

**Borough of Edinboro
Council Meeting Minutes
February 12, 2024**

CALL TO ORDER:

The meeting was called to order by Deputy Mayor Mary Ann Horne at 6:44 PM.

Pledge of Allegiance

ROLL CALL:

Council members present were Mary Ann Horne, Pat Davis, Mark Eisert, George Gast, Kelly Gheres, and Amanda Frantz-Mamani. Absent was Aaron Gast.

Other officials present were Borough Manager Jason Spangenberg and Solicitor Tim Wachter. Citizens present were Mary Ann Mook, Curtis Hals, Denise Knoebel, Nate Latimer, Alyssa Dobson, Lee McTeigue, Chris Groner, Tracy Gast, Gina Mussett, Terrie Swanson, Annette Smith, Mary Ann Mook, John Stachowiak, Scott Hale, Pamela Hale, Meighan Lloyd, MJ Campbell, Ray Overholt, and Dan Beggs.

MINUTES:

Mark Eisert moved to approve the minutes of the January 2 regular meeting, reorganizational meeting, and ordinance hearing as presented. Pat Davis seconded, and the motion passed 6-0.

PUBLIC PARTICIPATION:

Alyssa Dobson, 103 Davis Drive, spoke in support of allowing Neighborhood Electric Vehicles (NEVs) to remain legal. She stated that they are safe, efficient, slow moving, and convenient, and they generally conform to street legal requirements. She noted that any unsafe aspects of the NEVs also apply to other legal transportation such as motorcycles and scooters. She thanked Council for their service.

Tracy Gast, 12475 Lakeview Drive Washington Township, stated that NEVs were legalized in 2015 and there have not been any issues to this point; they have turn signals and require licensing and insurance. He noted the existence of other legal personal motorized methods of transportation, and said that we need to do our part to encourage tourism.

Dan Beggs, 21864 Irish Road Crawford County, expressed concerns about the immediate health of the University and the need to provide for growth of the town. Manager Spangenberg explained that there is no need for immediate concern due to the fact that the closure of a State System University requires the passage of legislation by our PA lawmakers, so there would be significant notice and lead time. Amanda Frantz-Mamani stated that, as an employee of PennWest Edinboro University, she can confirm that there has been no discussion that she is aware of regarding immediate concern for closure.

Chris Groner, Erie County Redevelopment Authority, spoke regarding Resolution 6-2024 on the meeting's agenda. This resolution would establish Enterprise Zones in the Borough, opening new opportunities for businesses located in these zones to apply for funding and tax breaks. He noted that 19 other Erie County municipalities have already passed a similar resolution recently.

Walker Means, 12340 Forrest Drive Washington Township, briefly stated his support for NEVs remaining legal.

Manager Spangenberg stated that the discussion about NEVs came up as a recommendation from the Borough Police Department; it was not brought forward by any Council member with ill feelings about NEVs.

Landon Silva, Edinboro Police Chief, provided his perspective on NEVs. The PA Vehicle Code clearly defines NEVs. They can only drive on roads with speed limits up to 25 MPH and cannot cross a state highway with 35 MPH speed limit unless at a signaled intersection. They allow backward-facing passengers and seatbelts are not required to be worn. They will still require a driver's license and must be parked in a parking space, although it is likely that unlicensed drivers will think they can drive them and they will attempt to be parked in illegal spaces such as the grass near a boat dock. Due to the requirement for crossing a state highway at a signaled intersection, drivers will certainly illegally drive them from the Lakeside neighborhood on or across Rt. 6N to get to town and potentially trespass over private property as well.

There was brief discussion if changes could be made to the specifics of the legal use of NEVs. Solicitor Wachter stated that those specifics are state law and cannot be changed for our situation; the only changes available to a municipality are to increase their maximum permitted speed limit travel to 35 MPH or to prohibit their use.

COMMITTEE REPORTS:

Finance Committee:

Pat Davis moved to approve bills paid January 22 totaling \$234,524.15; and February 12 totaling \$187,637.81. Mark Eisert seconded, and the motion passed 6-0.

Pat Davis moved to approve payroll paid January 11 totaling \$98,972.24; January 25 totaling \$80,850.32; and February 8 totaling \$82,884.31. Amanda Frantz-Mamani seconded, and the motion passed 6-0.

Ordinance Review Committee:

Mary Ann Horne stated that the Committee recommended by 2-1 vote to pass ordinance 628 as presented, with the addition of language to clarify that legally licensed short-term rentals existing prior to January 1, 2024 be grandfathered to remain without having to acquire a Special Exception, and that this ordinance would move forward at the same time as the pending ordinance 627. She noted that she was the opposing vote, and that her opinion was to not allow short-term rentals in the R-1, R-1A, or R-2 districts to ensure the residential integrity of the neighborhoods would remain. Mark Eisert moved to approve ordinance 628 with the addition of language to clarify that legally licensed short-term rentals existing prior to January 1, 2024 be grandfathered to remain without having to acquire a Special Exception, and that this ordinance would become effective at the same time as the pending ordinance 627. George Gast seconded the motion. The motion failed by 2-4 vote: George Gast, yes; Amanda Frantz-Mamani, no; Mark Eisert, yes; Mary Ann Horne, no; Pat Davis, no; and Kelly Gheres, no. Solicitor Wachter stated that the Committee would reconvene to draft a different version of ordinance 628 to bring for a vote.

Mary Ann Horne stated that the Committee unanimously recommended approval of ordinance 630. Mark Eisert moved to approve ordinance 630:

BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance 630

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA, AMENDING PART 2 (TRAFFIC REGULATIONS) OF CHAPTER 15 OF THE BOROUGH CODE, ENTITLED MOTOR VEHICLES AND TRAFFIC, PERTAINING TO SUBSECTION 15-201, ENTITLED MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS; PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Home Rule Borough of Edinboro (the "Borough") has previously codified enacted ordinances as the Borough Code (the "Code"); and

WHEREAS, the Borough desires to amend Chapter 15 of the Code, specifically to amend Part Part 2, to provide for specific speed limits on certain streets within the Borough; and

WHEREAS, the Borough has the power and duty to enact ordinances to promote the health, safety, and general welfare of Borough residents.

WHEREAS, the Home Rule Borough of Edinboro hereby ordains and enacts the following:

Section 1. That Section 201 of Part 2 of Chapter 15 of the Code be amended through the deletion of those terms struck out and the inclusion of the underlined terms as follows:

§15-201 Maximum Speed Limits Established on Certain Streets.

1. *Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:*

Street	Between	Maximum Speed Limit
<u>All Borough streets</u>	<u>Unless marked otherwise</u>	<u>35</u>
<u>Angling Rd.</u>	<u>West Plum St. (RT 6N)</u> <u>& Borough Line north</u>	<u>35 MPH</u>
<u>Ash St.</u>	<u>Lakeside Dr. & Jefferson St.</u>	<u>15 MPH</u>
<u>Aspen Way</u>	<u>Pineview Dr. & Walker Dr.</u>	<u>15 MPH</u>
<u>Banff Dr.</u>	<u>Stonehaven Dr. & Perry Ln.</u>	<u>25 MPH</u>
<u>Beau Dr.</u>	<u>Entire Length Sherrod Hill Rd.</u> <u>& Casey Ln</u>	<u>25 MPH</u>
<u>Beech St.</u>	<u>Lakeside Dr. & Cherry St.</u>	<u>15 MPH</u>
<u>Billings Dr.</u>	<u>West Plum St. (RT6N) & Dead End</u>	<u>15 MPH</u>
<u>Brookview Dr.</u>	<u>West Normal St. & Dead End</u>	<u>25 MPH</u>
<u>Brora Dr.</u>	<u>Darrow Rd. & Moray Dr.</u>	<u>25 MPH</u>
<u>Casey Ln.</u>	<u>Sherrod Hill Rd. & Beau Dr.</u>	<u>25 MPH</u>
<u>Cherry St.</u>	<u>Lakeside Dr. & Angling Rd.</u>	<u>15 MPH</u>
<u>Chestnut St.</u>	<u>Erie St. & Sherrod Hill Rd.</u>	<u>25 MPH</u>
<u>Conneauttee Dr.</u>	<u>Lakeside Dr. & Dead End</u>	<u>15 MPH</u>
<u>Cooper Ln.</u>	<u>Erie St. (RT 99) & Mill St.</u>	<u>15 MPH</u>
<u>Cove Dr.</u>	<u>Raspberry St. & Dead End</u>	<u>15 MPH</u>
<u>Cypress St.</u>	<u>Washington St. & Angling Rd.</u>	<u>15 MPH</u>
<u>Darrow Rd.</u>	<u>Meadville St. (RT 99) & Perry Ln.</u>	<u>25 MPH</u>

<u>Davis Dr.</u>	<u>Raspberry St. & Cove Dr.</u>	<u>15 MPH</u>
<u>Dunbarton Dr.</u>	<u>Scotsglen Dr. & Aspen Way</u>	<u>15 MPH</u>
<u>Dundon Rd.</u>	<u>Waterford St. (Rt 6N) & Dead End</u>	<u>25 MPH</u>
<u>Elm St.</u>	<u>Lakeside Dr. & Monroe St.</u>	<u>15 MPH</u>
<u>East Normal St.</u>	<u>Meadville St. (RT 6N) & Ontario St.</u>	<u>25 MPH</u>
<u>East Plum St. (RT 6N)</u>	<u>Erie St. (RT 99) & Ontario St.</u>	<u>35 MPH</u>
<u>Erie St. (RT 99)</u>	<u>Plum St. (RT 6N) & Waterford St.</u>	<u>25 MPH</u>
<u>Erie St. (RT 99)</u>	<u>Plum St. (RT 6N) & Tarbell Ln.</u>	<u>35 MPH</u>
<u>Erie St. (Rt 99)</u>	<u>Tarbell Ln. & Borough Line North</u>	<u>40 MPH</u>
<u>Evergreen Dr.</u>	<u>Lakeland Dr. & Valleyview Dr.</u>	<u>25 MPH</u>
<u>Fairway Dr.</u>	<u>Maple Dr. & Dead End</u>	<u>25 MPH</u>
<u>Georgian Dr.</u>	<u>Maple St. & Hickory St.</u>	<u>15 MPH</u>
<u>Gibson Ln.</u>	<u>Meadville St. (RT 99) &</u>	<u>15 MPH</u>
	<u>West Normal St.</u>	
<u>Granada Dr.</u>	<u>Hillcrest Dr. & Dead End</u>	<u>25 MPH</u>
<u>Green Oaks Dr.</u>	<u>Water St. & Dead End</u>	<u>25 MPH</u>
<u>Harrison Dr.</u>	<u>Erie St. (RT 99) & Entire Circle</u>	<u>15 MPH</u>
<u>Hickory St.</u>	<u>Lakeside Dr. & Angling Rd.</u>	<u>15 MPH</u>
<u>High St.</u>	<u>East Normal St. & Waterford St.</u>	<u>25 MPH</u>
<u>Hillcrest Dr.</u>	<u>Shelhamer Dr. & Dundon Rd.</u>	<u>25 MPH</u>
<u>Hilltop Rd.</u>	<u>Fairway Dr. & Chestnut St.</u>	<u>25 MPH</u>
<u>Industrial Dr.</u>	<u>Walker Dr. & Borough Line North</u>	<u>25 MPH</u>
<u>Jefferson St.</u>	<u>West Plum St. (RT 6N) & Maple St.</u>	<u>15 MPH</u>
<u>Kinter Hill Rd.</u>	<u>Water St. & Borough Line East</u>	<u>25 MPH</u>
<u>Kinter Hill Rd.</u>	<u>Borough Line East &</u>	<u>45 MPH</u>
	<u>West (splits Stonehaven Dr.)</u>	
<u>Lakeland Dr.</u>	<u>Dundon Rd. & Granada Dr.</u>	<u>25 MPH</u>
<u>Lakeside Dr.</u>	<u>West Plum St. (RT 6N) and Peach St.</u>	<u>15 MPH</u>
<u>Lee Dr.</u>	<u>Peach St. & Dead End</u>	<u>15 MPH</u>
<u>Lorna Ln.</u>	<u>Meadville St. (RT 99) & High St.</u>	<u>15 MPH</u>
<u>Lynwood Dr.</u>	<u>Hillcrest Dr. & Lakeland Dr.</u>	<u>25 MPH</u>
<u>Madeline Dr.</u>	<u>Stonehaven Dr. & Stonehaven Dr.</u>	<u>25 MPH</u>
<u>Madison St.</u>	<u>Walnut St. & Cherry St.</u>	<u>15 MPH</u>
<u>Maple Dr.</u>	<u>West Plum St. (RT 6N) &</u>	<u>25 MPH</u>
	<u>Chestnut St.</u>	
<u>Maple St.</u>	<u>Lakeside Dr. & Angling Rd.</u>	<u>15 MPH</u>
<u>Meadville St. (Rt 99)</u>	<u>Borough Line South & Normal St.</u>	<u>35 MPH</u>
<u>Meadville St. (RT 99)</u>	<u>Normal St. & Waterford St.</u>	<u>25 MPH</u>
<u>Mill St.</u>	<u>West Plum St. (RT 6N) & Cooper Ln.</u>	<u>25 MPH</u>
<u>Mill St.</u>	<u>West Plum St. (RT 6N) & Short St.</u>	<u>25 MPH</u>
<u>Monroe St.</u>	<u>West Plum St. (RT 6N) & Peach St.</u>	<u>15 MPH</u>
<u>Moray Dr.</u>	<u>Brora Dr. & Stonehaven Dr.</u>	<u>25 MPH</u>
<u>Nordmere Dr.</u>	<u>Walker Dr. & Dead End</u>	<u>25 MPH</u>
<u>North Perry Ln.</u>	<u>Waterford St. (RT 6N) & Granada Dr.</u>	<u>25 MPH</u>
<u>North Skytop Rd.</u>	<u>Fairway Dr. & Chestnut St.</u>	<u>25 MPH</u>
<u>Ontario St.</u>	<u>Waterford St. (RT 6N)</u>	<u>25 MPH</u>
	<u>& East Normal St.</u>	
<u>Orchard Dr.</u>	<u>Billings Dr. & Dead End</u>	<u>15 MPH</u>
<u>Peach St.</u>	<u>Lakeside Dr. & Monroe St.</u>	<u>15 MPH</u>
<u>Perry Lane</u>	<u>Waterford St. (RT 6N) &</u>	<u>35 MPH</u>
	<u>Borough line south</u>	
<u>Pine St.</u>	<u>Jefferson St. & Angling Rd.</u>	<u>15 MPH</u>
<u>Pineview Dr.</u>	<u>Dead End east & Dead End West</u>	<u>15 MPH</u>
<u>Raspberry Ln.</u>	<u>East Plum St. (6N) & Waterford St.</u>	<u>15 MPH</u>
<u>Raspberry Ln.</u>	<u>East Plum St. (6N) & Erie St. (RT 99)</u>	<u>15 MPH</u>
<u>School St.</u>	<u>Raspberry Ln. & East Plum St. (RT 6N)</u>	<u>15 MPH</u>
<u>Schruers Ln.</u>	<u>Meadville St. (RT 99) & High St.</u>	<u>15 MPH</u>
<u>Scotsglen Dr.</u>	<u>Walker Dr. & Dead End</u>	<u>15 MPH</u>
<u>Shechinah Dr.</u>	<u>Gibson Hill Rd & Dead End</u>	<u>15 MPH</u>
<u>Shelhamer Circle</u>	<u>Shelhamer Dr. & Shelhamer Dr.</u>	<u>25 MPH</u>
<u>Shelhamer Dr.</u>	<u>Waterford St. (RT 6N) & Pineview Dr.</u>	<u>25 MPH</u>
<u>Short St.</u>	<u>Erie St. & Mill St.</u>	<u>25 MPH</u>

<u>Sherrod Hill Rd.</u>	<u>Chestnut St. & Borough Line West</u>	<u>25 MPH</u>
<u>Sherwood Dr.</u>	<u>Hillcrest Dr. & Lakeland Dr.</u>	<u>25 MPH</u>
<u>South Skytop Rd.</u>	<u>Fairway Dr. & North Skytop Rd.</u>	<u>25 MPH</u>
<u>Stonehaven Dr.</u>	<u>Moray Dr. & Kinter Hill Rd.</u>	<u>25 MPH</u>
<u>Sunset Dr.</u>	<u>Maple Dr. & Chestnut St.</u>	<u>25 MPH</u>
<u>Tarbell Ln.</u>	<u>Erie St. (RT 99) & Dead End</u>	<u>15 MPH</u>
<u>Terrace Dr.</u>	<u>Meadville St. (Rt 99) & Dead End</u>	<u>15 MPH</u>
<u>Valleyview Dr.</u>	<u>Shelhamer Dr. & Granada Dr.</u>	<u>25 MPH</u>
<u>Walker Dr.</u>	<u>Erie St. (RT 99) & Dead End</u>	<u>25 MPH</u>
<u>Walnut St.</u>	<u>Lakeside Dr. & Angling Rd.</u>	<u>15 MPH</u>
<u>Washington St.</u>	<u>West Plum St. (6N) & Lakeside Dr.</u>	<u>15 MPH</u>
<u>Water St.</u>	<u>Chestnut St. & West Normal St.</u>	<u>25 MPH</u>
<u>Water St.</u>	<u>Green Oaks Dr. & Kinter Hill Rd.</u>	<u>35 MPH</u>
<u>Waterford St.</u>	<u>Erie St. (Rt 99) & Ontario St.</u>	<u>25 MPH</u>
<u>Waterford St. (RT 6N)</u>	<u>Ontario St. & Perry Ln.</u>	<u>35 MPH</u>
<u>Waterford St. (RT 6N)</u>	<u>Perry Lane & Borough Line East</u>	<u>45 MPH</u>
<u>West Normal St.</u>	<u>Meadville St. (RT 99) & Water St.</u>	<u>25 MPH</u>
<u>West Plum St. (RT 6N)</u>	<u>Borough Line west & Erie St. (RT 99)</u>	<u>35 MPH</u>
<u>Willow St.</u>	<u>West Plum St. (RT 6N) & Lakeside Dr.</u>	<u>15 MPH</u>
<u>Windy Ln.</u>	<u>Lakeland Dr. & Dead End</u>	<u>15 MPH</u>

Section 2. 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 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. Directions 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 Borough and to amend the Borough Code as may be necessary.

Section 5. Effective Date

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

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

Manager Spangenberg noted that this ordinance simply spells out the speed limit for each street; it does not change any speed limits. Amanda Frantz-Mamani seconded, and the motion passed by 6-0 vote: George Gast, yes; Amanda Frantz-Mamani, yes; Mark Eisert, yes; Mary Ann Horne, yes; Pat Davis, yes; and Kelly Gheres, yes.

Mary Ann Horne stated that the Committee unanimously recommended approval of ordinances 632 and 633. Manager Spangenberg explained that currently the burning of garbage is not prohibited in the Code. Ordinance 632 would delete the existing burning regulations and ordinance 633 would create new burning

regulations that prohibit the burning of garbage and define “combustible refuse” as only cardboard, paper, and untreated wood. Mark Eisert moved to approve ordinances 632 and 633:

Borough of Edinboro
Erie County Pennsylvania
Ordinance No. 632

**AMENDMENT TO GARBAGE, RECYCLABLE COLLECTION
AND BURNING, CHAPTER 20, OF THE CODIFIED ORDINANCES**

**AN ORDINANCE OF HOME RULE BOROUGH OF EDINBORO, ERIE COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING CODIFIED ORDINANCE § 20-
101, ENTITLED GARBAGE, RECYCLABLE COLLECTION AND BURNING, AS
AMENDED, AMENDING THE TITLE; AMENDING DEFINITIONS; AMENDING
REGULATIONS FOR DISPOSAL OF COMBUSTIBLE REFUSE BY BURNING;
PROVIDING FOR A REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the Home Rule Borough of Edinboro (hereinafter “Borough”) is authorized by the Home Rule Charter § 501 (2) adopted May 21, 1974, to adopt, amend and repeal ordinances and resolutions as may be requested; and

WHEREAS, the Borough Council, (hereinafter “Council”) of the Borough adopted on or about December 2, 2002, Ordinance 506 entitled “Garbage, Recyclable Collection and Burning”, which is codified in Chapter 20 of the Borough’s codified ordinances; and

WHEREAS, the Council has previously amended this Ordinance to address changing needs and mandates: and

WHEREAS, the Council is adopting a separate ordinance to address Open Burning and Air Pollution Controls; and

WHEREAS, due to this separate ordinance, language in this Ordinance addressing open burning is unnecessary; and

WHEREAS, the Council of the Borough has determined that amending this Ordinance is in the best interest of the citizens, residents and visitors of the Borough of Edinboro to avoid conflict and confusion as to burning regulations in the Borough.

NOW THEREFORE, on this 12th day of February, 2024, the Borough Council of the Home Rule Borough of Edinboro, Erie County, Pennsylvania hereby ordains and enacts the following:

Section 1. Recitals

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

Section 2. Title

This Ordinance shall be known and may be cited as the Home Rule Borough of Edinboro Amendment to Garbage, Recyclable Collection and Burning, Chapter 20, of the Codified Ordinances.

Section 3. AMENDMENT to PART 1 of the CODIFIED ORDINANCES. *That Chapter 20, Part 1 of the Codified Ordinances, as amended, pertaining to Title, be amended in applicable part by the inclusion of the underlined text and the deletion of the text struck out as follows:*

Part 1. Garbage, and Recyclable Collection and Burning

Section 4. AMENDMENT to § 20-102 of the CODIFIED ORDINANCES. *That Chapter 20, Section 102 of the Codified Ordinances, as amended, pertaining to Definitions, be amended in applicable part by the inclusion of the underlined text and the deletion of the text struck out as follows:*

BURNING, OPEN

Any unenclosed fire wherein contaminants are emitted into the open air and are not directed out through a flue.

COMBUSTIBLE RUBBISH REFUSE

All rubbish which can be burned and is not recyclable.

Cardboard, paper and untreated wood not exceeding thirty-six (36) inches in length.

GARBAGE

~~The by-products of animal and vegetable foodstuffs, resulting from the handling or preparation of food or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases and odors or all refuse or animal or vegetable matter which has been used for food or which was intended to be so used.~~

Any waste other than combustible refuse, compost or recyclable materials, to include waste generated by residential activities, commercial or industrial activities, and construction or demolition activities.

PERSON

~~Every natural person, copartnership, association, corporation or firm.~~

Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority or any legal entity whatsoever which is recognized by law as the subject of rights and duties.

PROPER BURNING CONTAINER

~~A steel drum with combustion air holes near the bottom.~~

RESIDENTIAL RECREATIONAL CAMPFIRE

~~A cone-shaped wood fire in a yard having a base diameter no greater than three feet and material height no greater than two feet.~~

RUBBISH

~~All refuse material not included in "garbage," as hereinbefore defined, except refuse from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other refuse materials not commonly produced in homes, stores and institutions.~~

Section 5. AMENDMENT to § 20-109 of the CODIFIED ORDINANCES. That Chapter 20, Section 109 of the Codified Ordinances, as amended, pertaining to Regulations for Disposal of Combustible Refuse by Burning, be amended in applicable part by the deletion of text struck out as follows:

~~§ 20-109. Regulations for Disposal of Combustible Refuse by Burning.~~

~~Purpose and Intent. The purpose and intent of these regulations is to protect the public health and safety of the citizens of the Borough of Edinboro. Therefore, deviations from these regulations may be approved when, in the opinion of the approving authority and/or the Erie County Department of Health, such deviations are permitted, they shall be made in strict compliance with the restrictions, limitations or conditions which the approving authority may demand.~~

~~Burning in a Proper Container Only. No person shall cause, suffer, allow or permit burning except in a proper container. The height of flame is not to exceed four feet.~~

~~Leaves. Burning of leaves is prohibited. Composting shall be in accordance with Borough regulations.~~

~~Unattended Fires. No person shall cause, suffer, allow or permit any burning unattended.~~

~~Proximity of Fires to Streets, Alleys, Buildings and Business Districts. No person shall cause, suffer, allow or permit burning within 12 feet of any building or on any street or alley. Likewise, no person shall cause, suffer, allow or permit burning within any business district. Exception: chimeneas, grills.~~

~~Smoke Nuisance. It shall be unlawful to create a smoke nuisance to adjoining properties.~~

~~Time Restrictions. No person shall cause, suffer, allow or permit burning before 7:00 a.m. or after 8:00 p.m. Exception: chimeneas, grills and residential recreational campfires.~~

Section 6. 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 7. Severability

The provisions of this Ordinance are severable. If any provision, sentence, clause, section, subsection, term or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, by a court or tribunal of competent jurisdiction, 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 provision, sentence, clause, section, subsection, term or part thereof not been included herein.

Section 8. Directions 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 take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

Section 9. Effective Date

This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 633

OPEN BURNING AND AIR POLLUTION CONTROL

AN ORDINANCE OF HOME RULE BOROUGH OF EDINBORO, ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA FOR THE PREVENTION AND CONTROL OF OPEN BURNING AND AIR POLLUTION TO BE KNOWN AS THE "HOME RULE BOROUGH OF EDINBORO OPEN BURNING AND AIR POLLUTION CONTROL ORDINANCE"; PROVIDING FOR RECITALS; TITLE; DEFINITIONS; REGULATIONS; EXCEPTIONS; ENFORCEMENT ORDERS; RESPONSIBILITY OF OWNERS AND OPERATORS OF AN OPEN BURNING SOURCE; PENALTIES; UNLAWFUL CONDUCT; PUBLIC NUISANCES, AND VALIDITY; AND PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Home Rule Borough of Edinboro (hereinafter "Borough") is authorized by the Home Rule Charter § 501 (2) adopted May 21, 1974, to adopt, amend and repeal ordinances and resolutions as may be required; and

WHEREAS, the Borough Council (hereinafter "Council") of the Borough believes that unchecked open burning can impose hazards to the residents, citizens, visitors, real and the personal properties owned by the residents, citizens and visitors of the Borough; and

WHEREAS, open burning not only causes the possibility of destructive fires but also diminishes the air quality, thereby potentially causing residents, citizens and visitors to suffer breathing difficulties or exasperation of existing medical conditions; and

WHEREAS, the Council of the Borough desires to adopt an open burn ordinance to combat air pollution in the Borough but also to safeguard from destructive fires; and

WHEREAS, the Pennsylvania Department of Environmental Protection has encouraged municipalities to adopt open burning and air pollution measures; and

WHEREAS, the Council of the Borough has determined that adoption of such an ordinance is in the best interest of the comfort, living conditions, health, safety, and welfare of the citizens, residents and visitors of the Borough of Edinboro.

NOW THEREFORE, on this 12th day of February, 2024, the Borough Council of the Home Rule Borough of Edinboro, Erie County, Pennsylvania hereby ordains and enacts the following:

Recitals

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

Title

This ordinance shall be known and may be cited as the Home Rule Borough of Edinboro Open Burning and Air Pollution Control Ordinance.

Definitions

The following words, terms, and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

Borough – Home Rule Borough of Edinboro.

Building Code Department -- The Building Code Department of the Home Rule Borough of Edinboro.

Burning – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

Clearing and grubbing wastes – Trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

Combustible refuse – Cardboard, paper and untreated wood not exceeding thirty-six (36) inches in length.

Composting – The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Council – Borough Council of the Home Rule Borough of Edinboro.

Garbage – Any waste other than combustible refuse, composting materials or recyclable materials, as defined in Chapter 20, Solid Waste, of the Borough of Edinboro codified ordinances, to include waste generated by residential activities, commercial or industrial activities, and construction or demolition activities.

Open burning – A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

Person – Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Police Department – Borough of Edinboro Police Department.

Residential Recreational Campfire – A cone-shaped wood fire in a yard having a base diameter no greater than three (3) feet and material height no greater than two (2) feet.

Proper burning container – A steel drum with combustion air holes near the bottom.

Yard waste – Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

Regulations

No person may permit or conduct open burning of any material with the exception of the following:

A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.

Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

A fire set for the purpose of burning clearing and grubbing waste.

A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

A fire set solely for cooking food.

A fire set solely for recreational or ceremonial purposes.

A fire set in a proper burning container to dispose of combustible refuse, not to exceed a flame height of four (4) feet.

All permitted open burning shall comply with the following:

1. Burning of garbage and yard waste is prohibited.
2. All permitted burning shall be attended and no person shall cause, suffer, allow or permit any unattended burning.

No person shall cause, suffer, allow or permit burning within twelve (12) feet of any building, street or alley in all Borough zoning districts with the exception of chimeneas or grills.

All permitted burning shall occur between the hours of 7:00 a.m. and 8:00 p.m., with the exception of chimeneas, grills, ceremonial or recreational fires.

It shall be unlawful to create a smoke or burning odor nuisance to adjoining properties.

Enforcement Orders

The Borough Building Code Department or a member of the Police Department shall have the power and duty to enforce the provisions of this ordinance.

The Borough may issue such orders as are necessary to aid in the enforcement of the provisions of this ordinance. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this ordinance; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the Borough finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the Borough finds that any person is in violation of any provision of this ordinance.

The Borough may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or effect the purposes of this ordinance.

An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal or hearing before the Magisterial District Judge on the Borough order shall not act as a supersedeas.

The authority of the Borough to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

Responsibility of Owners and Operators of an Open Burning Source

Whenever the Building Code Department or member of the Police Department finds that open burning is occurring in the Borough, other than those exceptions noted in Section 4 above, the Building Code Department or member of the Police Department may order the owner or operator of an open burning source to take corrective action in a manner satisfactory to the Borough, the Building Code Department or Police Department. A member of the Police Department may order the owner or operator of an open burning source to allow access to the land by the Building Code Department, member of the Police Department or a third party to take such action.

For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Borough may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty contained in Section 8 of this Ordinance.

Public Nuisances

A violation of this ordinance or of any order issued by the Borough under this Ordinance shall constitute a public nuisance. The Borough shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Borough may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in Section 8. Whenever the nuisance is maintained or continued contrary to this Ordinance or any order issued pursuant to this ordinance, the nuisance may be abatable in the manner provided by this Ordinance. Any person who causes the public nuisance shall be liable for the cost of abatement.

Penalties

Any person who violates any provision of this Ordinance or any order of the Borough issued pursuant to this Ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00) for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for ninety (90) days for each separate offense. Employees of the Borough authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this ordinance, and the Solicitor is hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any Magisterial District Judge in the Borough. There is no accelerated rehabilitative

disposition authorized for a summary offense. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated, constitutes a separate offense.

Unlawful Conduct

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this Ordinance or to fail to comply with any order or other requirement of the Borough; or to cause a public nuisance; or to cause air, soil or water pollution resulting from an open burning incident; or to hinder, obstruct, prevent, or interfere with the Borough or its personnel in their performance of any duty hereunder, including denying the Building Code Department or member of the Police Department access to the source or facility; or to violate the provisions of 18 Pa.C.S.A § 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) in regard to papers required to be submitted under this ordinance. The owner or operator of an open burning source shall not allow pollution of the air, water or other natural resources of the Borough to result from the source.

Validity

The provisions of this Ordinance are severable, and if any section, subsection, clause, sentence, term, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court or tribunal of competent jurisdiction, such decision of the court or tribunal shall not affect or impair the remaining sections, subsections, clauses, sentences, terms, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, subsection, clause, sentence, term, part, or provision had not been included herein.

Repealer

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

Severability

The provisions of this Ordinance are severable. If any provision, sentence, clause, section, subsection, term or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, by a court or tribunal of competent jurisdiction, 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 provision, sentence, clause, section, subsection, term or part thereof not been included herein.

Directions 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 take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

Effective Date.

This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

George Gast seconded, and the motion passed by 6-0 vote: George Gast, yes; Amanda Frantz-Mamani, yes; Mark Eisert, yes; Mary Ann Horne, yes; Pat Davis, yes; and Kelly Gheres, yes.

Mary Ann Horne stated that the Committee recommended tabling ordinance 631 regarding Neighborhood Electric Vehicles by a 2-1 vote. George Gast moved to table this item, Pat Davis seconded, and the motion to table passed 6-0.

Personnel Committee:

George Gast moved to appoint Darin Nuse as an alternate to the Zoning Hearing Board and Jennifer Nuse as an alternate to the Civil Service Commission. Mark Eisert seconded, and the motion passed by 6-0 vote.

MANAGEMENT REPORTS:

Borough Manager Jason Spangenberg presented his report.

Kayak Rental Racks: We have entered into an agreement with Rent.fun to offer a kayak rental service at our lake. The exact location is TBD, with installation tentatively in May. We have received a \$13,000 grant from ECGRA to cover half of the cost of installation.

2023 Financial Audit: The annual audit took place the week of January 29. All indications point to another clean audit.

Joint Parks Plan: The DCNR has officially approved the firm Pashek + MTR as the consultant that will perform the work for the Joint Parks Plan. This company has extensive experience doing similar projects in our area. We anticipate that the public input process will get underway this spring and summer. We are also going to be partnering with Washington Township for another grant, this time specifically for Edinboro Lake recreation and environmental aspects.

Senator Laughlin Grant Workshop: On February 8 he attended a workshop put on by Senator Dan Laughlin at the Tom Ridge Environmental Center regarding various grant opportunities available to municipalities and offering support for applications. This workshop was very informative and provided important contacts for future funding opportunities.

PML Northwest District Meeting: The Pennsylvania Municipal League will be hosting their annual Northwest District Meeting in Edinboro at the Lakeside Promenade in the Edinboro Mall. This luncheon will bring municipal leaders from our corner of the state to Edinboro for the day.

Washington Township Grant Application: Washington Township Council had applied for the Erie County Gap Funding Program for our sewer plant building project, since we also process Township wastewater. On February 8 he met with County Executive Brenton Davis and Washington Township Manager Norm Willow to discuss the project. The County Executive informed us that he intends to approve the grant application for \$250,000. This will bring the total grant funds received for this project to over \$900,000.

COMMUNITY LIAISONS:

PSAB:

George Gast moved to approve Aaron Gast's attendance at the annual PSAB conference in Hershey. Mark Eisert seconded, and the motion passed 6-0.

NEW BUSINESS:

Mark Eisert moved to approve Resolution 6-2024:

**BOROUGH OF EDINBORO
RESOLUTION NO. 6-2024**

A RESOLUTION, of the Council of the Borough of Edinboro, Erie County, Pennsylvania authorizing the filing and acceptance of the attached Enterprise Zone Application to the Pennsylvania Department of Community and Economic Development (“the Department”) under the auspices of the Enterprise Zone Program.

WHEREAS, the Borough Councilors are desirous of participating in the potential obtainment of funding from the Department to operate an Enterprise Zone Program, which is managed on behalf of the Borough of Edinboro by the Erie County Redevelopment Authority, and

WHEREAS, the Borough Councilors are apprised of the physical boundaries of the proposed Enterprise Zone Plan, and

WHEREAS, the Program will provide incentives that provide tax credits to private companies investing in rehabilitating, expanding, or improving buildings or land located within the designated enterprise zones with tax credits equal to 25% of amount invested; Up to \$500,000 total tax credits per project, and

WHEREAS, the Borough Councilors are apprised of the Five Year Strategy that underpins this Enterprise Zone application, are aware of the county-wide nature of said strategy, and will direct Borough personnel to work collaboratively in the fulfillment of this Strategy, and

WHEREAS, the Borough Councilors recognize that the filing of this application, the administration of the Program, and like responsibilities rest with the Erie County Redevelopment Authority, and as such, the Erie County Redevelopment Authority will reimburse the Commonwealth of Pennsylvania for the State’s share of any expenditure found by the DCED to be ineligible.

***NOW, THEREFORE, BE IT RESOLVED** by the members of the Borough Council, that the Borough of Edinboro hereby endorses its participation in this county-wide partnership and affirms participation in the filing of the Enterprise Zone Program application to the Department of Community and Economic Development for the purpose of re-certifying the Enterprise Zone Program for the benefit of business and industry in the Borough.*

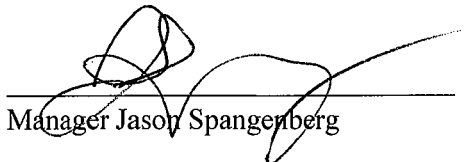
***ADOPTED** this 12th day of February, 2024.*

Amanda Frantz-Mamani seconded, and the motion passed by 6-0 vote: George Gast, yes; Amanda Frantz-Mamani, yes; Mark Eisert, yes; Mary Ann Horne, yes; Pat Davis, yes; and Kelly Gheres, yes.

ADJOURNMENT:

Mark Eisert moved for adjournment, and the meeting was adjourned at 7:40 PM.

ATTEST:



Manager Jason Spangenberg



Mayor Aaron Gast