

ORDINANCE NO. 311
CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF CONYNGHAM, COUNTY OF LUZERNE AND
COMMONWEALTH OF PENNSYLVANIA, CONTROLLING CATS AND PROVIDING
PENALTIES FOR A VIOLATION

BE IT ORDAINED AND ENACTED by Conyngham Borough Council, Luzerne County, Pennsylvania, as follows:

§101. Title. This Ordinance shall be known and may be cited as the "Conyngham Borough Cat Control Ordinance."

§102. Purpose. The purpose of this Ordinance is to promote the public health, safety and welfare of the residents of Conyngham Borough while preserving and protecting persons and property by regulating and restricting activities of cats and owners of cats within the Borough.

§103. Applicability. This Ordinance shall apply to all cats within the Borough of Conyngham.

§104. Definitions. The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

ABANDONED-means a cat unwanted by its owner of any age left without food, water or shelter, unattended and free to roam throughout the Borough or on property of someone other than the owner.

ANIMAL CONTROL OFFICER- means the person or persons or company appointed by the Borough or under contract with the Borough to the position of animal control officer charged to carry out enforcement of the provisions of this Ordinance. This person shall include any police or code officer of the Borough.

BOROUGH- means Conyngham Borough, Luzerne County, Pennsylvania.

CAT- means a member of the species *Felis catus*.

CAREGIVER- means a person who feeds, gives water to, or provides shelter to a feral or stray cat.

COMMUNITY CAT-means a feral, stray or abandoned cat.

COMMUNITY CAT CAREGIVER- means a person who, in accordance with a good faith effort to conduct Trap-Neuter-Vaccinate-Return, provides care. This care includes providing food, shelter, or medical care to a community cat. However, community cat caregivers are not the owner, harbinger, controller, or keeper of a community cat.

COUNCIL- means the elected officials of Conyngham Borough, Luzerne County, Pennsylvania.

FERAL CAT- means a descendant of a domestic cat that has returned to the wild. It is distinguished from a stray cat, which is a pet cat that has been lost or abandoned. Feral cats are born in the wild. A feral cat is typically unsocialized to people and usually avoids contact with humans.

EARTIPPING OR EARTIPPED- means the removal of the ¼ inch tip of a Community Cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian. Eartips are designed to identify a Community Cat as being sterilized and lawfully vaccinated for rabies. Eartipping is the distinguishing feature between a sterilized, vaccinated Community Cat and an unsterilized, unvaccinated community cat.

KITTEN- means a cat less than six months of age.

OWNER- means any person having a right of property or custody in a cat, and any person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises or vehicle owned or occupied by that person. If the owner of the cat is a minor, the owner of the property shall be deemed to be the parent or guardian of the minor for the purposes of the cat. Owner does not include community cat caregiver.

PERSON- means any natural person, individual, partnership, firm, association, corporation, political subdivision, municipal authority, the Commonwealth and its agencies and instrumentalities, or any other entity.

STRAY CAT- means a pet cat that has been lost or abandoned. A stray cat is not a feral cat.

TRAP-NUETER-VACCINATE-RELEASE ("TNVR")- means a nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, eartipped, and then returned to the location where they were originally trapped.

§105. Restrictions on Owners of Cats.

A. All owners shall keep the place where cats are kept clean and sanitary so as not to create a health or safety hazard or nuisance. Owners must keep and maintain a litter box on their property at all times.

B. No owner shall leave a cat unattended in a vehicle when the conditions in that vehicle would constitute a health hazard.

C. An Owner shall be responsible for their abandoned cat found on property other than that of the owner or roaming within the Borough freely and unrestrained.

D. No more than four cats who are six months or older shall be allowed per household.

E. If an owner of a cat permits the cat to run free outside the residence of the owner, then the cat must be:

1. Neutered or spayed to prevent it from procreating;
2. Immunized against rabies in compliance with Pennsylvania law; and
3. Licensed.

F. An owner of a cat shall not permit the cat to defecate, urinate or commit a nuisance on private property, other than the owner's property, or to defecate or commit a nuisance on public property unless such feces are immediately removed, deposited into a leak proof bag or container, transported, and disposed of in the owner's covered and contained waste receptacle.

G. An owner of a cat shall be liable for the costs of any damage caused, or any clean up required to private property of another.

H. An owner of a cat must have the cat immunized against rabies and licensed.

I. This section shall not apply to feral or stray cats.

§106. Licensing Cats.

A. License Required. All cat owners are required to license their cat with the Borough.

B. Application Form. The application shall be made to the Borough Secretary on a form provided by the Borough and accompanied by a certificate of rabies. If an owner of a cat permits the cat to run free outside the residence of the owner, then the application must also be accompanied by proof that the cat has been neutered or spayed.

C. License Fee. The application fee at the time of adopting this Ordinance is \$5.00. However, the fee may be changed from time to time by resolution of Borough Council.

D. Exemption from License. Community cats are not required to be licensed, and Caregivers shall not be required to license a community cat.

§107. Registering as a Caregiver.

A. Registration Required. Any person who wishes to be a Caregiver to Community Cats must first register with the Borough prior to providing care (food, water or shelter) to a Community Cat.

B. Registration Form. The registration shall be made to the Borough Secretary on a form provided by the Borough. The Registration Form shall include at least the following information:

- (i) The name of the person intended to be a Caregiver (if the property upon which the care is to be given is owned or leased by more than one person, then all owners or tenants must register as Caregivers); and
- (ii) The location of the property upon which the Community Cats will be cared for by the person intended to be a Caregiver.

C. Registration Fee. There shall be no registration fee at the time of adoption of this Ordinance. However, Borough Council may choose to establish a registration fee from time to time by resolution.

§108. Trap-Neuter-Vaccinate-Release Program.

A. Trap-Neuter-Vaccinate-Release shall be practiced by Caregivers, and may also be practiced by community organizations, and animal control officers, provided they do so in compliance with this Ordinance and any applicable federal or state laws. As a part of Trap-Neuter-Vaccinate-Release, spay or neuter and vaccination for rabies shall take place under the supervision of a veterinarian licensed within the Commonwealth of Pennsylvania.

B. Upon completion of neutering, vaccinating and eartipping a cat will be released on the property where trapped.

C. A Community Cat Caregiver who returns a Community Cat to its original location while conducting Trap-Neuter-Vaccinate-Release is not deemed to have abandoned the cat.

D. Any person participating in the Trap-Neuter-Vaccinate-Release Program may not harm a Community Cat.

§109. Restrictions on Caregivers of Community Cats.

A. A Caregiver must participate in a Trap-Neuter-Vaccinate-Release Program and agree to abide by all restrictions and guidelines provided including inspection by authorized Borough Officials.

B. Caregivers may not feed or give water to Community Cats before sunrise and after sunset.

C. Caregivers may only feed feral or stray cats fresh food and water on the Caregiver's property. Any uneaten food or unused water must be removed and properly disposed of by the Caregiver each day. No food or water is permitted to be left out by the Caregiver after sunset. Food and water containers must be cleaned daily and may not be left out after sunset and placed out before sunrise.

D. Feeding areas designated by the Caregiver must be kept free from garbage, refuse, debris and feces. All feeding areas must be maintained by the Caregiver in such a manner so as not to cause odors or attract insects or bugs.

E. Caregivers must supply a covered litter box for Community Cats. The litter box must be cleaned daily to avoid odor and health dangers for the Caregiver and the cat.

F. Any feral or stray cat must be monitored by the Caregiver for injuries, illness, pregnancy, lactation, or any other unusual condition.

G. A Caregiver must attempt to place a kitten for adoption with a local shelter, rescue group or an adopter who is not a dealer or hoarder of cats or kittens and must notify the Borough of the addition of kittens to the colony.

§110. Persons other than Caregivers of Community Cats. Any person not registered as a Caregiver who captures or traps a Community Cat on their property may place the Community Cat for adoption with a local shelter, rescue group, or an adopter who is not a dealer or hoarder of cats.

§111. Enforcement. The police officers or code officers of the Borough are charged with enforcement of the provisions of this Ordinance. The Borough may also designate an animal control officer to enforce the provisions of this Ordinance.

§112. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.


§113. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§114. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

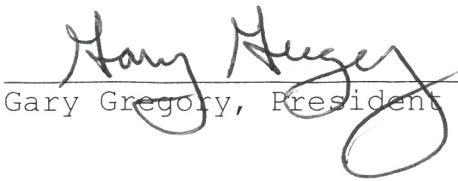
§115. Effective Date. This Ordinance shall become effective immediately following its adoption.

ADOPTED THIS 18th DAY OF September, 2018, by Conyngham Borough Council.

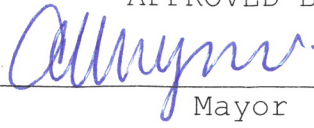
ATTEST:


Lynn Falatko, Secretary

CONYNGHAM BOROUGH COUNCIL:


Gary Gregory, President

APPROVED BY:



Mayor