

**HOME RULE BOROUGH OF EDINBORO ORDINANCE
NO. 634**

AN ORDINANCE AMENDING SECTION 2-105, ENTITLED “NOTIFICATION OF VIOLATION”, AND SECTION 2-106, ENTITLED “RECORD OF WARNINGS”, OF PART 1 OF CHAPTER 2 OF THE EDINBORO BOROUGH CODE, ENTITLED “ANIMAL NUISANCES”, TO ALLOW OFFICERS DISCRETION IN ISSUING VERBAL WARNINGS OR SUMMARY CITATIONS TO ANIMAL OWNERS AND REVISE RECORD-KEEPING OF WARNINGS ISSUED; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE

WHEREAS, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified its Ordinances to create the “Edinboro Borough Code”, which included, among other ordinances, Ordinance No. 545, adopted on or about November 24, 2008, which, among other things, established responsibilities for owners of animals within the Borough and set procedures and penalties for owners who permit animals to do any act prohibited by the code; and

WHEREAS, the Borough has the power and duty to enact ordinances that promote the health, safety and general welfare of the residents and visitors of the Borough, including ordinances providing for animal control; and

WHEREAS, the Edinboro Borough Council has determined that it would be in the best interest of the residents and citizens of the Borough of Edinboro to allow officer discretion in issuing warnings for animal nuisances, as more fully described below.

NOW THEREFORE, the Edinboro Borough Council hereby ordains and enacts the following:

Section 1. Section 2-105, entitled “Notification of Violation,” of Part 1 of Chapter 2 of the Edinboro Borough Code, entitled “Animal Nuisances” is hereby amended as shown through the deletion of the struck out language and the insertion of the underlined language as follows:

§ 2-105 Notification of Violation.

The Police Department of the Borough of Edinboro shall, upon receiving a complaint or information, or upon the Police Department’s own observation that an animal owner is in violation of this Part, ~~shall~~ may issue or cause to be issued to such animal owner a ~~written~~ warning which shall notify such animal owner of the violation and that his or her animal shall be so controlled as to prevent further violations of this Part, or may initiate summary proceedings against such owner in accordance with the Pennsylvania Rules of Criminal Procedure associated with the penalties set forth in this Part.

Section 2. Section 2-106, entitled “Record of Warnings,” of Part 1 of Chapter 2 of the Edinboro Borough Code, entitled “Animal Nuisances” is hereby amended as shown through the deletion of the struck out language and the insertion of the underlined language as follows:

§ 2-106 Record of Warnings.

The Police Department shall maintain a record of all warnings served pursuant to § 2-105 of this Part for a period of not less than three years., and upon receiving the second complaint or information, or upon the Police Department's own observation and investigation, and after reasonable investigation believe that the animal owner has again violated this Part, then in that event, the Police Department shall initiate summary proceedings against such owner in accordance with the Pennsylvania Rules of Criminal Procedure.

Section 3. Severability. The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

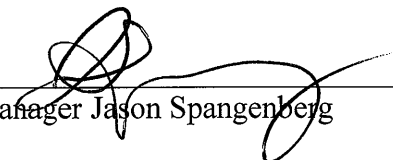
Section 4. Repealer. Any ordinances, rules, or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby, repealed.

Section 5. Direction to Borough Manager. The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

Section 6. Effective Date. This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

ENACTED AND ORDAINED this 14th day of October, 2024 by the Council of the Borough of Edinboro.

ATTEST:

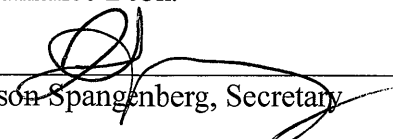


Manager Jason Spangenberg



Mayor Aaron Gast

I hereby certify that the above is a true copy of the Home Rule Borough of Edinboro No. 634 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on October 14, 2024, the same being advertised in the Meadville Tribune and recorded in the Borough Ordinance Book.



Jason Spangenberg, Secretary