

**AN ORDINANCE OF THE BOROUGH
OF MOSCOW, LACKAWANNA COUNTY,
PENNSYLVANIA REGARDING HARBORING OF AN
ANIMAL NUISANCE AND ANIMAL DEFECATION**

Ordinance No 195-2007

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Moscow, Lackawanna County, Pennsylvania, as follows:

WHEREAS, Council for the Borough of Moscow has received complaints from citizens relative to nuisance animals and animal defecation on personal and private property and public property in the Borough of Moscow;

WHEREAS, Borough Council desires to provide a safe and cleaner community for residents; and,

WHEREAS, Borough Council believes that an Ordinance regarding the harboring of an animal nuisance and animal defecation is necessary to prevent owners of dogs, cats or other animals from committing nuisances upon private and public property within the Borough of Moscow.

NOW THEREFORE, the Council of the Borough of Moscow hereby Ordains:

DEFINITION: Animal: Includes all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats).

SECTION I. ANIMAL DEFECATION ON PUBLIC AND PRIVATE PROPERTY RESTRICTED:

No person, having possession, custody, or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Moscow, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

SECTION II. DISPOSAL OF ANIMAL FECES:

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation in any area other than the private property of the owner of such dog or other animal, as prohibited in Section 1, shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet.
2. Place same in a non-leaking container for deposit in a trash or litter receptacle.

SECTION III. EXCESSIVE NOISE OR UNSANITARY CONDITIONS:

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 of existence of a nuisance as defined herein. All animal pens or other areas in which animals are kept shall be maintained in a sanitary condition free of offensive, obnoxious or foul odors.

SECTION IV. EXCESSIVE ANIMAL NOISE:

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 if the nuisance goes on repeatedly for a period of ten (10) minutes or more during the hours of 7:00 a.m. to 10:00 p.m. or repeatedly for a period of five (5) minutes during the hours of 10:00 p.m. to 7:00 a.m. regardless of whether the animal is physically situated in or upon private property. Said noise shall constitute a nuisance; provided that, at the time the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is legitimately situated, nor is there any other legitimate cause which justifiably provoked the animal.

SECTION V. NUISANCE BY SCRATCHING, DIGGING OR DEFECAATION:

Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrubs, plant, building or other public or private property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

SECTION VI. OWNER TO PREVENT NUISANCE ON PUBLIC AND PRIVATE PROPERTY:

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, 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 the feces deposited by such animal and dispose of the same in a sanitary manner, such type of nuisance shall be considered abated.

SECTION VII. DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS EXEMPTED:

The provisions of Section 1 and Section 6 hereof, shall not apply to a guide dog accompanying blind persons, or a dog used to assist any other physically handicapped person.

SECTION VIII. ANIMALS AT LARGE:

No person, having possession, custody or control of any animal shall allow such animal to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of Moscow, or upon private property other than the property of the owner, custodian or keeper of such animal. Any person, having possession, custody or control of animals must keep such animal under the immediate control of such owner, custodian or keeper by means of a leash or other device when such animal is not on the property of the owner to prevent said animal from running or being at large.

SECTION IX. PENALTIES:

Any person, firm, corporation or other entity who shall violate any provision of this Ordinance, is subject to a fine not to exceed Three Hundred (\$300.00) Dollars plus costs of prosecution and, in default of payment of such fine and costs, imprisonment for a term not exceeding thirty (30) days.

SECTION X.


Should any provisions of this Ordinance be judicially determined invalid, such determination shall not affect the validity of any other portions of this Ordinance.

SECTION XI. REPEAL:

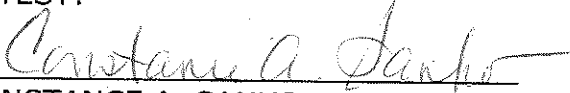
As of the effective date of this Ordinance, any other prior Resolution and/or Ordinance of the Borough of Moscow, with regard to animal nuisance or animal defecation, is hereby repealed.

BE IT ORDAINED AND ENACTED INTO LAW by the Borough Council of Moscow in lawful session assembled this 19th day of March, 2007.

BOROUGH OF MOSCOW

BY: 
ARTHUR PENCEK
PRESIDENT OF COUNCIL

ATTEST:


CONSTANCE A. SANKO
SECRETARY

Approved this 19th day of March, 2007.


DANIEL F. EDWARDS
MAYOR