

THROOP BOROUGH  
ORDINANCE NO. 9 OF 1995

THROOP BOROUGH ORDINANCE  
GOVERNING THE CURBING OF PETS AND THE RESPONSIBILITY  
OF PET OWNERS FOR THE REMOVAL OF ALL ANIMAL WASTE WHILE  
PETS ARE ON BOROUGH STREETS OR PROPERTY AND WHILE PETS ARE  
ON PRIVATE PROPERTY WITHOUT THE EXPRESS PERMISSION OF THE OWNER  
OF SUCH PRIVATE PROPERTY WITHIN THE BOROUGH OF THROOP

In order to provide for the proper management, care and control of the Borough of Throop and to provide for the proper health, safety, morals, general welfare and cleanliness of the Borough of Throop, as well as, the beauty, convenience, comfort and safety of the Borough of Throop, the Throop Borough Council hereby ordains and enacts as follows:

1. No owner, custodian or keeper of any pet shall allow such pet to run at large at any time upon any streets, alleys, or public grounds of the Borough of Throop or upon the private property of any citizen of the Borough of Throop without the express consent of such private property owner, unless curbed, or accompanied by and under the immediate control of, such owner, custodian or keeper.

2. No owner, custodian or keeper of any pet shall cause, suffer or allow such pet to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk upon or upon any Borough property whatsoever or upon any private property without the express permission of the owner of said private property. In the event that any pet shall defecate or otherwise leave animal waste upon any area designated above,

convenience, comfort and safety of the Borough of Throop; pursuant to its authority under 53 P.S. §46202(9) to make regulations relative to the accumulation of manure, compost and the like; pursuant to its authority under 53 P.S. §46202(13) to prohibit or regulate, by ordinance, the running at large of dogs, cats, and/or other pets; pursuant to its authority under 53 P.S. §4202(17) to regulate the streets, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains of the Borough of Throop and pursuant to its authority under 53 P.S. §4202(74) to make and adopt any ordinance necessary for the proper management, care and control of the Borough of Throop and its finances, as well as, the maintenance of the peace, good government, safety and welfare of the Borough of Throop, the Throop Borough Council hereby enacts the within ordinance. It is the desire and intent of the Throop Borough Council to ensure that the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough of Throop and its residents is in the best possible condition for both safety and financial reasons. Therefore, in order to protect its citizens, the Throop Borough Council enacts the within Ordinance.

### Section 3. Definitions.

- A. "BOROUGH" means the Borough of Throop, Lackawanna County, Pennsylvania, the Mayor of the Borough of Throop, the Borough Council of Throop and any duly authorized agent of any of the above.

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- B. "COMMON THOROUGHFARE" or "PUBLIC PROPERTY" means any public street, alley, sidewalk, passageway, bypath, play area, park, road, roadway, yard, property or any place whatsoever where people congregate or walk or upon any public property whatsoever owned, operated by or under the control of the Borough of Throop.
  - C. "PRIVATE PROPERTY" means all property within the Borough of Throop which is not public property and which is owned, operated or under the control of private individuals, partnerships, corporations or other associations, whether said private individuals, partnerships, corporations or other associations are residents of the Borough of Throop or are not residents of the Borough of Throop.
  - D. "PET" means any "animal" as defined by Webster's Encyclopedic Unabridged Dictionary of the English Language (1989 Edition) and includes, by way of illustration and not by means of limitation, dogs, cats, birds, rabbits, and rodents.
  - E. "ANIMAL WASTE" means any fecal matter, urine, vomit or other waste byproduct generated by any pet within the Borough of Throop.
  - F. "OWNER" means any individual, partnership, corporation or association who cares for, houses, feeds, is the record owner of, or is in control of any pet within the Borough of Throop and includes custodians and keepers.
  - G. "CURBING" means the requirement that any pet within the Borough of Throop is to be restrained by a leash or other appropriate device or control so that said pet cannot stray beyond the premises on which it is secured, or under the reasonable control of the owner, custodian or keeper of any pet within the Borough of Throop.

Section 4. Requirements for the Curbing of Pets and the Responsibility of the Pet Owners for the Removal of All Animal Waste While Pets Are on Public Streets or Public Property and While Pets Are on Private Property Without the Express Permission of the Owners of Private Property Within the Borough of Throop.

- A. No owner, custodian or keeper of any pet shall allow such pet to run at large at any time upon any common thoroughfare or public property within the Borough of Throop or upon any

private property within the Borough of Throop without the express consent of any private property owner unless accompanied by and under the immediate control or such owner, custodian or keeper.

- B. No owner, custodian or keeper of any pet within the Borough of Throop shall cause, suffer or allow such pet to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk upon any public property whatsoever within the Borough of Throop or upon any private property within the Borough of Throop without the permission of the owner of said property. In the event that any pet shall defecate upon any area designated above, the person in charge of said pet shall immediately remove all animal waste deposited by the pet by any sanitary method.
- C. Any owner, custodian or keeper of any pet within the Borough of Throop who curbs such a pet shall immediately remove all feces or other animal waste deposited by said pet by any sanitary method and same shall be deposited in the owner's own garbage or disposed of in some other sanitary method. The deposit shall be properly wrapped, packaged and protected so as to prevent unsightly disposal, smell or interference with the health and welfare of the residents of the Borough of Throop.
- D. No owner, custodian or keeper of any pet within the Borough of Throop, shall walk, transport or maintain outside the owner's, custodian's or keeper's own private property any such pet within the Borough of Throop unless that owner, custodian or keeper shall at all times have upon his or her person the necessary utensils to immediately remove all feces or other animal waste which is or may be deposited by said pet while said pet is outside the private property of its owner, custodian or keeper. For purposes of this section, "utensil" shall mean by way of illustration and not be means of limitation, "pooper scooper," pet shovel, pet bucket and/or any other similar devices to immediately remove any pet feces or animal waste which may be deposited by said pet while said pet is upon any public property whatsoever within the Borough of Throop or upon any private property within the Borough of Throop without the permission of the owner of said property.

Section 5. Penalties.

Any party violating any of the provisions of this Ordinance shall upon conviction therefore, be sentenced to pay a fine of Fifty Dollars (\$50.00) and costs of prosecution for each violation. Each violation of any of the provisions of this Ordinance shall constitute a separate offense.

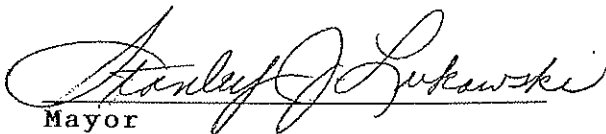
Section 6. Severability and Amendment.

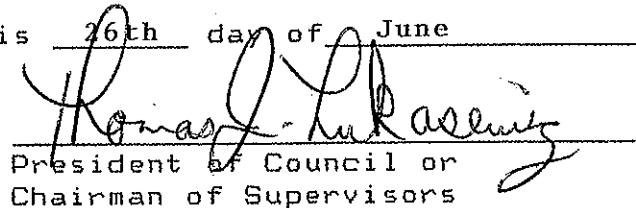
If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains workable minus the invalid portion.

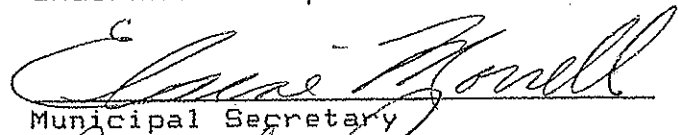
Section 7. Effective Date.

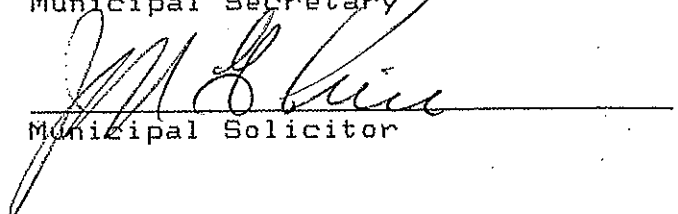
This Ordinance shall become effective thirty (30) days from the date of its enactment herein.

Enacted and Ordained this 26th day of June, 1995.

  
Mayor

  
President of Council or  
Chairman of Supervisors

  
Municipal Secretary

  
Municipal Solicitor