

BILL NO: 10 of 2010
INTRODUCED: July 21, 2010
BY: Councilman Jonmichael Retos
ENACTED: August 21, 2010
ORDINANCE NO: 10 of 2010

**CITY OF MONESSEN
WESTMORELAND COUNTY, PENNSYLVANIA**

AN ORDINANCE REGULATING CATS WITHIN THE CITY

Section 1. DEFINITIONS.

In this ordinance, the following definitions shall apply:

Animal Control Officer: The individual, firm, corporation, association, or partnership duly appointed by City Council to perform animal control activities pursuant to the laws of the Commonwealth and the ordinances of the City.

Board of Health: The board of health of the City.

Cat: The genus and species known as Felis Catus, whether male and female.

City: The City of Monessen.

Commonwealth: The Commonwealth of Pennsylvania.

Inoculation, vaccination or vaccination for rabies: The inoculation of a cat with a vaccine approved by the Commonwealth for use in the prevention of rabies.

Keep or harbor: Permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure, or other place, on a habitual basis.

Kenel: The house, store, yard, enclosure or place where two or more weaned, unspayed or unneutered cats are harbored or kept; provided, however, this definition shall not apply to spayed female cats nor to an animal shelter or animal hospital operated by veterinarians duly licensed under the laws of the Commonwealth, which treats or boards cats for others.

Own: To have or claim a property interest in, keep, harbor, or have charge, custody, or control of a cat.

Owner: Any person owning, keeping, or harboring a cat.

Person: Any individual, firm, corporation, association, or partnership.

Running at large: The presence of a cat off the premises of the owner and not under the control of the owner or a member of his or her immediate family.

Section 2. VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.

Any person within the City owning a cat three months of age or older shall have such cat vaccinated by, or under the supervision of, a licensed veterinarian, against rabies. Each unvaccinated cat three months of age acquired or moved into the City must be vaccinated within 30 days after purchase or arrival. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat. The three-year rabies vaccine shall be the recognized vaccine to be used, and booster vaccines shall be obtained, as provided in 3 P.S. section 455.8, as amended, of the laws of the Commonwealth.

Section 3. CATS RUNNING AT LARGE.

It is hereby declared unlawful for any owner, keeper, or harbinger of any cat to permit such cat to run at large.

Section 4. WEARING OF COLLARS; REMOVAL OF VACCINATION TAG.

An owner, keeper or harbinger is responsible to insure that a cat of three months of age or older wears a collar bearing a rabies vaccination tag. It shall be unlawful for any person to remove, or cause to be removed, the rabies vaccination tag from the collar of any cat.

Section 5. PUBLIC NUISANCE.

Any cat running at large within the City is declared to be a public nuisance, and shall be impounded by the Animal control officer as provided in this ordinance, or if the residence of the owner of such cat is determined by the animal control officer before such cat is delivered to the animal shelter, such cat may be delivered to the owner upon said owner's written acceptance of delivery upon a form to be provided by the Animal control officer. If such cat is so delivered to the owner, an impoundment fee of \$50.00 shall be paid by the owner to the City within five days of delivery. Failure to pay said fee shall constitute a separate violation of this section.

Section 6. CATS INJURING OR DESTROYING PROPERTY OF OTHERS.

The owner, keeper or harbinger of any cat that in any manner injures or destroys any real or personal property of any description belonging to another shall be in violation of this ordinance. If upon the trial of any offense under in this section it shall appear to the Magisterial District Judge that the person be guilty as charged in said complaint or citation, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

Section 7. POISONING OR INJURING CATS.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as specifically authorized in this Ordinance, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison, poisoned food or poisoned bait where the same is accessible to any cat. This section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a cat's death in a humane manner with the approval of the owner of the cat.

Section 8. DUTY TO PLACE CAT UNDER OBSERVATION; WHEN REQUIRED; PROCEDURE.

When any cat owner, keeper or harbinger has been notified by any person injured or by someone in his or her behalf, or by someone with knowledge of said injury, that said person has been bitten or attacked by said cat, or when any cat owner, keeper or harbinger has been notified by any person that said cat has been bitten by a rabid animal, the owner, keeper or harbinger shall immediately place the cat under the care and observation of a person or agency so designated by the laws or Administrative Code of the Commonwealth.

Section 9. HOLDING IMPOUNDED CATS.

Any cat impounded due to lack of evidence of vaccination or running at large shall be held by the animal control officer for not less than 72 hours, unless sooner redeemed or released as hereinafter provided. The animal control officer shall notify the owner, keeper or harbinger of any cat impounded, if an identity and address can be ascertained upon reasonable investigation. Such notice shall be given as soon as may reasonably be accomplished after such cat is impounded. The notice shall state that the cat has been impounded, the date and time, the purpose or reason for such impounding, and the requirements to permit release of the cat.

- (a) Any cat remaining in the shelter unclaimed or not redeemed at the expiration of 72 hours after impoundment may be destroyed in a humane manner unless in the sole discretion of the animal control officer, a suitable home is then known and available for such cat.
- (b) If a suitable home for such cat is available, and if such cat is three months of age or older and has not had a vaccination for rabies as required by this ordinance, the person receiving the cat must have the cat vaccinated for rabies at that person's expense. The new owner shall be responsible to pay any impoundment fees due before the cat is released.
- (c) Any impounded cat placed with a new owner shall be neutered or spayed within 15 days after release from impoundment, except for cats under six months of age. Payment for neutering must be made at the time of release and shall be forwarded to a licensed veterinarian who will present a

statement signed by the veterinarian and the owner stating that the surgery has been performed.

- (d) The owner of any cat which is impounded and destroyed under this chapter shall be responsible for payment of the impoundment fee set out in this ordinance, and shall pay such fee or expense to the animal control officer within 15 days after destruction of such cat.
- (e) It shall be unlawful for the animal control officer to destroy or cause or permit to be destroyed any cat impounded until the expiration of impounding time limit of 72 hours, except when the animal control officer in his or her sole judgment determines that a cat so impounded is suffering from any injury or disease and recovery is doubtful.

Section 10. SHELTER FEE; RELEASE FROM SHELTER.

Any cat held or impounded by the animal control officer because of the violation of any of the provisions of this ordinance by its owner, shall be released to the owner thereof by the animal control officer upon proof of ownership of such cat and upon presentation of a valid and current rabies certificate showing that such cat has been properly inoculated for rabies, and upon the payment of a shelter fee of \$50.00.

Section 11.

Council may, from time to time, hire and contract with an animal control officer as necessary to carry out the provisions of this ordinance.

Section 12. INTERFERENCE WITH CAPTURE OF CATS.

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the animal control officer while engaged in capturing, securing, or taking to the animal shelter any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the shelter.

Section 13. SEVERABILITY.

The provisions of this ordinance are severable, and if any sentence, section or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

Section 14. PENALTY.

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$75.00 nor more than \$300.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

This Ordinance shall become effective immediately upon its enactment.

ORDAINED and ENACTED this 21st day of August, 2010.

City of Monessen

BY: Mary Jo Smith
Mary Jo Smith, Mayor

ATTEST:

Rosalie Nicksich
Rosalie Nicksich, City Clerk