

## ORDINANCE NO. 203

AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE PROHIBITING THE RUNNING AT LARGE OF CATS AND DOGS, PROVIDING FOR THE APPOINTMENT OF AN ANIMAL CONTROL OFFICER, PROVIDING FOR THE SEIZURE AND IMPOUNDING OF CATS AND DOGS RUNNING AT LARGE, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Council of the Borough of New Florence, Westmoreland County, Pennsylvania, and it is hereby ORDAINED and ENACTED as follows:

**Section 1. Definitions.** As used in this Ordinance, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

(a) "Owner", when applied to the proprietorship of a cat or dog, includes every person having a right of property in such cat or dog, and every person who keeps or harbors such cat or dog or who has it in such persons' care, and every person who permits such cat or dog to remain on or about any premises occupied by such person.

(b) "Pennsylvania Dog Law": The Act of December 7, 1982, P.L. 784, No. 225, 3 P.S. §459-101, et seq., as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(c) "Person": Shall include individuals, corporations, partnerships and associations, and any other for profit or nonprofit business or corporate entity.

(d) "Running at Large": Being upon any public highway, street, alley or park or other public land, or upon the property of another person other than the owner of the cat or dog, and not being accompanied by or under the control of the owner or other person having custody of the cat or dog.

**Section 2. Unlawful to Allow Cats or Dogs to Run at Large.** It shall be unlawful for the owner of any cat or dog to allow or permit such cat or dog to run at large in the Borough.

**Section 3. Animal Control Officer.** From time to time, a Borough Animal Control Officer shall be appointed by the Borough Council and shall serve at the pleasure of the Board. Such officer shall have the power and responsibility for the enforcement of this Ordinance, New Florence Borough Ordinance No. 161, and the Pennsylvania Dog Law, provided that such officer shall not have the power to make arrest under this or any other Ordinance of the Borough of New Florence.

**Section 4. Seizing of Cats and Dogs.** The Borough Animal Control Officer may seize any cat or dog found at large in the Borough and impound such cat or dog in a kennel.

**Section 5. Licensed and Tattooed Cats or Dogs – Notification of Owner.** The owner of a cat or dog that is licensed or tattooed, or whose owner is otherwise known, is to be provided notice that the cat or dog is impounded and will be disposed of in five days if not claimed. Notice shall be given in person or by registered or certified mail, return receipt requested. If a dog is not claimed within five days after personal notification or receipt of the return receipt signed by the owner or the owner's agent, the dog may be sold, given away or destroyed in accordance with the Pennsylvania Dog Law. If a cat is not claimed within five days after personal notification or receipt of the return receipt signed by the owner or the owner's agent, the cat may be sold, given away or destroyed in some humane manner. No dog or cat shall be sold for the purpose of vivisection, research, or be conveyed in any manner for these purposes.

**Section 6. Unlicensed Cats or Dogs.** Unlicensed cats or dogs that are seized are to be held in a kennel for five days. If a dog is not claimed within such time period, the dog may be sold, given away or destroyed in accordance with the Pennsylvania Dog Law. If a cat is not claimed within such time period, the cat may be sold, given away or destroyed in some humane manner. No dog or cat shall be sold for the purpose of vivisection, research, or be conveyed in any manner for these purposes.

**Section 7. Retrieval of Cats or Dogs.** The owner of a cat or dog that has been seized may retrieve the cat or dog upon payment to the Borough of a \$15.00 penalty, plus any reasonable expenses incurred in seizing and retaining the cat or dog, including the cost of impounding the cat or dog in a kennel.

**Section 8. Threatening Cats or Dogs.** Any cat or dog that, in the opinion of the Borough Animal Control Officer after due consideration, constitutes a threat to public health and welfare may be killed by the Borough Animal Control Officer. This should include wild ones.

**Section 9. Penalty.** Any person who violates this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than Two Hundred Fifty and 00/100 (\$250.00) Dollars nor more than Five Hundred and 00/100 (\$500.00) Dollars, as well as reasonable fees for keeping the dog or cat in a kennel. All fines and costs shall be in addition to the amounts that are required in Section 7 of this Ordinance.

**Section 10. Repealer.** All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

**Section 11. Cat Licenses.** Cat licenses may be purchased at the Borough Office, during regular office hours to be determined by Resolution, for the cost of Seven and 00/100 (\$7.00) Dollars, and said license will not be issued unless and until the owner



of the cat can provide documented proof that the cat being licensed has received proper rabies shots. The cost for a license for a cat owner who is sixty (60) years or older is Five and 00/100 (\$5.00) Dollars. If any owner, regardless of age, can provide documented proof that the cat being licensed has been spayed or neutered, the cost of the license is One and 00/100 (\$1.00) Dollar.

**Section 12. Increase/Decrease Cost of Cat Licensing.** New Florence Borough Council may, by resolution, increase and/or decrease the cost of cat licensing by resolution should the cost of issuing licenses increase or decrease for the Borough of New Florence.

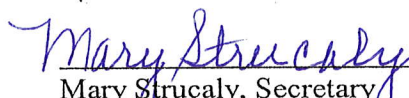
**Section 13. Severability.** If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

**Section 14. Effective Date.** This Ordinance shall become effective immediately.

**ADOPTED AND ORDAINED** by the Borough Council of the Borough of New Florence this 20th day of November, 2007.

  
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Eugene Gorirossi, Council President

ATTEST:

  
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Mary Strucaly, Secretary

**APPROVED** this 20th day of November, 2007.

  
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Rhonda Barkley, Mayor