

**BOROUGH OF NEWBURG
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2005 3**

AN ORDINANCE OF THE BOROUGH OF NEWBURG, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING A NUISANCE BY DOGS, CATS OR OTHER ANIMALS; PROHIBITING ANIMAL NUISANCES; AND SETTING FINES FOR HARBORING ANIMAL NUISANCES.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Newburg, Cumberland County, Pennsylvania, pursuant to the Borough Code, as follows:

Section 1. No person shall keep or harbor any dog, cat, or other animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

Section 2. Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of any person of the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

Section 3. Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrubs, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

Section 4. No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, city park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog, cat or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and dispose of the same in a sanitary manner, such type of nuisance shall be considered abated.

Section 5. Persons with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with Section 4.

Section 6. Any person violating any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution, for each offense thereof.

Section 7. Severability: The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance for any reason is found to be unconstitutional, illegal, invalid, or otherwise unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.


Section 8. Repealer: All provisions of previous ordinances of the Borough of Newburg, or parts thereof, which are contrary or inconsistent to this Ordinance are expressly repealed.

Section 9. Savings Clause: In all other respects, the Ordinances of the Borough of Newburg shall remain as previously enacted and ordained.


Section 10: Effective Date: This Ordinance shall take effect April 4, 2005.

ENACTED AND ORDAINED by the Borough Council of the Borough of Newburg into law this 4th day of April, 2005.

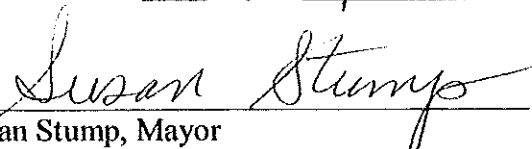
ATTEST:


Rae Ann Sprecher-Frey
Borough Secretary

BOROUGH OF NEWBURG

BY: 
C. Ray Sprecher, President

Approved this 7th day of April, 2005.


Susan Stump, Mayor
Borough of Newburg