

## **CODIFIED ORDINANCES OF TITUSVILLE**

### **PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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#### **TITLE ONE - Street and Sidewalk Areas**

- Art. 903. Street and Alley Excavations.
- Art. 904. Cleaning and Deposits.
- Art. 905. Sidewalks.
- Art. 907. Antenna Systems.

#### **TITLE THREE - Utilities**

- Art. 921. Billing and Collection Procedure.
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**TITLE ONE - Street and Sidewalk Areas**

- Art. 903. Street and Alley Excavations.  
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**ARTICLE 903**

**Street and Alley Excavations**

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| <b>903.01 Permit required.</b><br><b>903.02 Fees.</b><br><b>903.03 Restoration; excavator's responsibility.</b><br><b>903.04 Tunneling prohibited; exceptions.</b> | <b>903.05 Responsibility of permittee.</b><br><b>903.06 Superintendent to verify extent of excavations.</b><br><b>903.07 Removal of materials.</b><br><b>903.99 Penalty.</b> |
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**CROSS REFERENCES**

- Streets - see 3rd Class §2901 et seq. (53 P.S. §37901 et seq.)  
 Power to open streets - see 3rd Class §2915 (53 P.S. §37915)  
 Power to pave streets and assess costs - see 3rd class §2930 et seq. (53 P.S. §37930 et seq.)  
 Permit for materials obstructing sidewalks - see S.U. & P.S. 905.12  
 Notice of work affecting City water system or fixtures - see S.U. & P.S. 923.10(f)  
 Street improvements in subdivision - see ZON. 1341.02 et seq.

**903.01 PERMIT REQUIRED.**

Whenever it is necessary for the digging or opening of trenches or excavations, except for utility poles and anchors, in any part of the public streets or alleys of the City, a permit shall first be obtained from the City Manager. Before issuing any permit there shall first be paid to the City Clerk by the applicant therefor such fee or fees as are prescribed in Section 903.02.

No permit shall be granted to any applicant unless such applicant has paid to the City any and all moneys then due to the City for prior openings made or for any loss, damage or expense in any manner occasioned by or arising from the opening of streets or alleys of the City under prior permits. (Ord. 1720 §1. Passed 11-10-69.)

**903.02 FEES.**

For excavating any paved roadway and for all other excavations in the roadway or sidewalk or within street lines not included in paved surfaces, the fee shall be as provided in Article 191 per excavation. (Ord. 1946 §1. Passed 6-8-87.)

**903.03 RESTORATION; EXCAVATOR'S RESPONSIBILITY.**

All parties opening or digging in any of the public streets or alleys of the City for any purpose whatever, shall return the same to their original condition to the satisfaction of the Superintendent of Public Works.

If the street or alley is improved, or consists of the natural ground of ordinary material, the excavation or trench shall be refilled with a dry compactable material, thoroughly compacted by adequate tamping and surfaced with the same type of material as the original. No rock fragments larger than six inches in any dimension shall be placed in the trench. Where the old original surface is concrete or brick and covered by bituminous material, a concrete slab at least eight inches thick shall be placed over the trench and brought to the elevation of the original concrete surface. The remaining depth of the excavation shall be replaced with approved blacktop or original material to the level of the street.

Care shall be exercised not to move or disturb subsurface structures or utilities which may be encountered during excavation. In crossing these structures or running parallel with or near them, they shall be securely hung, braced and supported in place until the work is completed. The applicant shall maintain their respective services and shall repair all damage done to any of such structures.

The excavator shall be responsible for maintenance of a trench and its cover material during such a period of time as is necessary for final settlement of the excavation.

All restorations referred to in this section shall be completed within ten days of the commencement of the work on the excavation; Sundays and nationally recognized holidays shall not be included in the computation of such ten day period. (Ord. 1946 §2. Passed 6-8-87.)

**903.04 TUNNELING PROHIBITED; EXCEPTIONS.**

No part of a trench or excavation shall be tunnelled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, except in such cases as may be approved by the Superintendent of Public Works. (Ord. 1720 §3. Passed 11-10-69.)

**903.05 RESPONSIBILITY OF PERMITTEE.**

The party or parties to whom or for whom a permit may be issued shall assume all responsibility for the excavations made, respectively by such party or parties, for refilling and resurfacing the same, and for all damages that may arise by reason of the digging, refilling and resurfacing of such trenches or excavations. (Ord. 1720 §4. Passed 11-10-69.)

**903.06 SUPERINTENDENT TO VERIFY EXTENT OF EXCAVATIONS.**

In all instances where the City Manager and Council may grant permission to dig up highways, the Superintendent of Public Works shall verify the extent of the excavations. (Ord. 1720 §5. Passed 11-10-69.)

**903.07 REMOVAL OF MATERIALS.**

All excess of excavated materials on any street shall be promptly removed from the street by the permittee. (Ord. 1720 §6. Passed 11-10-69.)

**903.99 PENALTY.**

Whoever violates any provision of this article shall, upon conviction, be fined not more than three hundred dollars (\$300.00), plus the costs of prosecution and the costs of restoration, in a summary proceeding before the District Magistrate having jurisdiction of the matter with all such sums being paid to the General Fund.  
(Ord. 1946 §3. Passed 6-8-87.)



**ARTICLE 904**  
**Cleaning and Deposits**

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| <p><b>904.01</b> Definitions.</p> <p><b>904.02</b> Duty to keep sidewalks and gutters clean.</p> <p><b>904.03</b> Snow removal in Residential, Special and Industrial Zones.</p> <p><b>904.05</b> Prohibited articles or substances.</p> <p><b>904.06</b> Compliance with article required.</p> | <p><b>904.07</b> Snow deposit on private property.</p> <p><b>904.08</b> Games in streets prohibited.</p> <p><b>904.09</b> Leaf removal suspension by Council resolution.</p> <p><b>904.99</b> Penalty.</p> |
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**CROSS REFERENCES**

Tree trimming required - see ADM. 157.09 et seq.

Sidewalk construction - see S.U. & P.S. Art. 905

Permit for obstructing materials - see S.U. & P.S. 905.12

**904.01 DEFINITIONS.**

As used in this article:

- (a) "S-1, Special Conservation; R-1, Single-Family Residential; R-2, Two-Family Residential; R-3, Multiple-Family Residential; C-1, Commercial; C-2, Special Commercial; I-1, Limited Industrial and I-2, Industrial" areas shall be as defined and delineated in Article 1311 of the Zoning Code of the Codified Ordinances.
- (b) "Sidewalk snow" means snow which has or had fallen on the sidewalk areas.
- (c) "Daytime snow" means snow falling after dawn until 6:00 p.m. prevailing time.
- (d) "Nighttime snow" means snow falling after 6:00 p.m. prevailing time until post-dawn each day.
- (e) "Day" means a calendar day.
- (f) "Snow" means any precipitation forming any accumulation on the streets and sidewalks of the City, including but not limited to snow, sleet, hail, ice or freezing rain. (Ord. 1739 §1. Passed 12-14-70.)

**904.02 DUTY TO KEEP SIDEWALKS AND GUTTERS CLEAN.**

Each tenant, owner or person in possession or in charge of any property shall cause the sidewalks abutting on such property and entranceways thereto to be kept clean, and shall not deposit any litter or refuse in the gutters along the property or on the public streets or highways within the City. (Ord. 1739 §1. Passed 12-14-70.)

**904.03 SNOW REMOVAL IN RESIDENTIAL, SPECIAL AND INDUSTRIAL ZONES.**

Each tenant, owner or person in possession or in charge of any property fronting on or adjoining any street in the City in R-1, R-2, R-3, S-1, I-1 and I-2 zones shall clear a pathway of at least three feet in width on the sidewalk in front of or adjoining such property at least once each calendar day. The snow cleaned from the pathway pursuant to this section shall not be deposited on any street or alley in the City. (Ord. 1739 §1. Passed 12-14-70.)

**904.04 SNOW REMOVAL IN COMMERCIAL ZONES.**

(a) Each tenant, owner or person in possession or in charge of any property fronting on or adjoining any street in the City in C-1 or C-2 zones shall clear all snow from the sidewalk in front of or adjoining such property as follows:

- (1) Daytime snow shall be cleared prior to 6:00 p.m. prevailing time.
- (2) Nighttime snow shall be cleared prior to 11:00 a.m. prevailing time.

(b) Snow removed pursuant to this section may be deposited in the paved portion of a street or highway (cartway) not more than thirty-six inches from the curb or paving line fronting on or adjoining any property in C-1 or C-2 zones.

(Ord. 1739 §1. Passed 12-14-70.)

**904.05 PROHIBITED ARTICLES OR SUBSTANCES.**

No person shall put, place, deposit or throw any broken glass, crockery, china, cuttings of tin or sheet iron, nails or other articles which may wound, bruise or maim man or beast, or any refuse, garbage, grass, weeds or other perishable substances on or into any street or sidewalk, except as provided in this article.

(Ord. 1739 §1. Passed 12-14-70.)

**904.06 COMPLIANCE WITH ARTICLE REQUIRED.**

No person shall at any time cast, lay or throw in any of the streets, lanes or alleys in the City, any snow or ice, ashes, cinders or rubbish of any kind, including leaves or brush, except as provided in this article.

(Ord. 1739 §1. Passed 12-14-70.)

**904.07 SNOW DEPOSIT ON PRIVATE PROPERTY.**

No person shall put, place or deposit snow as defined in Section 904.01 on any private property other than his own without the consent of the property owner.

(Ord. 1739 §1. Passed 12-14-70.)

**904.08 GAMES IN STREETS PROHIBITED.**

No person shall engage in the playing of ball or any other game of any kind or nature, on the public streets or alleys of the City.

(Ord. 1739 §1. Passed 12-14-70.)

**904.09 LEAF REMOVAL SUSPENSION BY COUNCIL RESOLUTION.**

The provisions of Sections 904.02 and 904.06, insofar as they may relate to the depositing of leaves in the streets of the City for removal by the City work crews, may be suspended during leaf removal periods by resolution of Council. If these sections are suspended by resolution, the time periods of suspension shall be spelled out in such resolution, and notice of such resolution being passed shall be printed in the Titusville Herald.

(Ord. 1739 §1. Passed 12-14-70.)

**904.99 PENALTY.**

Any person violating any provision of this Article, shall, upon conviction in a summary proceeding, be fined three hundred dollars (\$300.00) for each and every offense, together with the costs of prosecution for such offense, to be collected as other fines are by law collectible, and in default of payment thereof, shall be imprisoned for not more than thirty days. Each day of violation as to any section of this Article shall constitute a separate offense.  
(Ord. 3263 §1. Passed 5-28-19.)



**ARTICLE 905**  
**Sidewalks**

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| <p><b>905.01 Sidewalks to conform.</b></p> <p><b>905.02 Notice of construction; specifications.</b></p> <p><b>905.03 No fee charged.</b></p> <p><b>905.04 Uniform width.</b></p> <p><b>905.05 Flagstone or concrete.</b></p> <p><b>905.06 Notice to construct or repair.</b></p> <p><b>905.07 Failure to comply; remedy by City; cost recovery.</b></p> | <p><b>905.08 Horses and vehicles prohibited on sidewalks. (Repealed)</b></p> <p><b>905.09 Removal of snow and ice. (Repealed)</b></p> <p><b>905.10 Persons obstructing.</b></p> <p><b>905.11 Spitting prohibited.</b></p> <p><b>905.12 Permit for obstructing materials.</b></p> <p><b>905.99 Penalty.</b></p> |
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**CROSS REFERENCES**

Power to require sidewalk construction - see 3rd Class §3001 (53 P.S. §38001)

Notices to construct or repair - see 3rd Class §3002 et seq. (53 P.S. §38002 et seq.)

Tree planting near sidewalks - see ADM. 157.07

Tree trimming required - see ADM. 157.09 et seq.

Deposit of injurious materials on sidewalks - see GEN. OFF. 741.01

Sidewalk construction in subdivision - see ZON. 1341.02 et seq.

Awnings over sidewalks - see BLDG. 1725.01

**905.01 SIDEWALKS TO CONFORM.**

All sidewalks laid, built or constructed in the City shall be laid, built or constructed at a uniform grade and uniform alignment and width, as nearly as practicable, under the direction of the City Engineer and the City Manager, and upon directions of Council.  
(Ord. 869 §1. Passed 8-7-16.)

**905.02 NOTICE OF CONSTRUCTION; SPECIFICATIONS.**

Any person, firm or corporation desiring to lay, build or construct any permanent sidewalks in the City shall give to the City Engineer five days' written notice of intention to do so before commencing work thereon. It shall be the duty of the City Engineer and the City Manager to prescribe the grade, width and alignment of such sidewalk and the same shall be laid, built or constructed in accordance therewith and not otherwise. However, the City Engineer and the City Manager shall not have power, by virtue of anything contained in this article, to prescribe any greater or lesser width for any sidewalk than is fixed or provided for by this article.  
(Ord. 869 §2. Passed 8-7-16.)

**905.03 NO FEE CHARGED.**

No fee or charge shall be made or collected for anything that may be done by any officer, agent or employee of the City pursuant to the provisions hereof.

Blanks for the purpose of giving notice of intention to construct sidewalks shall be prepared by the City, and shall be furnished to applicants by the City Engineer or City Clerk. (Ord. 869 §3. Passed 8-7-16.)

**905.04 UNIFORM WIDTH.**

The sidewalks laid, built or constructed in the City shall be, in width, uniform with the adjoining sidewalks. Where there are no adjoining walks the width shall be fixed and specified by the City Engineer and the City Manager. (Ord. 869 §4. Passed 8-7-16.)

**905.05 FLAGSTONE OR CONCRETE.**

The sidewalks in the City shall be constructed of flagstone or concrete. (Ord. 869 §5. Passed 8-7-16.)

**905.06 NOTICE TO CONSTRUCT OR REPAIR.**

Whenever Council or the City Manager shall direct sidewalks to be laid or an old one repaired the City Manager shall notify the owner or occupant of the property abutting such needed improvement to construct the same or repair it as the case may be. Ten days' notice shall be given as provided by Section 3002 of the Third Class City Code, and forty-eight hours' notice in the case of emergency repairs as provided by Section 3003 of the Third Class City Code. It shall be the duty of such owner or occupant to construct or repair such sidewalk accordingly. (Ord. 869 §6. Passed 8-7-16.)

**905.07 FAILURE TO COMPLY; REMEDY BY CITY; COST RECOVERY.**

If the owner or occupant after notice neglects or refuses to construct or repair such sidewalk it shall be the duty of the City Manager to cause the same to be done and report his action with the cost of the work and material in detail, to Council at the next meeting. Such cost of work and material together with a penalty of ten percent for such neglect and refusal to comply shall be charged to such owner. Council shall thereupon, by resolution, direct that a lien therefor against the owner of such premises, together with the penalty of ten percent, be entered in the Court of Common Pleas of Crawford County, and in the City Lien Docket in the office of the City Solicitor. Thereupon the City Solicitor shall proceed to collect such lien as provided by law in the case of municipal liens or by action in assumpsit, or he may adopt any other remedy provided by law when required by proper resolution of Council. (Ord. 869 §7. Passed 8-7-16.)

**905.08 HORSES AND VEHICLES PROHIBITED ON SIDEWALKS.  
(REPEALED)**

(EDITOR'S NOTE: Former Section 905.08 was repealed by Ordinance 3181, passed April 28, 2009.)

**905.09 REMOVAL OF SNOW AND ICE.**

EDITOR'S NOTE: This section has been repealed by Ordinance 1739, passed December 14, 1970. See Article 904 for provisions relating to snow and ice removal.

**905.10 PERSONS OBSTRUCTING.**

No person or persons shall gather upon the sidewalks or crosswalks for any purpose whatsoever so as to obstruct the free passage of the same by pedestrians. (Ord. 869 §10. Passed 8-7-16.)

**905.11 SPITTING PROHIBITED.**

No person shall expectorate on sidewalks within the City.  
(Ord. 869 §11. Passed 8-7-16.)

**905.12 PERMIT FOR OBSTRUCTING MATERIALS.**

No person shall obstruct any of the sidewalks in the City by leaving thereon material of any kind without a permit from the City Manager. (Ord. 869 §14. Passed 8-7-16.)

**905.99 PENALTY.**

Whoever violates any of the provisions of this article shall, upon conviction thereof before the Mayor or any alderman in the City be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) together with costs, and in default of payment thereof shall be imprisoned for not more than thirty days. (Ord. 885 §1. Passed 4-7-17.)



**ARTICLE 907**  
**Antenna Systems**

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| <b>907.01</b> | <b>Subject of regulations.</b>           | <b>907.05</b> | <b>Compliance with F.C.C. rules.</b>        |
| <b>907.02</b> | <b>Grounding requirements.</b>           | <b>907.06</b> | <b>Removal of unused systems.</b>           |
| <b>907.03</b> | <b>Liability insurance.</b>              | <b>907.07</b> | <b>Application to install; information.</b> |
| <b>907.04</b> | <b>Notice of insurance cancellation.</b> | <b>907.99</b> | <b>Penalty.</b>                             |

**CROSS REFERENCES**

Pole inspection - see B.R. & T. Art. 317

**907.01 SUBJECT OF REGULATIONS.**

All antennas crossing sidewalks, streets or public thoroughfares of the City shall be subject to the regulations of this article. (Ord. 1393 §1. Passed 6-15-53.)

**907.02 GROUNDING REQUIREMENTS.**

All antennas or antenna systems subject to this article shall be grounded, in accordance with the provisions of the National Electrical Safety Code, at each end, at each amplifier and at points not more than 500 feet apart. (Ord. 1393 §2. Passed 6-15-53.)

**907.03 LIABILITY INSURANCE.**

All antennas or antenna systems subject to this article shall be insured for public liability for the following minimum limits: ten thousand dollars (\$10,000) property damage as to one accident; fifty thousand dollars (\$50,000) bodily injury to any one person and one hundred thousand dollars (\$100,000) as to any one accident. (Ord. 1393 §3. Passed 6-15-53.)

**907.04 NOTICE OF INSURANCE CANCELLATION.**

Certificates of liability insurance provided for in Section 907.03 shall be filed with the City Clerk, and cannot be cancelled without thirty days notice to City Clerk. (Ord. 1393 §4. Passed 6-15-53.)

**907.05 COMPLIANCE WITH F.C.C. RULES.**

All antennas or antenna systems shall comply with rules governing restricted radiation and all other rules of the Federal Communications Commission now or hereafter issued. (Ord. 1393 §5. Passed 6-15-53.)

**907.06 REMOVAL OF UNUSED SYSTEMS.**

All antennas or antenna systems which are no longer used shall be taken down within sixty days after no longer being used. (Ord. 1393 §6. Passed 6-15-53.)

**907.07 APPLICATION TO INSTALL; INFORMATION.**

All persons, associations and corporations planning to install an antenna or antenna system under this article shall make an application to Council through the City Clerk for permission to cross the streets, sidewalks and public thoroughfares. Such application shall set forth: the names of all persons financially interested, as individuals, or members of an association or corporation; that the applicants have read this article and will comply with it; and state what territory is proposed to be served by the applicant.

(Ord. 1393 §7. Passed 6-15-53.)

**907.99 PENALTY.**

Whoever violates any of the provisions of this article shall for each violation upon conviction thereof, be fined not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), with costs recoverable before the Mayor or any Alderman of the City, and, upon default of payment thereof, shall be imprisoned not more than ninety days. However, a civil action for recovery of the above penalties may be instituted by summons and proceeded upon in the manner provided by law for recovery in civil actions. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 1393 §8. Passed 6-15-53.)

**TITLE THREE - Utilities**

- Art. 921. Billing and Collection Procedure.
- Art. 923. Water Rates and Regulations.
- Art. 925. Water Restrictions.
- Art. 927. Sewer Rental Charges.
- Art. 928. Publicly Owned Treatment Works.
- Art. 929. Garbage and Rubbish Collection and Disposal.
- Art. 931. Recycling Program.
- Art. 933. Stormwater Management.
- Art. 935. Certificate of Storm Water Compliance.

**ARTICLE 921**

**Billing and Collection Procedure**

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| <b>921.01</b> Monthly charges.                      | <b>921.05</b> Partial payment; allocation of precedence. |
| <b>921.02</b> Inclusion on one statement.           | <b>921.06</b> Receipt segregation; monthly reports.      |
| <b>921.03</b> Due date on statement.                | <b>921.07</b> Records to be maintained.                  |
| <b>921.035</b> Receipt by Treasurer.                | <b>921.08</b> Action on delinquent account.              |
| <b>921.04</b> Late payment; additional ten percent. |  |

**CROSS REFERENCES**

- Water rates - see S.U. & P.S. 923.02 et seq.
- Sewer rental rates - see S.U. & P.S. 927.03 et seq.
- Garbage collection and disposal rates - see S.U. & P.S. 929.06 et seq.

**921.01 MONTHLY CHARGES.**

All charges, rentals and rates for water consumption or use, sanitary sewer use and refuse collection from consumers, users or receivers of such services in the City and adjoining townships shall be made monthly by the City Treasurer.  
(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.02 INCLUSION ON ONE STATEMENT.**

The amounts for each of such charges, rentals and rates shall be included on one statement to be billed and mailed to the consumer, user or receiver of such services.  
(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.03 DUE DATE ON STATEMENT.**

All statements or bills rendered shall indicate a due date which shall be on or before the fifteenth day of the month of such statement.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02; Ord. 3144. Passed 2-13-06.)

**921.035 RECEIPT BY TREASURER.**

The City Treasurer shall collect and receive all payments for water, sewer and refuse charges, rentals and rates.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.04 LATE PAYMENT; ADDITIONAL TEN PERCENT.**

All charges, rentals and rates shall be payable at face on or before the due date, and ten percent shall be added for payment thereafter.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.05 PARTIAL PAYMENT; ALLOCATION OF PRECEDENCE.**

In the event of receipt by the City Treasurer of a partial payment of the total monthly charge, rental or rate from a consumer, user or receiver of services, the same shall be allocated and applied first to and for return check charges, interest, late fees and other miscellaneous charges, then to refuse collection, third to sanitary sewer use and last to water consumption or use.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.06 RECEIPT SEGREGATION; MONTHLY REPORTS.**

The City Treasurer shall by proper accounting segregate all such receipts for each of such City services, and report monthly to the City Manager the total revenue received in each, for the water, sewer and refuse accounts.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.07 RECORDS TO BE MAINTAINED.**

The City Treasurer shall keep accurate records as to name, address and status of service account of each consumer, user or receiver of water, sewer and refuse service in the City and adjoining townships.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**921.08 ACTION ON DELINQUENT ACCOUNT.**

The City Treasurer shall immediately notify the City Manager in writing of any and every account delinquent more than thirty days, and the City Manager shall, upon such notice, take prompt action as provided by ordinance and the Acts of General Assembly to enforce collection of the same.

(Ord. 1623. Passed 12-23-63; Ord. 3073. Passed 7-22-02.)

**ARTICLE 923**  
**Water Rates and Regulations**

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| <p><b>923.01</b> Definitions.</p> <p><b>923.02</b> Schedule of rates and charges.</p> <p><b>923.03</b> Flat rate.</p> <p><b>923.031</b> Sale of water in bulk; fees.</p> <p><b>923.04</b> Application for service.</p> <p><b>923.05</b> Service connections.</p> <p><b>923.055</b> Service disconnections.</p> <p><b>923.06</b> Meters.</p> <p><b>923.07</b> Discontinuance of service.</p> <p><b>923.08</b> Fire service.</p> | <p><b>923.09</b> Terms of payment and enforcement.</p> <p><b>923.10</b> Tampering; unlawful connection/disconnection; repairs by owner.</p> <p><b>923.11</b> Severability; conflict with State law.</p> <p><b>923.12</b> Connections required if feasible.</p> <p><b>923.13</b> Connections outside City limits restricted.</p> <p><b>923.99</b> Penalty.</p> |
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**CROSS REFERENCES**

Water supply - see 3rd Class §3501-§3572 (53 P.S. §38501-§38572)

Billing and collection procedure - see S.U. & P.S. Art. 921

Water restrictions - see S.U. & P.S. Art. 925

Utility improvements in subdivisions - see ZON. 1341.02 et seq.

Water supply required - see HSG. 1909.05

**923.01 DEFINITIONS.**

(a) "Consumer", as used herein, means the party contracting for service to a property coming within one of the following classifications:

- (1) A building under one roof and occupied as one residence or business.
- (2) A combination of buildings in one enclosure and occupied by one family or one business.
- (3) One side of a double building having a vertical partition wall.
- (4) Each part of a building occupied by more than one family or business where each has independent or exclusive use of water fixtures.
- (5) Each apartment, office or suite of offices having independent water fixtures located in a building having several such apartments, offices or suites of offices and using in common one hall and one or more means of entrance.
- (6) Each apartment having independent water fixtures located in a building or a group of buildings having a number of such apartments owned and controlled by a single owner. (Ord. 1613. Passed 12-16-63.)
- (7) A building under one roof divided into multiple apartments, offices, or office suites, all of which are serviced by one water meter. (Ord. 3169. Passed 4-22-08.)

(b) "City" means the City of Titusville.

(c) "Owner" means the owner of the real estate to which water is furnished. (Ord. 1613. Passed 12-16-63.)

(d) “Readiness to serve charge” means a charge payable for each user on a monthly basis for the cost of having water service available, whether or not water service is actually utilized.

(e) “Base rate charge” means a charge payable monthly by each consumer who has operable water service, to cover the cost of having water service that is both available and activated.

(f) “Master meter” means a single meter serving multiple users located within a single building under one roof.

(g) “User” means each occupant of a building or residence who has available active water service. The user at a building occupied by one business or residence shall be the same as the consumer. In the case of a building with a master meter, each occupant of an individual unit shall be a user. (Ord. 3169. Passed 4-22-08.)

**923.02 SCHEDULE OF RATES AND CHARGES.**

Each metered customer or owner to which water is furnished by the City shall pay the City for the same, a base rate charge, the applicable readiness to serve charge and a usage charge in accordance with the following rates:

(a) (1) Base Rate Charge:

| <u>Meter Size (Inches)</u> | <u>City of Titusville Charge (Per Month)</u> | <u>Non-City Per 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                          | 378.41                                       |  |
| 6                          | 855.74                                       |  |

(2) Readiness to Serve Charge: \$6.00 per user for each user within a building. (Ord. 1865. Passed 11-22-82; Ord. 2034. Passed 9-26-94; Ord. 2090. Passed 12-21-98; Ord. 3136. Passed 12-6-05; Ord. 3169. Passed 4-22-08.)

(b) Usage Charge: \$1.45 per 1,000 gallons. (Ord. 3136. Passed 12-6-05.) \$1.26 per 1,000 gallons. (Ord. 2090. Passed 12-21-98.)

\$0.51 to \$0.99 per 1,000 gallons; rates for 1990, 1991, 1992, 1993. (Ord. 2018. Passed 7-12-93; Ord. 2037. Passed 9-26-94.)

\$0.51 per 1,000 gallons. (Ord. 1865. Passed 11-22-82.)

(c) Circus, Bazaar or Fair. A circus, bazaar, fair or other business of a similar nature which will temporarily exist at a location within the City from one to ten days, and where the City Manager deems such charge applicable, shall pay in advance on a per diem basis for water supplied in accordance with the following schedule:

| <u>Size of Service (inches)</u> | <u>Per Diem Charge</u>     |
|---------------------------------|----------------------------|
| 2 or less                       | \$25.00 first day;         |
|                                 | 10.00 each additional day; |
| 3                               | 35.00 first day;           |
|                                 | 20.00 each additional day. |

The per diem rate is not subject to the service charge and includes both a charge for water served and for installation and disconnection of the service.

- (d) Construction Work. For water furnished for construction work, where in the opinion of the City Manager it is not practicable to install or use meters, the rate to be charged for water, installation and disconnection shall be as follows:
- | <u>Size of Service (inches)</u> | <u>Per Diem Charge</u>                           |
|---------------------------------|--|
| 2 or less                       | \$25.00 first day;<br>10.00 each additional day; |
| 3                               | 35.00 first day;<br>20.00 each additional day.   |
- (Ord. 1795 §2. Passed 4-11-77.)
- (e) Hydrant Turning Charge. A flat rate of \$50 per occurrence for utilizing City fire hydrants for non-fire fighting purposes. The City may grant exemption from this fee for contractors employed by the City. This charge is in addition to charges specified under (b), (c) and (d) above.  
(Ord. 2090. Passed 12-21-98.)
- (f) Moving Charge. Any current water consumer who desires to move from one location within the City to another and who desires to maintain water service at a new location shall pay a moving charge as provided in Article 191 of the City Administrative Code for the administrative cost of switching service.  
(Ord. 3125. Passed 12-13-04.)

### **923.03 FLAT RATE.**

Where there is no meter installed to determine the usage of an owner or consumer, the monthly rate for each such non-metered owner or consumer shall be the readiness to serve charge for the appropriate size service, plus a charge for estimated usage, which shall be certified by the City Engineer to the City Manager.  
(Ord. 1795 §3. Passed 4-11-77.)

### **923.031 SALE OF WATER IN BULK; FEES.**

(a) Schedule of Rates and Charges. Each customer of water furnished in bulk by the City shall pay the City the fees and charges provided for in Article 191.  
(Ord. 3011. Passed 6-19-00.)

(b) Procedures. Each customer for water in bulk shall comply with the following procedure:

- (1) A request for the purchase of water in bulk shall be made by written application to the City Service Clerk's office.
- (2) Each customer shall pay the hydrant turning fee and the applicable water rate, in advance, in cash by payment at the City Treasurer's office.
- (3) Each customer shall schedule a time for delivery of water by prior arrangement with the City Fire Department. All deliveries shall be subject to availability of Fire Department personnel in light of emergencies and other duties.

(c) Definition. "Water in bulk" or "bulk water" shall mean water sold by delivery to a truck or other container in large quantities and not through metered delivery to a residence or business. (Ord. 3011. Passed 6-19-00; Ord. 3136. Passed 12-6-05.)

### **923.04 APPLICATION FOR SERVICE.**

(a) Application Required. Water will be furnished, or service connection made upon written application by the property owner, tenant, consumer or agent thereof, on a blank prepared by the City for the purpose, and after approval of such application by the City is endorsed thereon. Where a water connection has been previously installed and water is desired, a proper application shall be signed by the owner, tenant, consumer or agent. A security deposit as provided in Article

191 shall be paid for each new application approved. The security deposit shall be refunded in full after one year's good credit history by the applicant with the City.

(b) New Application Upon Change in Ownership or Tenancy. A new application must be made and approved by the City upon any change in ownership of the property, when the owner is the consumer, or in any tenancy where the tenant is the consumer, or in the service, as described in the application. Such fee as provided in Article 191 will be charged upon change in ownership or tenancy. (Ord. 2090. Passed 12-21-98.)

(c) Renewal of Service. Service will be renewed under a proper application, when the conditions under which such service was discontinued are corrected and upon the payment of all charges provided in the schedule of rates or tariff of the City, and all bills for labor, supplies and permits required in shutting off and turning on the water. Such fee as provided in Article 191 will be charged upon change in ownership or tenancy. (Ord. 1613 §4. Passed 12-16-63; Ord. 2090. Passed 12-21-98.)

### **923.05 SERVICE CONNECTIONS.**

(a) "Service connection" means and includes the corporation cock, the water pipe line from the corporation cock to the curb stop-cock, the curb stop-cock and curb box.

(b) The City will provide, and maintain at its own cost, the corporation cock at the connection of the service line and the main, and provide the curb box and curb stop, and the service line to the curb stop, all of which shall be and remain the property of the City, and accessible to and under its control. All connections from the curb stop shall be provided, installed and maintained by the applicant at his expense. Service connections shall be installed at a minimum depth of four feet below the ground surface.

(c) The City's Engineer and/or Public Works Director shall determine the size of all outside service connections. Outside meter pits and meters shall be installed wherever possible. (Ord. 2090. Passed 12-21-98; Ord. 3136. Passed 12-6-05.)

(d) All connections between the curb stop and the meter for ordinary domestic installations shall be furnished and installed by the applicant, at the applicant's expense. All water service lines shall be a minimum of 3/4 I.D., constructed of a material approved by the American Water Works Association for potable water for a sustained pressure of at least 200 PSI, installed in a manner approved and/or recommended by the manufacturer. In all cases in which a water service line exceeds a length of 100 feet, the City Engineer and/or Public Works Director shall require a water service line inside diameter of one inch or greater. Any line detention system for non-metallic water lines shall be furnished and installed by the applicant at the applicant's sole expense. All connections shall be installed in an approved workmanlike manner and shall be maintained by the applicant in good order. All valves, meters, and applications furnished and owned by the City which are on the property of the applicant shall be properly protected and cared for by the applicant. All leaks in any connection, appliance or fixture furnished by the applicant shall be immediately repaired by the applicant or occupant of the premises. All service connections between the curb stop and the meter shall be inspected by the City's authorized representative before backfilling of the trench and if any such installation is not done in accordance with good workmanship, the City may refuse to provide water service. All requests for such inspection shall be made to the City at reasonable hours and with as much advance notice as practical. (Ord. 1613 §5. Passed 12-16-63; Ord. 2090. Passed 12-21-98; Ord. 3136. Passed 12-6-05.)

(e) All pipes, meters and fixtures shall at all reasonable hours be subject to inspection by employees of the City with proper identification. (Ord. 1613 §5. Passed 12-16-63.)

(f) No person except an authorized employee of the City shall tap any main or distributing pipe. Service connections shall be installed by the City from the street main, where a main exists, to the curb line of the same, including stop cock and box, and shall be charged to the owner of the property with which the connection is made, as follows:

(Ord. 1800 §2. Passed 5-20-77.)

(1) The service connection fee for all connections to water lines shall be as provided in Article 191.

(Ord. 2018. Passed 7-12-93; Editor's Note: subparagraphs (1) to (7) deleted; Ord. 2090. Passed 12-21-98.)

(2) Owners of buildings which are in existence at the time of water line construction and are thereafter required to be connected to the new water line may elect to pay the connection charge in ten equal yearly installments which will include six percent interest on the unpaid balance beginning with the fourth year after the charge is made to the owner of the property. Any payment which is more than two months late shall be declared in default and the entire remaining amount, including accrued interest, shall be immediately due and payable.

(Ord. 1800 §2. Passed 5-20-77.)

(g) All plumbers, working in the City, shall observe the following regulations and requirements:

(1) No plumber shall do any work within the City that would result in a violation of any of the provisions of these regulations.

(2) Every plumber shall, within twenty-four hours after the completion thereof, report to the City of all work done by him that might in any way effect a change in the water rate on the premises on which such work is done. He shall also report any plumbing installation or use of water that is contrary to any of the provisions of these regulations which might come to his notice.

(h) The City shall not be liable for defective condition of pipes or ditches. The City shall in no case be liable on account of any defective condition in any water pipe, or in any trench or ditch dug for the purpose of laying water pipe by any person or persons desiring to make connections with any of the City's mains. It shall always be expressly understood that the person or persons using such water shall, at all times, keep the pipes and other connections in a good condition of repair, and shall be liable for all damages occasioned to any person or property by reason of any defective condition arising through the want of repair or otherwise, to the water pipe or the ditches in which the same are laid.

(i) Joint Users.

(1) Where more than one building or apartment, or other subdivision of space in any residence or commercial building is served through one meter, each such additional building, apartment or other subdivision of space shall be deemed a separate water service and a separate minimum charge shall be made therefor and collected by the City. However, the foregoing shall not apply to hotels, rooming houses (where light housekeeping is not done) or houses where the owner or occupant lets only one or more rooms that are not separated as apartments with separate water fixtures. The owner of property where water is supplied through one meter with more than one minimum shall be liable therefor.

- (2) Where there are different consumers liable for any water rent, and where one or more such consumers so liable leave such premises, such consumers so leaving shall not be supplied with water at the new premises occupied by them until all accounts due by such person or persons shall have been paid. Where any consumer is liable to the City for any water rent at one place, and is thereafter located using water at some other place, the water shall be turned off at the new location until all valid accounts past due are paid.
- (3) Where two or more families occupy the same house or apartment, and the water account is in the name of one, and the one in whose name the account stands moves away, the remaining family is also responsible for the unpaid water bills.
- (4) Should any person or persons move into any premises supplied with water from the City mains, without making a written application in the manner provided therefor, and uses water, then such person or persons shall become responsible for all water used from the date of the last reading previous to their occupying such premises. Failure to pay the same shall be cause for disconnecting such service until the amount due is paid.
- (5) In the event that two or more minimum accounts are made through one meter and any bill is due against such property, and in the further event that there is a separation of such minimum accounts, water shall not be turned on at such premises so separated until all such arrears are paid.  
(Ord. 1613 §5. Passed 12-16-63.)

#### **923.055 SERVICE DISCONNECTIONS.**

(a) "Service disconnection" means and includes the disconnection from the City water line due to demolition, discontinuance of service, or other similar incident in order to prohibit any water service from the City water line and/or the sealing of said service against illegal use or contamination.

(b) No person except an authorized employee of the City shall disconnect any service from any main or distributing pipe unless otherwise authorized by the City Manager upon recommendation by the City Engineer. Requests for service disconnections shall be made to the City with ten (10) days' notice for residential disconnects, and thirty (30) days' notice for commercial and industrial disconnects. Where authorization is afforded by the City, the City requires the inspection of all service disconnects by the City's authorized representative before backfilling or other restoration is done. A request for such inspection shall be made to the City at reasonable hours and in accordance with notifications as previously described in this paragraph.

(c) The service disconnection fee for all disconnections from water lines shall be as provided in Article 191.

Any water consumer who shall fail to pay for services for more than thirty days after the due date, resulting in the issuance of a three day shutoff notice as provided in Section 923.09, shall be assessed a fee for such notice in the amount of \$20.00, or such other amount as may be set by the City Council from time to time hereafter in Article 191 of the City Administrative Code. The aforesaid fee shall be included in Article 191 - Administrative Fees - of the City of Titusville Administrative Code as the "Disconnection Notice" Fee.  
(Ord. 2090. Passed 12-21-98; Ord. 3125. Passed 12-13-04.)

**923.06 METERS.**

(a) All meters will be furnished by the City complete with couplings but all meters installed after July 1, 1964, shall be installed by the applicant at his own expense and shall remain the property of the City and subject to its control. They shall be accessible and conveniently located at a point approved by the City so as to control the entire supply, and a suitable place and protection therefor shall be provided by the applicant. It is required by the City that each applicant shall furnish a flat head (stop-cock or lock wing) meter stop on the inlet side of the meter and a check valve on the outlet side of the meter. Where pressure reducing valves are required or installed by the applicant, this installation shall be ahead of the meter. Those applicants having wells or private water supply shall be required to disconnect their water supply from the metered plumbing before the City approves of a connection to the City water system. Upon notice by the City that a meter is to be installed in a premises, the owner thereof shall, at his own expense, prepare the pipe, ready for the installation of the meter, as well as any stop, waste or valve required to drain it.

- (b)
- (1) The applicant shall notify the City of any injury to, or the nonworking of, the meter as soon as it comes to his knowledge.
  - (2) Meters will be maintained by the City so far as wear and tear are concerned, but damage due to freezing, hot water or external causes shall be paid for by the applicant.
  - (3) Except when specifically otherwise authorized by the City, no person or persons, except duly authorized employees of the City, shall read, repair or work on meters.
  - (4) In case of a disputed account involving the accuracy of a meter, such meter shall be tested upon the request of the applicant. In the event the meter so tested is found to have an error in registration of four percent or more, the bills will be decreased or increased accordingly.
  - (5) Each request for the test of a meter for accuracy shall be accompanied by a deposit, the amount of which shall be determined by size of the meter.
  - (6) If the meter so tested shall be found to have an error in registration of less than four percent, the deposit shall be retained by the City as compensation for such test. If the error is found to be four percent or more, then the cost of the test shall be borne by the City, and the amount of the deposit shall be returned to the applicant.
  - (7) Where water is furnished by a meter, the quantity recorded by it shall be conclusive for both the applicant and the City, except when the meter has been found to be registering inaccurately or has ceased to register. In such case the quantity may be determined by the average registration of the meter when in order, or by such other fair and reasonable method as shall be based upon the best information obtainable.
  - (8) The City Engineer and/or Public Works Director shall determine the size of all meters.

(c) All meters, curb cocks, valves and meter boxes connected with the City mains and service pipes, including those furnished at the expense of the consumers or property owners, shall remain under the direct control of the City, and no person or persons other than those authorized by the City shall connect, disconnect, move or tamper with any such meter or turn on or off the water at the curb cock, valve or meter, or to open, move or tamper with any meter box, or open any meter box in any way except with a regulation meter box key.

(d) No person shall take or use water from the City water system except under the terms and conditions specified in these regulations. All owners and occupants of property are hereby prohibited from furnishing water to any person or persons whatsoever without the written consent of the City.

(e) No by-pass or connection between the meter and the main shall be made, maintained or permitted except as may be installed upon written permission from the City.

(f) The consumer shall, at all times, properly protect the meter upon his property from injury, by frost or other cause, and shall be responsible for the cost of all repairs to any such meter damaged through his negligence or that of any of the members of his family, his agents, workmen, servants or employees. Such charge shall be payable in full at the time when his next water bill shall be due and payable.

(g) The City shall attempt to have all meters read at least quarterly, with bills for services to be rendered monthly or quarterly as determined by the City. In the event the City is unable to read a meter on a quarterly basis for any reason or if the meter reader is unable to procure a reading of the meter because ingress to the meter is obstructed in any manner, or entrance to the premises is made dangerous by a vicious dog or otherwise, an estimated charge shall be made of the amount of water consumed. In no event shall a customer be relieved of liability to pay for all water service rendered because of failure by the City to read such customer's meter on a quarterly basis or because of any failure to render a monthly or quarterly billing. (Ord. 1613 §6. Passed 12-16-63; Ord. 3136. Passed 12-6-05.)

### **923.07 DISCONTINUANCE OF SERVICE.**

Service under any application may be discontinued for any of the following reasons:

- (a) For misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.
- (b) For the use of water for any other property or purpose other than that described in the application.
- (c) For neglecting or refusing entry of an employee of the City, after proper notice, to any building or premises by an occupant, owner or tenant, where the purpose of such entry is for inspection, installation, repair or replacement of a meter, lines or other water system equipment.
- (d) For willful waste of water through improper or imperfect pipes, fixtures, meters or otherwise.
- (e) For failure to protect and maintain in good order the meter connections, lines or fixtures.
- (f) For nonpayment of any bill for more than thirty days after the same is due.
- (g) For molesting any service pipe, meter curb stop-cock, seal or any other appliance of the City controlling or regulating the water supply.
- (h) In case of vacancy of premises.
- (i) For connection of a private water system to the City water system.
- (j) For violation of any rule or regulation herein contained.

- (k) The City may, at any time, order the water shut off from any premises connected with the City mains for repairs, extensions or other necessary purposes.
- (l) All water rates and charges for water service to premises shall accrue and be charged against such applicant until such time as written notice, given by such applicant or by his duly authorized agent, to discontinue the service is filed with the City.
- (m) It shall be the duty of the owners or agents of property to which water is furnished by the City to cooperate with the City by promptly giving notice when such property becomes vacant. If such notice is not given, the owners or agents of the property shall be liable for all water charges against such property until such notice is given or a new application is filed.
- (n) No water fixture or appliance in connection therewith will be considered shut off until it is disconnected so that it cannot be used again or is sealed in a manner satisfactory to the City.
- (o) The City reserves the right to shut off the water in its mains at any time without notice for making repairs, extensions or alterations, but will so far as possible, notify consumers of the intention to shut off. It is expressly stipulated by the City that no claim shall be made against it by reason of the breaking of any pipe or any other interruption of the supply of water. No person shall be entitled to any damages or to have any option of payment refunded for any stoppage for purpose of additions or repairs, which, in the opinion of the City may be deemed necessary, or for causes beyond its control.
- (p) In case of scarcity of water, or whenever in its judgment the public welfare may require it, the City shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fire and other emergencies or may restrict or regulate the quantity of water used by consumers.  
(Ord. 1613 §7. Passed 12-16-63.)
- (q) A turn-on charge as provided in Article 191 shall be paid where water has been turned off for any violation of the terms of the application or rules of the City or for any other reason stated under this section. In such cases, the water will not be turned on until after all water bills, repair bills and other accounts due to the City shall have been paid.  
(Ord. 1795 §4. Passed 4-11-77; Ord. 2090. Passed 12-21-98.)
- (r) Where a proper application has been made for a demolition permit through the City building inspection office, the applicant shall be required to disconnect from the City water service. All conditions and charges provided in Section 923.055, Service Disconnections, subsections (a), (b) and (c) shall apply. In lieu of compliance with Section 923.055, an applicant who intends to reuse the site of a demolished structure may maintain the water connection for up to one year from demolition provided the applicant pays the applicable "Readiness to Serve Charge" under Section 923.02 each month when due.  
(Ord. 2090. Passed 12-21-98; Ord. 3136. Passed 12-6-05.)

#### **923.08 FIRE SERVICE.**

- (a) No person shall take water from any fire hydrant except for fire purposes, or for use of the Fire Department in case of fire. No public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters, or for other reasons than fire purpose, unless specially permitted by the City for the particular time and occasion, referenced by Section 923.02(a).  
(Ord. 1613 §8. Passed 12-16-63; Ord. 2090. Passed 12-21-98.)

(b) It shall be expressly understood and agreed by and between the parties receiving private fire service and the City that the City does not assume any liability as insurers of property or persons; and that the agreement does not contemplate any special service, pressure, capacity or facility, other than the ordinary or changing conditions of the City water system which exist from day to day. The City hereby declares, and it is agreed by the consumer, that the City shall be free and exempt from any and all claims for injuries to persons or property by reason of fire, water, failure to supply water, pressure or capacity.

(c) Private fire service will be furnished only through separate lines. All service lines used for fire service shall be kept separate and distinct from service lines used for consumption.

(d) There shall be filed as part of each application for private fire service (and if required of all applications for special services or supplies) full details, plans or copies thereof, showing the location of all pipes, valves and hose connections.  
(Ord. 1613 §8. Passed 12-16-63.)

#### **923.09 TERMS OF PAYMENT AND ENFORCEMENT.**

(a) There shall be no service rendered free of charge. A penalty of ten percent shall be charged all accounts unpaid after the due date.  
(Ord. 1613 §9. Passed 12-16-63.)

(b) If any account is delinquent for more than thirty days after the same shall be come due and payable, it shall be lawful for the City to discontinue the furnishing of water to such property and to shut off the water supply from such property until such time as the water rent due to the City is fully paid together with an additional charge as provided in Article 191 for turning the water on. In case any water rate shall not be paid within thirty days from the date when such rate first became due and payable, it shall be the duty of the City to give to the consumer who shall have been billed for such water rate and to the owner ten days' notice in writing of the fact that such water rate has become delinquent and that at the end of such period of ten days, all water service to the premises upon which such rate is delinquent shall be discontinued and shall not be resumed until such account shall have been paid in full, together with the service charge as provided in Article 191 for restoring service. At any time that water service is restored under this section at any time outside of normal working hours the actual cost of making such connection shall also be charged.  
(Ord. 1795 §5. Passed 4-11-77; Ord. 2090. Passed 12-21-98.)

(c) All bills for water rates shall be rendered to the owner of the premises, or the occupant or consumer at the owner's request, to which water is furnished by the City; and the owner shall in all cases be ultimately liable for payment of such bills.

(d) In addition to the foregoing remedy and such other remedies as are provided by law for the collection of delinquent water rents, it shall be lawful for the proper officers of the City to file a lien or liens against the property for any and all delinquent accounts, in the same manner provided by law in the case of unpaid City taxes on real estate and to proceed to collect the same.  
(Ord. 1613 §9. Passed 12-16-63.)

#### **923.10 TAMPERING; UNLAWFUL CONNECTION/ DISCONNECTION; REPAIRS BY OWNER.**

(a) No agent or employee of the City shall have authority to bind it by any promise, agreement or representation not provided for in these rules, unless such authority is in writing signed by the City Manager.

(b) The City reserves the right to regulate the use of cross connections from another source of its mains.

(c) No person shall remove, obstruct or in any way injure any fire hydrant, valve boxes or covers, stop-cock covers or boxes of the City.  
(Ord. 1613 §10. Passed 12-16-63.)

(d) No unauthorized person shall make any connection with or disconnection from the mains or distributing pipes of the City, or turn on or off the water from any premises.  
(Ord. 2090. Passed 12-21-98.)

(e) The City may inquire into and investigate into the cause of any unusual flow or unnecessary waste of water upon any premises in the City. If such flow or waste results from want of repair of any pipe or other fixture, it shall require the owner of such premises to make such necessary repairs within ten days. Upon failure of such owner to make such repairs within the time limit, it shall have authority to shut off the supply of water leading to such premises. Such water shall not again be turned on until the consumer shall have made the required repairs and paid the fee as provided in Article 191 which is hereby established for such service.  
(Ord. 1613 §10. Passed 12-16-63; Ord. 2090. Passed 12-21-98.)

(f) All contractors, persons or corporations who open, grade, regrade, fill, excavate or work any street or alley shall give ten days' written notice for residential, and thirty days' for commercial or industrial, to the City for the removal, raising, or lowering of any water mains, pipes, fittings, meters or other City material that may interfere with such work. Upon failure to furnish such notice, any damage resulting from such failure will be charged against such contractor, person or corporation responsible.  
(Ord. 2090. Passed 12-21-98.)

(g) Whenever water shall be used on any metered premises for fire protection or fire fighting, in an actual case of fire or conflagration, no charge shall be made for the water so used, and the amount of water so used shall be ascertained by comparison with the average use of water during a corresponding billing period, as shown by the meter.  
(Ord. 1613 §10. Passed 12-16-63.)

(h) City water works employees shall have the right at any and all reasonable hours to enter upon or into any premises to which water is supplied by the City, for the purpose of inspecting any pipe, fixture, setting, reading or repairing any meter, turning water off or on, sampling and/or testing water, and enforcing the provisions of these regulations generally. No person shall deny entrance to any such premises to any officer or employee hereby granted such right of entry. (Ord. 2090. Passed 12-21-98.)

(i) Whoever intentionally, by any means or device, prevents water from passing through any meter belonging to the City or used in connection with the supply of water to any consumer by the City to register the amount of water passing through such meter, or intentionally prevents a meter from duly registering the quantity of water supplied, or in any way interferes with its proper action or just registration, or without the consent in writing of the City intentionally diverts any water from any pipe or pipes of the City or otherwise intentionally uses, or causes to be used, without the consent of the City, any water produced or distributed by the City, or any person who retains possession of or refuses to delivery any meter or other appliance loaned to him by the City for the purpose of furnishing water through the City shall for every such offense be fined as hereinafter provided. The presence at any time on or about any such meter or

pipe of any device or pipes resulting in the diversion of water or prevention of its free passage and registration by the meter or diverting from the meter as above defined or resulting in the prevention of water from reaching the meter, or preventing the just registration of the meter or meters or the taking of any water except through a meter as above set forth shall constitute prima-facie evidence of knowledge on the part of the person owning or having custody and control of the room, building, place or premises where such device or pipe is of the existence thereof and knowledge of such existence to the person who would be benefitted by the failure of the water to be properly metered, and shall further constitute prima-facie evidence of intention on the part of such person or persons to defraud, and shall bring such person prima facie within the scope, meaning and penalties of these regulations.

(Ord. 1613 §10. Passed 12-16-63.)

#### **923.11 SEVERABILITY; CONFLICT WITH STATE LAW.**

If any portion, phrase or section of this article is declared invalid by a court of competent jurisdiction, such holding shall not effect the validity of the remaining sections, portions or phrases of this article. If any portion, section or phrase of this article is in conflict with any State law, then the State law shall prevail and shall be enforced in connection therewith.

(Ord. 1613 §11. Passed 12-16-63.)

#### **923.12 CONNECTION REQUIRED IF FEASIBLE.**

Whenever in the opinion of the City Engineer it is feasible for a property in the City to be connected to the City water supply, such property shall be required to become connected to the City water supply within thirty days of completion of construction on new buildings or within sixty days of notice on existing buildings. Where notice is required, the City Manager shall give such notice and shall outline the period for compliance and the penalty for noncompliance. Failure to connect to the City water supply after the required notice period shall be a violation of this section.

(Ord. 1800 §3. Passed 5-20-77.)

#### **923.13 CONNECTIONS OUTSIDE CITY LIMITS RESTRICTED.**

(a) No structure or property located outside the municipal limits of the City of Titusville shall be permitted or allowed to connect to the City of Titusville's municipal water system, except those residences and businesses connected to the City's water system prior to the date of this section.

(b) The City of Titusville shall continue to provide water service to existing customers located in the Township of Cherrytree, Venango County, Pennsylvania, and within the Township of Oil Creek, Crawford County, Pennsylvania, on the same rates and on the same terms and conditions as applied to water customers located within the municipal limits of the City of Titusville.

(c) This section shall not be repealed or amended except after prior notice to the Pennsylvania Public Utility Commission.

(d) Except as specifically amended by this section, all terms and conditions of the Codified Ordinances of the City of Titusville shall remain in full force and effect, unmodified.

(Ord. 3216A. Passed 7-16-13.)

#### **923.99 PENALTY.**

Whoever violates any provision of Article 923 shall be subject to a fine not exceeding six hundred dollars (\$600.00) or imprisonment for a term of not more than ninety days, or both. Each day of violation shall be a separate offense.

(Ord. 1795 §6. Passed 4-11-77; Ord. 3136. Passed 12-6-05.)

**ARTICLE 925**  
**Water Restrictions**

|  |  |
|--|--|
| <b>925.01</b> Definitions.                         | <b>925.05</b> Schedule for use within the City.  |
| <b>925.02</b> Application.                         | <b>925.06</b> Schedule for use outside the City. |
| <b>925.03</b> Purposes of restricted use or water. | <b>925.07</b> Enforcement.                       |
| <b>925.04</b> Use permitted by health officer.     | <b>925.99</b> Penalty.                           |

**CROSS REFERENCES**

Water regulations - see S.U. & P.S. Art. 923  
Right to reserve sufficient water supply - see S.U. & P.S. 923.07(p)

**925.01 DEFINITIONS.**

- (a) "City" means the City of Titusville, Pennsylvania.
- (b) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) "Water" means water from the City water supply system.
- (d) "Street" means and includes all streets, alleys, places, ways, roads and other public places. (Ord. 1586 §1. Passed 7-2-62.)

**925.02 APPLICATION.**

The provisions of this article shall apply to all persons using City water. (Ord. 1586 §2. Passed 7-2-62.)

**925.03 PURPOSES OF RESTRICTED USE OF WATER.**

In case of scarcity of water, or whenever in its judgment the public welfare may require it, the City shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fire and other emergencies or may restrict or regulate the quantity of water used by consumers for the following purposes: (Ord. 2093. Passed 12-21-98.)

- (a) The sprinkling, water or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (b) The washing of sidewalks, driveways, filling station aprons porches and other outdoor surfaces.
- (c) The washing of the outside of dwellings and commercial buildings.
- (d) Swimming and wading pools.  
(Ord. 1586 §3. Passed 7-2-62; Ord. 2093. Passed 12-21-98.)

**925.04 USE PERMITTED BY HEALTH OFFICER.**

The City Health Officer shall have the authority to permit a reasonable use of water in any of the above restricted cases to maintain adequate health and sanitation standards. (Ord. 1586 §4. Passed 7-2-62.)

**925.05 SCHEDULE FOR USE WITHIN THE CITY.**

All persons in the City shall withdraw water for any of the purposes designated in Section 925.03 only in accordance with the following schedule:

- (a) Water shall be withdrawn from premises the principal street address of which is designated by even numbers, or fraction thereof, on even-numbered days of the calendar months.
- (b) Water shall be withdrawn from premises the principal street address of which is designated by odd numbers, or fraction thereof, on odd-numbered days of the calendar months.
- (c) Water shall be withdrawn from premises the principal street address of which is designated by both even and odd numbers, on odd-numbered days of the calendar months. (Ord. 1586 §5. Passed 7-2-62.)

**925.06 SCHEDULE FOR USE OUTSIDE THE CITY.**

All persons using City water beyond the corporate limits of the City shall withdraw water for any of the purposes designated in Section 925.03 only in accordance with the following schedule and in pursuance of authority and rights reserved in the tariff filed with the Pennsylvania Public Utility Commission.

- (a) Water shall be withdrawn from premises situated on the generally northerly, northeasterly or northwesterly and easterly sides of streets or roads on even-numbered days of the calendar months.
- (b) Water shall be withdrawn from premises situated on the southerly, southeasterly, southwesterly and westerly sides of streets or roads on odd-numbered days of the calendar months. (Ord. 1586 §6. Passed 7-2-62.)

**925.07 ENFORCEMENT.**

(a) Every police officer of the City shall, in connection with his duties imposed by law, diligently enforce the provisions of this article.

(b) The City Manager shall have authority to enforce the provisions of this article by the discontinuance of water service in the event of violation hereof. (Ord. 1586 §7. Passed 7-2-62.)

**925.99 PENALTY.**

Whoever violates any of the provisions of this article, upon conviction thereof, shall be fined not more than five dollars (\$5.00) or imprisoned not more than five days, or both. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 1586 §7. Passed 7-2-62.)

**ARTICLE 927**  
**Sewer Rental Charges**

EDITOR'S NOTE: Article 928 regulates industrial users of the wastewater system in compliance with State and Federal laws. The provisions of this article relevant to industrial users which conflict with Article 928 have been repealed by implication and are no longer valid.

|   |   |
|---|---|
| <p><b>927.01 Definitions. (Repealed)</b><br/> <b>927.02 Imposition of rental.</b><br/> <b>927.03 Sewer readiness to serve charges and usage charges.</b><br/> <b>927.04 Commercial rates. (Repealed)</b><br/> <b>927.05 Industrial rates. (Repealed)</b><br/> <b>927.06 Penalty for later payment.</b><br/> <b>927.07 Service connections; City installation and charge.</b><br/> <b>927.08 Surcharge for nonconforming sewage.</b><br/> <b>927.09 Prohibited wastes. (Repealed)</b><br/> <b>927.10 Other water supplies; meter required.</b></p> | <p><b>927.11 Adjustment for discharge less than total use. (Repealed)</b><br/> <b>927.12 Discontinuance of service; disconnections.</b><br/> <b>927.13 Severability; conflict with State law.</b><br/> <b>927.14 Connection required where feasible.</b><br/> <b>927.15 Reporting discharges.</b><br/> <b>927.16 Storm water runoff prohibited.</b><br/> <b>927.99 Penalty.</b></p> |
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**CROSS REFERENCES**

Rental charge authorized - see 3rd Class §3211 et seq. (53 P.S. §38211 et seq.)  
Tapping fees - see 3rd Class §3215 (53 P.S. §38215)  
Billing and collection procedure - see S.U. & P.S. Art. 921  
Utility improvements in subdivisions - see ZON. 1341.02 et seq.

**927.01 DEFINITIONS.**

(EDITOR'S NOTE: Section 927.01 was repealed by Ordinance 1796, passed April 11, 1977.)

**927.02 IMPOSITION OF RENTAL.**

There is hereby imposed a monthly rental or charge upon the owners or occupants of residential, commercial, public and industrial properties coming within the tolerances for sewage discharge as further outlined herein, and served, or to be served, for the use of the sanitary sewer system of the City.

(Ord. 1614. Passed 12-16-63; Ord. 2091. Passed 12-21-98.)

**927.03 SEWER READINESS TO SERVE CHARGES AND USAGE CHARGES.**

(a) The monthly Sanitary Readiness to Serve charge for all properties or users discharging sanitary sewage shall be based on the size of the water service as follows:

| <u>Water Meter Size (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    |  |

(Ord. 2035. Passed 8-15-94; Ord. 2038. Passed 9-26-94 (\$2.00); Ord. 2062. Passed 12-9-96 (\$5.00); Ord. 2091. Passed 12-21-98 (\$5.00 Sewer Project charge); Ord. 3025. Passed 12-11-00; Ord. 3124. Passed 12-13-04; Ord. 3138. Passed 12-27-05.)

(b) The usage charge for sewer services shall be \$3.89 per 1,000 gallons. (Ord. 3138. Passed 12-27-05.)

(Ord. 2027. Passed 1-24-94; Ord. 2091. Passed 12-21-98 (\$1.20 per 1,000 gallons); Ord. 3025. Passed 12-11-00 (User charge \$1.40 per 1,000 gallons); Ord. 3124. Passed 12-13-04 (User charge \$3.60 per 1,000 gallons).

**927.04 COMMERCIAL RATES.**

(EDITOR'S NOTE: Section 927.04 was repealed by Ordinance 1796, passed April 11, 1977.)

**927.05 COMMERCIAL RATES.**

(EDITOR'S NOTE: Section 927.05 was repealed by Ordinance 1796, passed April 11, 1977.)

**927.06 PENALTY FOR LATE PAYMENT.**

A penalty of ten percent shall be added to all flat and metered charges paid after the due date. (Ord. 1614 §6. Passed 12-16-63.)

**927.07 SERVICE CONNECTIONS; CITY INSTALLATION AND CHARGE.**

(a) No person except an authorized employee of the City shall tap any sewer main or drainage pipe. Service connections shall be installed by the City from the street main, where a main exists, to the curb line of the same, and shall be charged to the owner of the property with which the connection is made. (Ord. 1801 §2. Passed 5-20-77; Ord. 3138. Passed 12-27-05.)

(b) The service connection fee for all connections to a City sewer main shall be as provided in Article 191. All owners or occupants who apply for or open an account for sewer service shall pay a new account fee as provided in Article 191.

(Ord. 2019. Passed 7-12-93; Ord. 2091. Passed 12-21-98; Ord. 3124. Passed 12-13-04.)

(c) All piping from the curb to the house shall be installed by the applicant and shall be SDR 35 PVC or Class 52 Ductile Iron. (Ord. 3138. Passed 12-27-05.)

(d) All commercial, industrial and/or public users must complete a wastewater survey at the time of application for tap into the system. Reference Article 928 Publicly Owned Treatment Works. (Ord. 2091. Passed 12-21-98.)

(e) Any current user of sewer services who intends to move to new premises within the City and who desires to switch a sewer account from the existing service location to a new service location shall pay a moving charge as provided in Article 191. (Ord. 3124. Passed 12-13-04.)

#### **927.08 SURCHARGE FOR NONCONFORMING SEWAGE.**

The sewer rentals or charges imposed as set forth in this article shall apply only to normal sewage as defined herein. Normal sewage shall be defined as domestic sanitary sewage having a pH range between 6 and 10, a total suspended solids concentration of less than 300 mg/l (milligrams per liter), a chlorine demand not to exceed 20 mg/l, based on a chlorine residual of 0.5 mg/l, after fifteen minutes of contact with sewage, and a 5-day, 20-degree CBOD not in excess of 300 mg/l.

Discharge of sewage not complying with these limitations into the sewer system may be subject to a surcharge rate if such violations affect the manner of treatment and cost of operation of the sewage treatment plant or collection system. (Ord. 1614 §8. Passed 12-16-63; Ord. 2091. Passed 12-21-98; Ord. 3138. Passed 12-27-05.)

#### **927.09 PROHIBITED WASTES.**

(EDITOR'S NOTE: This section was repealed by Ordinance 1890, Section 2.8, passed November 12, 1984. See Sections 928.04 to 928.10 of the Codified Ordinances for relevant provisions.)

#### **927.10 OTHER WATER SUPPLIES; METER REQUIRED.**

In cases where any user of such sanitary sewer system has sources of water supply in addition to or other than from the City and discharges sewage into such sanitary sewer system, such user shall either provide a meter on such additional or other source of supply or shall provide a meter on such user's discharge flow into the sanitary sewer system as determined by the City Director of Public Works or City Engineer. The total amount of water consumed as shown by the meter reading of the City meter and/or the meter installed by such user for an alternate water supply and/or the meter installed by such user for the discharge point into the sanitary sewer system shall be used in computing the sewer rental.

(Ord. 1614 §10. Passed 12-16-63; Ord. 3124. Passed 12-13-04.)

#### **927.11 ADJUSTMENT FOR DISCHARGE LESS THAN TOTAL USE.**

(EDITOR'S NOTE: Section 927.11 was repealed by Ordinance 1796, passed April 11, 1977.)

#### **927.12 DISCONTINUANCE OF SERVICE; DISCONNECTIONS.**

If the owner or occupant of premises served by the City water system shall neglect or fail to pay, for a period of thirty days from the due date thereof, any rental, rate or charge for sewer, sewerage or sewage treatment service as imposed by the City under this article, the City shall shut off the supply of water to such premises.

(a) "Service disconnection" means and includes the disconnection from the City water line due to demolition, discontinuance of service or other similar incident in order to prohibit any water entering or draining into the City wastewater system. Service disconnection shall be made with proper application for demolition with the City Building Inspector. (Ord. 1614. Passed 12-16-63.)

- (b) No person except an authorized employee of the City shall disconnect from any sewer main or drainage pipe, unless otherwise authorized by the City Manager upon recommendation by the City Engineer. Requests for service disconnections shall be made to the City with ten (10) days' notice for residential disconnects and thirty (30) days' notice for commercial and industrial disconnects. Where authorization is afforded by the City, the City requires the inspection of all service disconnects by the City's authorized representative before backfilling or other restoration is done. A request for such inspection shall be made to the City at reasonable hours and in accordance with notifications as previously described in this paragraph.
- (c) Service disconnections shall be charged to the owner of the property from where the disconnection is made. The service disconnection fee from the City sewer system shall be as provided in Article 191.  
(Ord. 2091. Passed 12-21-98; Ord. 3138. Passed 12-27-05.)

#### **927.13 SEVERABILITY; CONFLICT WITH STATE LAW.**

If any portion, phrase or section of this article is declared invalid by a court of competent jurisdiction, such holding shall not effect the validity of the remaining sections, portions or phrases of this article. If any portion, section or phrase of this article is in conflict with any State law, then the State law shall prevail and shall be enforced in connection therewith.  
(Ord. 1614 §13. Passed 12-16-63.)

#### **927.14 CONNECTION REQUIRED WHERE FEASIBLE.**

Whenever in the opinion of the City Engineer it is feasible for a property in the City to be connected to the City sewer system, such property shall be required to become connected to the City sewer system, within thirty days of completion of construction on new buildings, or within sixty days of notice on existing building. Where notice is required, the City Manager shall give such notice and shall outline the period for compliance and the penalty for noncompliance. Failure to connect to the City sewer system after the required notice period shall be a violation of this section.  
(Ord. 1801 §3. Passed 5-20-77.)

#### **927.15 REPORTING DISCHARGES.**

For discharges other than domestic sanitary sewage the following information must be supplied:

- (a) Name and address of discharger.
- (b) Location of all discharges.
- (c) The nature, rate of production and Standard Industrial Classification of operation producing the discharge.
- (d) The average, maximum and thirty-minute peak flow.
- (e) The concentration of pollutants in the discharge and a statement whether the discharge is or is not in compliance with the limitation.
- (f) A description of any pretreatment facilities that may be required to comply with the limitations.
- (g) An analysis of at least one composite sample depicting one normal operating day, which analysis shall be made every six months.

In the event of an accidental discharge, dump or discharge of any substance that is prohibited or limited or may interfere with the operation or effluent of the sewage plant, immediate notification shall be made. Similarly, if the volume or concentration of pollutants in the discharge change because of process or production modification, notification shall be made.  
(Ord. 1827 §2. Passed 9-10-79.)

**927.16 STORM WATER RUNOFF PROHIBITED.**

- (a) The discharge of storm water runoff to sanitary sewers is prohibited.
- (b) All persons connecting to the public sanitary sewage system shall provide adequate means for excluding storm water runoff in the event the connection is made to a sanitary sewer.
- (c) No person shall connect any roof drain or foundation drain or cellar drain to a sanitary sewer or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into any sanitary sewer any spring water or surface water from any other source.
- (d) The provisions of these rules and regulations do not prohibit the present or future discharge of storm water runoff to storm sewers or to natural water courses within the City's service area.  
(Ord. 1828 §1. Passed 9-10-79.)

**927.99 PENALTY.**

Whoever violates any provision of Article 927 shall be subject to a fine not exceeding six hundred dollars (\$600.00) or imprisonment for a term of not more than ninety days, or both. Each day of violation shall be a separate offense.  
(Ord. 1796 §3. Passed 4-11-77; Ord. 3138. Passed 12-27-05.)



**ARTICLE 928**  
**Publicly Owned Treatment Works**

|  |   |
|--|---|
| <p><b>928.01 Purpose, objectives, application and policy.</b></p> <p><b>928.02 Administration by City Manager.</b></p> <p><b>928.03 Abbreviations.</b></p> <p><b>928.04 Definitions.</b></p> <p><b>928.05 Prohibited discharge standards.</b></p> <p><b>928.06 National Categorical Pretreatment Standards.</b></p> <p><b>928.07 Pretreatment facilities.</b></p> <p><b>928.08 Accidental discharge/slug control plans.</b></p> <p><b>928.09 Wastewater discharge permit application.</b></p> <p><b>928.10 Wastewater discharge permit issuance process.</b></p> | <p><b>928.11 Reporting requirements.</b></p> <p><b>928.12 Compliance monitoring.</b></p> <p><b>928.13 Confidential information.</b></p> <p><b>928.14 Publication of users in significant noncompliance.</b></p> <p><b>928.15 Administrative enforcement remedies.</b></p> <p><b>928.16 Judicial enforcement remedies; civil and criminal penalties.</b></p> <p><b>928.17 Affirmative defenses to discharge violations.</b></p> <p><b>928.18 Pretreatment charges and fees.</b></p> <p><b>928.19 Severability.</b></p> <p><b>Appendix A. Enforcement Response Plan.</b></p> <p><b>Appendix B. Fine Schedule.</b></p> |
|--|---|

**CROSS REFERENCES**

Waste water treatment - see 25 Pa. Code Ch. 95  
 Sewage pollution - see 35 P.S. §691.201 et seq.  
 Industrial wastes - see 35 P.S. §691.301 et seq.; 25 Pa. Code Ch. 97  
 Sewage Facilities Act - see 35 P.S. §750.1 et seq.; 25 Pa. Code Ch. 71  
 Sewage disposal facilities standards - see 25 Pa. Code Ch. 73  
 Sewer rental charges - see S.U. & P.S. Art. 927

**928.01 PURPOSE, OBJECTIVES, APPLICATION AND POLICY.**

(a) This article sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City and enables it to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works; and
- (6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

(b) This article shall apply to all users of the Publicly Owned Treatment Works. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 2012 §1. Passed 5-10-93.)

#### **928.02 ADMINISTRATION BY CITY MANAGER.**

Except as otherwise provided herein, the City Manager of the City shall administer, implement and enforce the provisions of this article. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel. (Ord. 2012 §1. Passed 5-10-93.)

#### **928.03 ABBREVIATIONS.**

The following abbreviations, when used in this article shall have the designated meanings:

- \* BOD - Biochemical Oxygen Demand
- \* CFR - Code of Federal Regulations
- \* COD - Chemical Oxygen Demand
- \* EPA - U.S. Environmental Protection Agency
- \* gpd - gallons per day
- \* mg/l - milligrams per liter
- \* NPDES - National Pollutant Discharge Elimination System
- \* POTW - Publicly Owned Treatment Works
- \* RCRA - Resource Conservation and Recovery Act
- \* SIC - Standard Industrial Classification
- \* TSS - Total Suspended Solids
- \* U.S.C. - United States Code

(Ord. 2012 §1. Passed 5-10-93.)

#### **928.04 DEFINITIONS.**

(a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.
- (2) "Approval authority" means the Regional Administrator of the Environmental Protection Agency (EPA), Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, shall be the approval authority.
- (3) "Authorized representative of the user" means:
  - A. If the user is a corporation.

1. The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in subsections (a)(3)A. through C. hereof, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- (4) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees (20 °) centigrade, usually expressed as a concentration (e.g., mg/l).
- (5) "Categorical Pretreatment Standard or Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (6) "City" means the City of Titusville or the City Council of Titusville.
- (7) "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of such agency.
- (8) "Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (9) "Grab sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.
- (10) "Indirect discharge" or "discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

- (11) "Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (12) "Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (13) "Medical waste" means isolation wastes infectious agents, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (14) "New source" means:
- A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - 1. The building, structure, facility or installation is constructed at a site at which no other source is located; or,
    - 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
  - B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (a)(14)A.2. or 3. hereof but otherwise alters replaces or adds to existing process or production equipment.
  - C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
    - 1. Begun, or caused to begin, as part of a continuous on-site construction program.

- a. Any placement, assembly or installation of facilities or equipment; or
  - b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.
- (15) "Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
  - (16) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
  - (17) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State and local governmental entities.
  - (18) "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.
  - (19) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of wastewater (for example, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
  - (20) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
  - (21) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
  - (22) "Pretreatment standards" or "Standards" means prohibited discharge standards, categorical pretreatment standards and local limits.
  - (23) "Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 928.05.

- (24) "Publicly owned treatment works" or "POTW" means a "treatment works" as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyance which convey wastewater to a treatment plant.
- (25) "Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- (26) "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).
- (27) "Significant industrial user" means:
- A. A user subject to categorical pretreatment standards; or
  - B. A user that:
    - 1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
    - 2. Contributes a process wastewater which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - 3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - C. Upon a finding that a user meeting the criteria in subsection (a)(27)B. hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (28) "Slug load" or "slug" means any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards either set forth in this article or promulgated by Federal or State agencies.
- (29) "Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (30) "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (31) "City Manager" means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.
- (32) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.
- (33) "User" or "industrial user" means a source of indirect discharge.
- (34) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

- (35) "Wastewater treatment plant" or "treatment plant" means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.  
(Ord. 2012 §1. Passed 5-10-93.)

#### **928.05 PROHIBITED DISCHARGE STANDARDS.**

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;  
(Ord. 2012 §2. Passed 5-10-93.)
- (2) Wastewater having a pH less than 5.0 or more than 9.0 (standard units) or otherwise causing corrosive damage to the POTW or equipment. Where the City deems it advisable, it may require any user discharging industrial wastewater to install and maintain, at his own expense, in a manner approved by City or its representative, a suitable device to measure and record the pH of the wastewater so discharged.

A user may request a variance to authorize discharge of industrial wastewater having a pH above 9.0 standard unit. A written request for a variance of the pH limitation along with the hardship conditions must be submitted to the City, and the City Engineer must provide written authorization based on the influent conditions at the Wastewater Treatment Plant approving the variance, prior to commencement of the discharge.  
(Ord. 3066. Passed 4-22-02.)

- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch or 1.27 centimeters in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants;
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater into sanitary sewers, unless specifically authorized by the City Manager;
- (13) Sludges, screenings or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the City Manager in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW; (Ord. 2012 §2. Passed 5-10-93.)
- (17) Fats, oil or greases in concentrations exceeding one hundred (100) mg/l, which may cause interference or pass through; (Ord. 3066. Passed 4-22-02.)
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

(c) Processing or Storage. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.  
(Ord. 2012 §2. Passed 5-10-93.)

#### **928.06 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

(a) Incorporation. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are incorporated herein by reference, to include any future amendments thereto.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(b) City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(c) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(d) Local Limits There is incorporated herein by reference, in their entirety, pollutant limits adopted by the City as the same may be amended. (Ord. 2012 §2. Passed 5-10-93.)

#### **928.07 PRETREATMENT FACILITIES.**

(a) Compliance. Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 928.05 within the time limitations specified by EPA, the State or the City Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City Manager for review, and shall be acceptable to the City Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

(b) Additional Pretreatment Measures.

- (1) Whenever deemed necessary, the City Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) The City Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.  
(Ord. 2012 §3. Passed 5-10-93.)

#### **928.08 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.**

(a) At least once every two years, the City Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The City Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the City Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemical;

- (3) Procedures for immediately notifying the City Manager of any accidental or slug discharge, as required by Section 298.11(g); and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.  
(Ord. 2012 §3. Passed 5-10-93.)

### **928.09 WASTEWATER DISCHARGE PERMIT APPLICATION.**

(a) Wastewater Analysis. When requested by the City Manager, a user shall submit information on the nature and characteristics of its wastewater within forty-five days of the request. The City Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater Discharge Permit Requirement.

- (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City Manager, except that a significant industrial user that has filed a timely application pursuant to subsection (c) hereof may continue to discharge for the time period specified therein.
- (2) The City Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in Sections 928.15 and 928.16. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(c) Wastewater Discharge Permitting; Existing Connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future shall, within sixty days after such date, apply to the City Manger for a wastewater discharge permit in accordance with subsection (e) hereof, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the City Manager.

(d) Wastewater Discharge Permitting; New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW shall obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection (e) hereof, shall be filed at least sixty days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit shall submit a permit application. The City Manager may require all users to submit as part of an application the following information.

- (1) All information required by Section 928.11(b);
- (2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average an maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the City Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Application Signatories and Certification. All Wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those person directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(g) Wastewater Discharge Permit Decisions. The City Manager will evaluate the data furnished by the user and may require additional information. Within sixty days of receipt of a complete wastewater discharge permit application, the City Manager will determine whether or not to issue a wastewater discharge permit. The City Manager may deny any application for a wastewater discharge permit. (Ord. 2012 §4. Passed 5-10-93.)

#### **928.10 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.**

(a) Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Wastewater discharge permits shall contain:
  - A. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
  - B. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with subsection (e) hereof, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - C. Effluent limits based on applicable pretreatment standards;
  - D. Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law; and
  - E. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
  - C. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;
  - D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharge to the POTW;
  - E. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - F. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  - G. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - H. Other conditions as deemed appropriate by the City Manager to ensure compliance with this article, and State and Federal laws, rules and regulations.

(c) Wastewater Discharge Permit Appeals. The City Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City Manager to reconsider the terms of a wastewater discharge permit within thirty days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the City Manager fails to act within thirty days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing an appeal to the Court of Common Pleas of Crawford County, Pennsylvania.

(d) Wastewater Discharge Permit Modification. The City Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit;  
or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator of the permittee only if the permittee gives at least sixty days advance notice to the City Manager and the City Manager approves the wastewater discharge permit transfer. The notice to the City Manager shall include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

- (f) Wastewater Discharge Permit Revocation. The City Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the City Manager of significant changes to the wastewater prior to the changed discharge;
  - (2) Failure to provide prior notification to the City Manager of changed conditions pursuant to Section 928.11(f);
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the City Manger timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(g) Wastewater Discharge Permit Re-issuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section 928.09(e), a minimum of ninety days prior to the expiration of the user's existing wastewater discharge permit.

- (h) Regulation of Waste Received from Other Jurisdictions.
- (1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City Manager shall enter into an intermunicipal agreement with the contributing municipality.
  - (2) Prior to entering into an agreement required by subsection (h)(1) hereof, the City Manager shall request the following information from the contributing municipality:
    - A. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
    - B. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
    - C. Such other information as the City Manager may deem necessary.
  - (3) An intermunicipal agreement, as required by subsection (h)(1) hereof, shall contain the following conditions:
    - A. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in this article. The requirement shall specify that such ordinance and limits shall be revised as necessary to reflect changes made to the City's ordinance or local limits;

- B. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City Manager; and which of these activities will be conducted jointly by the contributing municipality and the City Manager.
- D. A requirement for the contributing municipality to provide the City Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- E. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- F. Requirements for monitoring the contributing municipality's discharge;
- G. A provision ensuring the City Manager access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City Manager; and
- H. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.  
(Ord. 2012 §5. Passed 5-10-93.)

### **928.11 REPORTING REQUIREMENTS.**

(a) Baseline Monitoring Reports. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City Manager a report which contains the information listed in subsection (b) hereof. At least ninety days prior to commencement of their discharge new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the City Manager a report which contains the information listed in subsection (b) hereof. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.
  - (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

- (5) Measurement of pollutants.
    - A. The categorical pretreatment standards applicable to each regulated process.
    - B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (k) hereof.
    - C. Sampling shall be performed in accordance with procedures set out in subsection (k) hereof.
  - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis; and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in subsection (c) hereof.
  - (8) Signature and certification. All baseline monitoring reports shall be signed and certified in accordance with Section 928.09(f).
- (c) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by subsection (b)(7) hereof:
- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  - (2) No increment referred to above shall exceed nine months;
  - (3) The user shall submit a progress report to the City Manager no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
  - (4) In no event shall more than nine months elapse between such progress reports to the City Manager.

(d) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City Manager a report containing the information described in subsection (b)(4) to (6) hereof. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 928.09(f).

(e) Periodic Compliance Reports.

- (1) All significant industrial users shall, at a frequency determined by the City Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 928.09(f).
- (2) All wastewater samples shall be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the City Manager, using the procedures prescribed in subsection (1) hereof, the results of this monitoring shall be included in the report.

(f) Reports of Changed Conditions. Each user shall notify the City Manager of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty days before the change.

- (1) The City Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 928.09(e).
- (2) The City Manager may issue a wastewater discharge permit under Section 928.09(g) or modify an existing wastewater discharge permit under Section 928.10(d) in response to changed conditions or anticipate changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(g) Reports of Potential Problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five days following such discharge, the user shall, unless waived by the City Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (g)(1) hereof. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(h) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City Manager as the City Manager may require.

(i) Notice of Violation; Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user shall notify the City Manager within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager within thirty days after becoming aware of the violation. The user is not required to resample if the City Manager monitors at the user's facility at least once a month, or if the City Manager samples between the user's initial sampling and when the user receives the results of this sampling.

(j) Notification of the Discharge of Hazardous Waste.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than 180 days after the discharge commences. Any notification under

this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under subsection (f) hereof. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (b), (d) and (e) hereof.

- (2) Dischargers are exempt from the requirements of subsection (j)(1) hereof, during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of nonacute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste the user must notify the City Manager, the EPA Regional Waste Management Waste Division Director, the State hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

(k) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by EPA.

(l) Sample Collection.

- (1) Except as indicated in subsection (l)(2) hereof, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is unfeasible, the City Manager may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds shall be obtained using grab collection techniques.

(m) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(n) Record Keeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the City Manager. (Ord. 2012 §6. Passed 5-10-93.)

### **928.12 COMPLIANCE MONITORING.**

(a) Right of Entry; Inspection and Sampling. The City Manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the City Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The City Manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The City Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its expense. All devices used to measure wastewater flow and quality shall be calibrated once a year to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City Manager and shall not be replaced. The costs of cleaning such access shall be born by the user.
- (5) Unreasonable delays in allowing the City Manager access to the user's premises shall be a violation of this article.

(b) Search Warrants. If the City Manager has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City Manager may seek issuance of a search warrant from the District Magistrate or Court of Common Pleas of Crawford County, Pennsylvania. (Ord. 2012 §7. Passed 5-10-93.)

**928.13 CONFIDENTIAL INFORMATION.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the City Manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City Manager, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 2012 §8. Passed 5-10-93.)

**928.14 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.**

The City Manager shall publish annually, in the largest daily newspaper published in the City where the POTW is located, a list of the users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria, among others listed in 40 C.F.R. Section 403.8:

- (a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 C.F.R. Section 403.3(l).
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all measurements taken for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits defined by 40 C.F.R. Section 403.3(l) multiplied by the applicable TRC (TRC equal 1.4 for Biochemical Oxygen Demand, Total Suspended Solids, Oil and Grease and 1.2 for all other parameters except pH).
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 C.F.R. Section 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 C.F.R. Section 403 to halt or prevent such a discharge.
- (e) Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- (f) Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.

- (h) Any other violation, or group of violations, which may include a violation of Best Management Practices (BMP's), which the POTW determines will adversely affect the operation or implementation of the local pretreatment program. [928.15(a) related to the Enforcement Response Plan will have to be amended when the date of the new plan is available.]  
(Ord. 2012 §9. Passed 5-10-93; Ord. 3161. Passed 9-10-07.)

#### **928.15 ADMINISTRATIVE ENFORCEMENT REMEDIES.**

(a) Enforcement Response Plan. The Enforcement Response Plan dated June 24, 2001, is hereby adopted in its entirety. If a conflict exists between any enforcement response as set forth in this section and any other ordinance or regulation of the City of Titusville, the City Manager at his/her discretion may implement more restrictive measures to ensure that all pretreatment standards or requirements of a user are met. The Enforcement Response Plan is a guidance document. More stringent measures or early action may be taken dependent upon the situation. (Ord. 3047. Passed 7-23-01; Ord. 3066. Passed 4-22-02.)

(b) Notification of Violation. When the City Manager finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City Manager may serve upon that user a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(c) Consent Orders. The City Manager may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (d) and (e) hereof and shall be judicially enforceable.

(d) Show Cause Hearing. The City Manager may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or be registered or certified mail, return receipt requested, at least twenty days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(e) Compliance Orders. When the City Manager finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other

requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Cease and Desist Orders. When the City Manager finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(g) Emergency Suspensions. The City Manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a user's discharge, after notice and opportunity to respond that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed, unless the termination proceedings in subsection (g) hereof are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City Manager prior to the date of any show cause or termination hearing under subsections (c) or (g) hereof.

Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

(h) Termination of Discharge. In addition to the provisions in Section 928.10(f), any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or samplings; or
- (5) Violation of the pretreatment standards in Sections 928.05 and 928.06.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) hereof why the proposed action should not be taken. Exercise of this option by the City Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 2012 §10. Passed 5-10-93; Ord. 3066. Passed 4-22-02.)

#### **928.16 JUDICIAL ENFORCEMENT REMEDIES; CIVIL AND CRIMINAL PENALTIES.**

##### **(a) Injunctive Relief.**

- (1) In the event the City Manager finds that a user, regardless of jurisdictional boundaries, has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may seek injunctive relief through the Court of Common Pleas of Crawford County, Pennsylvania, in accordance with Section 5 of the Publicly Owned Treatment Works Penalty Law of the Commonwealth of Pennsylvania, enacted March 26, 1992, as the same may be amended.
- (2) The basis for injunctive relief shall include, but not necessarily be limited to, a showing of one or more of the following:
  - A. A discharge from an industrial user presents an imminent or substantial endangerment to the environment;
  - B. A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or public;
  - C. A discharge from an industrial user causes the POTW to violate any condition of its discharge permit; or
  - D. The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.
- (3) Notwithstanding subsection (a)(2) hereof, an injunction affecting an industrial operation not directly related to the condition or violation in question may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation.
- (4) In addition to an injunction, the Court in any such proceeding may levy civil penalties in accordance with Section 4 of the Publicly Owned Treatment Penalty Law and subsection (b) hereof.
- (5) This provision shall not be construed to limit or affect any other remedy available to the City either in law or in equity, to include a requirement that the industrial user conduct environmental remediation.

##### **(b) Civil Penalties.**

- (1) In the event the City Manager shall find, following a hearing in accordance with the provisions of this section, that a user has willfully or negligently violated, or continues to willfully or negligently violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, he may, with the approval of Council, assess a civil penalty against the user of not more than twenty-five thousand dollars (\$25,000) per violation. Each day of violation shall be considered a separate violation. In the case of a month or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) In addition to the above-described civil penalty, the City Manager may assess against the user the cost to the City of attorney's fees, court costs, damage to the POTW, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and any other actual damages incurred by the City. (Ord. 2012 §11. Passed 5-10-93.)

- (3) In determining the amount of civil liability, the City Manager shall assess a minimum fine in accordance with the "Industrial Pretreatment Program Enforcement Fine Assessment Minimum Fine Schedule" adopted by the City Council and incorporated herein by this reference. In determining whether the amount of civil penalty assessed should be greater than the minimum penalty, the City Manager shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective action by the user, the compliance history of the user, and any other factor as justice requires. (Ord. 3084. Passed 3-10-03.)
  - (4) The assessment of any civil penalty under the provisions of this article shall not be a bar or otherwise modify jurisdiction or procedures for the assessment or collection of fines and penalties by either the City or the City Manager or any other remedy available to it either in law or in equity or through criminal proceedings.
  - (5) Prior to the assessment of any civil penalties under this section, the City Manager shall first notify the permittee in writing by certified mail of the alleged violation. The notice shall include notice of a hearing before the City Manager, which shall be scheduled not less than ten nor more than thirty days following the date of mailing of the notice. The permittee shall be entitled to legal counsel at the time of this hearing. The hearing shall be conducted by the City Manager in accordance with the Administrative Law and Procedure of the Commonwealth of Pennsylvania (2 Pa. C.S. 101 et seq.). The City Manager shall issue his jurisdiction, which shall contain findings and the reasons for the adjudication and shall have been approved by Council, to the user within thirty days of the hearing. The user shall have thirty days thereafter to appeal the matter to the Court of Common Pleas of Crawford County, Pennsylvania.
- (c) Criminal Prosecution and Penalties.
- (1) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a summary punishable by a fine of not more than three hundred dollars (\$300.00) per violation, per day, or imprisonment for not more than ninety days, or both.
  - (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty not more than three hundred dollars (\$300.00) or be subject to imprisonment for not more than ninety days or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
  - (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300.00) per violation, per day, or imprisonment for not more than ninety days, or both.

(d) Remedies Nonexclusive. The remedies provided for in this article are not exclusive. The City Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City Manager may take other action against any user when the circumstances warrant. Further, the City Manager is empowered to take more than one enforcement action against any noncompliant user. (Ord. 2012 §11. Passed 5-10-93.)

#### **928.17 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.**

(a) Upset.

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) hereof, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to the City Manager within twenty-four hours of becoming aware of the upset, if this information is provided orally, a written submission shall be provided with five days:
    - A. A description of the indirect discharge and cause of noncompliance;
    - B. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - C. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Users shall control production of discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 928.05(a) or the specific prohibitions in Section 928.05(b)(3) through (18) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass.

- (1) For the purposes of this section,
  - A. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (c)(3) and (4) hereof.
- (3)
  - A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City Manager, at least ten days before the date of the bypass, if possible.
  - B. A user shall submit oral notice to the City Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (4)
  - A. Bypass is prohibited, and the City Manager may take an enforcement action against a user for a bypass unless:
    1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

2. There were not feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The user submitted notices as required under subsection (c)(3) hereof.
- B. The City Manager may approve an anticipated bypass, after considering its adverse effects, if the City Manager determines that it will meet the three conditions listed in subsection (c)(4) hereof. (Ord. 2012 §12. Passed 5-10-93.)

#### **928.18 PRETREATMENT CHARGES AND FEES.**

(a) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the costs of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City.

(Ord. 2012 §13. Passed 5-10-93.)

(b) Surcharge Fees Applicable to Commercial and Industrial Wastewater Discharges. For waste constituents compatible to the public sanitary sewage system and for which the sewage treatment works is to provide specific removal capability, the industrial wastewater shall be subject to surcharge fees for such constituent concentrations in excess of the average influent values upon which the plant design is based. Those constituents to which surcharges are applicable include, but are not limited to, Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS).

All nonresidential facilities that discharge wastewater into the sanitary sewer system shall be subject to the following surcharges for each milligram per liter that exceeds the stated limits for each parameter as indicated below.

- (1) Any discharge having an average 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) concentration greater than 300 milligrams per liter (mg/l), as measured by EPA Test Method 405.1, shall pay a surcharge equal to:

$C_L$  = Concentration limitation of BOD<sub>5</sub>, in mg/l = 300 mg/l  
 $C_1$  = Reported concentration of BOD<sub>5</sub>, in mg/l  
 $C_E$  = Concentration exceeding BOD<sub>5</sub> limitation, in mg/l  
 $Q$  = Discharge flow in million gallons per day  
 (X = Cost/ton of sludge disposal) (Y = Cost/ton of labor for sludge handling)

Determine excess BOD<sub>5</sub> concentration:

$$(C_1) - (C_L) = C_E$$

Determine excess BOD<sub>5</sub> loading:

$$(C_E) \times (8.34) \times (Q) = \text{Excess BOD loading in lbs./day}$$

Determine amount of solids requiring disposal @ 16.7% Solids:

$$(\text{Excess BOD loading, in lbs./day}) / (0.167) = \text{Amount of BOD}_5 \text{ solids, in lbs./day}$$

Determine daily cost:

$$(\text{Amount BOD}_5 \text{ solids, in lbs./day}) \times (\$X/\text{ton disposal} + \$Y/\text{ton labor}) \times (2000 \text{ lbs./ton}) = \text{Daily cost for excess BOD}_5, \text{ in dollars}$$

Determine total cost for excess BOD<sub>5</sub>:

$$(\text{Daily cost for excess BOD}_5, \text{ in dollars}) \times (\text{Number of days in reporting period}) = \text{Total cost for excess BOD}_5, \text{ in dollars.}$$

- (2) Any discharge having a Total Suspended Solids (TSS) concentration greater than 350 milligrams per liter (mg/l), as measured by EPA Test Method 160.2, shall pay a surcharge equal to:

$C_L$  = Concentration limitation of TSS, in mg/l = 350 mg/l  
 $C_1$  = Reported concentration of TSS, in mg/l  
 $C_E$  = Concentration exceeding TSS limitation, in mg/l  
 $Q$  = Discharge flow in million gallons per day  
 (X = Cost/ton of sludge disposal) (Y = Cost/ton of labor for sludge handling)

Determine excess TSS concentration:

$$(C_1) - (C_L) = C_E$$

Determine excess TSS loading:

$$(C_E) \times (8.34) \times (Q) = \text{Excess TSS loading in lbs./day}$$

Determine amount of solids requiring disposal @ 16.7% Solids:

$$(\text{Excess TSS loading, in lbs./day}) / (0.167) = \text{Amount of TSS solids, in lbs./day}$$

Determine daily cost:

$$(\text{Amount TSS solids, in lbs./day}) \times (\$X/\text{ton disposal} + \$Y/\text{ton labor}) \times (2000 \text{ lbs./ton}) = \text{Daily cost for excess TSS, in dollars}$$

Determine total cost for excess TSS:

$$\text{Daily cost for excess TSS, in dollars} \times \text{Number of days in reporting period} = \text{Total cost for excess TSS, in dollars.}$$

Surcharge fees will be assessed according to the commercial or industrial facility's total discharge flow to the sewerage system during the monitoring period, unless recorded daily discharge flow information is provided to the City of Titusville.

No discount will be permitted for sewage or industrial wastewater having a BOD<sub>5</sub> concentration less than three hundred (300) mg/l or a TSS concentration less than three hundred fifty (350) mg/l.

(Ord. 3066. Passed 4-22-02.)

**928.19 SEVERABILITY.**

If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

(Ord. 2012 §13. Passed 5-10-93.)

## APPENDIX A ENFORCEMENT RESPONSE PLAN

### A. Introduction.

This Enforcement Response Plan for the City of Titusville Sewage Plant Pretreatment Program is being prepared to provide assistance to those persons directly involved with the enforcement of the Pretreatment Program. This plan is to be used in determining appropriate courses of action to be followed when incidents of non-compliance exist with the local, state and/or federal pretreatment regulations. Ordinances and Regulations have been adopted to ensure that the quality of wastewater being discharged from the sewage plant meets its NPDES Permit, that the sludge generated is of good quality to be landfillable, that the POTW and its sewer lines are protected from degradation, and that the safety of the workers at the POTW is guaranteed.

This manual is to be followed when instances of non-compliance exist so that the City of Titusville Pretreatment personnel know who is to respond, how they are to respond, and when they are to respond to a violation of the pretreatment program. Adherence to this plan will ensure that all industries or affected parties are treated in a fair and equitable manner as governed by the Pretreatment Program.

### B. Program Background.

The City of Titusville's Pretreatment Program operates under a permit system. Permits are issued to those industries that have been determined to be a significant industrial user as defined by the local ordinances. Each permit is issued for a period of time not to exceed 3 years.

Any new industries that are locating in the City of Titusville area are required to fill out an industrial waste questionnaire. This task is accomplished by the municipal office when that industry is seeking a building permit. All questionnaires are to be submitted to the Municipal Office where a determination is made on the acceptability of the wastewater and any applicable pretreatment regulations. If it is determined that the new industry is a significant industrial user, a permit is issued before that industry is allowed to discharge to the sanitary sewer line. If no permit is required permission is given to discharge.

Each permit that is issued contains the following information:

1. Discharge point to sanitary sewer line.
2. Effective and expiration dates of permit.
3. Signatures of responsible official.
4. Parameters and concentrations that the industry is being regulated for.
5. General conditions.
6. Self monitoring schedule, type of sampling and sampling point.
7. Any notes or special conditions.
8. Compliance schedule, if applicable.
9. Local ordinances and any applicable federal pretreatment regulations.
10. Other information as deemed appropriate.

All industries that are required to sample for a particular month are reminded at the beginning of the month of their responsibility. Sampling visits conducted by sewage plant personnel are either scheduled/unscheduled. Industries are notified of a scheduled sampling visit a week or so in advance, whereas an unscheduled sampling visit, the industry is not notified, or in some cases only notified several hours in advance. A master schedule for all sampling events (self- monitoring, scheduled, unscheduled) and periodic inspections is prepared in December of the preceding year for the following year. A copy of the master schedule is attached.

When preparing the schedule, consideration is given to the industry's self monitoring schedule (once a quarter) and the intensity of the sampling event for the POTW. The sampling and inspection workload is spread out over twelve months. Every effort is made so as not to schedule a particular industry's self monitoring event with that of a POTW sampling visit.

Tracing an industry's compliance with their issued permit is accomplished by the following method. The method uses a file in which all correspondence to the industry, from the industry, a copy of the current permit, and a spreadsheet indicating the industry's performance for the current year is filed in. A separate file is kept for each industry. From the laboratory reports that are received from each industry, mass loadings are calculated and compared against the permitted values, with any permit violations marked in red.

The City of Titusville Pretreatment Program is enforced by two full time persons. These persons and brief description of their respective duties are:

**SEWAGE TREATMENT PLANT CHIEF OPERATOR.** It is the Chief Operator's responsibility to supervise the operation of the Wastewater Treatment Plant, including the Pretreatment Program. He reports directly to the City Manager on all matters that pertain to the Wastewater Treatment Plant and Pretreatment Program. It is this person's responsibility to conduct the day to day affairs of the Pretreatment Program. His duties include notifying industry of its responsibility to sample, conducting sampling, and inspection visits for the sewage plant and preparation of reports for the regulatory agencies.

**CITY MANAGER.** It is the responsibility of the City Manager to oversee the operation of the Wastewater Treatment Plant and the Pretreatment Program. The City Manager reports directly to City Council (an elected body of officials). His duties include reviewing of Industrial Waste Questionnaires, writing Permits (upon consulting with Engineer) evaluating an industry's compliance with their permit

### ENFORCEMENT RESPONSE GUIDE

The Enforcement Response Guide is to be used as follows:

1. Locate the type of non-compliance in the first column and identify the most accurate description of the violation.
2. Assess the appropriateness of the recommended response(s) in Column three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column four indicates the personnel that is to initiate the response.
4. Time frames and responses are listed on a separate page.
5. Follow-up with escalated enforcement actions if the industrial user's response is not received or the violations continues.

## INSTANCES OF NONCOMPLIANCE

| NONCOMPLIANCE  | NATURE OF VIOLATION   | ENFORCEMENT RESPONSE  | PERSONNEL                      |
|--|---|---|--------------------------------|
| 1. Unpermitted Discharge   | Industrial unit unaware of requirements; no harm to POTW/environment.       | Phone call, notice of violation with application form<br>Compliance Schedule.                     | City Manager                   |
|  | Industrial unit unaware of requirement; harm to POTW/environment            | Compliance Schedule<br>Administrative Order<br>Application Form,<br>Civil Action, Suspend Service | Chief Operator<br>City Manager |
|  | Failure to apply for Permit after Notice by the POTW                        | Civil Action<br>Suspend Service   | City Manager                   |
| 2. Illegal Discharge<br>A. Prohibitive Discharge<br>B. Discharging of an unpermitted wastestream | Industrial Unit Unaware<br>No harm to the POTW/<br>environment              | Notice of Violation   | City Manager                   |
|  | Industrial Unit Unaware<br>Discharge causes harm to the POTW/environment    | Administrative Order<br>Civil Action<br>Suspend Service   | Chief Operator<br>City Manager |
|  | Evidence of intent or negligence  | Criminal Investigation  | Chief Operator<br>City Manager |
|  | Recurring violation of an administrative order with intent                  | Suspend Service<br>Criminal Investigation   | City Manager                   |
| 3. Nonpermitted Discharge (Failure to Renew)   | Industrial unit has not submitted an application within 10 days of due date | Phone call, notice of violation   | City Manager                   |
| 4. Accidental spill or changed discharge   | Failure to notify POTW  | Notice of violation, Accidental Spill Prevention Plan   | City Manager                   |
|  | No harm to the POTW/<br>environment   | Notice of violation, Accidental Spill Prevention Plan   | City Manager                   |
|  | Harm to POTW/<br>environment  | Notice of violation, Accidental Spill Prevention Plan, Civil Action, Suspend Service              | Chief Operator<br>City Manager |
|  | Repeated failure to report spills or discharges                             | Administrative order - Civil Action   | Chief Operator<br>City Manager |
|  | Repeated spills   | Civil Action, criminal investigation  | Chief Operator<br>City Manager |

| NONCOMPLIANCE   | NATURE OF VIOLATION  | ENFORCEMENT RESPONSE   | PERSONNEL                      |
|---|--|--|--------------------------------|
| 5. Entry Denial   | Entry denied or consent withdrawn<br>Copies of record denied | Obtain warrant and return to industrial unit<br>Revocation of Permit           | Chief Operator                 |
| 6. Waste streams are diluted in lieu of treatment                 | Initial violation  | Notice of Violation<br>Compliance Schedule                                     | City Manager                   |
|   | Recurring incidents  | Administrative Order<br>Civil Action<br>Criminal Investigation                 | Chief Operator<br>City Manager |
| 7. Failure to mitigate noncompliance or halt production           | No harm to POTW/<br>environment                              | Notice of violation  | City Manager                   |
|   | Harm to POTW/<br>environment                                 | Administrative Order<br>Civil Action, Suspend Service                          | Chief Operator<br>City Manager |
| 8. Failure to properly operate and maintain pretreatment facility | No harm to the POTW/<br>environment                          | Notice of violation  | City Manager                   |
|   | Harm to the POTW/<br>environment                             | Compliance Schedule<br>Administrative Order<br>Civil Action<br>Suspend Service | Chief Operator<br>City Manager |
| 9. Exceeding permitted limits                                     | Isolated - not significant - no harm to POTW/environment     | Phone Call   | Chief Operator                 |
|   | Isolated - Significant - no harm to POTW/environment         | Notice of Violation  | Chief Operator                 |
|   | Isolated - significant - harm to POTW/environment            | Administrative Order, Civil Action, Suspended Service                          | Chief Operator<br>City Manager |
|   | Significant noncompliance after 6 months                     | Compliance Schedule<br>Administrative Order                                    | Chief Operator<br>City Manager |
|   | Significant noncompliance after 12 months                    | Public in local paper<br>Administrative Order<br>Civil Action                  | Chief Operator<br>City Manager |
|   | Significant noncompliance recurring                          | Show cause hearing, civil action, suspend service                              | Chief Operator<br>City Manager |

| NONCOMPLIANCE             | NATURE OF VIOLATION  | ENFORCEMENT RESPONSE  | PERSONNEL                      |
|---------------------------|--|---|--------------------------------|
| 10. Reporting Violation   | Report is improperly signed or certified                               | Notice of violation   | Chief Operator<br>City Manager |
|                           | Report is improperly signed or certified after notice by POTW          | Notice of violation<br>Civil Action                         | Chief Operator<br>City Manager |
|                           | Reports less than 30 days late   | Phone Call  | City Manager                   |
|                           | Reports 30 days or more late   | Notice of Violation   | City Manager                   |
|                           | Reports are always late or no reports at all                           | Administrative Order  | City Manager                   |
|                           | Falsification - reports information, sampling data                     | Criminal investigation<br>terminate service                 | City Manager                   |
|                           | Omission of data on Reports  | Phone Call  | City Manager                   |
|                           | Recurring incidents of data omission on reports                        | Phone Call, Notice of Violation                             | City Manager                   |
|                           | Inadequate record-keeping  | Notice of violation   | City Manager                   |
|                           | Recurring incidents of inadequate record-keeping                       | Administrative Order<br>Civil Action                        | Chief Operator<br>City Manager |
| 11. Monitoring Violations | Failure to install monitoring equipment - less than 30 days            | Phone Call, Notice of Violation                             | Chief Operator<br>City Manager |
|                           | Failure to install monitoring equipment - delay of 30 days or more     | Notice of Violation,<br>Administrative Order                | Chief Operator<br>City Manager |
|                           | Recurring, failure to install monitoring equipment                     | Administrative Order  | Chief Operator<br>City Manager |
|                           | Tamping with monitoring equipment                                      | Criminal investigation                                      | Chief Operator<br>City Manager |
|                           | Failure to monitor all pollutants as required by permit                | Phone call, notice of violation                             | City Manager                   |
|                           | Recurring, failure to monitor for all pollutants as required by permit | Notice of Violation<br>Administrative Order<br>Civil Action | Chief Operator<br>City Manager |
|                           | Improper sampling procedures   | Notice of Violation   | City Manager                   |

| NONCOMPLIANCE                             | NATURE OF VIOLATION   | ENFORCEMENT RESPONSE   | PERSONNEL                      |
|---|---|--|--------------------------------|
| 11. Monitoring Violations<br>(Cont.)      | Recurring, failure to use proper sampling procedures  | Notice of Violation<br>Administrative Order<br>Criminal Investigation            | Chief Operator<br>City Manager |
|   | Failure to report additional monitoring   | Notice of Violation<br>Civil Action  | Chief Operator<br>City Manager |
|   | Recurring, failure to report additional monitoring  | Administrative Order<br>Criminal Investigation                                   | Chief Operator<br>City Manager |
| 12. Compliance Schedule(s)<br>(In Permit) | Missed milestone by less than 30 days, or will not affect final milestone                       | Notice of Violation  | City Manager                   |
|   | Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)    | Notice of Violation<br>Administrative Order                                      | City Manager                   |
|   | Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay) | Administrative Order<br>Civil Action   | Chief Operator<br>City Manager |
|   | Missed final milestone by 90 days or more<br>significant noncompliance                          | Publish in local paper<br>show cause hearing, fine,<br>civil action, termination | Chief Operator<br>City Manager |
|   | Recurring violation or violation of a schedule in an administrative order                       | Show cause hearing, fine,<br>civil action, termination<br>criminal investigation | Chief Operator<br>City Manager |

### TIME FRAMES AND RESPONSES

1. All violations will be identified and documented within five (5) days of receiving compliance information.
2. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within 15 days of violation detection.
3. Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations the response will include a compliance schedule.

4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.
5. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.



**Appendix B- Industrial Pretreatment Program  
Enforcement Fine Assessment  
Minimum Fine Schedule**

| Item | Violation  | Nature of Violation   | Foot Note | Damage to Natural Resources |         |         | Cost of Restoration and Abatement | User Savings from Violation | History of Past Violations | Deterrence of Future Violations | Fine Sub Total |
|------|--|---|-----------|-----------------------------|---------|---------|-----------------------------------|-----------------------------|----------------------------|---------------------------------|----------------|
|      |  |   |           | Air                         | Water   | Land    |                                   |                             |                            |                                 |                |
| 1    | Unpermitted Discharge  | User Unaware of Requirement   | A         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
| 2    | Exceeding of Local and/or Federal Pretreatment Permit Limits | Recurring Violations Which Do Not Meet Significant Noncompliance Criteria | B, D      | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
|      |  | Significant Noncompliance   | C, D      | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$5,000                         |                |
| 3    | Inadequate Recordkeeping                                     | Report is 30 days late  | E, F      | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
|      |  | No report submitted 60 days after notification                            | E, F      | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$5,000                         |                |
|      |  | Failure to report spill within 30 days                                    | F         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
|      |  | Failure to Report Changed Discharge Within 30 days of Change              | F         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
| 4    | Incorrect Monitoring   | Failure to Monitor Pollutants as required by Pretreatment Permit          | G         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
| 5    | Failure to Install Monitoring Equipment                      | Delay of 30 days or more  | F         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |
| 6    | Compliance Schedule  | Milestone missed by 90 days or more                                       | F         | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |                |

|                            |   | Failure to Mitigate Noncompliance Within one year of Final Completion Date | F        | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$6,000                         |               |
|----------------------------|---|--|----------|-----------------------------|---------|---------|-----------------------------------|-----------------------------|----------------------------|---------------------------------|---------------|
| Item                       | Violation   | Nature of Violation  | Footnote | Damage to Natural Resources |         |         | Cost of Restoration and Abatement | User Savings from Violation | History of Past Violations | Deterrence of Future Violations | Fine Subtotal |
|                            |   |  |          | Air                         | Water   | Land    |                                   |                             |                            |                                 |               |
| 7                          | Wastestream Diluted in lieu of Treatment              | Initial Violation  | H        | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |               |
|                            |   | Recurring 30 days after initial violation                                  | F        | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$6,000                         |               |
| 8                          | Failure to Operate and Maintain Pretreatment Facility | Recurring 30 days after notification                                       | E, F     | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |               |
|                            |   | Recurring one year after notification                                      | E, F     | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$6,000                         |               |
| 9                          | Illegal Discharge From Permitted User                 | Initial Violation  | B        | \$1,000                     | \$1,000 | \$1,000 | \$1,000                           | \$1,000                     | \$2,000                    | \$3,000                         |               |
|                            |   | Recurring after Initial Violation  | B, H     | \$2,000                     | \$2,000 | \$2,000 | \$2,000                           | \$2,000                     | \$4,000                    | \$6,000                         |               |
| Subtotal of Fine Amount    |   |  |          |                             |         |         |                                   |                             |                            |                                 |               |
| Subtotal of Director Costs |   |  |          |                             |         |         |                                   |                             |                            |                                 |               |
| TOTAL FINE                 |   |  |          |                             |         |         |                                   |                             |                            |                                 |               |

- A. The minimum fine of \$1,000 shall be doubled for each unpermitted discharge following the initial notification of the first violation.
- B. The parameter exceedance shall be defined as any parameter which exceeds the permit limit as reported. The fine amount for each parameter exceeded shall be determined by multiplying the amount shown on the fine schedule by the multiplier corresponding to the percent of exceedances as shown below

| <u>Permit Exceedance In Percent</u> | <u>Fine Amount Multiplier</u> |
|-------------------------------------|-------------------------------|
| 0-25                                | 1                             |
| 25-50                               | 2                             |
| 50-75                               | 3                             |
| 75-100                              | 4                             |
| 100-125                             | 5                             |
| 125-150                             | 6                             |
| 150-175                             | 7                             |
| 175-200                             | 8                             |
| 200-225                             | 9                             |
| 225 +                               | 10                            |

- C. The \$1,000 fine shall be imposed on any parameter which meets the criteria of significant noncompliance which is defined as any parameter which meets one of the following criteria:
1. Chronic Violation - Sixty six percent (66%) or more of all the measurements taken during a six month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter.
  2. Technical Review Criteria - (TRC) - Thirty three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Oil and Grease, and 1.2 for all other pollutants except pH.)
- D. The user shall be fined for recurring violations until the criteria for significant noncompliance is met. The user shall not be fined for both violations.
- E. The user must be notified by the City Manager in writing within 15 days after the report due date before the fine can be assessed.
- F. The minimum fine of \$1,000 shall be doubled for each day the violation date is exceeded.
- G. The \$1,000 fine shall be assessed for each parameter that is not monitored correctly.
- H. The minimum fine of \$ 1,000 shall be assessed for each violation after the initial violation within the calendar year.



**ARTICLE 929**  
**Garbage and Rubbish Collection and Disposal**

|               |  |               |   |
|---------------|--|---------------|---|
| <b>929.01</b> | <b>Definitions.</b>  | <b>929.06</b> | <b>Collection and disposal fees.</b>          |
| <b>929.02</b> | <b>Contract for collection; exceptions.</b>                      | <b>929.07</b> | <b>Sanitary landfill; use and fees.</b>       |
| <b>929.03</b> | <b>Supervision by City; appeal to Council.</b>                   |               | <b>(Repealed)</b>                             |
| <b>929.04</b> | <b>Container requirements; unlawful accumulation or deposit.</b> | <b>929.08</b> | <b>Trucks dropping, leaking load.</b>         |
| <b>929.05</b> | <b>Collection and disposal practices.</b>                        | <b>929.09</b> | <b>Severability; conflict with State law.</b> |
|               |  | <b>929.99</b> | <b>Penalty.</b>                               |

**CROSS REFERENCES**

Power to provide for collection - see 3rd Class §2403(6)  
(53 P.S. §37403(6))

Deposit upon streets or sidewalks - see GEN. OFF. 741.01

Billing and collection procedure - see S.U. & P.S. Art. 921

Dumping rubbish in streams - see HLTH. 1107.01

Refuse storage, disposal and incineration facilities - see HSG. 1917.02

**929.01 DEFINITIONS.**

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

- (a) "Backyard collection service" shall mean a location in which the contractor must walk or drive beyond the curb side to retrieve containers for collection.
- (b) "Bulky refuse" shall mean large items of refuse or rubbish which, by reason of weight or dimension, cannot reasonably be placed in garbage cans. "Bulky refuse" includes by way of illustration, but not limited to, appliances, furniture, large auto parts, tree branches and trimmings, household remodeling and repair refuse, not in excess of 100 pounds per month, provided, however, that "bulky refuse" shall not include construction and demolition refuse as herein defined, junk motor vehicles or other items which cannot be reasonably handled by two workers.
- (c) "City" means City of Titusville.
- (d) "Commercial refuse" means all refuse emanating from establishments engaged in business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.
- (e) "Consumer" means the party contracting for service.
- (f) "Construction and demolition refuse" means all refuse resulting from construction and demolition operations on houses, commercial buildings, roads, sidewalks or other structures.

- (f.1.) "Customer" shall mean each Residential Unit and each eligible Commercial/Industrial/Institutional Establishment within the City of Titusville, each of which shall be a collection site.
- (g) "Contractor" means the person or firm holding the refuse collection and disposal contract with the City.
- (g.1.) "Eligible Commercial/Industrial/Institutional Establishment" means any Person, other than a Residential Unit, who:
  - A. Generates municipal Waste and
  - B. Requests and complies with the residential customer limit to use the collection services provided by the outside collector hired by the City.
- (g.2.) "Electronic Waste, also known as E-Waste" means waste designated by the Pennsylvania Department of Environmental Protection, as defined in Act 108 of 2010, including but not limited to, desktop computers, laptop computers, computer monitors, computer peripherals, and televisions.
- (h) "Garbage" means all refuse resulting from the handling, preparation or cooking of animal, grain, fruit or vegetable matter used on or intended for use as food.
- (i) "Hazardous waste" means waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.
- (j) "Industrial refuse" means all refuse resulting from manufacturing and industrial processes such as those carried on in factories, processing plants, refineries and other similar establishments.
- (k) "Institutional refuse" means all refuse generated by institutions, nursing homes, orphanages, schools and universities.
- (l) "Outside collectors" means any other collector of refuse other than an agent of the contractor hired by the City.
- (m) "Person" means an individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity, or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- (n) "Refuse" means all solid waste or materials which are discarded as useless, except body waste. The term refuse includes Electronic Waste and household hazardous waste.
- (o) "Residential refuse" shall mean all refuse which normally originates from the use and occupancy of residences, or private households and apartment houses.
- (p) "Residential unit" means any single family detached, semi-detached or townhouse dwelling, or a dwelling unit with a multi-family building containing four or fewer dwelling units.
- (q) "Rubbish" means all refuse except garbage and other decomposable matter, including but not limited to, bedding, cardboard, cans, crockery, glass, paper, wood, metal and yard cleanings. The term rubbish includes electronic waste and household hazardous waste.
- (r) "Yard cleanings" means branches and limbs, cut into three foot lengths and bundled.  
(Ord. 1591 §1. Passed 12-16-63; Ord. 3008. Passed 5-15-00; Ord. 3133. Passed 9-12-05; Ord. 3247. Passed 6-28-16.)

### **929.02 CONTRACT FOR COLLECTION; EXCEPTIONS.**

Subject to certain exceptions as noted herein, all refuse accumulated in the City shall be collected, conveyed and disposed of by the City or its agent under contract with the City for such purpose; and no person except such contractor or agent for the City shall collect, convey over any of the streets or alleys of the City, nor dispose of, any refuse accumulated in the City.

- (a) This article shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this article and with any other governing law or ordinances.
- (b) This article shall not prohibit refuse collectors other than the City or its agent, from collecting refuse from commercial, industrial or institutional establishments, such as hotels, restaurants, stores, schools and hospitals, provided such collectors comply with the provisions of this article and with any other governing law or ordinance.
- (c) This article shall not prohibit collectors of refuse from outside of the City from hauling such refuse over City streets, provided such collectors comply with the provisions of this article and with any other governing law or ordinances.  
(Ord. 1591 §2. Passed 12-16-63.)

### **929.03 SUPERVISION BY CITY; APPEAL TO COUNCIL.**

All refuse accumulated in the City shall be collected, conveyed and disposed of under the supervision and regulation of the City. Any person aggrieved by a demand, ruling or regulation promulgated by an employee of the City shall have the right of appeal to Council which shall have the authority to confirm, modify or revoke any such demand, ruling or regulation.  
(Ord. 1591 §3. Passed 12-16-63.)

### **929.04 CONTAINER REQUIREMENTS; UNLAWFUL ACCUMULATION OR DEPOSIT.**

- (a) Garbage and rubbish may be placed and maintained in the same containers.
- (b)
  - (1) All garbage before being placed in garbage cans for collection, shall have all free liquids drained from it and may be wrapped in paper.
  - (2) All rubbish shall be drained of liquid before being deposited for collection.
    - A. Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed three feet and securely tied in bundles not more than two feet thick before being deposited for collection. Christmas or holiday trees shall be collected during the two full weeks following the Christmas holiday.
    - B. Grass clippings shall be picked up by the Contractor.
    - C. No household remodeling and repair refuse shall be deposited for collection in excess of 100 pounds per month or at any time in any quantity greater than what can be handled by two workers.
    - D. No refuse shall be placed in a garbage can or plastic bag having a capacity of more than forty-five gallons, and no can or plastic bag shall be filled so as to exceed seventy-five pounds in weight.
- (c)
  - (1) Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defects liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The City or the Contractor shall have the authority to refuse collection services for failure to comply herewith.
  - (2) Garbage containers shall be made of metal or plastic equipped with suitable handles and tight fitting covers, and shall be water tight.

- A. Garbage and rubbish containers shall have a capacity of not more than thirty gallons.
- B. Garbage and rubbish containers shall be kept in a clean, neat and sanitary condition at all times.
- C. Garbage and refuse containers shall not be placed at the curbside earlier than 5:00 p.m. of the night preceding scheduled pick-up and shall thereafter be removed from the curbside no later than twenty-four hours after pick-up.
- D. Dumpsters shall be placed in districts zoned residential only upon special authorization by the City by permit for special projects such as demolition. No permitted dumpster shall be placed in a residential area for longer than fourteen days, unless the permit therefor has been extended by the City for good cause.

(d) No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except when in proper containers for collection or when expressly approved by City Council or its designee. No person shall throw or deposit any refuse, garbage or rubbish in any stream or other body of water.

- (1) Any unauthorized accumulation of refuse, garbage or rubbish on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse, garbage or rubbish upon notice shall be deemed a violation of this article.
- (2) No person shall cast, place or sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other place, or into any occupied premises within the City. Refuse containers shall be placed for collection at ground level on the property, and accessible to and not more than ten feet from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than ten feet when approved by the City Manager upon the request of a consumer based upon demonstrated illness or disability and an additional payment for the service is agreed upon by the consumer and the Contractor.  
(Ord. 1591 §4. Passed 12-16-63; Ord. 3008. Passed 5-15-00; Ord. 3133. Passed 9-12-05; Ord. 3247. Passed 6-28-16.)

#### **929.05 COLLECTION AND DISPOSAL PRACTICES.**

- (a)
  - (1) Refuse accumulated by residences shall be collected at least once each week.
  - (2) Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the City shall have the authority to require that more frequent collections be made.
- (b)
  - (1) The City, its agent or contractor shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.
  - (2) The City or its Contractor shall collect a reasonable accumulation of refuse of hotels, restaurants, and other businesses and institutions during the collection period at a fair charge based upon the average residential customer. The City or its Contractor shall have the authority to refuse to collect unreasonable amounts or, in the alternative, to assess additional charges for such amounts. For purposes of this subsection, a reasonable amount shall be deemed to be three thirty-gallon containers and no more.

- (c) (1) The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the City Health Officer. Such refuse shall not be placed in containers for regular collections.
- (2) Highly inflammable, hazardous or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the City at the expense of the owner or possessor thereof.
- (d) (1) The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a water-tight vehicle or containers provided with tight covers and so employed as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
- (2) Disposal of refuse by persons so permitted under Section 929.02 shall be made outside the City limits, unless otherwise specifically authorized by the City. The City shall have the authority to permit the disposal of such material on the Sanitary Landfill provided the charge as provided in Section 929.07 is paid.
- (3) Council shall have the authority to adopt such other reasonable regulations concerning individual, commercial and industrial collection and disposal and relating to the hauling of refuse over City streets by outside collectors and private contractors and it shall find necessary, subject to the right of appeal as set forth in Section 929.03.

(e) Ownership of refuse material set out for collection or deposited on the Sanitary Landfill shall be vested in the City.  
(Ord. 1591 §5. Passed 12-16-63; Ord. 3133. Passed 9-12-05.)

#### **929.06 COLLECTION AND DISPOSAL FEES.**

(a) The fees for collection and disposal of refuse placed for collection at ground level, and not more than 10 feet distant from the side of the street or alley from which collection is to be made, shall be as contracted for by the City acting through Council, from time to time, with a duly authorized firm or company, which firm or company, by contract with the City shall provide and be responsible for the collection of all refuse covered by Article 929, and for the purpose of allocating per unit cost to domestic and commercial establishments, the average cost per unit based on the actual number of units, with relation to the contract price, shall be prorated, and shall thereby fix the cost per unit on a monthly basis for such collection and disposal of garbage and refuse. Additionally, the City may add to the pro rata amount for each unit an amount not in excess of twenty-five percent of the pro rata amount to cover costs of the administration of the contract.

(b) Where the collection of refuse from other than ground level, or from more than 10 feet from the side of the street or alley is accepted by the City or that firm or company having a contract with the City, pursuant to subsection (a) hereof, the fee shall be that provided in subsection (a) hereof, plus a fee set by the City Manager, subject to appeal to Council, which shall relate to the contract cost added by that firm or company contracting with the City to cover the cost of the extra service rendered.

(Ord. 1751 §2. Passed 12-27-51; Ord. 3008. Passed 5-15-00.)

(c) All fees chargeable under this section shall be subject to a penalty of ten percent when not paid within ten days of the due date.

(d) All accounts shall be considered delinquent if not paid within ten days of the due date. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty days, of the due date, the City or its contractor shall cease all refuse collection for that account unless otherwise directed by Council. Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of noncollection, unless Council specifically directs otherwise.

The stoppage of services hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.  
(Ord. 1751 §2. Passed 12-27-51.)

**929.07 SANITARY LANDFILL; USE AND FEES.**

(EDITOR'S NOTE: Former Section 929.07 was repealed by Ordinance 3008, passed May 15, 2000.)

**929.08 TRUCKS DROPPING, LEAKING LOAD.**

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed, loaded or covered as to prevent any load, contents, litter or rubbish from being blown or deposited upon any street, alley or other public place.  
(Ord. 1584 §1. Passed 5-7-62.)

**929.09 SEVERABILITY; CONFLICT WITH STATE LAW.**

If any portion, phrase or section of this article is declared invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining sections, portions or phrases of this article. If any portion, section or phrase of this article is in conflict with any State law, then the State law shall prevail and shall be enforced in connection therewith.  
(Ord. 1591 §9. Passed 12-16-63.)

**929.99 PENALTY.**

Any person who violates any provision of this article, shall upon conviction thereof by a magistrate judge, be guilty of a summary offense and be fined an amount not to exceed six hundred dollars (\$600.00), plus costs, or imprisoned for a period not to exceed ninety days, or both.

Each day of violation of this article shall be deemed to be a separate offense for purposes of prosecution.  
(Ord. 2057. Passed 8-12-96; Ord. 3133. Passed 9-12-05.)

**ARTICLE 931  
Recycling Program**

|               |  |               |   |
|---------------|--|---------------|---|
| <b>931.01</b> | <b>Definitions.</b>  | <b>931.04</b> | <b>Rules and regulations.</b>             |
| <b>931.02</b> | <b>Recycling program adoption and notice.</b>                  | <b>931.05</b> | <b>Ownership of recyclable materials.</b> |
| <b>931.03</b> | <b>Separation of recyclables and placement for collection.</b> | <b>931.06</b> | <b>Prohibited acts.</b>                   |
|               |  | <b>931.99</b> | <b>Penalty.</b>                           |

**931.01 DEFINITIONS.**

As used in this article, certain words and terms are defined as follows:

- (a) "City" means City of Titusville.
- (b) "Commingled" means recyclable materials which:
  - (1) Have been separated from regulated municipal waste but which have not been separated into different types of recyclable materials and
  - (2) Have been placed in a special recycling container for the purpose of collection.
- (c) "Commercial refuse" means all refuse generated by establishments engaged in business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.
- (d) "Corrugated paper" means a structural paper material with an inner core shaped in rigid parallel frozen ridges.
- (e) "Glass" means clear glass consisting only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle, and transparent or partially transparent and/or other chemicals and substances usually included in the manufacture of glass. Excluded are blue glass, ceramics, pottery and flat glass commonly known as window or plate glass.
- (f) "Leaf waste" means leaves, garden residues, shrubbery, and tree trimmings, and similar material but does not include grass clippings.
- (g) "Metals" means, but is not limited to, white metal, aluminum, steel and bi-metallic cans.
- (h) "Newsprint" means paper that has been used for the production of daily, weekend, and special edition publications commonly known as newspapers. For purposes of this article, newsprint shall also include magazines and telephone directories.
- (i) "Person" means an individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- (j) "Plastics" means any container identified on the bottom as either #1 PETE (such as soda bottles) or #2 HDPE (such as milk, spring water, and detergent bottles).

- (k) “Recyclable materials” means all designated recyclable materials including exclusively aluminum, glass, metals, newsprint, plastics, corrugated paper and leaves.
- (l) “Recycling program” means a source separation and collection program for recycling municipal waste or source-separated recyclables.  
(Ord. 1988 §1. Passed 2-24-92; Ord. 3134. Passed 7-11-05.)

### **931.02 RECYCLING PROGRAM ADOPTION AND NOTICE.**

(a) The City hereby adopts a Recycling Program and directs the City Manager to forthwith implement the Program.

(b) The City shall establish a comprehensive and sustained public information and education program concerning this Recycling Program’s features and requirements. At least once every six months following the effective date of this article, the City shall cause notice to be given to all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this article.  
(Ord. 1998 §2. Passed 2-24-92.)

### **931.03 SEPARATION OF RECYCLABLES AND PLACEMENT FOR COLLECTION.**

(a) All persons generating or having possession of waste which includes glass, metals, plastics and newsprint shall separate and commingle such glass, metals, plastics, and newsprint from other waste for purposes of collection. All leaf waste shall be separated from other recyclable materials.

(b) Glass, plastic, and metal containers shall be emptied of all matter and cleaned prior to being placed for collection.

(c) Glass, metals, plastics, and newsprint shall be placed in such containers at curb side on that day of the month as may be prescribed by rules and regulations adopted by the City for the collection of such items.

(d) All persons shall separate high-grade office paper, aluminum, corrugated paper, newsprint, glass, metals, and plastics generated at commercial, municipal or institutional establishments and from community activities and to store such materials until collection. Such person shall be exempted from the requirements of this article if those persons have otherwise provided for the recycling of the materials they are required by this article to recycle. To be eligible for an exemption under this article, a commercial or institutional solid waste generator shall annually provide written documentation to the City of the total number of tons recycled.  
(Ord. 3134. Passed 7-11-05.)

(e) Persons generating leaf waste shall be exempted from the provisions of this section if they have otherwise provided for the composting of such waste.

(f) An owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units shall be deemed to have complied with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this act shall not be liable for the noncompliance.  
(Ord. 1998 §3. Passed 2-24-92.)

**931.04 RULES AND REGULATIONS.**

The City may adopt such rules and regulations as it may deem necessary regarding the preparation, storage and placement for collection of recyclable materials and the days of and manner of collection, all of which shall be deemed to be incorporated herein by reference. (Ord. 1998 §4. Passed 2-24-92.)

**931.05 OWNERSHIP OR RECYCLABLE MATERIALS.**

(a) Persons generating recyclable materials and leaf waste shall be deemed to be the owners of such recyclable materials and leaf waste until such materials are placed at curbside or similar location for collection by the City or its agents.

(b) Once recyclable materials and leaf waste shall have been placed by the curbside for collection, all such materials shall be deemed to be owned by the City or its assignees. (Ord. 1998 §5. Passed 2-24-92.)

**931.06 PROHIBITED ACTS.**

(a) No person, other than those specifically authorized by the City, shall collect, remove or pick-up any recyclable materials or leaf waste once they have been placed at curbside for collection.

(b) No person shall place any recyclable materials or leaf waste at curbside or other authorized site for collection more than twenty-four hours in advance of the date designated by the City for collection.

(c) No person shall dispose or attempt to dispose of recyclable materials and leaf waste when combined with other forms of waste or in a manner prohibited by rules and regulations adopted by the City. (Ord. 1998 §6. Passed 2-24-92.)

**931.99 PENALTY.**

Any person who violates any provisions of this article shall, upon conviction thereof in a proceeding before a magistrate judge, be guilty of a summary offense and be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs of prosecution or to undergo imprisonment for a period of not more than ninety days, or both. For purposes of this section, each day a person is in violation of any provision of this article shall be deemed to constitute a separate offense. (Ord. 1998 §7. Passed 2-24-92; Ord. 3134. Passed 7-11-05.)



**ARTICLE 933  
Stormwater Management**

|               |   |   |                                   |
|---------------|---|---|-----------------------------------|
| <b>933.01</b> | <b>General provisions.</b>                    | <b>933.10</b>   | <b>Inspections.</b>               |
| <b>933.02</b> | <b>Definitions.</b>                           | <b>933.11</b>   | <b>Enforcement and penalties.</b> |
| <b>933.03</b> | <b>Stormwater management standards.</b>       | <b>933.12</b>   | <b>Prohibitions.</b>              |
| <b>933.04</b> | <b>Protected watershed standards.</b>         | <b>933.13</b>   | <b>Fees and expenses.</b>         |
| <b>933.05</b> | <b>Riparian buffer standards.</b>             | <b>Appendix A - Operation and Maintenance Agreement</b> |                                   |
| <b>933.06</b> | <b>Design criteria.</b>                       | <b>Appendix B - Low Impact Development Practices</b>    |                                   |
| <b>933.07</b> | <b>SWM site plan and report requirements.</b> | <b>Appendix C - Review Fee Reimbursement Agreement</b>  |                                   |
| <b>933.08</b> | <b>Easements.</b>                             | <b>Appendix D - Small Projects SWM Application</b>      |                                   |
| <b>933.09</b> | <b>Maintenance responsibilities.</b>          |   |                                   |

**933.01 GENERAL PROVISIONS.**

(a) Short Title. This Ordinance shall be known and may be cited as the "The City of Titusville Stormwater Management Ordinance."

- (b) Statement of Findings. The governing body of the City of Titusville finds that:
- (1) Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
  - (2) A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of Municipality and all the people of the Commonwealth, their resources, and the environment.

- (3) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation); destroying aquatic habitat; and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- (4) Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- (5) Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.
- (6) Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

(c) Purpose. The purpose of this Ordinance is to promote health, safety, and welfare within the City of Titusville, Crawford County, by minimizing the harms and maximizing the benefits described in subsection (b) hereof through provisions intended to:

- (1) Meet legal water quality requirements under state law, including regulations at 25 PA Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.
- (2) Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.
- (3) Preserve the natural drainage systems as much as possible.
- (4) Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- (5) Maintain existing flows and quality of streams and watercourses.
- (6) Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.
- (7) Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.
- (8) Provide procedures, performance standards, and design criteria for stormwater planning and management.
- (9) Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and Best Management Practices (BMPs) that are constructed and implemented.
- (10) Provide standards to meet the NPDES permit requirements.

(d) Statutory Authority.

- (1) Primary authority: The City of Titusville is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S. Section 680.1 et seq., as amended, the "Storm Water Management Act", and the Third Class City Code.
- (2) Secondary authority: The City of Titusville also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

(e) Applicability. In the City of Titusville, all regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Ordinance.

Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

"Regulated Activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated Activities" include, but are not limited to, the following listed items:

- (1) Earth Disturbance Activities.
- (2) Land Development.
- (3) Subdivision where earth disturbance activities are proposed.
- (4) Construction of new or additional impervious or semi-pervious surfaces.
- (5) Construction of new buildings or additions to existing buildings.
- (6) Diversion or piping of any natural or man-made stream channel.
- (7) Installation of stormwater management facilities or appurtenances thereto.
- (8) Installation of stormwater BMPs.

See Section 933.03(b) for Exemption/Modification Criteria.

(f) Repealer. Any ordinance, ordinance provision(s), or regulation of the City of Titusville inconsistent with any of the provision(s) of this Ordinance is hereby repealed to the extent of the inconsistency only.

(g) Severability. In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this Ordinance invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this Ordinance.

(h) Compatibility with Other Ordinance Requirements. Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

(i) Duty of Persons Engaged in the Development of Land. Notwithstanding any provision(s) of this Ordinance, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

(j) Municipal Liability Disclaimer.

- (1) Neither the granting of any approval under this Ordinance, nor the compliance with the provisions of this Ordinance, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting there from, or as otherwise imposed by law nor impose any liability upon the Municipality for damages to persons or property.

- (2) The granting of a permit which includes any storm water management facilities shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto. (Ord. 3193. Passed 4-19-11.)

### 933.02 DEFINITIONS.

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

(a) General Provisions.

- (1) Words used in the present tense include the future tense; the singular number includes the plural; and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- (2) The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- (3) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- (4) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- (5) The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".

(b) Specific Terms.

- (1) **Accelerated Erosion** - The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.
- (2) **Agricultural Activities** - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.
- (3) **Alteration** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.
- (4) **Applicant** - A landowner, developer, or other person who has filed an application for approval to engage in any Regulated Activities at a project site within the Municipality.
- (5) **Best Management Practices (BMPs)** - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "non-structural" or "structural".

“Non-structural” BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas “structural” BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. “Structural” BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. “Structural” stormwater BMPs are permanent appurtenances to the project site.

- (6) **Channel Erosion** - The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.
- (7) **Cistern** - An underground reservoir or tank used for storing rainwater.
- (8) **Conservation District** - The Crawford County Conservation District. The Crawford County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.
- (9) **Culvert** - A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.
- (10) **Dam** - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.
- (11) **Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 25-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems. Also see Return Period.
- (12) **Designee** - The agent of this Municipality and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.
- (13) **Detention Basin** - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.
- (14) **Detention Volume** - The volume of runoff that is captured and released into Waters of the Commonwealth at a controlled rate.
- (15) **Developer** - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.
- (16) **Development Site** - (Site) - The specific tract of land for which a Regulated Activity is proposed. Also see Project Site.
- (17) **Disturbed Area** - An unstabilized land area where an Earth Disturbance Activity is occurring or has occurred.
- (18) **Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.
- (19) **Drainage Conveyance Facility** - A stormwater management facility designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

- (20) **Drainage Easement** - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.
- (21) **Drainageway** - Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.
- (22) **Earth Disturbance Activity** - A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.
- (23) **Erosion** - The movement of soil particles by the action of water, wind, ice, or other natural forces.
- (24) **Erosion and Sediment Pollution Control Plan** - A plan which is designed to minimize accelerated erosion and sedimentation.
- (25) **Exceptional Value Waters** - Surface waters of high quality, which satisfies Pa. Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(b) (relating to anti-degradation).
- (26) **Existing Conditions** - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land and not forested, the land use shall be considered as "meadow" unless the natural land cover is documented to generate lower Curve Numbers or Rational "C" Coefficient.
- (27) **FEMA** - The Federal Emergency Management Agency.
- (28) **Flood** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other Waters of the Commonwealth.
- (29) **Flood Fringe** - The remaining portions of the 100-year floodplain outside of the floodway boundary.
- (30) **Floodplain** - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - mapped as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a 100-year flood. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).
- (31) **Floodway** - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to 50 feet landward from the top of the bank of the stream.
- (32) **Forest Management/Timber Operations** - Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

- (33) **Freeboard** - A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.
- (34) **Grade** - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.
- (35) **(To) Grade** - To finish the surface of a roadbed, top of embankment or bottom of excavation.
- (36) **Groundwater Recharge** - Replenishment of existing natural underground water supplies.
- (37) **HEC-HMS Model Calibrated** - (Hydrologic Engineering Center Hydrologic Modeling System) A computer-based hydrologic modeling technique adapted to the watershed(s) in Crawford County for the Act 167 Plan. The model has been calibrated by adjusting key model input parameters.
- (38) **High Quality Waters** - Surface water having quality, which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pa. Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(a).
- (39) **Hydrologic Soil Group (HSG)** - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report from the local NRCS office or the County Conservation District.
- (40) **Impervious Surface (Impervious Area)** - A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any new streets and sidewalks. Any surface areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.
- (41) **Impoundment** - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.
- (42) **Infiltration Structures** - A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).
- (43) **Inlet** - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.
- (44) **Land Development (Development)** -
- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    - 1. A group of two or more buildings, or
    - 2. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
  - B. Any subdivision of land;
  - C. Development in accordance with Section 503(1.1) of the Pa. Municipalities Planning Code.

- (45) **Low Impact Development (LID)** - an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.
- (46) **Main Stem (Main Channel)** - Any stream segment or other runoff conveyance facility used as a reach in the Crawford County Act 167 watershed hydrologic model(s).
- (47) **Manning Equation (Manning Formula)** - A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.
- (48) **Municipality** - The City of Titusville, Crawford County, Pennsylvania.
- (49) **National Pollutant Discharge Elimination System (NPDES)** - The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.
- (50) **NOAA Atlas 14:** - Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at Internet address <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- (51) **Non-point Source Pollution** - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.
- (52) **NRCS** - Natural Resource Conservation Service (previously Soil Conservation Service (SCS)).
- (53) **Open Channel** - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.
- (54) **Outfall** -  
A. Point where water flows from a conduit, stream, or drain;  
B. "Point Source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface Waters of the Commonwealth.
- (55) **Outlet** - Points of water disposal from a stream, river, lake, tidewater, or artificial drain.
- (56) **PADEP** - The Pennsylvania Department of Environmental Protection.
- (57) **Parking Lot Storage** - Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.
- (58) **Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.
- (59) **Person** - An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- (60) **Pervious Area** - Any area not defined as impervious.
- (61) **Pipe** - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.
- (62) **Planning Commission** - The Planning Commission of the City of Titusville.

- (63) **Point Source** - Any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pennsylvania Code § 92.1.
- (64) **Probable Maximum Flood (PMF)** - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).
- (65) **Project Site** - The specific area of land where any Regulated Activities in the Municipality are planned, conducted, or maintained.
- (66) **Qualified Professional** - Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by the Ordinance.
- (67) **Rational Formula** - A rainfall-runoff relation used to estimate peak flow.
- (68) **Redevelopment** - Earth disturbance activities on land, which has previously been developed.
- (69) **Regulated Activities** - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.
- (70) **Regulated Earth Disturbance Activity** - Activity involving Earth Disturbance subject to regulation under 25 Pa. Code Chapter 92, Chapter 102, or the Clean Streams Law.
- (71) **Release Rate** - The percentage of pre-development peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.
- (72) **Release Rate District** - Those subwatershed areas in which post-development flows must be reduced to a certain percentage of pre-development flows as required to meet the plan requirements and the goals of Act 167.
- (73) **Retention Basin** - An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.
- (74) **Retention Volume/Removed Runoff** - The volume of runoff that is captured and not released directly into the surface Waters of this Commonwealth during or after a storm event.
- (75) **Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years; or stated in another way, the probability of a 25-year storm occurring in any one given year is 0.04 (i.e. a 4% chance).
- (76) **Riparian Buffer** - A vegetated area bordering perennial and intermittent streams and wetlands, that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.
- (77) **Riser** - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.
- (78) **Road Maintenance** - Earth disturbance activities within the existing road right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road (such as milling and overlays) are not considered earth disturbance activities.

- (79) **Rooftop Detention** - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.
- (80) **Runoff** - Any part of precipitation that flows over the land surface.
- (81) **Runoff Capture Volume** - The volume of runoff that is captured (retained) and not released into surface Waters of the Commonwealth during or after a storm event.
- (82) **Sediment** - Soils or other materials transported by surface water as a product of erosion.
- (83) **Sediment Basin** - A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.
- (84) **Sediment Pollution** - The placement, discharge, or any other introduction of sediment into Waters of the Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.
- (85) **Sedimentation** - The process by which mineral or organic matter is accumulated or deposited by the movement of water.
- (86) **Seepage Pit/Seepage Trench** - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.
- (87) **Separate Storm Sewer System** - A conveyance or system of conveyances (including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.
- (88) **Sheet Flow** - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.
- (89) **Soil Cover Complex Method** - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).
- (90) **Spillway (Emergency)** - A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.
- (91) **State Water Quality Requirements** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.
- (92) **Storage Indication Method** - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.
- (93) **Storm Frequency** - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See also Return Period.
- (94) **Storm Sewer** - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.
- (95) **Stormwater** - Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.
- (96) **Stormwater Hotspot** - A land use or activity that generates higher pollutants than are found in typical stormwater runoff and have a high potential to endanger local water quality, and could potentially threaten ground water reservoirs.

- (97) **Stormwater Management Facilities** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins, open channels, storm sewers, pipes and infiltration facilities.
- (98) **Stormwater Management Plan** - The Crawford County Stormwater Management Plan for managing stormwater runoff in Crawford County as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Storm Water Management Act".
- (99) **Stormwater Management Site Plan (SWM Site Plan)** - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this Ordinance.
- (100) **Stream Enclosure** - A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated Waters of the Commonwealth.
- (101) **Subwatershed Area** - The smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.
- (102) **Subdivision** - The division or re-division of a lot, tract, or parcel of land by any means, into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development, provided; however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwellings, shall be exempt {Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247}.
- (103) **Swale** - A low-lying stretch of land that gathers or carries surface water runoff.
- (104) **Timber Operations** - See "Forest Management".
- (105) **Time of Concentration (T<sub>c</sub>)** - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.
- (106) **USDA** - The United States Department of Agriculture.
- (107) **Watercourse** - A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- (108) **Waters of the Commonwealth** - Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.
- (109) **Watershed** - Area drained by a river, watercourse, or other surface water, whether natural or artificial.

- (110) **Wetland** - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.) (Ord. 3193. Passed 4-19-11.)

### **933.03 STORMWATER MANAGEMENT STANDARDS.**

(a) General Requirements.

- (1) For all Regulated Activities, unless specifically exempted in subsection (b) hereof:
- A. Preparation and implementation of an approved SWM Site Plan is required.
  - B. No Regulated Activities shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
  - C. The SWM Site Plan shall demonstrate that adequate capacity will be provided to meet the Volume and Rate Control Requirements, as described under subsections (d) and (e) hereof.
  - D. The SWM Site Plan approved by the Municipality, shall be on-site throughout the duration of the Regulated Activities.
- (2) For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code (including, but not limited to Chapter 102 Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
- (3) For all Regulated Activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law, conform to the State Water Quality Requirements, meet all requirements under the Storm Water Management Act and any more stringent requirements as determined by the Municipality.
- (4) The Municipality may, after consultation with PADEP, approve measures for meeting the State Water Quality Requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with state law, including, but not limited to, the Clean Streams Law.
- (5) All Regulated Activities shall include, to the maximum extent practicable, measures to:
- A. Protect health, safety, and property.
  - B. Meet the water quality goals of this Ordinance by implementing measures to:

1. Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
  2. Create, maintain, or extend riparian buffers and protect existing forested buffers.
  3. Provide trees and woodlands adjacent to impervious areas whenever feasible.
  4. Minimize the creation of impervious surfaces and the degradation of Waters of the Commonwealth and promote groundwater recharge.
  5. Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
  6. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
  7. Avoid erosive flow conditions in natural flow pathways.
  8. Minimize soil disturbance and soil compaction.
  9. Minimize thermal impacts to Waters of the Commonwealth.
  10. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible and decentralize and manage stormwater at its source.
- (6) Impervious Areas:
- A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
  - B. For developments taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
  - C. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance.
- (7) If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
- A. Applicant must provide an easement for proposed concentrated flow across adjacent properties to a drainage way or public right-of-way.
  - B. Such stormwater flows shall be subject to the requirements of this Ordinance.
- (8) Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.
- (9) Where watercourses traverse a development site, drainage easements (to encompass the 100-year flood elevation with a minimum width of 20 feet) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement may be required, except as approved by the appropriate governing authority.

- (10) When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainage ways shall be subject to approval by PADEP under regulations at 25 Pa. Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.
  - (11) Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this Ordinance, that will be located in or adjacent to Waters of the Commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 Pa. Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.
  - (12) Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
  - (13) Any stormwater management facilities regulated by this Ordinance that will be located on, or discharged onto State highway rights-of-ways shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
  - (14) Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for detention facilities.
  - (15) Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
  - (16) Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the Municipality shall permit it on a case-by-case basis.
  - (17) Applicants are encouraged to use Low Impact Development Practices to comply with the requirements of this Ordinance and the State Water Quality Requirements.
  - (18) When stormwater management facilities are proposed within 1,000 feet of a downstream Municipality, the Developer shall notify the downstream Municipality and, upon request, provide the SWM Plan to the downstream Municipality's Engineer for review and comment.
- (b) Exemptions/Modifications.
- (1) Under no circumstance shall the Applicant be exempt from implementing such measures as necessary to:
    - A. Meet State Water Quality Standards and Requirements.
    - B. Protect health, safety, and property.
    - C. Meet special requirements for High Quality (HQ) and Exceptional Value (EV) watersheds.

- (2) The Applicant must utilize the following BMPs to the maximum extent practicable to receive consideration for the exemptions:
- A. Design around and limit disturbance of Floodplains, Wetlands, Natural Slopes over fifteen percent (15%), existing native vegetation, and other sensitive and special value features.
  - B. Maintain riparian and forested buffers.
  - C. Limit grading and maintain non-erosive flow conditions in natural flow paths.
  - D. Maintain existing tree canopies near impervious areas.
  - E. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
  - F. Direct runoff to pervious areas.
- (3) The Applicant's proposed development/additional impervious area may not adversely impact the following:
- A. Capacities of existing drainageways and storm sewer systems.
  - B. Velocities and erosion.
  - C. Quality of runoff if direct discharge is proposed.
  - D. Existing known problem areas.
  - E. Safe conveyance of the additional runoff.
  - F. Downstream property owners.
- (4) An Applicant proposing Regulated Activities, after demonstrating compliance with subsections (b)(1) to (3), may be exempted from the SWM Site Plan, Rate Control, or Volume Control requirements of this Ordinance according to the following table:

**EXEMPTION TABLE**

| <b>New Impervious Area<sup>1, 2</sup><br/>(square footage)</b> | <b>Applicant Must Provide</b>                                |
|--|--|
| 0 – 1,000  | ---  |
| > 1,000 – 2,500  | Documentation of new impervious surface <sup>3</sup>         |
| > 2,500 – 5,000  | Volume Controls & Small Project SWM Application <sup>3</sup> |
| > 5,000  | Rate Controls, Volume Controls & SWM Site Plan               |

**NOTES:**

<sup>1</sup> New Impervious Area since the date of Adoption of this Ordinance.

<sup>2</sup> Gravel in existing condition shall be considered pervious and gravel in proposed condition shall be considered impervious. Existing maintained municipal roads are considered impervious.

<sup>3</sup> The Small Project Stormwater Management Application included in Appendix E shall be used to establish eligibility for the exemptions listed in the above table for projects under 5,000 sq. ft. or for single family home construction. The Small Project SWM Application satisfies the requirement for demonstrating compliance with subsection (b)(1) to (3) and for documentation of new impervious surface; credits for disconnection of impervious surfaces and tree planting; and for computing the size of Volume Control BMP's, when required.

- (5) An Applicant proposing Regulated Activities, after demonstrating compliance with subsection (b)(1) to (3), may be exempted from various requirements of this Ordinance if documentation can be provided that a downstream man-made water body (i.e., reservoir, lake, or man-made wetlands) has been designed or modified to address the potential stormwater flooding impacts of the proposed development.
  - (6) The purpose this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the Applicant has a single and clear set of stormwater management standards to which the Applicant is subject. The Municipality may accept alternative stormwater management controls under this section provided that:
    - A. The Municipality, in consultation with the PADEP, determines that meeting the Volume Control requirements (subsection (d) hereof) is not possible or places an undue hardship on the Applicant.
    - B. The alternative controls are documented to be acceptable to PADEP, for NPDES requirements pertaining to post construction stormwater management requirements.
    - C. The alternative controls are in compliance with all other sections of this ordinance, including but not limited to subsections (a)(4) and (b)(1)-(3).
  - (7) Agricultural activity is exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
  - (8) Forest management and timber operations are exempt from the Rate and Volume Control requirement and SWM Site Plan preparation requirement of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.
- (c) Waivers.
- (1) The provisions of this Ordinance are the minimum standards for the protection of the public welfare.
  - (2) All waiver requests must meet the provisions of subsections (c)(7) and (8). Waivers shall not be issued from implementing such measures as necessary to:
    - A. Meet State Water Quality Standards and Requirements.
    - B. Protect health, safety, and property.
    - C. Meet special requirements for High Quality (HQ) and Exceptional Value (EV) watersheds.The Municipality then will consider waiver requests in accordance with subsection (a)(4), except that requests for waivers from the design requirements of Sections 933.06(a) and (b), will be considered by the Municipality at its sole discretion.
  - (3) If an Applicant demonstrates to the satisfaction of the governing body of the Municipality that any mandatory provision of this Ordinance is unreasonable or causes unique or undue unreasonableness or hardship as it applies to the proposed Project, or that an alternate design may result in a superior result within the context of Section 933.01(b) and (c), the

governing body of the Municipality upon obtaining the comments and recommendations of the Municipal Engineer may grant a waiver or relief so that substantial justice may be done and the public interest is secured; provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance.

- (4) The Applicant shall submit all requests for waivers in writing and shall include such requests as a part of the plan review and approval process. The Applicant shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver or relief that is necessary. The Applicant shall state how the requested waiver and how the Applicant's proposal shall result in an equal or better means of complying with the intent or Purpose and general principles of this Ordinance.
- (5) The Municipality shall keep a written record of all actions on waiver requests.
- (6) The Municipality may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The Applicant shall also agree to reimburse the Municipality for reasonable and necessary fees that may be incurred by the Municipal Engineer in any review of a waiver request.
- (7) In granting waivers, the Municipality may impose reasonable conditions that will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.
- (8) The Municipality may grant applications for waivers when the following findings are made, as relevant:
  - A. That the waiver shall result in an equal or better means of complying with the intent of this Ordinance.
  - B. That the waiver is the minimum necessary to provide relief.
  - C. That the applicant is not requesting a waiver based on cost considerations.
  - D. That existing down gradient stormwater problems will not be exacerbated.
  - E. That runoff is not being diverted to a different drainage area.
  - F. That increased flooding or ponding on off-site properties or roadways will not occur.
  - G. That potential icing conditions will not occur.
  - H. That increase of peak flow (design storms up to 100-year) or volume (design storms up to 2-year) from the site will not occur.
  - I. That erosive conditions due to increased peak flows or volume will not occur.
  - J. That adverse impact to water quality will not result.
  - K. That increased 100-Year Floodplain levels will not result.
  - L. That increased or unusual municipal maintenance expenses will not result from the waiver.
  - M. That the amount of stormwater generated has been minimized to the greatest extent allowed.
  - N. That infiltration of runoff throughout the proposed site has been provided where practicable and pre-development ground water recharge protected.

- O. That peak flow attenuation of runoff has been provided.
  - P. That long term operation and maintenance activities are established.
  - Q. That the receiving streams and/or water bodies will not be adversely impacted in flood carrying capacity, aquatic habitat, channel stability and erosion and sedimentation.
- (d) Volume Controls.
- (1) The Low Impact Development Practices provided in the BMP Manual and in Appendix B of this Ordinance shall be utilized for all Regulated Activities to the maximum extent practicable.
  - (2) Stormwater runoff Volume Controls shall be implemented using the Design Storm Method or the Simplified Method as defined below. For Regulated Activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either method; therefore, the Applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.
    - A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized Regulated Activity. This method requires detailed modeling based on site conditions.
      - 1. Do not increase the post-development total runoff volume when compared to the pre-development total runoff volume for the 2-year/24-hour storm event.
      - 2. For hydrologic modeling purposes:
        - a. Existing non-forested pervious areas must be considered meadow (good condition) for pre-development hydrologic calculations.
        - b. Twenty percent (20%) existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for pre-development hydrologic calculations for re-development.
    - B. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to Regulated Activities greater than one acre or for projects that require detailed design of stormwater storage facilities. For new impervious surfaces:
      - 1. Stormwater facilities shall capture at least the first 2 inches of runoff from all new impervious surfaces.
      - 2. At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e. it shall not be released into surface Waters of the Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
      - 3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.

4. Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required. Infiltration tests shall be conducted in accordance with the BMP Manual. Notification of the Municipality shall be provided to allow witnessing of the testing.
- C. In cases where it is not possible or desirable to use infiltration-based best management practices to partially fulfill the requirements in either subsection (d)(2)A. and B. hereof, the following procedure shall be used:
1. At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:
    - a. Description of and justification for field infiltration/permeability testing with respect to the type of test and test locations.
    - b. An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high water tables and depth to bedrock, and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
    - c. A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with identification of any restrictions or limitations associated with the use of engineered infiltration facilities.
    - d. The provided documentation must be signed and sealed by a professional engineer or geologist.
  2. The following water quality pollutant load reductions will be required for all disturbed areas within the proposed development:

| <b>Pollutant Load</b>            | <b>Units</b> | <b>Required reduction (%)</b> |
|----------------------------------|--------------|-------------------------------|
| Total Suspended Solids (TSS)     | Pounds       | 85                            |
| Total Phosphorous (TP)           | Pounds       | 85                            |
| Total Nitrate (NO <sub>3</sub> ) | Pounds       | 50                            |

3. The performance criteria for water quality best management practices shall be determined from the Pennsylvania Stormwater Best Management Practices Manual, most current version.

- (3) The applicable Worksheets from the BMP Manual must be used in calculations to establish Volume Control. Worksheets documenting Volume Control Credits are also acceptable.
- (e) Rate Controls.
- (1) Lands contained within Crawford County that have not had release rates established under an approved Act 167 Stormwater Management Plan:
- A. Post-development discharge rates shall not exceed the pre-development discharge rates for the 1 year, 2-year, 10-year, 25-year, 50-year, and 100-year storms.
- (2) Lands contained within Crawford County that have had release rates established under an approved Act 167 Stormwater Management Plan:
- A. The post-development peak discharge rates shall be in accordance with the approved release rate map for the individual watershed.
1. Conneaut Outlet Watershed - for the 2-year, 10-year, 25-year and 100-year storms, post-development peak discharge rates shall follow the approved release rate map.
- (f) Sensitive Areas and Stormwater Hotspots.
- (1) Sensitive areas, as defined below, and Stormwater Hotspots which require special consideration with regard to stormwater management.
- A. Sensitive areas are defined as those areas that, if developed, have the potential to endanger a water supply. These areas consist of the delineated 1-year zone of contribution and direct upslope areas tributary to the water supply wells. Municipalities may update the sensitive area boundaries based on new research or studies as required.
- B. Stormwater Hotspots are land development projects that have a high potential to endanger local water quality, and could potentially threaten ground water reservoirs. The Municipal Engineer will determine what constitutes these classifications on a case-by-case basis. The PADEP wellhead protection contaminant source list shall be used as a guide in these determinations. Industrial manufacturing site and hazardous material storage areas must provide NPDES SIC codes. Industrial sites referenced in 40 CFR 125 are also examples of hotspots.
- (2) Performance Standards
- A. The location of the boundaries of sensitive areas is set by drainage areas tributary to any public water supply. The exact location of these boundaries as they apply to a given development site, shall be determined using mapping at a scale which accurately defines the limits of the sensitive area. If the project site is within the sensitive area (in whole or in part), 2-foot contour interval mapping shall be provided to define the limits of the sensitive area. If the project site is adjacent to but within 500 linear feet of a defined Sensitive Area, a 5-foot contour interval map defining the limits of the Sensitive Area shall be included in the Stormwater Management Plan to document the site's location relative to the sensitive area.

- B. Stormwater Hotspot developments may be required to prepare and implement a stormwater pollution prevention plan and file notice of intent as required under the provision of the EPA Industrial Stormwater NPDES Permit Requirements.
- C. Stormwater Hotspot developments must use an acceptable pre-treatment BMP prior to volume control and/or rate control BMPs. Acceptable pre-treatment BMPs for these developments include those based on filtering, settling, or chemical reaction processes such as coagulation.  
(Ord. 3193. Passed 4-19-11.)

#### **933.04 PROTECTED WATERSHED STANDARDS.**

##### **(a) Protected Watershed Requirements.**

- (1) For any Regulated Activity within a protected watershed (High Quality or Exceptional Value), the applicant shall meet requirements as contained in 25 Pa. Code, Chapter 93 as required and applicable.
- (2) Existing Resources and Site Analysis Plan. Shall be prepared to provide the developer and the Municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The Municipality shall review the plan to assess its accuracy, conformance with Municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:
  - A. Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
  - B. A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.
  - C. Natural features, including:
    - 1. Contour lines at intervals of not more than two feet. (Ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted, including the date and source of the contours. Datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.
    - 2. Steep slopes in the following ranges: 15% to 25%, 25% and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
    - 3. Areas within the floodway, flood fringe, and approximated floodplain.

4. Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds or other water features as depicted on the USGS Quadrangle Map, most current edition.
  5. Wetlands and wetland margins.
  6. Riparian buffers.
  7. Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in un-sewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
  8. Existing vegetation, denoted by type, including woodlands, hedgerows, tree masses, tree lines, individual freestanding trees over six inches DBH, wetland vegetation, pasture or croplands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site. Vegetative types shall be described by plant community, relative age, and condition.
  9. Any identified Pennsylvania Natural Diversity Inventory (PNDI) site conflicts.
  10. Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- D. Existing man-made features, including:
1. Location, dimensions, and use of existing buildings and driveways.
  2. Location, names, widths, center line courses, paving widths, identification numbers, and rights-of-way, of existing streets and alleys.
  3. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
  4. Location and size of existing sanitary sewage facilities.
  5. Location and size of drainage facilities.
  6. Location of water supply facilities, including wellhead protection areas.
  7. Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
  8. Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sandmounds, and artificial land conditions.
- E. Total acreage of the tract, the adjusted tract area, where applicable, and the constrained land area with detailed supporting calculations.
- (2) Stormwater Management System Concept Plan. A written and graphic concept plan of the proposed post-development stormwater management system shall be prepared and include:
- A. Preliminary selection and location of proposed structural stormwater controls;
  - B. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

- C. Location of floodplain/floodway limits;
  - D. Relationship of site to upstream and downstream properties and drainages.
  - E. Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- (3) Consultation Meeting. Prior to any stormwater management permit application submission, the land owner or developer shall meet with the Municipality for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed project. This consultation meeting shall take place at the time of the preliminary plan or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- (4) All proposed Regulated Activities within a protected watershed shall utilize, to the maximum extent possible, Low Impact Development Practices as contained in Appendix B.  
SWM Plan and Report shall address the following:
- A. Design using nonstructural BMPs
    - 1. Lot configuration and clustering.
      - a. Reduced individual lot impacts by concentrated/clustered uses and lots.
      - b. Lots/development configured to avoid critical natural areas.
      - c. Lots/development configured to take advantage of effective mitigative stormwater practices.
      - d. Lots/development configured to fit natural topography.
    - 2. Minimum disturbance
      - a. Define disturbance zones (excavation/grading) for the site and individual lots to protect maximum total site area from disturbance
      - b. Barriers/flagging proposed to protect designated non-disturbance areas
      - c. Considered mitigative practices for minimal disturbance areas (e.g., Soil Restoration)
      - d. Considered re-forestation and re-vegetation opportunities
    - 3. Reduce Impervious coverage
      - a. Reduced road width.
      - b. Reduced driveway lengths and widths.
      - c. Reduced parking ratios and sizes.
      - d. Utilized porous surfaces for applicable features.
    - 4. Stormwater disconnected from impervious area.
      - a. Disconnected drives/walkways/small impervious areas to natural areas.
      - b. Use rain barrels and/or cisterns for lot irrigation.

- B. Apply structural BMP selection process that meets runoff quantity and quality needs.
  - 1. Manage close to source with collection with conveyance minimized.
  - 2. Consistent with site factors (e.g., soils, slope, available space, amount of sensitive areas, pollutant removal needs)
  - 3. Minimize footprint and integrate into already disturbed areas/other building program components (e.g., recharge beneath parking areas, vegetated roofs).
  - 4. Consider other benefits such as aesthetic, habitat, recreational and educational benefits.
  - 5. BMP's select based on maintenance needs that fit owner/users.
  - 6. BMP's sustainable using a long-term maintenance plan.  
(Ord. 3193. Passed 4-19-11.)

### **933.05 RIPARIAN BUFFER STANDARDS.**

(a) Riparian Buffer Requirements. Where a Regulated Activity is proposed, the Riparian Buffer shall be established as follows:

- (1) The buffer shall be measured perpendicularly from the top of the stream bank landward.
  - A. High Quality or Exceptional Value Watersheds - a minimum of 150 feet;
  - B. Impaired Watersheds - a minimum of 150 feet;
  - C. All other watersheds - a minimum of 50 feet; or
  - D. As determined by a stream corridor study approved by PADEP and the Municipality.
- (2) The riparian buffer shall be located on both sides of all perennial and intermittent streams. The perennial and intermittent streams and the riparian buffer boundaries shall be shown on all applications for Building Permits, subdivision, or land development. Existing uses within the buffer are permitted to continue but not be expanded. Placement of new structures or roadways within the riparian buffer shall be prohibited. Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet, as measured perpendicularly from the wetland boundary.
- (3) The buffer shall be undisturbed forest consisting of appropriate native species.
- (4) Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a 25 foot forested buffer measured perpendicularly from the wetland boundary.
- (5) The following uses shall be permitted in the buffer:
  - A. Footpaths, trails and bike paths provided that:
    - 1. Width is limited to 5 feet;
    - 2. Width may be increased provided a corresponding increase in the buffer is provided;
    - 3. Construction shall have minimal impact to the buffer.
  - B. Stream crossings, provided the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The Riparian Buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.

- C. Utility lines, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the inner buffer and provided that there is no practical alternative to locating the utility line within the buffer. The Riparian Buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
  - D. Maintenance and restoration of the Riparian Buffer.
  - E. Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers, or aquatic habitat and maintenance activities associated with such projects. These projects include, but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from PADEP prior to starting the project.
  - F. Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.
- (6) Disturbance of the Riparian Buffer shall be limited to the area necessary to perform an allowable use.
  - (7) Where possible and practical, disturbances shall be phased with each phase restored prior to beginning the next phase.
  - (8) Allowable activities shall not cause stormwater flow to concentrate.
  - (9) Any vegetation removed for an allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees shall be replaced with the largest practical tree of acceptable native species.
  - (10) Erosion and sediment pollution control shall be installed and maintained during construction. Evidence of an approved Erosion and Sediment Control Plan, NPDES Permit or other PADEP permit, where required, shall be submitted prior to issuance of local permits.
  - (11) Riparian buffers shall be maintained in a manner consistent with sound forest management practices. In the absence of a site specific management plan, the following maintenance guidelines apply:
    - A. Buffers shall be inspected periodically for evidence of excessive sediment deposition, erosion or concentrated flow channels. Prompt action shall be taken to correct these problems and prevent future occurrence.
    - B. Trees presenting an unusual hazard of creating downstream obstructions shall be removed. Such material shall be removed from the floodplain or the riparian buffer (whichever is widest); or cut into sections small enough so as to prevent the possibility of creating obstructions downstream. Wherever possible, large stable debris should be conserved.
    - C. Vegetation should be inspected periodically to ensure diverse vegetative cover and vigorous plant growth consistent with buffering objectives.

1. Remove invasive plant species that may threaten the integrity of the buffer.
  2. Periodic cutting of trees may be necessary to promote vigorous growth and encourage regeneration.
- D. Excessive use of fertilizers, pesticides, herbicides, and other chemicals shall be avoided. These products should be used only when absolutely necessary to maintain buffer vegetation.

(b) Riparian Buffer Easement. For all required Riparian Buffers, an easement shall be provided:

Easements shall be in accordance with Section 933.08 and recorded in accordance with Section 933.13(c).

(Ord. 3193. Passed 4-19-11.)

### **933.06 DESIGN CRITERIA.**

(a) Design Criteria for Stormwater Management and Drainage Facilities.

(1) General design guidelines:

- A. Stormwater shall not be transferred from one watershed to another, unless:
  1. The watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property;
  2. The effect of the transfer does not alter the peak rate discharge onto adjacent lands; or
  3. Easements from the affected landowner(s) are provided.
- B. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type condition.
- C. Stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a pre-application meeting is suggested).
- D. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
- E. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the Plan.

- F. The design and construction of multiple use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses including ball fields, play areas, picnic grounds, etc. Consultation with the Municipality, and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.
1. Multiple use basins should be constructed so that potentially dangerous conditions are not created.
  2. Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.
- G. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
- (2) Stormwater management facility design considerations: All stormwater management facilities shall meet the requirements contained in the Crawford County Stormwater Management Facility Design Criteria.
- (b) Calculation Methodology.
- (1) All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.
  - (2) Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
  - (3) Rainfall values:
    - A. Rational Method - The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.
    - B. NRCS Rainfall-Runoff Method - The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following table:

| Return Interval<br>(Year) | 24-hour Rainfall Total<br>(inches) |
|---------------------------|------------------------------------|
| 1                         | 2.08                               |
| 2                         | 2.49                               |
| 10                        | 3.50                               |
| 25                        | 3.60                               |
| 50                        | 4.67                               |
| 100                       | 5.23                               |

- (4) Runoff volume:
- A. Rational Method - Not to be used to calculate runoff volume.
  - B. NRCS Rainfall-Runoff Method - This method shall be used to estimate the change in volume due to Regulated Activities. Combining Curve Numbers for land areas proposed for development with Curve Numbers for areas unaffected by the proposed development into a single weighted curve number is not acceptable.
- (5) Peak Flow Rates:
- A. Rational Method - This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
  - B. NRCS Rainfall-Runoff Method - This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:
    - 1. NRCS's TR-55 - limited to 100 acres in size.
    - 2. NRCS's TR-20 or HEC-HMS - no size limitations.
    - 3. Other models as pre-approved by the Municipal Engineer.The NRCS antecedent runoff condition II (ARC II, previously AMC II) must be used for all simulations. The use of continuous simulation models that vary the ARC are not permitted for stormwater management purposes.
  - C. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).
- (6) Runoff coefficients:
- A. Rational Method - Use Table C-1 (Appendix C).
  - B. NRCS Rainfall-Runoff Method - Use Table C-2 (Appendix C). Curve Numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CN's should realistically be rounded to the nearest whole number.
  - C. For the purposes of pre-development peak flow rate and volume determination, existing non-forested pervious areas conditions shall be considered as meadow (good condition).
  - D. For the purposes of pre-development peak flow rate and volume determination, twenty percent (20%) of existing impervious area, when present, shall be considered meadow (good condition).
- (7) Design Storm:
- A. All stormwater management facilities shall be verified by routing the proposed 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year hydrographs through the facility using the storage indication method or modified puls method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
  - B. The stormwater management and drainage system shall be designed to safely convey the post development 100-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.

- C. All structures (culvert or bridges) proposed to convey runoff under a Municipal road shall be designed to pass the 50-year design storm with a minimum 1 foot of freeboard measured below the lowest point along the top of the roadway.

(8) Time of concentration:

- A. The Time of Concentration is to represent the average condition that best reflects the hydrologic response of the area. The following Time of Concentration (Tc) computational methodologies shall be used unless another method is pre-approved by the Municipal Engineer:

1. Pre-development - NRCS's Lag Equation:

$$\text{Time of Concentration} = T_c = [(T_{lag}/.6) * 60]$$

(minutes)

$$T_{lag} = L^{0.8} \frac{(S + 1)^{0.7}}{1900\sqrt{Y}}$$

Where:

Tlag = Lag time (hours)

L = Hydraulic length of watershed (feet)

Y = Average overland slope of watershed (percent)

S = Maximum retention in watershed as defined by:  $S = [(1000/CN) - 10]$

CN = NRCS Curve Number for watershed

2. Post-development; commercial, industrial, or other areas with large impervious areas (>20% impervious area) - NRCS Segmental Method. The length of sheet flow shall be limited to 100 feet. Tc for channel and pipe flow shall be computed using Manning's equation.
3. Post-development; residential, cluster, or other low impact designs less than or equal to 20% impervious area - NRCS Lag Equation or NRCS Segmental Method.

- B. Additionally, the following provisions shall apply to calculations for Time of Concentration:

1. The post-development Tc shall never be greater than the pre-development Tc for any watershed or sub-watershed. This includes when the designer has specifically used swales to reduce flow velocities. In the event that the designer believes that the post-development Tc is greater, it will still be set by default equal to the pre-development Tc for modeling purposes.
2. The minimum Tc for any watershed shall be 5 minutes.
3. The designer may choose to assume a 5 minute Tc for any post development watershed or subwatershed without providing any computations.
4. The designer must provide computations for all pre-development Tc paths. A 5 minute Tc can not be assumed for pre-development.

5. Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the pre-development conditions for purpose of Tc calculation.
- (9) Where uniform flow is anticipated, the Manning's equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PENNDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the 10-year design event is contained below the top of grate for each inlet box.
- (10) The Municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- (11) The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the Municipality.  
(Ord. 3193. Passed 4-19-11.)

### **933.07 SWM SITE PLAN AND REPORT REQUIREMENTS.**

(a) General Requirements. For any of the activities regulated by this Ordinance and not eligible for the exemptions provided in Section 933.03(b), the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity, may not proceed until the Applicant has received written approval of a SWM Site Plan from the Municipality.

(b) SWM Site Plan and Report Contents.

- (1) The SWM Site Plan & SWM Site Report shall consist of all applicable calculations, maps, and plans. All SWM Site Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat and well organized; otherwise, the SWM Site Plan shall be rejected.
- (2) The SWM Site Plan & Report shall meet the requirements set forth in the Crawford County Stormwater Management Facility Design Handbook.
- (3) Appropriate sections from the Municipal Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plan.

(c) SWM Site Plan and Report Submission.

- (1) The Applicant shall submit the SWM Site Plan & Report for the Regulated Activity.
- (2) Three (5) copies of the SWM Site Plan & Report shall be submitted and be distributed as follows:
  - A. Two (2) copies to the Municipality accompanied by the requisite executed Review Fee Reimbursement Agreement, as specified in this Ordinance.

- B. One (1) copy to the Municipal Engineer.
  - C. One (1) copy to the Crawford County Planning and Commission .
  - D. One (1) copy to the Crawford County Conservation District.
- (3) Additional copies shall be submitted as requested by the Municipality or PADEP.
- (d) SWM Site Plan and Report Review.
- (1) The Municipality shall require receipt of a complete SWM Site Plan & Report as specified in this Ordinance. The Municipality shall review the SWM Site Plan & Report for consistency with the purposes, requirements, and intent of this Ordinance.
  - (2) The Municipality shall not approve any SWM Site Plan & Report that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan & Report is found to be deficient, the Municipality may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.
  - (3) The Municipality shall notify the Applicant in writing within forty-five (45) calendar days whether the SWM Site Plan & Report is approved or disapproved if the SWM Site Plan & Report is not part of a Subdivision or Land Development Plan. If the SWM Site Plan & Report involves a Subdivision or Land Development Plan, the timing shall following the Subdivision and Land Development process according to the Municipalities Planning Code.
  - (4) The Municipal Building Permit Office shall not issue a building permit for any Regulated Activity if the SWM Site Plan & Report has been found to be inconsistent with this Ordinance, as determined by the Municipality. All required permits from PADEP must be obtained prior to issuance of a building permit.
- (e) Modification of Plans. A modification to a submitted SWM Site Plan & Report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Municipality, shall require a resubmission of the modified SWM Site Plan in accordance with this Ordinance.
- (f) Resubmission of Disapproved SWM Site Plan and Report. A disapproved SWM Site Plan and Report may be resubmitted with the revisions addressing the Municipality's concerns documented in writing, to the Municipality in accordance with this Ordinance. The applicable Municipal Review Fee must accompany a resubmission of a disapproved SWM Site Plan & Report.
- (g) Authorization to Construct and Term of Validity. The Municipality's approval of a SWM Site Plan and Report authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Municipality may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Municipality signs the approval for a SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if an Record Drawing of these facilities has not been approved within this time, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits or approvals.

- (h) Record Drawings, Completion Certificate and Final Inspection.
- (1) The Applicant shall be responsible for providing Record Drawings of all stormwater BMPs included in the approved SWM Site Plan. The Record Drawing and an explanation of any discrepancies with the approved SWM Site Plan shall be submitted to the Municipality as a prerequisite for the release of the guarantee or issuance of an occupancy permit.
  - (2) The Record Drawing shall include a certification of completion signed by a Qualified Professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM Site Plan & Report.
    - A. Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.
    - B. Submission shall include a comparison of the constructed stage-storage (volume vs. elevation) of all above ground and below ground stormwater storage facilities to the approved design.
  - (3) After receipt of the Record Drawing and certification of completion by the Municipality, the Municipality may conduct a final inspection.  
(Ord. 3193. Passed 4-19-11.)

### **933.08 EASEMENTS.**

- (a) Easements provided shall be in favor of the Municipality, granting access and maintenance rights to the Municipality.
- (b) Easements shall be established to accommodate the existence of drainageways.
- (c) Where a tract is traversed by a watercourse, drainage-way, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainage-way, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the 100-year floodplain.
- (d) Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to: detention facilities (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
- (e) Easements are required for all areas used for off-site stormwater control.
- (f) All easements shall be a minimum of 20 feet wide and shall encompass the 100-year surface elevation of the proposed stormwater facility.
- (g) Easements shall provide ingress to, and egress from, a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Municipality or their designees access to all easements via the nearest public right-of-way able for vehicle ingress and egress on grades of less than ten percent (10%) for carrying out inspection or maintenance activities.
- (h) Where possible, easements shall be centered on side and/or rear lot lines.
- (i) Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement.

(j) All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the Municipal Engineer and Solicitor.  
(Ord. 3193. Passed 4-19-11.)

### **933.09 MAINTENANCE RESPONSIBILITIES.**

(a) Financial Guarantee.

- (1) When an approved SWM Site Plan requires the timely installation and proper construction of stormwater management controls, the Applicant shall provide a Financial Guarantee to the Municipality equal to one hundred ten percent (110%) of the full construction cost of the required controls in accordance with the Municipalities Planning Code.
- (2) At the completion of the project and as a prerequisite for the release of the Financial Guarantee, the Applicant shall:
  - A. Provide a certification of completion from an engineer, architect, surveyor or other qualified person, verifying that all permanent facilities have been constructed according to the SWM Site Plan & Report and approved revisions thereto.
  - B. Provide a set of Record Drawings.
  - C. Request a final inspection from the Municipality to certify compliance with this Ordinance, after receipt of the certification of completion and Record Drawings by the Municipality.

(b) Maintenance Responsibilities.

- (1) The SWM Site Plan & Report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
- (2) The SWM Site Plan & Report for the project site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principles:
  - A. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater control facilities/BMPs may also be dedicated to and maintained by the Municipality.
  - B. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.
  - C. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
  - D. The SWM Site Plan & Report shall be recorded as a restrictive deed covenant that runs with the land.
  - E. The Municipality may take enforcement actions against an Applicant for failure to satisfy any provision of this Ordinance.

- (3) The Municipality, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan & Report. The Municipality may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Municipality will accept the facilities. The Municipality reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
  - (4) If the Municipality accepts ownership of stormwater BMPs, the Municipality may, at its discretion, require a fee from the Applicant to the Municipality to offset the future cost of inspections, operations, and maintenance.
  - (5) It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM Site Plan, or to allow the property to remain in a condition, which does not conform to an approved SWM Site Plan, unless the Municipality grants an exception in writing.
- (c) Maintenance Agreement for Privately Owned Stormwater Facilities.
- (1) Prior to final approval of the SWM Site Plan & Report, the Applicant shall sign the Operation and Maintenance (O&M) Agreement (Appendix A) covering all stormwater control facilities that are to be privately owned. The Operation and Maintenance (O&M) Agreement shall be recorded with the SWM Site Plan and made a part hereto.
  - (2) Other items may be included in the Operation and Maintenance (O&M) Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The Operation and Maintenance (O&M) Agreement shall be subject to the review and approval of the Municipality and the Municipal Solicitor.
  - (3) The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the Operation and Maintenance (O&M) Agreement, the Municipality may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property. (Ord. 3193. Passed 4-19-11.)

### **933.10 INSPECTIONS.**

- (a) Schedule of Inspections.
- (1) PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the Municipality or their municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
  - (2) During any stage of Earth Disturbance Activities, if the Municipality determines that the stormwater management facilities are not being installed in accordance with the approved SWM Site Plan, the Municipality shall revoke any existing permits or approvals until a revised SWM Site Plan is submitted and approved as specified in this Ordinance.
  - (3) Stormwater BMPs shall be inspected by the landowner, or the landowner's designee according to the inspection schedule described on the SWM Site Plan for each BMP.
    - A. The Municipality may require copies of the inspection reports, in a form as stipulated by the Municipality.

- B. If such inspections are not conducted or inspection reports not submitted as scheduled, the Municipality, or their designee, may conduct such inspections and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.
1. Prior to conducting such inspections, the Municipality shall inform the owner of its intent to conduct such inspections. The owner shall be given thirty (30) days to conduct required inspections and submit the required inspection reports to the Municipality.
- (b) Right-of-Entry.
- (1) Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times, upon any property within the Municipality, to inspect the implementation, condition, or operations and maintenance of the stormwater BMPs in regard to any aspect governed by this Ordinance.
  - (2) Stormwater BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
  - (3) Persons working on behalf of the Municipality shall have the right to temporarily locate on any stormwater BMP in the Municipality such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater BMP.
  - (4) Unreasonable delay in allowing the Municipality access to a stormwater BMP is a violation of this Ordinance.  
(Ord. 3193. Passed 4-19-11.)

### **933.11 ENFORCEMENT AND PENALTIES.**

- (a) Notification.
- (1) In the event that a person fails to comply with the requirements of this Ordinance, an approved SWM Site Plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
  - (2) Failure to comply within the time specified shall subject such person to the Penalties Provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.
- (b) Enforcement.
- (1) The municipal governing body is hereby authorized and directed to enforce all of the provisions of this Ordinance. The approved SWM Site Plan shall be on file at the project site throughout the duration of the construction activity. The Municipality or their designee may make periodic inspections during construction.

- (2) Adherence to Approved SWM Site Plan
  - A. It shall be unlawful for any person, firm, or corporation to undertake any Regulated Activity on any property except as provided for by an approved SWM Site Plan and pursuant to the requirements of this Ordinance.
  - B. It shall be unlawful to alter or remove any control structure required by the SWM Site Plan pursuant to this Ordinance.
  - C. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM Site Plan.
  
- (c) Public Nuisance.
  - (1) A violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
  - (2) Each day that a violation continues shall constitute a separate violation.
  
- (d) Suspension and Revocation.
  - (1) Any approval or permit issued by the Municipality may be suspended or revoked for:
    - A. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation & Maintenance (O&M) Agreement.
    - B. A violation of any provision of this Ordinance or any other applicable law, Ordinance, rule or regulation relating to the Regulated Activity.
    - C. The creation of any condition or the commission of any act, during the Regulated Activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
  - (2) A suspended approval or permit may be reinstated by the Municipality when:
    - A. The Municipality or their designee has inspected and approved the corrections to the violation(s) that caused the suspension.
    - B. The Municipality is satisfied that the violation(s) has been corrected.
  - (3) An approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.
  
- (e) Penalties.
  - (1) Anyone violating the provisions of this Ordinance shall be guilty of a summary offense and, shall be subject to a fine of not more than three hundred dollars (\$300.00) for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
  - (2) In addition, the Municipality, through its solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

- (f) Appeals.
- (1) Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the Municipality within thirty (30) days of that action.
  - (2) Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the Crawford County Court of Common Pleas within thirty (30) days of the Municipality's decision. (Ord. 3193. Passed 4-19-11.)

### 933.12 PROHIBITIONS.

- (a) Prohibited Discharges and Connections.
- (1) Any drain (including indoor drains and sinks), or conveyance whether on the surface or underground, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or Waters of the Commonwealth is prohibited.
  - (2) Any drain or conveyance connected from a commercial or industrial land use to the Municipality's separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Municipality is prohibited.
  - (3) No person shall allow, or cause to allow, discharges into the Municipality's separate storm sewer system or into surface Waters of the Commonwealth, which are not composed entirely of stormwater, except:
    - A. As provided in subsection (a)(4) hereof, and
    - B. Discharges allowed under a state or federal permit.
  - (4) The following discharges are authorized unless they are determined to be significant contributors to pollution to the Waters of the Commonwealth:

|  |  |
|--|--|
| -Discharge from fire fighting activities   | -Water from crawl space pumps  |
| -Portable water sources including dechlorinated water and fire hydrant flushings   | -Flows from riparian habitats and wetlands   |
| -Air conditioning condensate   | -Uncontaminated water from foundations or from footing drains                          |
| -Springs   | -Irrigation or Lawn watering   |
| -Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used | -Dechlorinated swimming pool discharges  |
|  | -Water from individual residential car washing   |
|  | -Routine external building washdown (which does not use detergents or other compounds) |

- (5) In the event that the Municipality or PADEP determines that any of the discharges identified in subsection (a)(4) hereof is a significant contributor to pollution to the Waters of the Commonwealth, the responsible person(s) shall be notified to cease the discharge. Upon notice provided by the Municipality or PADEP, the discharger will have a reasonable time, as determined by the Municipality or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.
- (6) Nothing in this Section shall affect a discharger's responsibilities under Commonwealth Law.

(b) Roof Drains. Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

(c) Alteration of BMPs.

- (1) No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, facilities, areas, or structures unless it is part of an approved maintenance program, without the written approval of the Municipality.
- (2) No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the Municipality. (Ord. 3193. Passed 4-19-11.)

**933.13 FEES AND EXPENSES.**

(a) General. The fee required by this Ordinance is the Municipal Review Fee. The Municipal Review Fee shall be established by the Municipality to defray review costs incurred by the Municipality and the Municipal Engineer. The Applicant shall pay all fees.

(b) Expenses Covered by Fees. The fees required by this Ordinance shall, at a minimum, cover:

- (1) Administrative and Clerical Costs.
- (2) Review of the SWM Site Plan & Report by the Municipality.
- (3) Pre-construction meetings.
- (4) Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
- (5) Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM Site Plan.
- (6) Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

(c) Recording of Approved SWM Site Plan and Related Agreements.

- (1) The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM Site Plan, shall record the following documents in the Office of the Recorder of Deeds of Crawford County, within ninety days of approval of the SWM Site Plan by the Municipality:

- 
- A. The SWM Site Plan.
    - 1. Refer to the requirements of 1.A. of the Crawford County Stormwater Management Facility Design Criteria. At a minimum, the items 1.A.1-7, 8-11, 13, 14, 16, 18, and 10 must be included on the recorded SWM Site Plan.
  - B. Operations and Maintenance (O&M) Agreement (Appendix A).
  - C. Easements under Section 933.08.
  - D. Riparian buffers under Section 933.05.
- (2) The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section. (Ord. 3193. Passed 4-19-11.)



**APPENDIX A - OPERATION AND MAINTENANCE AGREEMENT**

**OPERATION AND MAINTENANCE (O&M) AGREEMENT**  
**STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and \_\_\_\_\_, Crawford County, Pennsylvania, (hereinafter "Municipality");

**WITNESSETH**

**WHEREAS**, the Landowner is the owner of certain real property in \_\_\_\_\_ (municipality), as recorded by deed in the land records of Crawford County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

**WHEREAS**, the Landowner is proceeding to build and develop the Property; and

**WHEREAS**, the SWM Site Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

**WHEREAS**, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

**WHEREAS**, the Municipality requires, through the implementation of the SWM Site Plan, that stormwater BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors and assigns.

**NOW, THEREFORE**, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents, and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMPs. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMPs by the Landowner or Municipality.
8. The Municipality may inspect the BMPs at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Crawford County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

\_\_\_\_\_

For the Landowner:

\_\_\_\_\_

Commonwealth of Pennsylvania }  
 County of Crawford, Pennsylvania } ss:

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me  
 the undersigned officer, personally appeared \_\_\_\_\_  
 \_\_\_\_\_ know to me (or satisfactorily proven)  
 to be the person whose name subscribed to the within  
 instrument, and acknowledges that \_\_\_\_\_ executed the same for the purpose therein  
 contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

My Commission Expires

(Ord. 3193. Passed 4-19-11.)

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Official Title



## APPENDIX B - LOW IMPACT DEVELOPMENT PRACTICES

### LOW IMPACT DEVELOPMENT PRACTICES ALTERNATIVE APPROACHES FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality, as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate runoff depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approaches:

- (a) **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern—streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.
- (b) **Protecting Natural Depression Storage Areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.
- (c) **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways, and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.

- 
- (d) **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are: routing of roof runoff over lawns; and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff and should help reduce concentration of runoff to a single point in the development.
  - (e) **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. The routing of roof drains and crowning the driveway to allow runoff to discharge to pervious areas is desirable as the pervious area essentially acts as a filter strip.
  - (f) **Reducing the Use of Storm Sewers.** By reducing the use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a "reasonable" time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.
  - (g) **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing cartway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets, which ultimately could lower maintenance and maintenance related costs.
  - (h) **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
  - (i) **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
  - (j) **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
  - (k) **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development "clusters" the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include: reduced potential of downstream flooding, reduced water quality degradation of receiving streams and water bodies, enhancement of aesthetics, and reduction of development costs. Beneficial results include: more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

(Ord. 3193. Passed 4-19-11.)



## APPENDIX C - REVIEW FEE REIMBURSEMENT AGREEMENT

THIS AGREEMENT MUST BE COMPLETED AND SIGNED BY THE DEVELOPER/APPLICANT PRIOR TO SUBMISSION OF THE SUBDIVISION/LAND DEVELOPMENT APPLICATION AND PLANS, SKETCH PLANS, CONDITIONAL USE APPLICATIONS OR ANY OTHER SUBMISSION WHICH REQUIRES MUNICIPAL CONSULTANT REVIEW

### REVIEW FEE REIMBURSEMENT AGREEMENT

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and \_\_\_\_\_, Crawford County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

**WHEREAS**, the Landowner is the owner of certain real property in \_\_\_\_\_ (municipality), as recorded by deed in the land records of Crawford County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

**WHEREAS**, the Landowner is proceeding to build and develop the Property; and

**WHEREAS**, the Landowner has submitted a SWM Site Plan for review and approval by the Municipality (hereinafter referred to as the "Plan") for the property identified herein; and

**WHEREAS**, the Developer has requested and/or required the Municipality approval and/or review of its proposed plans, and the Municipality is willing to authorize its professional consultants to review said Plan and/or proposal upon execution of this agreement, and upon deposit of an escrow account according to the current Fee Schedule.

**NOW, THEREFORE**, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner and Municipality hereby authorize and direct the Municipality's professional consultants, as defined at Section 107 of the Pennsylvania Municipalities Planning Code to review Landowner's plans or proposals to use its property, and to make such recommendations and specifications as may be necessary with respect to such plans in accordance with all applicable Municipality ordinances, and State and Federal rules and regulations.
2. The Landowner and Municipality acknowledge that the Municipality will incur costs and fees relating to the review of Landowner's plans by its professional consultants, and Landowner agrees to pay and/or reimburse the Municipality for such costs in accordance with this agreement.

3. The Landowner shall pay the professional consultant's charges and fees for the following: (a) review of any and all Stormwater Management Plans, studies, or other correspondence relating to the Landowners submission; (b) attendance at any and all meetings relating to Landowner's plan; (c) preparation of any reports, legal documents, or other correspondence relating to Landowner's plan or proposal; (d) inspection of the improvements during construction and final inspection upon completion; (e) any additional work required to assist the Municipality to enforce any permit provisions regulated by the Stormwater Management Ordinance, correct violations, and assure proper completion of stipulated remedial actions; and (e) administrative cost and incurred expenses relating to the administration of this agreement. It is understood by the execution of this agreement that the Landowner specifically accepts the Fee Schedule currently in effect in the Municipality.
4. The Landowner hereby agrees to deposit with the Municipality the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), payable as cash in U.S. Dollars or check drawn on a Pennsylvania bank, as security for the payment of all costs and expenses, charges and fees as set forth in Paragraph 3 above, upon execution of this agreement, which shall be held in a noninterest- bearing account by the Municipality. In the event that the above deposited escrow fund shall fall below fifty percent (50%) of the original deposit, the Landowner shall immediately, upon receipt of written notice from the Municipality or its agent(s), deposit sums with the Municipality necessary to replenish the account to its original balance. In the event that this is insufficient to pay current Municipality incurred expenses, Landowner agrees to pay the total amount currently due for Municipality incurred expenses without delay in addition to re-establishing the base escrow account balance. The Municipality will use its best efforts to advise the Landowner of the impending likelihood that its costs have exceeded the required escrow account sums as described above.
5. Landowner and Municipality agree that upon completion of the Municipality's review of Landowner's plan or proposal, all unused portions of the escrow account as described above shall be returned to the applicant upon written request to the Municipality.
6. Landowner and Municipality acknowledge that the Ordinance and appropriate fee schedules require Landowner to pay Municipality's professional consultant fees relating to this plan or project, and in the event that Landowner fails to provide sufficient funds in the above-described revolving escrow account upon fifteen (15) days written notice to the Landowner or make the initial deposit payment described above within five (5) days of the date of this agreement, Landowner shall be in default of this agreement and in violation of the above Sections of Ordinance. In the event of Landowner's default as described above, the Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop the subject site until such time as the terms of this Agreement are strictly met by Landowner. Moreover, final approval or further review may be denied or delayed until such time as the terms of this agreement are strictly met by Landowner.
7. Landowner and the Municipality further agree that all fees or costs arising out of this Agreement shall be paid prior to the issuance of any permit, occupancy or otherwise, for the use, improvement or construction of the buildings as proposed on the Landowner's plan. The Landowner agrees and acknowledges that no permit, occupancy or otherwise, or recordable plans, shall be released by the Municipality until all outstanding professional consultant fees and costs are paid to the Municipality, and provided that the Landowner is not in default under this agreement.

8. The Landowner may at any time terminate all further obligations under this Agreement by giving fifteen (15) days written notice to the Municipality that it does not desire to proceed with the development as set forth on the plan and upon receipt of such written notice by the Landowner to the Municipality, the Landowner shall be liable to the Municipality for its costs and expenses incurred to the date and time of its receipt of the notice, plus the applicable administrative costs and expenses as outlined in Paragraph 3 above.
9. The Landowner and the Municipality further agree that the Municipality shall have the right and privilege to sue the Landowner or the property owner in assumpsit for reimbursement or to lien the property or both, in its sole discretion, for any expense in excess of the then current balance of funds on deposit with the Municipality in accordance with this agreement incurred by the Municipality by reason of any review, supervision and inspection of Landowner's project by its professionals including, but not limited to, the Municipality Engineer and Solicitor. The Municipality's election of its remedies under this paragraph shall not constitute a waiver of any other remedies the Municipality may have.
10. The Landowner and the Municipality acknowledge that this agreement represents their full understanding as to the Municipality's reimbursement for professional or consultant services.
11. This agreement shall be binding on and insure to the benefit of the successors and assigns of Landowner. The Municipality shall receive thirty (30) days advance written notice from Landowner of any proposed assignment of Landowner's rights and responsibilities under this Agreement.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

\_\_\_\_\_

For the Landowner:

\_\_\_\_\_

Commonwealth of Pennsylvania } ss:  
County of Crawford, Pennsylvania

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned officer, personally appeared \_\_\_\_\_ known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument, and acknowledges that \_\_\_\_\_ executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

My Commission Expires

\_\_\_\_\_  
Official Title

(Ord. 3193. Passed 4-19-11.)

### APPENDIX D - SMALL PROJECTS SWM APPLICATION

#### Crawford County Small Project Stormwater Management Application

Per The City of Titusville's Act 167 Stormwater Management Ordinance, a stormwater management plan is required whenever more than 2,500 square feet of impervious surface is proposed. Impervious surfaces are areas that prevent the infiltration of water into the ground and shall include, but not be limited to, roofs, patios, garages, storage sheds and similar structures, and any new streets or sidewalks.

| To Calculate Impervious Surfaces Please Complete This Table    |        |   |       |   |                          |
|--|--------|---|-------|---|--------------------------|
| Surface Type   | Length | x | Width | = | Proposed Impervious Area |
| Building   |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
| Driveway   |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
| Parking Areas  |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
| Patios/Walks   |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
| Other  |        | x |       | = |                          |
|  |        | x |       | = |                          |
|  |        | x |       | = |                          |
| Total Impervious Surface Area to be managed (sum of all areas) |        |   |       |   |                          |

**If the Total Impervious Surface Area is 2,500 Square Feet or LESS, read, acknowledge and sign below.**

**If the Total Impervious Surface Area is GREATER THAN 2,500 Square Feet, complete the remainder of the Application.**

Based Upon the information you have provided a Stormwater Management Plan IS NOT required for this regulated activity. However, the City of Titusville may request additional reporting and/or management should public health or safety or property or the environment be threatened.

Property Owner Acknowledges that submission of inaccurate information may result in a stop work order or permit revocation. Acknowledgement of such is by signature below. I declare that I am the owner or owner's legal representative. I further acknowledge that the information provided is accurate and employees of the City of Titusville are granted access to the above described property for review and inspection as may be required.

\_\_\_\_\_ Owner

Date: \_\_\_\_\_

## CREDITS

### Credit 1: DISCONNECTION OF IMPERVIOUS AREA

When runoff from impervious areas is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, all or parts of the impervious areas may qualify as Disconnected Impervious Area (DIA). Using the criteria below, determine the portion of the impervious area that can be excluded from the calculation of total impervious area.

**Criteria:** An impervious area is considered to be completely or partially disconnected if it meets the requirements listed below:

- rooftop area draining to a downspout is  $\leq 500\text{sf}$
- paved area draining to a discharge is  $\leq 1,000\text{sf}$
- flow path of paved impervious area is not more than 75'
- soil at discharge is not designated as hydrologic soil group "D"
- flow path at discharge area has a positive slope of  $\leq 5\%$
- gravel strip or other spreading device is required at paved discharges.

| Length of Pervious Flow Path from discharge point * (ft) | DIA Credit Factor |
|--|-------------------|
| 0-14   | 1.0               |
| 15-29  | 0.8               |
| 30-44  | 0.6               |
| 45-59  | 0.4               |
| 60-74  | 0.2               |
| 75 or more   | 0                 |
|  |                   |

\* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.

| Calculate DIA Credit & Required Capture Volume |  |   |                   |   |                               |   |   |   |  |
|--|--|---|-------------------|---|-------------------------------|---|---|---|--|
| Surface Type                                   | Proposed Impervious Area (from previous sheet) | X | DIA Credit Factor | = | Impervious Area to be managed | ÷ |   | = | Required Capture Volume (ft <sup>3</sup> ) |
| Building (area per downspout)                  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
| Driveway                                       |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
| Parking Areas                                  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
| Patios/Walks                                   |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
| Other  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
|  |  | x |                   | = |                               | ÷ | 6 | = |  |
| Total Req'd Capture Volume                     |  |   |                   |   |                               |   |   |   |  |

**Credit 2: TREE PLANTING**

Perhaps the best BMP is a tree as it intercepts rainfall, increases evapotranspiration and increases time of concentration. A portion of the required capture volume can be reduced provided the criteria are met.

**CREDITS**

|                                    |                                     |
|------------------------------------|-------------------------------------|
| Deciduous Trees                    | Evergreen Trees                     |
| 6 ft <sup>3</sup> per tree planted | 10 ft <sup>3</sup> per tree planted |

**Criteria**

To receive credit for planting trees, the following must be met:

- Trees must be native species (see below), minimum 2" caliper and 6 feet tall (min).
- Trees shall be adequately protected during construction.
- Trees shall be maintained until redevelopment occurs.
- No more than twenty-five percent (25%) of the runoff volume can be mitigated through the use of trees.
- Dead trees shall be replaced within 6 months.
- Non-native species are not applicable.

|   |  |
|---|--|
|   | <b>Req'd Capture Volume (ft<sup>3</sup>)</b>         |
| - |  |
|   | <b>Tree Planting Credit (ft<sup>3</sup>)</b>         |
|   | <b>Capture Volume to be managed (ft<sup>3</sup>)</b> |

**Sizing of BMP**

|   |   |
|---|---|
|   | How much of the Volume will you manage with a Rain Garden?    |
| + |   |
|   | How much of the Volume will you manage with a Sump or Trench? |
|   | <b>Capture Volume to be managed (ft<sup>3</sup>)</b>          |

Enter the volumes into the Small Project SMW Plan Worksheet on the next sheet.

Native Species Trees (Common Name)

|   |  |   |  |
|---|--|---|--|
| - | Blackgum                               | - | Sycamore, American                                   |
| - | Arrow-wood, southern                   | - | Cotton-wood, eastern                                 |
| - | Box-elder                              | - | Aspen, big-tooth or quaking                          |
| - | Maple, (red or silver)                 | - | Cherry, black  |
| - | Birch, (river or gray)                 | - | Oak, (white, swamp white, scarlet, pin, willow, red) |
| - | Ironwood                               | - | Willow, black  |
| - | Hickory, sweet pignut or shag-bark     | - | Bald Cypress   |
| - | Cedar, (Atlantic white or eastern red) | - | Basswood, American                                   |
| - | Beech, American                        | - | Serviceberry, (downy or shadbush)                    |
| - | Ash, (white, black or green)           | - | Redbud, eastern                                      |
| - | Holly, American                        | - | Dogwood, flowering                                   |
| - | Tuliptree                              | - | Magnolia, sweetbay                                   |
|   |  | - | Pine, (pitch or eastern white)                       |

**Small Project SWM Plan Worksheet**

Based upon the information you have provided a Stormwater Plan is Required for this development activity. The Stormwater Management Ordinance developed through the Crawford County Act 167 Stormwater Management Plan regulates compliance requirements for Stormwater Management in this jurisdiction. A complete copy of the Plan can be found on the Crawford County website.

Regulated activities shall be conducted only after the City of Titusville approves a stormwater management plan. The Crawford County Act 167 Stormwater Management Plan will assist you in preparing the necessary information and plans for the City of Titusville to review and approve. This document will constitute an approved plan if all of the relevant details are to be installed in their entirety AND no part of the stormwater system adversely affects any other property, nor adversely affect any septic systems or drinking water wells on this, or any other, parcel. If an alternative system is to be used a plan will need to be submitted to the City of Titusville for approval. A design by a qualified professional may be required for more complex sites.

**PLEASE INITIAL BELOW TO INDICATE THE STORMWATER MANAGEMENT PLAN FOR THIS SITE**

- Minimum Control #1 Erosion & Sediment Pollution Control (Elements 1-10)
- Minimum Control #2: Source Control of Pollution
- Minimum Control #3: Preservation of Natural Drainage Systems and Outfalls

The relevant details from Crawford County Act 167 Stormwater Management Plan will be installed in their entirety AND the system will be located as not to adversely affect other property, nor any septic systems or drinking water wells on this, or any other, parcel.

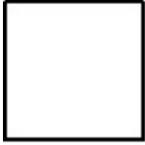
To meet this requirement, the following will be installed and maintained:

| Capture Volume to be managed (ft <sup>3</sup> ) |  | Conversion | Surface Area of BMPs (ft <sup>2</sup> ) |
|---|--|------------|---|
|   | by Rain Garden<br>6" ponding; 2' soil depth                  | x 1.20     |   |
|   | Dry Well or Infiltration<br>Trench 2 1/2' aggregate<br>depth | x 1.25     |   |
| Total   |  | Total      |   |

In lieu of meeting the above, an alternative and/or professional design is attached for approval AND the system will be located as not to adversely affect other property, any septic systems or drinking water wells on this, or any other, parcel.

Site Sketch Plan Showing:

- Property lines with dimensions
- Proposed buildings with dimensions
- Proposed impervious surfaces with dimensions
- Proposed septic system, if applicable
- Proposed well site, if applicabile
- Proposed stormwater management system(s)



Operation and Maintenance Agreement

**Condition on approval** - The stormwater management plan must be fully implemented prior to a request for final inspection of the building or zoning permit.

**Acknowledgement** - By executing below, the Owner acknowledges the following:

- I declare that I am the owner of the property.
- The information provided is accurate.
- I further acknowledge that municipal representatives are granted access to the above described property for review and inspection as may be required.

\_\_\_\_\_**Owner**    **Date:** \_\_\_\_\_

(Ord. 3193. Passed 4-19-11.)

**ARTICLE 935**  
**Certificate of Storm Water Compliance**

|   |  |
|---|--|
| <p><b>935.01</b> Definitions.</p> <p><b>935.02</b> Sale without evidence of compliance prohibited.</p> <p><b>935.03</b> Evidence of compliance; certificate of compliance applications.</p> <p><b>935.04</b> Temporary document of certification.</p> <p><b>935.05</b> Certification of sanitary sewer status prior to sale of real estate.</p> | <p><b>935.06</b> Written reports of and required repairs of deteriorating laterals and sewer service connections.</p> <p><b>935.07</b> Powers of the City.</p> <p><b>935.08</b> Powers conferred herein are in addition to all other powers and responsibilities of authorities.</p> <p><b>935.09</b> Periodic testing authorized.</p> <p><b>935.10</b> Rules and regulations.</p> <p><b>935.99</b> Penalty.</p> |
|---|--|

---

**935.01 DEFINITIONS.**

(a) "Selling/Sale" shall mean a transfer of interest in real estate for consideration. The term shall include transfers under "land contracts" and installment sales agreements. The term shall not include:

- (1) Conveyance between spouses or former spouses as part of marital agreement.
- (2) Conveyance between parent and child for no or nominal consideration.
- (3) Conveyance made from estate to heir or devisees.
- (4) A lease of real estate.

(b) "Test/Testing" means any method of testing deemed appropriate by City of Titusville including but not limited to dye and/or smoke testing or televisual equipment whereby they are introduced into the storm, surface, or sub-surface water collection system and downspouts of real estate to determine if any unauthorized storm water or surface water is entering into the sanitary sewer system.

(c) "Certificate of Compliance" means an official statement from the City Building Inspector stating that there are no illegal storm or surface water connections into the sanitary sewer system on the specific property which is being sold, transferred or assigned.

(d) “Unauthorized Storm or Surface Water Connections” means the unauthorized connection pipe, conduit, channel or other man-made channel allowing storm water from real estate to drain into the sanitary sewer system.

(e) “Person” means any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority or other entity recognized by law as the subject of rights and duties.

(f) “Temporary Certificate of Compliance” means a temporary statement of certification from the Building Inspector issued pursuant to the terms of Section 935.04.  
(Ord. 3022. Passed 11-13-00.)

### **935.02 SALE WITHOUT EVIDENCE OF COMPLIANCE PROHIBITED.**

After the effective date of this article, it shall be unlawful for any person to Sell any real estate within the City on which a building or improvement exists, without first obtaining and delivering to the purchaser, transferee or assignee a Certificate of Compliance or a Temporary Certificate of Compliance from the Building Inspector.  
(Ord. 3022. Passed 11-13-00.)

### **935.03 EVIDENCE OF COMPLIANCE; CERTIFICATE OF COMPLIANCE APPLICATIONS.**

Any person Selling real estate located within the City of Titusville, (hereinafter Applicant) shall make application on a form furnished by the City at least fourteen (14) days before the date of sale, transfer or assignment. The Applicant shall then have the City test the property to be sold, transferred or assigned to ensure that it is in compliance with the prohibitions against unauthorized storm water connections into the City's sewer system. The City shall complete the appropriate portions on the form that the property has been tested and certify the results of such test. In the event that there are no illegal storm or surface water connections, the City or its designate shall issue a Certificate of Compliance upon the payment of fifty dollars (\$50.00). When an illegal storm or surface connection is discovered by the means of the above-mentioned testing, no Certificate of Compliance will be issued until the illegal connections are removed, inspected and approved by the City.  
(Ord. 3022. Passed 11-13-00.)

### **935.04 TEMPORARY DOCUMENT OF CERTIFICATION.**

A Temporary Certificate of Compliance may be used at the City's sole discretion only under the following circumstances:

- (a) When such Testing cannot be performed because of weather conditions, the Applicant shall provide the City with security in the amount established by Council to guarantee that the appropriate test will be performed. The Applicant shall cause to have performed the appropriate test at such time as weather conditions make such testing possible. In addition, the Applicant shall provide a signed written acknowledgment from the purchaser, transferee or assignee of the real estate, acknowledging that the test must be conducted and certifying that appropriate funds have been escrowed to pay for cost of correcting unauthorized storm water connections that may be determined by the Testing. Nothing in this subsection shall prohibit any purchaser, transferee or assignee from requiring the Applicant to reimburse the purchaser, transferee or assignee for any costs incurred, provided, nevertheless, that primary liability shall run with the land and no such agreement shall affect the City enforcement powers or excuse the current owner from performance.

- (b) When illegal storm water or surface water connections have been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the Applicant, the Applicant may apply to the City for a Temporary Certificate of Compliance which may only be issued when the Applicant provides the City with all of the following:
- (1) Cash security in the amount of the contract for the completion of the necessary remedial work is posted with the City; and
  - (2) An Agreement by the purchaser, transferee or assignee to be responsible for all cost overruns related to the remedial work, together with a license to the City to enter upon the property to complete such work in case of default by the contractor. The City shall determine, by regulation, when such Temporary Certificate of Compliance shall expire, at which time the security shall be forfeited, and the City may use the security to have the necessary remedial work completed.  
(Ord. 3022. Passed 11-13-00.)

**935.05 CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO SALE OF REAL ESTATE.**

In addition to the requirements set forth in Section 935.02, 935.03, and 935.04 of this article of the City of Titusville for issuance of a Document of Certification set forth therein, any person selling real estate located within the City must subject such person's real property to prior inspection, including inspection of interior premises of any building or residence, by authorized representatives of the City, between the hours of 7:00 a.m. and 3:00 p.m., prevailing time and upon prior seven (7) days written advance notice at no cost to the person selling such real estate to determine the presence of sump pump or other similar devices which discharge extraneous waters into the City sanitary sewer system. Such person shall not be issued a Certificate of Compliance until:

- (a) Such inspection has been performed and has revealed no device discharging extraneous waters into the City sanitary sewer system or
- (b) A follow-up inspection verifies that such device found to be previously in operation has been disconnected and removed.

(Ord. 3022. Passed 11-13-00.)

**935.06 WRITTEN REPORTS OF AND REQUIRED REPAIRS OF DETERIORATING LATERALS AND SEWER SERVICE CONNECTIONS.**

Whenever the City, whether through testing or otherwise, identifies deteriorating laterals and sewer service connections that are or may cause infiltration and inflow of extraneous waters into the sanitary sewers may provide to the owner or owners of the property written notice setting forth the condition of the laterals and sewer connections, said notice may contain a demand that the deteriorating laterals and sewer service connections must be promptly repaired or replaced. A copy of all written reports prepared by the City in connection with examination of storm water connections and deteriorating laterals and sewer service connections shall be maintained by the City and the Building Inspector's office and said reports may be used by the City in determining whether a Certificate of Compliance can be issued.

(Ord. 3022. Passed 11-13-00.)

**935.07 POWERS OF THE CITY.**

The City of Titusville and its employees in performing the duties and undertaking the programs identified in this article, shall be empowered to enter upon any private property between the hours of 7:00 a.m. and 3:00 p.m., prevailing time, with seven (7) days advance written notice to the owner, for the purpose of conducting inspections and/or enforcing this article and shall have only those powers expressly set forth in this article and in other ordinances of the City or provided by law to perform its functions consistent with such ordinances.  
(Ord. 3022. Passed 11-13-00.)

**935.08 POWERS CONFERRED HEREIN ARE IN ADDITION TO ALL OTHER POWERS AND RESPONSIBILITIES OF AUTHORITIES.**

The powers conferred by the within article to the City of Titusville shall be in addition to and not in substitution for any other powers conferred upon such City to enforce and require the elimination of illegal storm water and surface water connections to the City sewer system and other public sewer systems maintained within the borders of the City.  
(Ord. 3022. Passed 11-13-00.)

**935.09 PERIODIC TESTING AUTHORIZED.**

(a) No property or property user in the City sanitary sewer system shall discharge, or permit the discharge, of any storm water, surface water, springs or natural water courses, roof runoff, subsurface drainage, foundation drains, driveway drainage, cooling water or unpolluted industrial process water into said sanitary sewer system.

(b) The City is hereby authorized to conduct by aforesaid advance written notice random periodic smoke and/or dye tests, and any other appropriate test or inspection, without costs to the residents of the City, of all existing sewer systems and structures in the City for compliance with this article and other laws pertaining to sewer systems and structures.

(c) Every owner, lessee or occupier of land within the City shall submit to Testing by the City. The owner, lessee or occupier of the land shall permit said Testing upon request of the City to conduct such Testing at no cost to the owner, lessee, or occupier of land. Testing will not be required when the owner, lessee or occupier of the land produces a valid Certificate of Compliance issued by the City in accordance with this article, which Certificate of Compliance shall be sufficient proof of compliance for purpose of this article, for a period of one (1) year from the date of issuance.

(d) When unauthorized storm water or surface water connections into the City sewer system or conditions have been discovered, all necessary remedial work to correct such connection shall be completed by the owner of the premises, weather permitting, within sixty (60) days of the date such party receives notification of the unauthorized connection or condition.

(e) In the event the necessary remedial work would create severe economic hardship for the owner, lessee or occupier of the premises, application may be made to the City for an extension of up to an additional six (6) months to complete said remedial work. A severe economic hardship shall be defined as any person or persons who qualifies as having a level of income considered to be a low-moderate income under federal guidelines.

In the event the owner, lessee, or occupier of the premises who established severe economic hardship is unable to effect the necessary remedial work within the time permitted, including any extension thereof, the City may undertake to have the necessary remedial work completed at the expense of the owner, lessee, or occupier of the premises, and to make any necessary arrangements for the payment of said work by the owner, lessee, or occupier of the premises on an installment basis, which arrangements shall be mutually satisfactory to the owner, lessee or occupier. Under such circumstances, in the event satisfactory arrangements are not agreed upon by the City and the owner, lessee, or occupier, the City may file a lien against such property, which lien shall remain in effect until payment in full or sale of the property occurs. (Ord. 3022. Passed 11-13-00.)

#### **935.10 RULES AND REGULATIONS.**

The City of Titusville is hereby authorized, empowered and directed to make rules and regulations for the operation and enforcement of this article as it deems necessary, which shall include, but not be limited to:

- (a) Establishing acceptable forms of security or guarantees;
- (b) Establishing the forms of application, fees, and purchaser acknowledgments;
- (c) Limiting the times of year in which Temporary Certificates of Compliance are available for reasons of weather;
- (d) Such other rules and regulations as are necessary for the operation and enforcement of this article.

(Ord. 3022. Passed 11-13-00.)

#### **935.99 PENALTY.**

(a) Any person prior to the Sale of real estate in the City of Titusville does not obtain either a Certificate of Compliance or a Temporary Certificate of Compliance prior to Sale shall be subject a fine of not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00) for each day that the owner of the property fails to get the Certificate of Compliance from the date of sale to the date the violation is corrected. Each day of violation shall be a separate offense; and

(b) Nothing herein shall be interpreted or construed to limiting the imposition of the penalty set forth in Section 927.99 of the Codified Ordinances of the City of Titusville which penalty may be imposed in addition to the penalty set forth in subsection (a) hereof.

(Ord. 3022. Passed 11-13-00.)



**TITLE FIVE - Other Services**

Art. 941. Parks Generally.

Art. 943. Park and Recreation Rules and Regulations.

**ARTICLE 941  
Parks Generally**

**941.01 Scheide Park designated.**

**941.02 Roberts Grove designated.**

**941.03 Fleming Park designated;  
hours and penalty.**

**941.04 Hours for City parks and  
recreation fields; penalty.**

**CROSS REFERENCES**

Parks, playgrounds, and recreation centers - see 3rd Class §3701 et seq. (53 P.S. §38701 et seq.)

Recreation Board to supervise parks - see ADM. 155.04

Dogs prohibited in parks - see GEN. OFF. 705.01

**941.01 SCHEIDE PARK DESIGNATED.**

The City Park, bounded by South Perry Street, West Central Avenue, South Washington Street and West Spring Street, which park has heretofore been named and known as Colonel Drake Park, shall be hereinafter named, known and designated as Scheide Park.

(Ord. 1237 §1. Passed 10-2-39.)

**941.02 ROBERTS GROVE DESIGNATED.**

All that certain piece or parcel of land situated in the City bounded and described as follows: On the north by West Oak Street; on the east by North Monroe Street; on the south by West Elm Street; and on the west by North First Street; and which has heretofore been known and designated as City Park shall be now known and designated as Roberts Grove.

(Ord. 1246 §1. Passed 5-20-40.)

**941.03 FLEMING PARK DESIGNATED; HOURS AND PENALTY.**

(a) Designation. All that certain piece or parcel of land situated in the Fourth Ward of the City of Titusville, bounded and described as follows: on the north by Diamond Street, on the east by the Titusville Housing Authority property, on the south by East Spring Street, and on the west by Martin Street, and more fully described in Crawford County Deed Book 507, Page 831; shall be hereinafter named, known and designated as Joseph E. Fleming, Jr. Park.

(b) Hours. The hours of Fleming Park shall be between 5:00 a.m. and 12:00 midnight, prevailing time. No person shall be allowed in such park between the hours of 12:00 midnight and 5:00 a.m. prevailing time.

(c) Penalty. Whoever violates any provision of this section is guilty of a summary offense and shall be fined not more than three hundred dollars (\$300.00) and, in default of payment thereof, shall be imprisoned for not more than thirty days.

(Ord. 1845 §1-3. Passed 1-13-81.)

**941.04 HOURS FOR CITY PARKS AND RECREATION FIELDS; PENALTY.**

(a) Hours. The hours for any City Park or recreation field owned and/or maintained by the City shall be between 5:00 a.m. and 10:00 p.m., prevailing time. No person shall be permitted in any City park or recreation field between the hours of 10:00 p.m. and 5:00 a.m., prevailing time, unless they shall be there as a participant in any activity supervised by the City or its boards and/or committees, or shall be passing through such parks or recreation fields on sidewalks designated for pedestrian use.

(b) Penalty. Whoever violates any provision of this section shall be guilty of a summary offense and shall be fined not more than three hundred dollars (\$300.00) and, in default of payment thereof, shall be imprisoned for not more than thirty days.

(Ord. 1961 §1-2. Passed 10-10-88.)



**ARTICLE 943**  
**Park and Recreation Rules and Regulations**

|   |                                      |
|---|--------------------------------------|
| <b>943.01 Purpose.</b>  | <b>943.04 Acts prohibited.</b>       |
| <b>943.02 Preservation of property, natural resources and wildlife.</b> | <b>943.05 Enforcement Authority.</b> |
| <b>943.03 Operating policy.</b>   | <b>943.99 Penalty.</b>               |

**CROSS REFERENCES**

Parks, playgrounds, and recreation centers - see 3rd Class §3701 et seq. (53 P.S. §38701 et seq.)  
 Recreation Board to supervise parks - see ADM. 155.04  
 Dogs prohibited in parks - see GEN. OFF. 705.01  
 Parks designated; hours - see S.U. & P.S. Art. 941  
 Dumping rubbish in streams - see HLTH. 1107.01

**943.01 PURPOSE.**

It is the intent, purpose and scope of this article to insure the preservation of public park lands, recreation facilities, and conservation areas within the City of Titusville for the perpetual enjoyment of the residents of the City of Titusville, to regulate activities within these areas consistent with the enjoyment of unspoiled natural settings and park facilities, and to prevent any nuisances to the residents of the City of Titusville in the use of such public park lands, recreation facilities, and conservation areas or in the enjoyment of private property adjacent to such areas. (Ord. 3077. Passed 12-16-02.)

**943.02 PRESERVATION OF PROPERTY, NATURAL RESOURCES AND WILDLIFE.**

No person, except those authorized by the City and conducting City Business, shall, in recreation, park or conservation areas shall:

- (a) Injure, deface, disturb, befoul or in any manner destroy or cause to be destroyed any part of any recreation, park or conservancy site owned by the City, or any building, sign structure, equipment, utility or other property found therein;
- (b) Remove, injure or destroy any shade tree, or ornamental flower, shrub or plant or any material of historical or archaeological interest;
- (c) Kill, trap, hunt, pursue or in any manner deliberately disturb or cause to be disturbed any wild bird or animal within the recreation, park and conservancy sites owned by the City, except as permitted in Section 943.04 (b);

- (d) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters; or dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash anywhere within the park and conservancy sites owned by the City; but rather to make use of proper receptacles where these are provided, and where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for their presence, and shall be properly disposed of; or (Ord. 3077. Passed 12-16-02.)
- (e) Make any physical changes brought about through development and/or redevelopment of new or existing City park sites, facilities and grounds without the prior authorization of City Council. (Ord. 3246. Passed 2-23-16.)
- (f) For purposes of this article, "City Business" shall mean any activity within the scope of and in pursuit of the City's operations.  
(Ord. 3077. Passed 12-16-02.)

#### **943.03 OPERATING POLICY.**

(a) Hours of Operation. Recreation, park and conservation areas shall be open daily to the public from official sunrise to official sunset with the exception of the lighted areas of Burgess Park, Robert's Grove, and Scheide Park for which the closing time shall be 10:00 p.m.; and it shall be unlawful for any person, or persons, other than City conducting City Business therein, to occupy or be present in said park during any hours in which the park is not open to the public. Permits must be obtained for use after official sunset for specific activities. Any section, or part of the recreation, park and conservation areas may be declared closed to the public at any time and for any interval of time, either temporarily or at regular or stated intervals. During such periods of time, it shall be unlawful to enter upon or occupy such areas or portions thereof contrary to posted regulations.  
(Ord. 3077 . Passed 12-16-02; Ord. 3246. Passed 2-23-16.)

(b) Group Activities; Possession and Consumption of Alcoholic Beverages. Whenever any City or any authorized group, association or organization desires to use recreation or park facilities, for a particular purpose, such as picnics, parties, or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit for such use in specially designated areas from the City Manager or his/her designee. The City Council may adopt an application form to be used by the City Manager which shall require an indemnity bond or other security to protect the City from any liability of any kind or character and to protect City property from damage. The City Manager shall grant the permit if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public, and if the group, association or organization meets all other conditions contained in the application. It shall be unlawful for any person to have in his or her possession, custody or control any alcoholic beverage, including beer, of any kind whatsoever within any City recreation area, park or conservancy site.  
(Ord. 3246. Passed 2-23-16.)

(c) Use of Facilities. Facilities and areas in City recreation, park, or conservancy sites shall be used only for the purpose designated or implicit in their character. Special activities including flying model airplanes, games, picnics, the operation of all-terrain vehicles, motor scooters, motorcycles, mini-bikes, go-carts, snowmobiles, bicycles and similar vehicles shall be permitted only at locations (roadways or trails) specifically designated for such use and at times established. Facility specific regulations shall be approved by City Council. Certificates of insurance naming the City as additionally insured shall be provided by groups or organizations requesting use in an amount equal to or greater than the City's liability limit. Social and family events such as reunions, small parties, and socials sponsored by private individuals may be excepted from the requirement of providing insurance.

(Ord. 3077. Passed 12-16-02; Ord. 3246. Passed 2-23-16.)

(d) Supervision of Minor Children. Parents shall be responsible for appropriate supervision of their minor children and shall be financially responsible for the behavior and actions of their minor children.

(e) Motor Vehicles. Licensed motor vehicles shall be permitted only on designated roadways. The speed limit for such vehicles on such roadways shall be ten (10) miles per hour. All-terrain vehicles, motorcycles, mini-bikes, go-carts and snowmobiles shall not be permitted on roadways designated for licensed vehicular traffic unless licensed for travel on the public roads of the Commonwealth of Pennsylvania. All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulations and times is prohibited, and such vehicles may be removed by the City at the owner's expense. All parking is prohibited after regular closing time, except for a sponsored event or for an activity for which a permit was issued. It shall be unlawful to clean, wash, repair, or do any work whatsoever on private vehicles within recreation, park and conservation areas except for emergency repairs.

(f) Fees. The City Council shall have the authority to issue a fee schedule. The Leisure Services Board shall set the amount of deposits and prescribe conditions under which deposits are collected or forfeited. Such revenue shall be used for recreation, park and conservation purposes.

(g) Permits. Permits are required for scheduled use of City facilities and/or whenever amplified sound is used; for organized use of pavilions, playing fields, courts, or courses; for the training and/or exhibition of animals; for use after official sunset for specific activities; or a single assemblage of twenty (20) persons or more. Certificates of insurance naming the City as additionally insured shall be provided by groups or organizations requesting use in an amount equal to or greater than the City's liability limit. Social and family events such as reunions, small parties and socials sponsored by private individuals may be excepted from the requirement of providing Insurance. (Ord. 3077. Passed 12-16-02.)

#### **943.04 ACTS PROHIBITED.**

(a) Fires and Fireworks. Fires may not be built or allowed anywhere in recreation, park or conservation areas except in stoves, fireplaces, or designated areas provided for that purpose. Permits shall be secured from the City Fire Chief for any fireworks at any time, and for fires to be maintained after closing time.

(b) Animals. It shall be unlawful for owners of domesticated animals to permit same within recreation, park or conservation areas without being restrained by a leash not to exceed six (6) feet in length and accompanied by an adult or minor capable of controlling said animal. Dogs are prohibited in posted areas of public parks, playgrounds, or recreation areas of the City per Article 705. If such animal should defecate upon a recreation, park or conservation area, the owner or guardian of said animal shall be responsible for the immediate clean up and proper disposal of feces per Article 705. Any injuries, expenses and/or damages caused by said animal which are not due to the contributory negligence of another person, shall be the sole responsibility of the animal's owner. Permits may be obtained for the training and/or exhibition of animals in designated areas and a certificate of insurance naming the City as additionally insured in an amount equal to or greater than the City's liability limit. It shall be unlawful to bring any dangerous animal into any recreation, park or conservation area.

(Ord. 3077. Passed 12-16-02; Ord. 3246. Passed 2-23-16.)

(c) Gambling. Gambling is prohibited in recreation, park and conservation lands, unless otherwise permitted under Pennsylvania law. (Ord. 3077. Passed 12-16-02.)

(d) Merchandising, Advertising and Signs. No person shall in recreation, park or conservation areas:

- (1) Offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing except under the authority of the City Manager and/or his or her designee by application and permit.
- (2) Announce, advertise, or call the public attention in any way to any article or service for sale or hire except to the extent approved in advance by the City Manager.
- (3) Post, paste, fasten, paint, write, draw, carve, tack, or affix any placard, bill, notice, sign, advertisement, or any inscription whatever upon any structure, tree, stone, fence, thing or enclosure within any recreation, park or conservation area or on any public land or highways or roads adjacent to any recreation, park or conservation area, except that the City Council may place or authorize the placement of informational signs within such areas.
- (4) Notwithstanding the restrictions set forth in subsection (d)(1), (2) and (3) hereof, City Council may place an appropriate plaque honoring any person or other entity who provides, or sponsors, a service or physical improvement benefitting the park and the citizens of Titusville.

(Ord. 3077. Passed 12-16-02; Ord. 3246. Passed 2-23-16.)

(e) Aircraft. Except for emergency or other special circumstances authorized by City Council, it shall be unlawful to land a private or commercial airplane or helicopter on recreation park and conservation lands.

(f) Personal Conduct. It shall be unlawful for any person in any recreation, park or conservation area to:

- (1) Disturb the peace or use profane or obscene language;
- (2) Endanger the safety of any person by any conduct or act;
- (3) Commit any assault, battery, or engage in fighting;

- (4) Possess any firearm, rifle, explosive device, bow, arrow, knife, or any other offensive weapon; provided, however, that firearms may be carried by licensed security guards within the scope of their employment and inoperable firearms or rifles may be displayed if part of a duly permitted show or event;
- (5) Carry, possess, or drink any alcoholic beverage including beer;
- (6) Carry, possess, or use any drugs or controlled substances, excluding legally prescribed medications;
- (7) Violate any rule for the use of such areas, enacted or approved by City Council; (Ord. 3077. Passed 12-16-02; Ord. 3246. Passed 2-23-16.)
- (8) Prevent any person from using any park, or any of its facilities or interfere with such use in compliance with this article and the rules applicable to such use;
- (9) Act in any unlawful, disorderly or disruptive manner or against the best interests of the areas or other people;
- (10) Use amplified sound, including radios or musical instruments, without a permit;
- (11) Possess any glass container to be used for the consumption of any beverage or other product. (Ord. 3077. Passed 12-16-02.)
- (12) Smoking any cigarette, cigar, pipe or other tobacco product anywhere within the grounds of Scheide Park, Roberts Grove, Burgess Park, Fleming Park, Longeway Field, the Ed Meyer Recreation Complex, Knee-Hi Field, Pioneer Park, and O'Rourke Field. Any individual violating this provision shall be immediately ejected from said recreation, park or conservation area. The provisions of Section 943.99 shall not apply to this subsection (f)(12). (Ord. 3210. Passed 9-18-12.)

(g) Consumption, Alcoholic Beverages. The sale, purchase, attempt to purchase, possession and/or consumption of liquor, or malt or brewed beverages or other alcoholic beverages shall be prohibited at all City owned facilities. (Ord. 3077. Passed 12-16-02.)

#### **943.05 ENFORCEMENT AUTHORITY.**

The City Manager and agents designated by him/her, shall administer the provisions of this article including the establishment and collection of fees, preparation of application forms, issuance and revocation of permits, promulgation of rules and regulations to implement the provisions of this article and all other decisions relative thereto. When acts or conduct of individuals or groups is determined to be in violation of this article or rules and regulations promulgated under the authority of this Article; or not to be in the best interest of the recreation, park and conservancy area; or when such acts or conduct endangers other people, private or public property; or when such acts are deemed to be disruptive to the surrounding neighborhood, the City Police or the City Manager or his/her agent assigned to such area or program shall have the authority to cause such acts to be terminated, or to expel the perpetrators of such acts from the area, or to call the City Police to arrest and detain such individual or individuals, or to file a complaint for the violation of this article with any Magisterial District Judge of competent jurisdiction. (Ord. 3246. Passed 2-23-16.)

**943.99 PENALTY.**

Any person violating any of the provisions of this article and convicted of same shall be sentenced to a fine of not less than twenty-five dollars (\$25.00) plus costs nor more than six hundred dollars (\$600.00) plus costs, or imprisonment for a term not exceeding ninety days, or both. Where such violator has removed, destroyed, damaged, defaced or befouled the recreation, park and conservation area or the contents thereof, the cost of maintenance, repair or replacement shall be charged to such person or group in addition to any fine. Further use of recreation and park facilities may be denied to violators of this article in addition to the imposition of fines and costs. (Ord. 3077. Passed 12-16-02.)

