

**BOROUGH OF NEWBURG  
CUMBERLAND COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2014 \_\_**

**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.**

**A.** A dog owner shall keep each dog in his/her custody, at all times, under control, so that such dog cannot run at large. A dog owner shall maintain control of each dog in his/her custody when upon public property or within the public rights-of-way, or upon property other than that of the dog owner, so that such dog cannot run at large.

**B.** For the purposes of this Ordinance, the following terms are defined as follows:

1. Dog Owner includes every person having a right of proprietorship or ownership in a dog; and every person who keeps or harbors a dog or has it in his care or custody; and every person who permits a dog to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a dog, regardless of whether any such dog is licensed or unlicensed.

2. Control means immediately adjacent to the dog and in a position to control its actions and conduct, or confined within the premises of the dog owner, firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or under the reasonable control and custody of the owner or keeper.

**Section 5.** 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 6.** Persons with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with Section 5.

**Section 7.** Any person violating any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, for each offense thereof.

**Section 8. 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 9. 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.

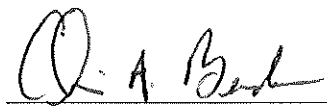
**Section 10. Savings Clause:** In all other respects, the Ordinances of the Borough of Newburg shall remain as previously enacted and ordained.

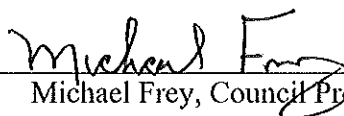
**Section 11: Effective Date:** This Ordinance shall take effect \_\_\_\_\_, 2014.

**ENACTED AND ORDAINED** by the Borough Council of the Borough of Newburg into law this \_\_\_\_ day of \_\_\_\_\_, 2014.

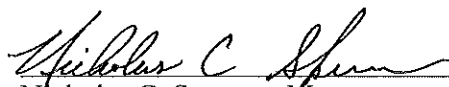
ATTEST:

BOROUGH OF NEWBURG

  
Chris Bender, Borough Secretary

BY:   
Michael Frey, Council President

Approved this 3 day of November, 2014.

  
Nicholas C. Spencer, Mayor  
Borough of Newburg