

**Borough of New Milford  
Susquehanna County, Pennsylvania**

**Ordinance No. 15**

AN ORDINANCE OF THE BOROUGH OF NEW MILFORD, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 15, PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF, REPEALING INCONSISTENT ORDINANCES OR PORTIONS THEREOF, AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, on October 17, 1913, the Council of the Borough of New Milford enacted Ordinance No. 15 regulating, in part, the activities of horses, meat cattle, swine, sheep, geese, fowl and dogs within the boundaries of said Borough; and

**WHEREAS**, on May 3, 2007, the Council of the Borough of New Milford enacted an amendment to Ordinance No. 15, amending Sections 1 through 6, inclusive, entitled "Ordinance Relative to Domestic Animal", of Ordinance No. 15; and

**WHEREAS**, the Council of the Borough of New Milford has determined that since the enactment of Ordinance No. 15 and its amendments thereto, individuals have increasingly maintained various household pets in their dwellings and upon their real property; and

**WHEREAS**, the Council of the Borough of New Milford, having considered and studied the impact of allowing these various animals to be maintained and/or housed within the Borough limits, has concluded that maintaining and/or housing certain breeds of animals, when regulated, will not be injurious to the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Borough; and

**WHEREAS**, the Council of the Borough of New Milford is empowered with the authority to enact ordinances prohibiting or regulating the keeping or running at large of livestock and fowls and any other animals and authorizing their seizure and detention; and

**WHEREAS**, the Council of the Borough of New Milford may prescribe reasonable charges for the seizure and detention of animals and provide for their sale for the benefit of the Borough in default of the redemption of the animals by their owners.

**NOW THEREFORE**, the Council of the Borough of New Milford, Susquehanna County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

**Section 1. Definitions**

In this Ordinance, the following definitions shall apply:

**ANIMAL** shall mean a living thing that is not a human being or a plant.

**BOROUGH** shall mean the Borough of New Milford.

**HOUSEHOLD PET** shall mean any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner, which shall include birds (poultry birds, parakeets, parrots, canaries, finches, lovebirds, and myna birds, but excludes any wild bird captured or rescued and kept in cages), ferrets, frogs, gerbils, goldfish and carp, guinea pigs, hamsters, lizards, POT-BELLIED PIGS, rabbits (restricted to European type rabbits commonly kept as pets), salamanders, nonpoisonous snakes, toads, tropical fish (except piranhas) and turtles.

**PERSON** shall mean any natural person, business, association, partnership, firm, organization, corporation or other entity.

**POT-BELLIED PIGS** shall include Chinese pot-bellied pigs or Asian pot-bellied pigs.

## **Section 2. Amendment**

The Council of the Borough of New Milford hereby amends Sections 1, 2, and 3 of the section entitled "Ordinance Relative to Domestic Animal" of Ordinance No. 15, by striking the language therein and replacing said language with the following:

### **SECTION 1: Prohibition of Certain Animals within the Boundaries of the Borough:**

1. No PERSON shall keep, maintain, house, or board, nor shall any PERSON allow on any real property owned or controlled by him/her/it, the keeping, maintaining, housing or boarding of ANIMALS except for HOUSEHOLD PETS.
2. It shall be unlawful for any PERSON to keep any HOUSEHOLD PET in a dwelling or on real property owned or occupied by him/her/it if the PERSON fails to follow commonly recognized sanitary procedures, so as to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

**SECTION 2: Birds not to run at large.** The keeper of every such bird shall confine the same in an enclosure sufficient to prevent such bird from running at large and such enclosure shall be a size conducive to good sanitary practices and adequate and sanitary drainage shall be provided. This enclosure shall be no closer than 15 feet to the exterior of any dwelling or of any property line.

### **SECTION 3: Penalties:**

- (a) Any PERSON who violates or permits a violation of this Ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge

under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and be punishable by a fine of not less than \$200.00 or more than \$1,000.00 per violation, plus costs of prosecution by the BOROUGH, including court costs and attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment not exceeding ninety (90) days, each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense.

- (b) In addition to the criminal proceeding provisions of paragraph (a) of this Section, the BOROUGH may enforce this Ordinance through an action in equity brought in the Susquehanna County Court of Common Pleas.

### **Section 3. Enforcement**

The Codes Enforcement Officer is hereby authorized to enforce the procedures and practices adopted by the BOROUGH Council.

### **Section 4. Authority**

The Council of the BOROUGH is granted the authority to enact this Ordinance pursuant to 8 Pa. S.C.A. §1202(5) & (10).

### **Section 5. Repealer**

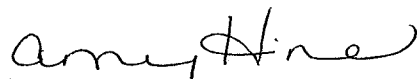
Sections 4, 5 and 6 of the section entitled "Ordinance Relative to Domestic Animal" of Ordinance 15 and the May 3, 2007, Ordinance amending Ordinance 15 are hereby repealed.

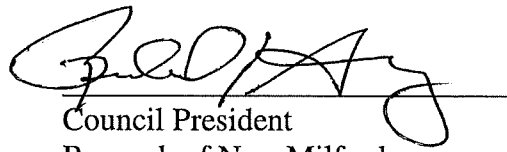
### **Section 6. Effective date**

This Ordinance shall take effect immediately upon its adoption.

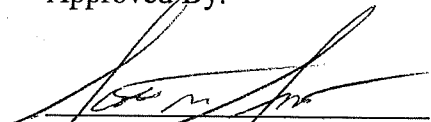
**ENACTED AND ORDAINED** this 17<sup>th</sup> day of March, 2016 by the Borough Council of the Borough of New Milford, Susquehanna County, Commonwealth of Pennsylvania in lawful session, duly assembled.

ATTEST:

  
\_\_\_\_\_  
Council Secretary  
Borough of New Milford

  
\_\_\_\_\_  
Council President  
Borough of New Milford

Approved By:

A handwritten signature in black ink, appearing to be "John M. Smith", written over a horizontal line.

Honorable Mayor  
Borough of New Milford