

BOROUGH OF WHITE OAK

ORDINANCE NO. 2020-30

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING RESTRICTIONS AND
REGULATIONS RELATED TO FERAL CATS, AMENDING ARTICLES 705.02(a) AND
705.02(j) OF THE WHITE OAK CODE OF ORDINANCES**

WHEREAS, the Borough of White Oak (hereinafter referred to as “the Borough”) deems it is in the best interests of the residents to protect the health, safety, and welfare of the Borough to establish and adopt restrictions and regulations related to feral cats;

WHEREAS, while Borough Ordinance Article 705.02 sets forth provisions related to Dogs and Cats in the Borough, it does not provide the definition of a “feral cat”, nor does it address requirements relative to feral cats within the Borough;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby Ordained and Enacted by the Council of the Borough of White Oak as follows:

705.02(a) Definitions. As used in this section, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

- (1) ANIMAL OWNER- Any person owning, keeping, feeding, harboring, or having custody of any animal other than cats and dogs, or any person who allows any such other animals to remain on or around his or her property.
- (2) CAT- A felis libyca domestica, kept as a pet and/or for rodent control.
- (3) FERAL CAT: An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.
- (4) STRAY CAT: Any cat whose owner or keeper from time to time allows the cat to run at large off of the property of the owner or keeper.
- (5) CAT OWNER- Any person owning, keeping, feeding, harboring, or having custody of a cat, or any person who allows a cat to reside or remain on or around his or her property.
- (6) CODE ENFORCEMENT OFFICER- Any person employed or elected by any municipality whose duty is to issue citations and/or to enforce local municipal codes and ordinances.
- (7) DOG OWNER- Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.
- (8) DANGEROUS DOGS - Requirement that dangerous dog determination under dog law be made upon evidence of dog's "history or propensity to attack without provocation based upon an incident" in which dog inflicted severe injury or attacked without provocation; does not refer to an isolated incident but rather to continued pattern of behavior, as

chronological record of significant events, "history" implies successive occurrences, as does "propensity," defined in dictionary as "an often intense natural inclination or preference," with "often" implying more than one event, and, thus, "an incident" cannot alone establish dog's history or propensity to attack but refers merely to an event which gives rise to complaint.

- (9) HABITUAL CRIES- Sustained or continuous crying or howling.
- (10) KEEPER- Any person who shall possess, maintain, house, or harbor any cat, dog, or other animal or otherwise have custody of any cat, dog or other animal, whether or not the owner of such dog, cat or animal, whether for compensation or otherwise.
- (11) OWNER - When applied to the proprietorship of any animal, includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied by him.
- (12) PERSON- Person shall include individuals, corporations, partnerships, or any other entity.
- (13) POLICE OFFICER- Any person employed or elected by this Commonwealth or by the Municipality whose duty is to preserve peace or to make arrests and/or to enforce the law. This term includes State Constabulary, and dog, game, fish and forest wardens.
- (14) RUNNING AT LARGE - Being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.
- (15) VACCINATION- The proactive use of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Protection.
- (16) TIPPED- The removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions 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.
- (17) NUISANCE- An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

705.02(j) Cats and Other Animals.

- (1) Vaccination. Any cat owner shall comply with, and be current with all rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regards to cats.
- (2) Keeping of cats; nuisances. It shall be unlawful for any cat owner or cat keeper to have any cat that becomes a nuisance within the Borough. In this regard, it shall be unlawful for:
 - A. Any person to knowingly keep or harbor any cat which habitually cries or howls.
 - B. Any person to allow a cat to habitually roam unwelcome onto someone else's property.
 - C. Any person to knowingly keep or harbor any cat that is vicious.
 - D. Any person to knowingly permit any cat to scratch, dig, or defecate upon any lawn, tree, shrub, plant, flower bed, garden, children's sandbox or any other public or private property other than the property of the owner or person in charge or control of such animal.

- E. Any person to knowingly own, keep, harbor, care for, shelter, control or maintain any cat in such a manner so as to disturb or duly annoy any reasonable person of normal sensitivity through the cat's noise, smell, mischief, or other harmful propensities
- (3) Feeding of Stray or Feral Cats. It shall be unlawful for any person to continue to feed stray or feral cats where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community.
- (4) Responsibilities of Cat Owners Regarding Stray Cats. It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:
- A. Neutered or spayed to prevent procreating;
 - B. Immunized against rabies in compliance with Pennsylvania law; and
 - C. Appropriately "tipped" on the left ear to signify that it has been neutered/spayed and immunized.


ORDAINED AND ENACTED by the Council of the Borough of White Oak, County of Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this 21st day of December, 2020.

ATTEST:

BOROUGH OF WHITE OAK



John Palyo, Borough Manager



Charles D. Davis, Council President

EXAMINED AND APPROVED by me this 21st day of December, 2020.



Ina Jean Marton, Mayor