of financial, advisory and technical rehabilitation assistance affecting reinvestment in properties acquired through the certification process of the Committee.
- (c) The Committee may advise other municipal agencies in matters relating to the functions of said agencies affecting the acquisition, disposition and reinvestment in properties which have been or may be acquired through the certification process of the Committee.
- (d) The Committee may advise other appropriate agencies in matters relating to the disposition of publicly-owned properties in the City of Titusville.
- (e) The Committee may advise appropriate agencies in the design, development and implementation of homesteading and other property reinvestment programs which may, from time to time, be effectuated in the City of Titusville by such agencies.
- (f) The Committee may also perform such other acts, including but not limited to, the promulgation and implementation of rules and regulations, as may be necessary to fulfill the duties, obligations and administration of the provisions of the Urban Redevelopment Law, as amended, and this Ordinance.
(Ord. 3173. Passed 10-14-08.)

ARTICLE 159
Benson Memorial Library

159.01 Preamble.

159.02 Dedication of library.

**159.03 Care and management;
conditions.**

159.01 PREAMBLE.

(a) Mr. Robert D. Benson, Mr. William S. Benson and Mrs. Bessie B. Emerson arranged the donation of a library to the City by deeding to the City a piece of real estate containing a library building, equipped and stocked with books, such premises being conveyed to the City by deed of Robert D. Benson and Harriet Benson, his wife, dated January 7, 1904, and recorded in the Office Recorder of Deeds for Crawford County, Pennsylvania, in Deed Book 167, Page 003.

(b) The above-recited deed conveyed the premises to the City as a "free public library" subject to certain express conditions.

(c) The City accepted such conveyance and its conditions by virtue of Ordinance 533, enacted July 3, 1902 and amended, in part, by Ordinance 1872, enacted June 13, 1983, both of which compressed repealed Article 159.

(d) The City of Titusville and Benson Memorial Library did present a Petition for Cy Pres to The Court of Common Pleas of Crawford County, Pennsylvania, at O.C. 1983-73, requesting that the Court amend the conditions set forth in the Benson deed to the City of Titusville to permit the entrusting of the care and management of the library to a Pennsylvania nonprofit corporation styled "Benson Memorial Library".

(e) The Court of Common Pleas of Crawford County granted the relief request in such Petition through an Order dated December 8, 1987.

(f) The Benson Memorial Library was incorporated under the laws of Pennsylvania as a nonprofit corporation on _____, 1988.
(Ord. 1955 § 2. Passed 5-23-88.)

159.02 DEDICATION OF LIBRARY.

The library building and adjacent land in the Second Ward of the City, as donated to the City by virtue of deed of Robert D. Benson, et. wx., is hereby dedicated for use as a free public library.

(Ord. 1955 § 2. Passed 5-23-88.)

159.03 CARE AND MANAGEMENT; CONDITIONS.

(a) The care and management of the library, including the grounds, buildings, contents and everything connected therewith shall be entrusted to the Benson Memorial Library a nonprofit corporation organized and operating under the laws of the Commonwealth of Pennsylvania, having been incorporated on _____, 1988, as Trustee.

(b) The activities of the Trustee shall be governed by the provisions of the Pennsylvania Library Code; Act of June 14th, 1961, P.L. 324, Section 101 et seq.; 24 P.S. Section 4101 et seq., as the same may be amended from time to time. It is the intention of this condition that Benson Memorial Library be, in the hands of such Trustee, a "local library" as that term is defined in such Pennsylvania Library Code.

(c) The name of the Library shall continue to be the Benson Memorial Library.

(d) The City shall annually take such action, levy such tax and appropriate such moneys to the Trustee for the care and management of the library as shall in such year maintain the City within the "direct service area" of the library, as such term is defined in such Pennsylvania Library Code, as the same may be amended.

(e) The Trustee shall extend, subject to such reasonable rules and regulations as are not inconsistent therewith, all library services to the citizens of the City without charge, and as well to the citizens of any other municipality coming within its direct service area pursuant to the provisions of such Pennsylvania Library Code, as the same may be amended.

(Ord. 1955 § 2. Passed 5-23-88.)

ARTICLE 161
Juvenile Commission

EDITOR'S NOTE: Article 161 was repealed by Ordinance 1790, passed October 11, 1976.)

ARTICLE 163
Colonel Drake Steamer Fund Commission

- | | |
|---------------------------------------|--|
| 163.01 Established. | 163.04 Power. |
| 163.02 Contributions accepted. | 163.05 Annual reports to Council. |
| 163.03 Board of Commissioners. | |

163.01 ESTABLISHED.

All moneys received or which may hereafter be received by the City as prizes or donations or otherwise for the perpetuation and care of the Colonel Drake Steamer shall constitute a "Colonel Drake Steamer Fund" and shall be paid to the Board of Commissioners thereof.
(Ord. 1263 § 1. Passed 10-20-41.)

163.02 CONTRIBUTIONS ACCEPTED.

The Colonel Drake Steamer Fund may be increased from time to time by gifts, demises, grants or bequests of any money or property, real, personal or mixed, or by contributions of any kinds.
(Ord. 1263 § 2. Passed 10-20-41.)

163.03 BOARD OF COMMISSIONERS.

There is hereby created a Board of Commissioners to be known as "The Commissioners of the Colonel Drake Steamer Fund", which shall consist of four persons: the Mayor, the City Manager, City Controller and the City Treasurer, whose membership on the Board shall be concurrent with their respective terms of office.
(Ord. 1263 § 3. Passed 10-20-41.)

163.04 POWER.

The commissioners shall have power to use the fund or as much as may be necessary to suitably house the Colonel Drake Steamer and do all manners of things tending toward the perpetuation of the Colonel Drake Steamer.
(Ord. 1263 § 4. Passed 10-20-41.)

163.05 ANNUAL REPORTS TO COUNCIL.

The commissioners shall make regular reports to Council annually, giving the condition of the Fund, the receipts and expenditures during the period preceding and a full account of their management of the same.
(Ord. 1263 § 5. Passed 10-20-41.)

ARTICLE 165
Board of Health

165.01 Creation.

165.02 Organization, powers and duties.

165.03 Fees.

165.99 Penalty.

CROSS REFERENCES

Board of Health - see 3rd Class § 2301 (53 P.S. § 37301)

Duties of Board - see 3rd Class § 2307 (53 P.S. § 37307)

Power of Board to establish rules - see 3rd Class § 2308(6) (53 P.S. § 37308(6))

Health regulations have force of ordinance - see 3rd Class § 2309 (53 P.S. § 37309)

Board continued - see ADM. 111.07

165.01 CREATION.

There is hereby created and established a Board of Health as provided by the Act of Assembly, approved June 27, 1913, relating to cities of the third class. (Ord. 818 § 1. Passed 12-15-13.)

165.02 ORGANIZATION, POWERS AND DUTIES.

The organization, powers and duties of the Board of Health, shall be as provided by the Act of Assembly, approved June 27, 1913, and by other Acts of Assembly and laws now in force relating to boards of health. (Ord. 818 § 2. Passed 12-15-13.)

165.03 FEES.

(a) Fees as provided in Article 191 shall be payable in advance for each inspection and licensing made by the City's Health Officer. There shall be no fee for spot inspections initiated by the City's Board of Health.

(b) Fees shall be paid to the City Treasurer prior to each inspection. (Ord. 1908 §§ 1, 2. Passed 10-28-85.)

165.99 PENALTY.

Whoever violates any provision of this article by failing, neglecting or refusing to pay the fee imposed shall be fined not more than three hundred dollars (\$300.00) and costs nor less than twenty-five dollars (\$25.00) and costs, and in default of payment thereof shall be imprisoned for not more than ninety days.

(Ord. 1908 § 3. Passed 10-28-85.)

ARTICLE 167
Planning Commission

167.01	Creation.	167.03	Fees.
167.02	Organization, powers and duties.	167.04	Members; term; vacancies.
		167.05	Powers and duties.

CROSS REFERENCES

City Planning Commission - see 3rd Class § 4001 et seq. (53 P.S. § 39001 et seq.); Act 247 of 7-31-68 § 202 et seq.
Commission continued - see ADM. 111.07

167.01 CREATION.

There is hereby created and established a Planning Commission as provided by the Municipalities Planning Code (53 P.S. §10101 et seq).
(Ord. 3036. Passed 2-26-01.)

167.02 ORGANIZATION, POWERS AND DUTIES.

The organization, powers and duties of the Planning Commission shall be as provided by the Municipalities Planning Code, and by other acts of assembly and laws now in force and as hereafter amended relating to Planning Commissions.
(Ord. 3036. Passed 2-26-01.)

167.03 FEES.

The fees that are required to be paid for the Planning Commission to review applications shall be as set forth in the City of Titusville Ordinance 3028 as amended.
(Ord. 3036. Passed 2-26-01.)

167.04 MEMBERS; TERM; VACANCIES.

The Planning Commission shall be comprised of five board members all of which shall be appointed by the Council of the City of Titusville whose members shall serve without compensation, but may be reimbursed for necessary and reasonable expenses.

- (a) Term. The term of each of the members of the Planning Commission shall be for four years, or until his or her successor is appointed and qualified.
- (b) Vacancies. The chairman of the Planning Commission shall promptly notify the Council of the City of Titusville of any vacancies that occur on the Board and such vacancies shall be filled by Council for the unexpired term.

- (c) Existing Members. The existing members of the Planning Commission shall continue to fulfill their terms as previously appointed.
- (d) Removal. Any member of the Planning Commission may be removed from office for malfeasance, misfeasance or nonfeasance (including nonattendance of meetings) or for other just cause by majority vote of Council in accordance with provisions of the Municipalities Planning Code.
- (e) Chairperson. The Commission shall elect its own chairperson and vice chairperson and create and fill such other offices as it may determine and its offices shall serve annual terms and may succeed themselves.
(Ord. 3036. Passed 2-26-01.)

167.05 POWERS AND DUTIES.

- to:
- (a) The Planning Commission shall have the following powers and shall be required
 - (1) Prepare the Comprehensive Plan for the development of the Municipality and present it for the consideration of Council.
 - (2) Maintain and keep on file records of its actions. All records and files of the Planning Agency shall be in the possession of Council.
 - (b) The Planning Commission at the request of Council body shall:
 - (1) Make recommendations to Council concerning the adoption or amendment of an official map.
 - (2) Prepare and present to Council a Zoning Ordinance, and make recommendations on proposed amendments to it as set forth in this article and the Municipality's Planning Code.
 - (3) Prepare, recommend and administer subdivision and land development and planned residential development regulations.
 - (4) Prepare and present to Council a Building Code and a Housing Code and make recommendations concerning proposed amendments thereto.
 - (5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Municipalities Planning Code.
 - (6) Promote public interest in, and understanding of, the Comprehensive Plan and planning.
 - (7) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
 - (8) Hold public hearings and meetings.
 - (9) Present testimony before any board.
 - (10) Require from other departments and agencies of the City of Titusville such available information as relates to the work of the Planning Agency.
 - (11) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
 - (12) Prepare and present to Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Municipality.

- (13) Review the Zoning Ordinance, Subdivision and Land Development Ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.
- (14) Undertake such other related tasks as Council may direct.
(Ord. 3036. Passed 2-26-01.)

ARTICLE 169
Zoning Hearing Board

EDITOR'S NOTE: There are no sections in Article 169. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Board of Adjustment replaced by Zoning Hearing Board - see 3rd Class § 4120 et seq.; Act 247 of 7-31-68 § 801 et seq.

Board continued - see ADM. 111.07

Zoning Hearing Board - see ZON. Art. 1309

ARTICLE 171
Building Code Board of Appeals

EDITOR'S NOTE: There are no sections in Article 171. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Board continued - see ADM. 111.07
Appeals - see BLDG. 1705.07

ARTICLE 173
Plumbing Board of Examiners

EDITOR'S NOTE: There are no sections in Article 173. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Board continued - see ADM. 111.07

Composition and appointment - see BLDG. 1713.02

ARTICLE 175
Oil Creek Area Council of Governments

175.01 Membership agreement.
175.02 Appointed representative duties.

175.03 Membership fee.

175.01 MEMBERSHIP AGREEMENT.

(a) The City Council of the City of Titusville elects to become a member of the Oil Creek Area Council of Governments.

(b) The conditions of the agreement, the manner and extent of financing the agreement, the duration of the term of the agreement, and the organizational structure necessary to implement the agreement are as specified within the Articles of Agreement which were presented before the City Council of the City of Titusville at the public meeting of June 24, 2002, and which are set forth in Appendix A of original Ordinance 3072 and incorporated herein.
(Ord. 1936. Passed 4-27-87; Ord. 3072. Passed 7-22-02.)

175.02 APPOINTED REPRESENTATIVE DUTIES.

The Appointed Representative is hereby authorized and directed to take whatever steps are necessary, sign whatever documents are necessary and do all things necessary to become a member of the Oil Creek Area Council of Governments.
(Ord. 1936. Passed 4-27-87; Ord. 3072. Passed 7-22-02.)

175.03 MEMBERSHIP FEE.

There is hereby appropriated from the Municipal Treasury an amount sufficient to pay the initial membership fee of \$100.00.
(Ord. 3072. Passed 7-22-02.)

ARTICLE 177
Recreation Commission

EDITOR'S NOTE: Former Article 177 was repealed by Ordinance 2-2016, passed February 23, 2016.

TITLE ELEVEN - Administrative Fees

Chap. 191. Fee Schedules.

ARTICLE 191**Fee Schedules**

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 <u>ADMINISTRATIVE FEES</u>	
Business License Fee	\$100.00
Business registration certificate replacement (335.04)	\$5.00
Circus License [per Sec 305.02]	\$50.00
COPYING FEES	\$0.50
Any ordinances that require mailing	\$5.00
*Specific communications or ordinances that require research-- a charge for staff time and reproduction cost at an hourly rate with a minimum charge of twenty (\$20.00) dollars.	
Employment Fingerprinting	\$10.00
Facsimile	\$0.50/pg
Health Licenses [per Sec. 165.03]	\$60.00
Annual	70.00
Re-inspection	70.00
These changes shall become effective January 26, 2004. (Res. 2 of 2004; Res. 14 of 2007)	
Junk Dealer's License [per Sec. 309.03]	\$50.00
Mailing Fee: Actual Postage plus handling fee	\$ 2.50

Permit to keep horses, rabbits or fowl:		\$50.00 plus labor cost for multiple inspections for violations. (Res. 14 of 2007)
No Lien Letter (Tax and Municipal Service Certification)		\$25.00 (Res. 14 of 2007)
Storm/Sanitary Sewer: Dye Test Certification		\$50.00 application fee plus labor cost after first hour.
Reinspection -		\$25.00 plus labor cost after first hour. (Res. 14 of 2007)
Notary Service Fee		\$ 2.00
Issuance of duplicate bill (real estate)		\$.50/bill. (Res. 14 of 2007)
Photo Copies (per page)		\$0.50 (Res. 9 of 2003)
Pole Inspection [per Sec. 317]	Per pole/per year	\$0.50
Return NSF Check Charge		\$30.00 (Res. 13 of 2005; Res. 14 of 2007)
Right to Know Request Duplication Fee		\$0.25/page *
* No charge for RTK Request replies made electronically		(Res. 5 of 2011)
Shade Tree [157.05]		
Individual Homeowner (Shade Tree)		
The amount owed by each owner of the real estate in front of whose property the work is done shall be ascertained and certified by the Commission to Council and to the City Treasurer. Collection will then be made and/or lien placed accordingly.		
Shade Tree Permit Fees:		
\$5.00 for each permit for activities subject to the permitting requirement that occurs at one location or site, to be waived for individual homeowners.		(Res. #20 of 2001)
\$25.00 for each permit for activities subject to the permitting requirement that occurs at more than one location or site.		
Per Section 157.09, a tree within a public area shall be at the sole cost and expense of the adjacent owner that the City may, when proper funds are available and allocated, pay the cost of removal and charge the adjacent owner one-half of the cost incurred by the City up to a maximum of \$300.00.		(Res. #17 of 2002; Res. 14 of 2007)
Solicitor's License [per Sec. 323.11]		\$100.00 (Ord.3117. 5/24/04)
Titusville Farmers Market (seasonal permit)		\$25.00 (Res. 9 of 2003)
Transient Merchants, Itinerant Merchants and Itinerant Vendors License Fee [per Sec. 323.06]	Monthly Weekly Daily	\$200.00 50.00 25.00
Tax Certification (per property)		(Ord. 3117. 5/24/04.) \$10.00

- Other requirements under this section is the posting of a performance bond in an amount of \$5000 - \$100,000 by action of Council or recommendation of the Building Official. Prior to issuance of any permit the applicant shall submit to the City of Titusville evidence of notice of intended work to any and all property owners who may or could be affected by such work. Any individual or entity performing any work pursuant under this section shall be exempt for any fee if the work being performed is done pursuant to action initiated by the City of Titusville.

SECTION VI: MOVING OF STRUCTURES WITHIN OR OUTSIDE THE CITY OF TITUSVILLE [per Sec. 1705.02(b) & (c)]

For removal of a building or structure from one lot to another, the permit fee shall be	\$100.00
For removal of a building or structure to a new location within the same lot	\$100.00

- Other requirements under this section is the posting of a performance bond in an amount of \$5000 - \$10,000 by action of Council or recommendation of the Building Official. Prior to issuance of any permit the applicant shall submit to the City of Titusville evidence of notice of intended work to any and all property owners who may or could be affected by such work. Any individual or entity performing any work pursuant under this section shall be exempt for any fee if the work being performed is done pursuant to action initiated by the City of Titusville.

SECTION VII. HIGHWAY/STREET OCCUPANCY PERMITS AND RESTORATION

Curb cuts Up to 12'	\$25.00
Curb cuts 12' to 20'	\$35.00

A permit must be obtained from the Building Inspector and fees paid to the City Treasurer. A copy of said permit is sent to Public Works Director, who will check that area has been returned to its original condition.

SECTION VIII. SUBSURFACE AND SURFACE FACILITY INSTALLATIONS

The term "line" as used herein means an underground conductor used in providing electric or communications service, or an underground pipe used in providing gas, oil or oil products delivery, sewage, water or other service to one or more consumers of this service.

The permit application for installation of a line shall be as follows:

(a) Each non-continuous section of line 50 feet or less	\$15.00
(b) Additional connected line each 100 ft. or fraction thereof	5.00

The permit application fee for installation or replacement of a line from one side of the highway to the other side, or from one paved roadway to other side (performed independently or without other permit operations).

(a) Where crossing is made by trenching or tunneling	\$30.00
(b) Where crossing is made by boring, driving, or drilling (berm)	6.00
(c) Where crossing is made by boring, driving or drilling (road)	\$20.00

- | | | |
|-----|--|---------|
| (d) | The permit application fee for installation or replacement of a manhole and inlet placed in right of way independently or with other permit applications | \$10.00 |
|-----|--|---------|

SECTION IX: CONNECTION OF PRIVATE STORM SEWER PIPE TO MUNICIPAL SEWER SYSTEM (INLETS, MANHOLE) TAP FEE

NOTE: A fee schedule for storm sewer taps-ins is as follows:

Storm Sewer Tap Residential*	\$25.00
Storm Sewer Tap Commercial*	\$75.00

- * Plus all materials for installation and site recovery costs. Includes but not limited to items such as manholes, pipe, clean-outs, concrete, asphalt, gravel, top soil, and seed.

NOTE: Hydraulic analysis computed by City Engineer must accompany all Commercial connections.

SECTION X: FACILITY OPENINGS [per Sec. 903.02]

NOTE: A permit must be obtained from the Public Works Director and fees paid to the City Treasurer. A copy of said permit is sent to the Public Works Director who will check that area has been returned to its original condition.

Street Opening Permit Fee	\$25.00
Sidewalk	\$25.00
Berm Opening	\$25.00
Core Borings (each)	\$25.00

SECTION XI: ENGINEER INSPECTION FEE

NOTE: The charges of City Engineer will be passed on to the applicants for any required inspections (i.e. highway, street, sewer, and site plan) per current hourly rate schedule.

SECTION XII: APPLICATION FOR ANY PROCEEDING BEFORE THE BOCA BOARD OF APPEALS

NOTE: A flat fee of \$200.00 shall be charged for the acceptance of applications for any type of proceeding before the BOCA Board of Appeals.

SECTION XIII: APPLICATION FOR ZONING PERMITS AND CERTIFICATES

Nonconformance	\$30.00
Zoning Certificate	30.00
Certificate of Occupancy	5.00
(Res. 11 of 2004) Conditional Uses	500.00 (Res. 20 of 2001)

SECTION XIV: APPLICATION FOR SIGN PERMITS [per Sec. 321]

Banner Permit Fee	\$25.00
Sign Permit 2% of cost, but not less than	\$20.00
Temporary Sign (Each 60 sq. ft. or fraction thereof)	\$20.00
Canopy/Awning	\$20.00
Marquee	\$20.00
Street or Wall Clocks	\$20.00
Zoning Variance Fee	\$200.00
For initial day of hearing, \$200.00 for each additional or portion thereof.	
Annual License Fee (posting and or advertising)	\$25.00
Handicapped Parking Sign Cost of sign and installation	\$75.00 (Res. #20 of 2001)

SECTION XV: TEMPORARY STRUCTURES

Dumpsters/ construction trailers

Temporary Structures Permit Fees*	* Two weeks - \$20.00
Certificate of insurance required if on public right of way	* Two weeks - 1 month - \$30.00
*Extensions subject to approval by City	* 2 - 6 months - \$100.00 (Res. 13 of 2005)

BUILDING/EQUIPMENT RENTAL AND RECREATION FEES

Street Sweeping	\$105.00/ hr (Res. 13 of 2005)
Push Camera	\$48.00/hr (Res. 13 of 2005)
Video Camera Service	\$190.00/hr w/vac trk (Res. 13 of 2005)
Video Camera Service	\$100.00/hr wo/vac trk (Res. 13 of 2005)
Pit and Basin Cleaning	\$250.00/1 st hour \$165.00/additional hours (Res. 5 of 2011)

Barricades and Cones (Loan to non-profit organizations) 10% deposit of value of equipment. Deposit is forfeited if City has to locate and retrieve.

* All City equipment is billed out in accordance with current MS Means Heavy Construction Cost Data Tables. Equipment costs are calculated with unit pricing sheets and factored for local area costs by national standards. All City equipment is billed out with our operators included.

Building Rental

	<u>Resident</u>	<u>Non-Resident</u>
Conference Room/Police Department	\$25.00/2 hrs.	

Membership Fee for Dick Kraffert Pool:

- A. Individual membership -\$90 annually.
- B. Family membership for up to five family members - \$150 annually
- C. For family members beyond five, \$10 for each additional family member annually.

Building Rentals (Recreation Activities):

- A. Roberts Grove - \$60 per event.
- B. Burgess Park picnic shelters - \$60 each per event.
- C. Activities Building - \$60 per event.
- D. Evans Lodge - \$100 per event.
- E. Community Center - \$100 per event.
- F. Scheide Park gazebo - \$60 per event.

Time periods for event shall be set by the City Manager.

FIRE DEPARTMENT

Service Charge for Response to Fires

Residential	\$500.00 (Ord. 3028 12/28/00)
*Car Fires	250.00
*Commercial Vehicles	500.00
Response to motor vehicle accidents	250.00 (Res. 13 of 2005)
Brush/Grass Fires	300.00
Public/Religious	500.00
Commercial	1000.00
Industrial	1000.00
* Hazmat Calls	1000.00
* Environmental Incidents	1000.00
* Plus costs of all materials used by the City	
Nuisance Fire Alarms Over 3 in Any 12 Consecutive Months	\$250.00 (Res. 5 of 2011)
Technical Rescue Service	350.00
(For purposes of this article, "Technical Rescue Service" shall mean extrication or rescue operations utilizing specialized rescue equipment, including but not limited to hydraulic, pneumatic, electric or manually operated tools and specialized rope rigging.)	
(Ord. 3123)	

FORMULA FOR CALCULATING PERSONNEL RATE FEES

Total of employee's hourly rate (per hour or per overtime hour), plus costs for Social Security, Medicare, Workers Compensation Insurance, Health, Pension, State Unemployment Compensation Tax, Life Insurance, Longevity and any material cost.

STORM WATER MANAGEMENT

Stormwater Management Fees

(Ord. 3021 12/28/00)

1. Filing Fee	\$250.00
2. Land use	
(a) Subdivision, campgrounds, mobile home parks, and multi-family dwelling where units are located in the same local watershed.	\$250.00
(b) Multi-family dwelling where the designated open space is located in a different local watershed from the proposed units.	\$1,000.00
(c) Commercial/industrial	\$1,000.00

3. Relative amount of earth disturbance (a) Residential road < 500 l.f. \$100.00 road 500-2,640 l.f. \$200.00 road > 2,640 l.f. \$500.00 (b) Commercial/industrial and other impervious area 3,500 s.f. \$250.00 impervious area 3,500-43,460 s.f. \$1,000.00 impervious area 43,560 s.f. \$2,000.00	
4. Relative size of project (a) Total tract area < 1 acre \$100.00 1 - 5 acres \$200.00 5 - 25 acres \$500.00 25 - 100 acres \$1,000.00 100 - 200 acres \$1,500.00 > 200 acres \$2,000.00	
5. Stormwater control measures (a) Detention basins and other controls which require a review of hydraulic routings (\$ per control) \$500.00 (b) Other control facilities which require storage volume calculations but no hydraulic routings (\$ per control) \$250.00	
6. Site inspection (\$ per inspection)	\$250.00

All subsequent reviews shall be 1/4 the amount of the initial review fee unless a new application is required as per Section 406 of the Stormwater Ordinance. A new fee shall be submitted with each revision in accordance with this schedule.

MECHANICAL DEVICE FEES

Pool Table		(Per device) \$ 100.00
Music Machines (Juke Box)	\$50.00	
*Electro Mechanical Device/Gaming (Poker, Black Jack, Bingo, etc.)		\$250.00
**Video Game/Pin Ball Machine		\$100.00

* Electro Mechanical Device is a game of chance not requiring any skill or manual dexterity in order to receive a reward such as extra playing credits. Also, has the ability to, or be converted to knockdown or eliminate playing credits; and similar type card game of poker; or simulates slot machines consisting of rolling wheels stopping on numbers, food, fruits, X's and O's, animals or other items which offer a winning line combination of the aforementioned; or simulates the game of bingo; or any other type of games of chance used in casino style gambling.

** Video Game Machine is any device, machine, or apparatus for playing of games and amusements for which a charge for the privilege of playing is made. This includes but is not limited to: devices commonly known as pinball machines.

PLANNING REVIEW FEES

Review Fee: For review of building plans and site plans (including storm water management), for which a building permit has not been issued the cost shall be as follows:

Building Inspector	Hourly Rate
Municipal Engineer	Hourly Rate Charged City of Titusville
Fire Chief	Hourly Rate
Public Works Director	Hourly Rate. (Res. 14 of 2007)

POLICE DEPARTMENT FEES

Accident Reports	\$ 15.00
Incident Reports	15.00
Criminal History Checks	10.00
Employment Fingerprinting	10.00
Parking Permits (City Lot) (Per month)	15.00
(Per year)	160.00
False Burglar Alarm Fees (over 3 in any 12 consecutive months)	25.00
Dog Pound Fee	10.00/day (Res. 13 of 2005)
Meter Bag Rental (per day per bag)	5.00 (Res. 13 of 2005)
Extended Parking Fee (per day- City Lot only)	1.00
Handicapped Parking Only	25.00
Maximum 24 Hour Parking (Section 521.10)	10.00 (Res. 13 of 2005)
Emergency, No parking	5.00
Parking Prohibited 2 a.m. - 6 a.m.	10.00 (Ord. 3141)
Parking Prohibited 8:00 a.m. to 4:00 p.m.	5.00
Parking Prohibited (all times)	10.00 (Ord. 3141)
Double Parking Fine (Section 522.99)	\$10.00
Within 15 feet of a Fire Hydrant	10.00
Front of Driveway	10.00
Blocking Sidewalk or over Curb	10.00
Within 20 feet of an Intersection	10.00
Within 50 feet of a Railroad Crossing	10.00
More than 12" from Curb	10.00
Wrong Side of Street	10.00
Any Official Sign Prohibiting Parking	15.00 (Ord. 3141)
Blocking Street	15.00 (Ord. 3141)
Parking Meter violation (Section 525.09)	5.00 (Ord. 3141)
Parking Meter Fees (City Lot) 10 hr. meter	3 hrs = 0.25
	1 hrs = 0.10
(Street) 2 hour meter	1 hr = 0.25
	30 min = 0.10
	15 min = 0.05

REFUSE/RECYCLING COLLECTION FEES

Residential/*Commercial Refuse Factor per month	\$18.00 (Res. 5-2016)
Res. Factor plus Backyard Pick-up per month	20.00 (Res. 5-2016)

* Commercial w/dumpsters- refuse factor is 0.00 if Commercial customer is using City hauler for service.

SALES OF MAPS AND PUBLICATIONS

Annual Budget	\$20.00 (Res. 13 of 2005)
Transcript (Cost to City plus handling of)	5.00
Maps (City) 11 x 17	2.00 (Res. 13 of 2005)
Community Map	12.00
City Zoning Map	5.00 (Res. 13 of 2005)

(Res. 9 of 2003)

SEWER TAPS, SEWER PROJECT FEES, TREATMENT CHARGES

Sewer Tap Fee	\$2,500.00
Plus for 4 inch lateral per foot	50.00 *
Plus for 6 inch lateral per foot	65.00 *
* Plus direct cost of restoration materials per site	(Res. 5 of 2011)
Disconnect Fee (per foot buried)	150.00
Emergency Call Out Fee	150.00 (Res. 5 of 2011)
Moving Charge	12.50 (Res. 17 of 2006)
New Account Fee	12.50 (Res. 17 of 2006)
Sewer Project Fees (per month)	5.00
Sewer Rates - Readiness to Serve (927.03) (Ord. 3138. Passed 12-27-05.)	
Vac Truck	250.00/1 st hour
	165.00/additional hours
	(Res. 5 of 2011)

Water Meter Size

<u>(inches)</u>	<u>City</u>	<u>Non-City</u>
5/8	\$38.87	Per Intermunicipal Agreement
3/4	49.76	REF: Agreement with Oil Creek Twp.
1	78.09	Other Non-City per Intermunicipal Agreement
1-1/2	158.67	
2	271.36	
3	593.56	
4	1,044.62	
6	2,333.24	
Usage Charge per 1000 gallons		3.89

STENOGRAPHER/ COURT REPORTING SERVICE FEES

Cost to provide this service.

WATER TAPS

Residential Tap In Fee	\$ 850.00 * **
Commercial/ Industrial Tap In Fee	\$ 850.00 * **
Disconnect Fee	\$ 850.00 **
Disconnection Notice	\$ 40.00
Emergency Call Out Fee	\$ 150.00

* Plus \$25.00 per foot

** Plus direct costs of restoration materials per site (Res. 5 of 2011)

WATER RATES

Stand By Charge - Hydrant Fee		\$7.00/month (Res. 13 of 2005)
Bulk Water (up to 22,000 gal)		97.50 (Res. 13 of 2005)
(over 22,000 gal.)		6.00/1,000 gals. (Res. 13 of 2005)
Hydrant Turning Fee (Bulk Water Sales, etc.)		60.00 (Res. 13 of 2005)
New Account Charge		12.50 (Res. 17 of 2006)
Security Deposit		100.00
Turn On/Off Charge		25.00
(Ord. 2090. Passed 12-21-98.)		
Test Inspection Fee (5/8, 3/4 and 1 inch meter size)	10.00 plus labor	(current rate/hour)
Moving Charge	12.50 (Res. 17 of 2006)	
Water Rates - Readiness to Serve (923.02)		
(Ord. 3169. Passed 4-22-08.)		
(a)(1) <u>Base Rate Charge:</u>		
<u>Meter Size</u>	<u>City of Titusville</u>	<u>Non-City Per</u>
<u>(inches)</u>	<u>Charge (per month)</u>	<u>Intermunicipal Agreement</u>
5/8	\$5.89	Ref: Pleasantville
3/4	9.92	No Ref: Oil Creek Twp.
1	20.40	No Ref: Cherrytree Twp.
1-1/2	50.76	
2	92.00	
3	211.34	
4 inches or larger	378.41	
(2) <u>Readiness to Serve Charge:</u>	\$6.00 per user for each user within a building.	
<u>Usage Charge per 1,000 gallons:</u>	\$2.00 (923.02)	

WASTEWATER (INDUSTRIAL USER) PRETREATMENT FEES

Permit Fee (per month)	\$125.00 (Res. #17 of 2002)
Sampling and Analytical (annual cost)	\$3,500.00

ZONING HEARING BOARD FEES

Appeals*	\$275.00 (Res. 14 of 2007)
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* Plus 1/2 the Stenographers Cost

(Ord. 3028. Passed 12-28-00; Res. 20-2001. Passed 11-19-01; Res. 17-2002. Passed 12-16-02; Res. 9-2003. Passed 5-27-03; Res. 2-2004. Passed 1-26-04; Res. 11-2004. Passed 7-12-04; Ord. 3123. Passed 11-22-04; Ord. 3117. Passed 5-24-04; Ord. 3124. Passed 12-13-04; Ord. 3125. Passed 12-13-04; Res. 6-2005. Passed 4-25-05; Res. 8-2005. Passed 5-9-05; Ord. 3169. Passed 4-22-08; Res. 5-2011. Passed 2-15-11; Res. 1-2016. Passed 1-26-16; Res. 5-2016. Passed 4-26-16; Res. 18-2016. Passed 10-25-16.)

