

ORDINANCE NUMBER 8 OF 2014

AN ORDINANCE OF THE BOROUGH OF THROOP, LACKAWANNA COUNTY, PENNSYLVANIA REGULATING THE KEEPING OF ANIMALS WITHIN THE BOROUGH OF THROOP

WHEREAS, Throop Borough Council determined that the harboring of wild or dangerous animals within Throop Borough is a potential threat to the public and offensive.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF THROOP AS FOLLOWS

SECTION I: Definitions – The following terms shall have the meaning indicated;

ANIMAL – any domestic animal (large or small) or fowl, any household pet and/or any wild/exotic animal and dangerous animal.

DANGEROUS ANIMAL – any animal creating and/or threatening or risking a hazardous, perilous or unsafe condition and/or any other animal which presents a danger to life or limb.

DOMESTIC ANIMAL – any animal normally or ordinarily domesticated or raised as livestock or for work or breeding purposes.

DOMESTIC FOWL – any of the several usually gallinaceous birds which may be raised for food purposes, such as, grouse, pheasant, turkey, partridge, duck, geese, hen, chicken and rooster.

HOUSEHOLD PETS – any dog, cat, bird, gerbil, hamster or other domestic animal normally an ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL – including by way of example but not limited to a horse, cow, sheep, goat, pig, hog and swine.

OWNER– an owner will be defined as every person, firm or corporation having a right of property in any animal which is kept, harbored or cared care within the Borough of Throop.

SMALL ANIMAL – any small domestic animal including by way of example but not limited to a rabbit, hare or chinchilla.

EXOTIC/WILD ANIMAL – any animal, including mammal, bird, or reptile, not normally or ordinarily raised as livestock or for work or breeding purposes or not a household pet as defined above, which is commonly recognized to be dangerous, noxious, venomous or naturally inclined to do harm. The definition by way of example and is not limited to the following: coyote, bear, lion, leopard, tiger, jaguar, cougar, cheetah, wolf, bobcat, raccoon, primate, reptile including all venomous and constricting snakes, venomous lizards and all other venomous reptiles, crocodile, alligator, spiders, weasels including skunks, mink, wolverine, badgers, otters, ermine, mongoose, etc. as well as any other animal the Pennsylvania Game Commission, Fish Commission and/or Department of Agriculture deems wild and/or exotic.

SECTION II: Certain Animals Prohibited.

1. It shall be lawful for any person to keep and raise any household pet, other than as provided in this section as follows:
 - a. It shall be unlawful for any person to allow an animal to run at large within the Borough of Throop. Restraining or walking leashes are mandatory and shall not exceed six (6) feet in length.
 - b. Every keeper of any animal shall cause the litter or droppings therefrom to be collected daily in a container or receptacle that when closed shall be rodent proof and fly-tight and after such collection shall cause such container or receptacle to be kept closed. At least twice a week every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae or malodorous condition.
 - c. Every keeper of any household pet shall cause all feed provided therefore to be stored in and kept in a rodent-proof and fly-tight box, container or receptacle.
 - d. It shall be unlawful for any owner or keeper of any household pets to permit the same to make excessive noise.
 - e. No more than six (6) household pets shall be permitted in any residence. No household pet may be kept in a vacant residence.
2. It shall be unlawful for any person to keep, breed or raise any dangerous animal, any exotic/wild animal, any large animal or any domestic animal or fowl at any place within the Borough of Throop with the exception of a

zoological park, veterinary hospital or clinic, humane society, circus or facility used for education or scientific purposes which must provide cages, senses and other protective devices adequate to prevent such animals from escaping or injuring the public or causing a health hazard.

3. If a Throop resident currently owns any animal prohibited by this ordinance, they shall, at the time of enactment of this ordinance, register said prohibited animal within Throop Borough and shall provide an annual fee of \$20.00 per prohibited animal which shall be paid by the owner or possessor within Throop Borough. A copy of the registration is to be filed with the Police Department and all regulations shall be followed for permits issued by the Department of Agriculture, Pennsylvania Game Commission and Pennsylvania Fish and Boat Commission.
4. Upon the death, sale, adoption, exchange, transfer or disposal of said prohibited animal, said animal shall not be replaced.
5. Any owner of a prohibited animal within Throop Borough registered under this ordinance shall maintain insurance coverage that provides general liability insurance issued by an insurer authorized to do business in this Commonwealth insuring the owner for any personal injury caused by the prohibited animal.

SECTION III: Violation of the Law

6. Any violation of this chapter that would also constitute a violation of any law of the Commonwealth of Pennsylvania shall be prosecuted under such law of the Commonwealth of Pennsylvania, and not under this chapter.

SECTION IV: Violation and Penalties

7. Any person who shall violate any provisions of this chapter shall upon conviction thereof, be punishable by fine not more than One Thousand Dollars (\$1,000.00) and costs of such proceedings, or upon default of payment of such fines and costs, by imprisonment in the county jail for a

term not more than thirty (30) days. The continuation of such violation for each successive day shall constitute separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION V.

8. 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 legally enforceable minus the invalid portion. The Borough of Throop reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

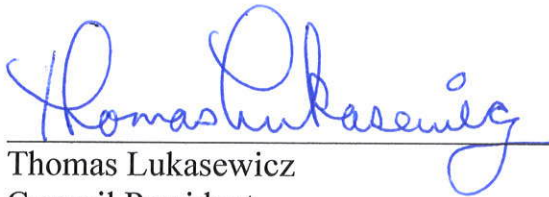
SECTION VI.

9. This ordinance shall become effective immediately upon its enactment.

SECTION VII.

10. This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 13th day of October , 2014.

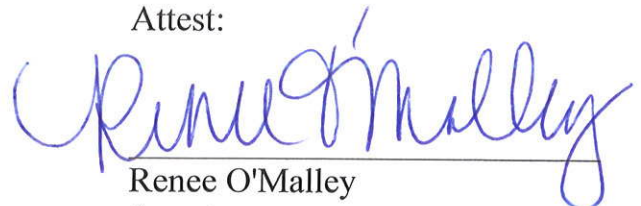


Thomas Lukasewicz
Council President



Wayne Williams
Mayor

Attest:



Renee O'Malley
Secretary