

**COUNCIL BILL NO. ____ OF 2025
CITY OF TITUSVILLE,
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 33 ____**

AN ORDINANCE OF THE CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA, AMENDING THE TITUSVILLE RENTAL LICENSING CODE THROUGH THE CREATION OF A NEW ARTICLE 1476 RELATED TO THE PRESENCE AND MITIGATION OF LEAD-BASED PAINT HAZARDS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council (hereafter “Council”) for the City of Titusville (the “City”) desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the City and maintain a high quality of life for all residents of the City; and

WHEREAS, Part Fourteen of the Codified Ordinances of the City of Titusville has already established standards for the health, safety, and welfare of tenants of rental property and the condition of such rental properties within the City; and

WHEREAS, The Federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) currently requires landlords to disclose to tenants the presence of lead-based paint in any housing built prior to 1978; and

WHEREAS, Children who reside in homes where lead-based paint are present are at increased risk for lead poisoning, impacting brain and nervous system functions, slowing formative growth and development, and often leading to learning and behavioral problems; and

WHEREAS, Research shows that prolonged exposure to lead hazards increases an individual’s risk of brain and nervous system damage, developmental delays, and death; and

WHEREAS, Council seeks to amend the Titusville Rental Licensing Code (hereafter “Code”) by providing for the disclosure and abatement of lead-paint hazards under a new Article 1476 to be enforced as a condition of rental licensure.

NOW, THEREFORE, this _____ day of _____, 2025, **BE IT ORDAINED AND ENACTED** by the City Council, Titusville, Crawford County, Pennsylvania:

Section 1. Recitals.

That the abovementioned recitals are incorporated herein as if more fully set forth.

Section 2. Creation of Article 1476.

That a new Article 1476, to be entitled “Lead Poisoning Prevention And Lead Hazard Control”, be created through the inclusion of the following terms within the Titusville Rental Licensing Program (“TRLP”) Code:

CODIFIED ORDINANCES OF TITUSVILLE
PART FOURTEEN — RENTAL LICENSING PROGRAM CODE

ARTICLE 1476.
Lead Poisoning Prevention And Lead Hazard Control.

1476.01.	Applicability.	1476.07.	Appeal Procedures.
1476.02.	Purpose.	1476.08.	Costs and Liabilities.
1476.03.	Definitions.	1476.09.	Administration;
1476.04.	Lead-Based Paint		Enforcement.
	Inspections Required.	1476.10	Retaliation Prohibited.
1476.05.	Reports; Remediation;	1476.11.	No Waiver of Rights.
	Responsibilities.	1476.99.	Penalty.
1476.06.	Non-Issuance;		
	Revocation of License.		

1476.01. APPLICABILITY.

This Ordinance shall apply to all residential rental dwellings, structures, and premises built before 1978 located within the City of Titusville, except for those properties owned, operated, and inspected by the Titusville Housing Authority (THA).

1476.02. PURPOSE.

The purpose of this Article is to protect and promote the public health, safety and welfare through the identification and elimination of lead source hazards in the built environment.

1476.03. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) “Certified Lead Dust Sampling Technician” means an individual who is certified by the Environmental Protection Agency (EPA) or by the Commonwealth of Pennsylvania to perform non-abatement lead dust clearance testing under EPA’s Renovation, Repair, and Painting (“RRP”) Rule and clearance under the Department of Housing and Urban Development (HUD)’s Lead Safety Housing Rule. Additionally, such individuals must own, operate, or be employed by a licensed lead RRP company.
- (b) “Certified Lead-Abatement Contractor” means an individual who maintains a current certification by the Environmental Protection Agency (EPA) and is licensed by the Commonwealth of Pennsylvania to perform lead-based paint

abatement activities for the purpose of permanently eliminating lead paint hazards that include both abatement supervisors and abatement workers. Additionally, such individuals must own, operate, or be employed by a licensed lead abatement company.

- (c) “Certified Lead-Based Paint Risk Assessor” means an individual who maintains a current certification from the Environmental Protection Agency (EPA) and is licensed by the Commonwealth of Pennsylvania to perform on-site investigations to identify, the existence, nature, severity and location of lead-based paint hazards and document the findings in order to recommend corrective measures.
- (d) “Certified Lead-Safe Contractor” means an individual who successfully completes an Environmental Protection Agency (EPA) approved course for renovation, repair and painting projects that disturb lead-based paint in homes, child-care facilities and private preschools built before 1978 in compliance with the "Renovator Under the Renovate, Repair and Painting Rule," also known as the "RRP Rule" and which course results in the issuance of a certification that is current and active. Additionally, such own, operate, or be employed by a licensed lead RRP company.
- (e) “Lead-Based Paint-Free” means a structure or RRU identified through testing by a certified lead-based-paint risk assessor that, following the completion of approved lead-based paint abatement activities, said structure or RRU is lead-based paint free and that all lead paint has been abated in accordance with applicable EPA regulations.
- (f) “Lead-Based Paint Free Report” means a report issued by a certified lead-based-paint risk assessor indicating that the referenced structure or RRU identified through testing by a licensed lead-based-paint risk assessor is free from all lead paint and that all lead paint has been abated in accordance with applicable EPA regulations.
- (g) “Lead-Based Paint Safe” means a structure or RRU identified through testing by a certified lead-based-paint risk assessor or by a certified lead dust sampling technician as having lead paint surfaces that are intact and free from deterioration. As noted in the lead-safe certification by the lead-based-paint risk assessor, ongoing lead-safe maintenance may be necessary to maintain the property in a lead-paint safe condition.
- (h) “Lead-Based Paint Safe Report” means a report issued by a certified lead-based-paint risk assessor or by a certified lead dust sampling technician indicating that the referenced structure or RRU identified through testing by a licensed lead-based-paint risk assessor, has lead paint surfaces that are intact and free from deterioration in accordance with applicable EPA regulations.
- (i) “Lead-Based Paint Free Certification” means a form submitted to the City from a licensed lead-based-paint risk assessor certifying that appropriate testing has been performed in accordance with applicable standards for a structure or RRU and

that, as a result of compliant abatement activities, said structure or RRU is free from all lead paint. The lead-free certification form will be provided by the City for the licensed lead-based paint risk assessor to complete for certification.

- (j) “Lead-Based Paint Safe Certification” means a form submitted to the City from a licensed lead-based-paint risk assessor or by a certified lead dust sampling technician certifying that a visual inspection and dust wipe samples have been taken from a structure or RRU that it does not have visible deteriorated paint and that interior dust-wipe samples were collected in compliance with EPA regulations, were tested and were found to not contain lead-contaminated dust in excess of EPA dust level standards. The lead-safe certification form will be provided by the City for the licensed lead-based-paint risk assessor or certified lead dust sampling technician to complete for certification.
- (k) “Licensed Lead Abatement Company” means a person, firm, company or institution that has been certified by the U.S. Environmental Protection Agency (EPA) and licensed by the Commonwealth of Pennsylvania to perform lead-based paint abatement activities to permanently eliminate all lead-based paint hazards.
- (l) “Licensed Lead RRP Company” means a person, firm, company or institution that has been certified by the Environmental Protection Agency and licensed by the Commonwealth of Pennsylvania to perform renovations, repairs or painting activities to reduce lead-based paint hazards.
- (m) “Residential rental unit” or “RRU” means any rooming house, rooming unit, dwelling or dwelling unit leased for rent or occupied by persons other than the Owner, and his or her immediate family members. The term residential rental unit shall include those properties subject to an article of agreement, land contract, or rent-to-own contract occupied by persons other than the Owner and his or her immediate family members. The term residential rental unit shall not include hotels or motels, nor shall it include assisted living or long-term care facilities licensed by an agency of the Commonwealth of Pennsylvania.

1476.04. LEAD-BASED PAINT INSPECTIONS REQUIRED.

(a) The owner or operator of any RRU built prior to 1978 shall be required to obtain a lead-based paint inspection from a certified lead-based-paint risk assessor or a certified lead dust sampling technician.

(b) For any RRU that is subject to residential rental licensing under the Titusville Rental Licensing Program (Hereafter “TRLP”) Code, a lead-based paint inspection shall be performed not more than six (6) months prior to the initial rental license application, or first renewal if such RRU is already licensed at the time of adoption of this Article. The corresponding lead-based paint safe report or lead-based paint free report shall therefore be submitted to the Building inspector or his designee with the application for licensing or renewal.

(c) For any property that is certified to be lead-safe, a new lead paint inspection with corresponding lead-based paint safe report shall be required with the

submission of a rental license and/or renewal application every two (2) years as required for all other RRU inspections under Section 1472.1.3 of the TRLP Code.

(d) If a lead-based paint free report is submitted to the City by a certified lead-based-paint risk assessor containing a lead-based paint free certification for a structure, then no further lead paint based inspections or reports shall be required for said RRU unless the lead-based paint free report is rescinded, invalidated, or otherwise determined to be void.

1476.05. REPORTS; REMEDIATION; RESPONSIBILITIES.

(a) If remediation is required to receive a lead-based paint safe report or lead-based paint free report, it is the property owner's responsibility to engage a licensed lead abatement company and certified lead-abatement contractor or a licensed lead RRP company and certified lead-safe contractor to remediate any sub-standard findings or perform all work required to obtain an appropriate report.

(b) All lead-based paint safe inspections are the responsibility of the property owner, and all lead-based paint safe reports, lead-based paint free reports, and their corresponding findings become the liability of the issuing certified lead-based paint risk assessor or certified lead dust sampling technician.

(c) The owner or operator of the RRU must provide a copy of the standardized lead-based paint safe or lead-based paint free certificate to the occupant(s) of the RRU that such certificate is issued for, along with a copy of the dust wipe sample test results and corresponding lead-based paint safe or lead-based paint free report(s).

1476.06. NON-ISSUANCE; REVOCATION OF LICENSE.

The City shall not issue any TRLP rental license or allow the renewal thereof, and may revoke any previously issued TRLP rental license if the Building Inspector or his designee has not received a lead-based paint safe report or lead-based paint free report from a certified lead-based paint risk assessor or a certified lead dust sampling technician or if the lead-based paint safe report or lead-based paint free report has been rescinded, invalidated, or otherwise determined to be void.

1476.07. APPEAL PROCEDURES.

Any Owner or Operator of an RRU may appeal the denial or revocation of a Rental License as provided under Section 1476.06 by following the "Appeal of License Denial or Revocation" procedures as provided under Section 1472.1.6 of the TRLP Code.

1476.08. COSTS AND LIABILITIES.

(a) Obtaining all lead-based paint inspections, reports, abatements, samplings, assessments, or other lead-based paint activities, and the payment of all associated costs thereof, shall be the sole responsibility of the owner or operator of the RRU.

(b) The City assumes no responsibility or liability for any inaccurate or incomplete findings by any certified lead-based-paint risk assessor or certified lead dust sampling technician. The City and all agents or officers thereof shall have no obligation to independently inspect or verify the findings contained in any lead-based paint safe reports or lead-based paint free reports.

1476.09. ADMINISTRATION; ENFORCEMENT.

This Article shall be administered and enforced by a Building Inspector hired by the City Manager. The City Manager shall have all of the duties, powers and authorities of the Building Inspector under this Article. In the event that the Building Inspector has a conflict of interest as an Owner, Operator, or Occupant of any premises, the City Manager shall serve as the Building Inspector for such matters in which there is a conflict of interest.

1476.10. RETALIATION PROHIBITED.

(a) It shall be unlawful for any Landlord to terminate a lease, amend any term or condition of any existing lease, or refuse to lease any RRU to a prospective tenant, in retaliation for a tenant's actions in filing a complaint with the building inspector or his designee alleging a violation of any provision of this Article.

(b) In the event tenant asserts retaliation pursuant to Section 1476.10(a) above, the Landlord shall bear the burden to prove a non-retaliatory reason for such termination or amendment.

1476.11. NO WAIVER OF RIGHTS.

No provision of this Ordinance can be waived in a lease or otherwise made subject to a contract between the parties depriving a Tenant of the benefits of this Ordinance except as provided by federal, state, or local law.

1476.99. PENALTY.

Any person who commits an unlawful act pursuant to Section 1476.04 of this Article shall be subject to a fine or penalty as follows:

- (1) A fine of up to five hundred dollars (\$500.00) or the maximum penalty allowable by law, if less, plus costs of prosecution, for the first violation of a provision of this Ordinance.
- (2) A fine of up to one thousand dollars (\$1,000) or the maximum penalty allowable by law, plus costs of prosecution, for the second and any subsequent violation of the same provision of this Ordinance within a ten (10) year period.
- (3) A fine of one thousand dollars (\$1,000) and/or imprisonment for no more than ninety (90) days, plus costs of prosecution, for the fifth and any subsequent violation of the same provisions of this Ordinance within a ten (10) year period.

Section 3. Amendment To Article 1472.

That Section 1472.1.5. Of Article 1472, entitled "Non-Issuance or Revocation of License" be amended through the addition of the underlined terms as follows:

1472.1.5. Non-Issuance or Revocation of License. No Rental License may be issued, and any previously issued Rental License shall be revoked, for any Owner:

- (a) Who fails or refuses to complete the Registration Form adopted by the City Manager;

- (b) Who fails or refuses to pay the License Fee;
- (c) Who fails or refuses to pay any Inspection Fee;
- (d) Who fails or refuses to designate an Operator, if required under Section 1472.2.2;
- (e) Who fails or refuses to provide access for any inspection of an RRU after reasonable notice to the Owner;
- (f) Who allows an RRU to be occupied after the structure has been condemned pursuant to the Property Maintenance Code, and who has not filed a timely appeal to the Notice of Condemnation;
- (g) Whose premises are found to be in violation of the Property Maintenance Code for a period in excess of thirty (30) days, and who has not obtained a written extension of time or filed a timely appeal to the Notice of Violation;
- (h) Whose premises are found to be in violation of the Zoning Code for a period in excess of thirty (30) days, and who has not obtained a written extension of time or filed a timely appeal to the Notice of Violation;
- (i) Whose premises are found to be in violation of the Uniform Construction Code or the Fire Prevention Code for a period in excess of thirty (30) days, and who has not obtained a written extension of time or filed a timely appeal to the Notice of Violation; or
- (j) Who owns any real estate within the City that is subject to a filed Municipal Lien owed to the City.
- (k) Who fails or refuses to provide protections for survivors of domestic violence if required under Section 1476.04.
- ~~(l) Who fails to provide to the Building Inspector or his designee a lead-based paint safe report or lead-based paint free report from a certified lead-based-paint risk assessor or a certified lead dust sampling technician when required under Section 1476.04.~~

Section 4. Repealer.

Any ordinances, rules or resolutions, or parts or ordinances, rules or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Section 5. Severability.

If any section, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, or word hereof irrespective of the fact that any one or more of the sections, subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 6. Effective Date.

This ordinance shall become effective January 1, 2026.

DULY ORDAINED AND ENACTED this _____ day of _____ 2025,
by the City Council of the City of Titusville, Crawford County, Pennsylvania, in lawful session
duly assembled.

ATTEST:

APPROVED:

Timothy Russell, City Clerk

John W. Frye, Mayor

I certify that the above is a true copy of the City of Titusville, Crawford County,
Pennsylvania, Ordinance No. _____ adopted by the City of Titusville Council on
_____, _____, 2025 and advertised in the Titusville News on
_____, _____, 2025.

Kasey Archer, Secretary