

**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.~~

- ~~1. 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.~~
- ~~2. 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.~~
- ~~3. Leaves. Burning of leaves is prohibited. Composting shall be in accordance with Borough regulations.~~
- ~~4. Unattended Fires. No person shall cause, suffer, allow or permit any burning unattended.~~
- ~~5. 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.~~
- ~~6. Smoke Nuisance. It shall be unlawful to create a smoke nuisance to adjoining properties.~~
- ~~7. 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.

ATTEST:

BOROUGH OF EDINBORO

Jason Spangenberg, Borough Manager

Aaron Gast, Mayor

CERTIFICATION

I HEREBY Certify that the above is a true copy of the Borough of Edinboro Ordinance No. 632 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on February 12, 2024, the same being advertised in the Meadville Tribune and recorded in the Borough Ordinance Book.

Secretary Jason Spangenberg

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