

Bill No. 3 of 2011
Introduced on: January 19, 2011
By: Councilman Jonmichael Retos
Enacted: February 16, 2011
Ordinance No. 3 of 2011

AN ORDINANCE AMENDING ORDINANCE NO. 10 OF 2010 PROVIDING FOR DISPOSITION OF CATS RUNNING AT LARGE BY CAPTURE AND DELIVERY TO THE HUMANE SOCIETY, AND ASSESSMENT OF COSTS

Ordinance No. 10 of 2010 shall be modified in the following respects:

1. Section 5. **PUBLIC NUISANCE**: The first sentence shall be modified as follows:
 - (a) Any cat running at large within the City is declared to be a public nuisance.
 - (b) When, from time to time, Council determines that the presence of cats running at large in the City warrants action by the Animal Control Officer, Council may enter into an agreement with the City's Animal Control Officer, or any other duly-qualified individual or entity, ("Animal Control Officer"), to capture and dispose of cats running at large, consistent with the provisions of this Ordinance.
 - (c) The Animal Control Officer shall be empowered to capture, take custody of and dispose of cats running at large in a manner consistent with the provisions of this Ordinance.
2. Section 9. **HOLDING IMPOUNDED CATS**, shall be modified to read as follows:

Section 9. DISPOSITION OF CAPTURED CATS RUNNING AT LARGE

Upon capture of a cat running at large, the Animal Control Officer:

- (a) May, in the discretion of the Animal Control Officer, return the cat to its owner if the Animal Control Officer is able readily to ascertain the identity and residence of the owner. Return of the cat to the owner shall require the owner's written acceptance of the cat on a form prepared by the City and compliance with the requirements of section 10.

In determining whether to return, or attempt to return the cat to an owner, the Animal Control Officer may consider whether the cat has previously run at large, or whether the owner, if known, is or has been a harbinger of cats running at large.

- (b) Any cat running at large and captured by the Animal Control Officer which is not returned to an owner shall be delivered to the Humane Society except if the Animal Control Officer, in his or her sole judgment, determines that the cat is suffering from any injury or disease and recovery is doubtful. The cat may then be destroyed in a humane manner.
- (c) The owner of any cat which is delivered to the Humane Society under this Chapter shall be responsible for payment of the fee set out in this Ordinance, which shall be paid to the City, along with any fee imposed by the Humane Society to accept the cat, within fifteen (15) days after the cat is delivered to the Humane Society.

3. Section 10. **SHELTER FEES; RELEASE FROM SHELTER**, shall be amended to read as follows:

Section 10. CAPTURE FEE AND HUMANE SOCIETY ACCEPTANCE FEE;

- (a) Any cat captured 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 capture fee of \$50.00.
- (b) The City shall pay to the Humane Society, or shall reimburse the Animal Control Officer for payment thereof, the fee for the acceptance by the Humane Society of a cat captured by the Animal Control Officer under the provisions of this Ordinance, which is not released to its owner.
- (c) Should the City or the Animal Control Officer become aware of the identity of the owner of a cat captured and delivered the Humane Society, under the provisions of this Ordinance, within one year after the delivery of the cat to the Humane Society, the City shall be entitled to collect from the owner the capture fee and the Humane Society delivery fee, and may pursue collection at the office of the Magisterial District Judge.

4. Section 14. **PENALTY**, shall be modified as follows:

Other than an action by the City to collect unpaid capture or Humane Society delivery fees, 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 to be committed each day during or on which a violation occurs or continues.

(a) City Council, in its discretion, may, from time to time, change the amount of the capture fee, by duly-passed resolution.

5. In all other respects, Ordinance No. 10 of 2010 shall remain in full force and effect.

This Ordinance shall become effective ten (10) days after its enactment.

ENACTED and ORDAINED this 16th day of February 2011.

City of Monessen

BY: Mary Jo Smith
Mary Jo Smith, Mayor

ATTEST:

Rosalie Nicksich
Rosalie Nicksich, City Clerk