

# WINDSOR BOROUGH COUNCIL AGENDA

September 11, 2023

6:00 PM

## Minutes from Previous Meeting

## Citizens & Inquiries

### Reports:

Codes Enforcement Officer

EMA

Mayor

**Engineer** – see agenda

**Solicitor:** See agenda

### Council Members:

- ✓ Approve Resolution to apply for grant. Approve to pay grant application fee of \$100

### Secretary-Treasurer:

- ✓ Budget report
- ✓ Invest Funds in PLGIT or CD. Interest rate for both is 5%
- ✓ Donna will be on vacation Sept 14<sup>th</sup> -15<sup>th</sup> & Sept 21<sup>st</sup> -22<sup>nd</sup>.

**Maintenance:** Nothing to report

## Approve General Funds Bills

**WINDSOR BOROUGH COUNCIL MEETING**  
**MONDAY September 11, 2023**  
**ENGINEER'S PROJECT UPDATE**

**YCPC – MS 4 Program**

- Continue monitoring & improving implemented programs
- Up to date mapping
- Sch. Training/review/update meeting with Donna
- Prepare annual report- due in September

**Existing Erosion Control Basin Improvements (Barclay):**

- Basin conversion- completed
- Completion of storm pipe to follow pond work- underway

**Walnut Creek Development**

- Phase I & II Final plan:
  - Processing building permit applications Phase III Final Plan:
  - Conditions- updated Developers & Stormwater agreements, public surety estimate approval- have not received.
- Phase III Final Plan

**2021-2023 CDBG funded project (High Street)**

- Review modified design and draft bid document
- Review bid document with YCPC
- Bid opening – Nov. 6, 2023

**Penn Street / Main Street signalized intersection geometric realignment**

- Next Steps:
  - Penn DOT scoping meeting to review geometric design (Sept./Oct.)
  - Meet with Property owners (Oct./Nov.)
  - Proceed with permitting & grant applications- (Fall/Winter)

**Grant Opportunities:**

- Review information from grant writer

**Fishing Creek- Borough/Resident wall issues:**

- Received wetland evaluation/report – proceeding with electronic filing of GP-11

**YCCD Dirt, Gravel, Low volume road grant:**

- Currently not enough funds in their budget. In September their budget will be replenished. County Conservation District will evaluate applications in November.

**GLB&A Project Cost Tracking:**

- Will be provided

**General Discussion Items:**

- 2024-2026 YCPC CDBG grant projects

**WINDSOR BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 01 - 2023**

**AN ORDINANCE OF WINDSOR BOROUGH, YORK COUNTY,  
PENNSYLVANIA, AMENDING ORDINANCE NO. 4-2016 OF WINDSOR  
BOROUGH MODIFYING THE REGULATIONS FOR THE KEEPING OF  
CERTAIN ANIMALS IN WINDSOR BOROUGH AND MODIFYING THE  
PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, the Borough Council of Windsor Borough (the “Borough”) has previously enacted Ordinance No. 4-2016, regulating the keeping of certain animals in Windsor Borough and setting violations thereof; and

**WHEREAS**, the Borough Council believes it to be in the best interest of the residents of the Borough to amend Ordinance No. 4-2016.

**BE IT ENACTED AND ORDAINED**, by the Borough, and it is hereby enacted and ordained by the authority of the same, as follows:

**SECTION 1:** Amend SECTION 11 (5) as follows: (deleted language is shown by ~~strikethrough~~ and added language shown by double-underlining).

**Section 11. Animals at Large.**

\* \* \* \* \*

5. The Animal Control Officer or any police officer or constable, at such officer’s or constable’s discretion, may seize any domestic animal found at large in the Borough. Such domestic animals are to be impounded in a licensed kennel. As set forth in Section 15 of this Ordinance, owners of animals shall be responsible for costs, including fees charged by the Animal Control Officer or his/her designees and kennel fees for the boarding of animals impounded found running at large in the Borough. Additionally, should the owner of the animal not reimburse the Borough for fees charged by the Animal Control Officer and if the owner of the animal is a resident of Windsor Borough and not a property owner within the Borough, the owner of the property at which the animal’s owner resides shall be responsible for the payment of said fees and costs.

**SECTION 2:** Amend SECTION 15 by deleting it in its entirety and adding the following language (deleted language is shown by ~~strikethrough~~ and added language shown by double-underlining):

~~**Section 15. Penalties.** The Borough’s Animal Control Officer, applicable law enforcement officials and such other persons as may be designated by resolution of the~~

~~Council are authorized to make an initial determination of a violation of this Ordinance, and to enforce the provisions of this Ordinance. Any person found guilty of violating this Ordinance in a summary offense proceeding shall be subject to a fine of not less than \$25.00 and not greater than \$1,000.00 per violation, plus all costs of enforcement including reasonable attorney fees, or may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues or each section of this Ordinance that is found to be violated shall be considered a separate violation.~~

### Section 15. Enforcement and Penalties

1. Enforcement. All of the prohibited acts or types of conduct set forth herein are hereby declared to be a public nuisance and shall be illegal. Enforcement shall be as follows:
  - A. Enforcement thereof shall be by the issuance of notice of violation letters. A violation of this Ordinance shall constitute a civil penalty punishable by a fine as set forth in Section 15 (2), and as set from time to time by resolution. Repeated notice of violation letters shall result in a higher fine. If, after a third notice of violation letter is issued for violations under this Ordinance within 120 days of the first violation, and/or if full compliance has not been obtained within 30 days of the issuance of any notice of violation, then such ordinance enforcement shall be by the filing of an action before a Magisterial District Judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rule of Criminal Procedure and the Borough Code Section 3321. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. 454 (relating to trial and summary cases). Notice of violations will be sent to (1) the owner of the animal and (2) in the case where the owner of the animal is a resident of the Borough and not a property owner within the Borough, notice will additionally be sent to the property owner where the owner of the animal resides.
  - B. The Borough Council may direct the removal of the nuisance as defined herein, as the case may be, to be completed by the Borough and to certify the costs thereof to the Borough Solicitor. The cost of such removal shall be a lien upon such property from the time of removal.
  - C. The Borough, by means of a complaint in equity may compel the owner of the property where the animal resides to comply with the terms of any notice of violation or seek any such other relief in any such court of competent jurisdiction is empowered to afford.
  - D. Each day's continuance of a violation on any provision of this Ordinance shall constitute a separate event.

2. Penalties.

A. Fines.

- i) Any person who shall violate any provision of this Ordinance shall pay a fine as follows:
  - (a) Fifty dollars, plus costs, for the first violation;
  - (b) One hundred dollars, plus costs, for the second violation;
  - (c) One hundred fifty dollars, plus costs, for the third violation.
- ii) After such third notice, an action for enforcement shall be filed with the Magisterial District Court.
- iii) If payment in full has not been received within 30 days after the issuance of any notice of violation, an action for enforcement may be filed with the Magisterial District Court.
- iv) Such penalties may be modified and amended by the Borough Council through resolution.

B. Any person, firm or corporation who or which shall violate any provision of this Ordinance, in addition to the above penalties, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 or imprisoned not more than 30 days, or both.

C. Windsor Borough shall be entitled to be reimbursed for all attorneys' fees, costs and expenses incurred with the enforcement of this Ordinance.

D. For purposes of this section, "costs" shall include, but not be limited to, any and all money spent on investigating, mitigating, prosecuting, mailing of notices, delivery of notices or otherwise addressing any violation of this Ordinance, including expenses related to the fees charged to the Borough by the Borough's Animal Control Officer and kennel fees related to the impounding of any animal pursuant to Section 11.

**SECTION 3: Effective Date.** This Ordinance shall take effect immediately in accordance with law.

ENACTED AND ORDAINED this 11<sup>th</sup> day of September, 2023.

ATTEST:

WINDSOR BOROUGH COUNCIL

\_\_\_\_\_  
Donna J. Martin, Secretary

By: \_\_\_\_\_  
Matthew L. Dietz, President

Approved this \_\_\_\_\_ day of September, 2023

By: \_\_\_\_\_  
Larry Markel, Mayor