

NEWBURG BOROUGH
ORDINANCE NO. 2018- 023

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NEWBURG,
CUMBERLAND COUNTY, PENNSYLVANIA, TO REGULATE CERTAIN ACTIVITIES
TAKING PLACE ON REAL PROPERTY OWNED BY THE BOROUGH AND
ESTABLISHING PENALTIES FOR THE SAME**

WHEREAS, the Borough Council for the Borough of Newburg ("Council") has determined that it is in the best interests and for the general welfare of the citizens and residents of the Borough of Newburg (the "Borough") to adopt and enforce an ordinance regulating certain activities on real property owned by the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the borough of Newburg, Cumberland County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Purpose.

Borough Council, finding that certain activities including, without limitation, smoking and nuisance animals, can be detrimental to the physical, mental and social well-being of the people, as well as to their comfort, living conditions, general welfare and safety, and being, therefore, a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of smoking and nuisance animals within the Borough.

SECTION 2: Title.

This ordinance shall be known as the "Borough Property Ordinance."

SECTION 3: Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ANIMAL – For the purpose of this Ordinance, "animal" shall include any non-human species including mammals, avians, and reptiles, including any wild or semi-wild animal maintained in captivity.

OWNER – Any person owning harboring or keeping, or providing regular care or sustenance for any animal, whether registered or not, or having custody of any animal, whether temporary or permanently.

PERSON – Any individual, association, partnership or corporation, and includes officers, employees, department, agency or instrumentality of a state or any political subdivision of a

state. Whenever used in any clause prescribing and imposing penalty, "person" includes individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporations, the officers and managers thereof, or any of them.

PROPERTY LINE (BOUNDARY) – Any imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separation of properties; and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purposes of this ordinance, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing officer.

SMOKING - inhaling or tasting of smoke produced by burning substances, including but not limited to, tobacco, marijuana, clove cigarettes, or any other substance that can be burned and inhaled.

VAPING - to inhale vapor through the mouth from a usually battery-operated electronic device (such as an electronic cigarette) that heats up and vaporizes a liquid or solid.

SECTION 4: Restrictions.

- A. It shall be unlawful for any owner to permit cats, dogs or other animals to traverse, sit upon, dig, urinate or deposit feces within the property line (boundary) of any property owned by the Borough.
- B. It shall be unlawful for any person to engage in the acts of smoking or vaping within the property line (boundary) of any property owned by the Borough.

SECTION 5: Penalties. Any Person violating the provisions of this Ordinance shall be subject to pay a fine of up to \$100, plus the costs of prosecution, if applicable, provided that each separate violation of this ordinance shall constitute a separate offense.

SECTION 6: Other Rules and Regulations.

- A. This Ordinance does not replace federal, state, or Cumberland County Ordinances. If a conflict arises, the federal, state or Cumberland County ordinance shall take precedence.
- B. The provisions of this Ordinance do not apply to non-captive animals regulated by the Pennsylvania Game Commission under Title 34 Pa.C.S.A, *et seq.*

SECTION 7: Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.


SECTION 8: Repealer. All provisions of previous Ordinances of the Borough of Newburg which are contrary to this Ordinance are expressly repealed.

SECTION 9: Effective Date. This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 17 day of September, 2018, by the Borough Council of the Borough of Newburg, Cumberland County, Pennsylvania.

ATTEST:

BOROUGH OF NEWBURG



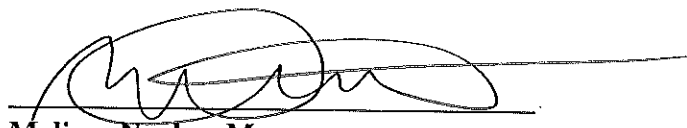
Sara Rhine, Borough Secretary

BY:



Nathan Shoemaker, President

Approved this 17 day of September, 2018

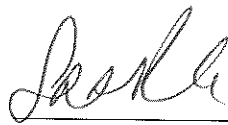


Melissa Negley, Mayor
Borough of Newburg

CERTIFICATION

The undersigned hereby confirms that she is the duly appointed Secretary of the Borough of Newburg, Cumberland County, Pennsylvania, and that a summary of the foregoing Ordinance was duly advertised in the Sentinel, a newspaper of general circulation, on August 30, 2018, and was duly enacted by Borough Council at its regular meeting held on September 17, 2018, which meeting was duly called and at which time a quorum was present and acting throughout, and that said Ordinance has not been revoked or amended.

Date: 9/17/18



Sara Rhine
Borough Secretary