

ORDINANCE NO. 356

AN ORDINANCE TO AMEND AND RESTATE THE MILESBERG  
BOROUGH ORDINANCE RELATING TO THE KEEPING  
AND CONTROL OF CATS (ORDINANCE NO. 285)

WHEREAS, the Borough of Milesburg, enacted as Ordinance No. 285 an Ordinance Regulating The Keeping And Control Of Cats on February 12, 2001; and

WHEREAS, the Borough has continued to experience problems and citizen complaints caused by an increasing population of cats that run and roam at large and unwanted onto the property of others in violation of said Ordinance No. 285; and

WHEREAS, efforts by the Borough to enforce the existing provisions of Ordinance No. 285 against the owners and keepers responsible for said cats has been ineffective to control the problems caused by violations of Ordinance No. 285 despite repeated efforts of enforcement; and

WHEREAS, the running and roaming at large of cats has become an annoyance to citizens of the Borough, as well as a public health hazard due to uncontrolled defecation, growth in population, lack of humane care, concerns regarding animal disease, and the failure to keep such cats under control; and

WHEREAS, the Borough Council desires to amend Ordinance No. 285 in order to provide the Borough with enhanced options to enforce the provisions of said Ordinance and to punish violations by holding owners and keepers of cats, as well as individuals having an interest in the property where such cats are kept responsible for violations.

NOW, THEREFORE, it is hereby ORDAINED, that Ordinance No. 285 shall be amended as shown in bold type, and restated, to provide as follows:

AN ORDINANCE REGULATING THE KEEPING  
AND CONROL OF CATS

1. DEFINITIONS:

- A. PERSON – any person, firm, partnership, association, corporation, or other legally recognizable entity
- B. KEEPER – **the owner of the cat or cats, as well as** any person **or entity** which regularly provides care, food, and/or shelter.

**C. INTEREST IN REAL ESTATE – any ownership interest by way of deed, decree or other order of court, judicial process, agreement of sale, contract, security interest, testate or intestate succession, lease or license, whether recorded or unrecorded.**

2. The owners **and** keepers of any cat shall ensure that each such cat shall be confined such as to prevent such cat from running at large or onto property owned or possessed by a person other than the owner or keeper.
3. Every owner or keeper of any cat shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that is rat-proof and fly-tight and after every such collection shall cause such container or receptacle to be kept closed. At least once per week, every such owner or keeper shall cause all litter and droppings so collected to be disposed of in the manner in which rubbish is otherwise disposed of by the property owner or possessor.
4. It shall be unlawful for any person to allow a cat which it owns or is keeping to enter unwelcome onto another person's property or onto public property.
5. It shall be unlawful for the owner or keeper of any cat to allow such cat to scratch, dig, defecate or otherwise damage or harm any lawn, tree, shrub, plant, building, or any other public or private property or improvement thereon, other than that of the property of the owner or keeper of the cat.
6. **Any person who owns or keeps a cat which defecates or urinates in any area other than the private property of the owner or keeper of said cat, as prohibited in section 5 shall be required to immediately remove any feces from such surface and either: a.) carry same away for disposal in a toilet; or b.) place same in a non-leaking container for deposit in a trash or litter receptacle.**
7. Upon the first and second offenses, the cat owner or keeper shall be given written notices by personal service or certified mail return receipt requested. It shall be a condition precedent to any enforcement proceeding that two written warnings had been issued to the cat owner or keeper within the previous 12-month period.
8. **Any person who has an interest in any real estate where the keeper and/or owner of cats provides care, food, and/or shelter shall, following receipt of written notice of violation of any provision of this Ordinance by any person occupying said property, be responsible for abating and/or correcting such violations within ten**



days following receipt of such notice, in addition to any persons owning and/or keeping cats, and shall be subject to the penalties for violation provided herein.

9. The Code Enforcement Officer of Milesburg Borough, any police officer or **animal control** officer empowered to enforce the laws of the Commonwealth of Pennsylvania within the jurisdictional boundaries of Milesburg Borough shall hereby be authorized to enforce the provisions of this Ordinance.
10. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof before a District Justice, be subject to a civil fine as set forth and as scheduled below plus all costs of abatement and prosecution, including court costs and reasonable attorney's fees incurred by the Borough.

#### SCHEDULE OF FINES:

First Violation - **\$50.00**  
Second Violation - **\$100.00**  
Third and subsequent violations - \$500.00

For the third and subsequent violations of any provisions of this ordinance, the penalty imposed upon conviction may include, in addition to a monetary fine, imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

11. The Borough shall have the authority hereunder to act through one or more contractors to seize, detain and humanely destroy any cats found running at large within the Borough; to provide for the sale of cats seized and detained if not redeemed by their owners or keepers within seven (7) days; and to seek recovery of any costs incurred by the Borough thereby, in addition to attorney fees and costs from any owners or keepers of said cats, and from any persons having an interest in the real estate where such cats are kept. Cats that are seized and detained that have no known owner and keeper may be humanely destroyed without holding such animals for redemption and/or sale.
12. Violation of the provisions of this ordinance is hereby declared to be a nuisance existing on the real estate where cats are kept, and liable to be abated as provided for by law, including, but not limited to, any ordinance enacted by the Borough of Milesburg prohibiting and/or otherwise relating to conduct constituting a nuisance.

ENACTED INTO AN ORDINANCE, this 11<sup>th</sup> day of September, 2017 by the Council of the Borough of Milesburg, in lawful session assembled.

ATTEST:

Paula J. Hall  
Secretary-Treasurer

BOROUGH OF MILESBURG:

By: Paul J. Bartky

AND NOW, to wit this 11<sup>th</sup> day of September, 2017, the within and above Ordinance is approved.

Ed L. Korman  
Mayor