

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 558

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING, AND DESIGNATING THE RESPONSIBILITIES FOR, WILD ANIMALS AND FERAL CATS IN THE BOROUGH; PROHIBITING CERTAIN ACTS; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the feeding and/or maintaining of wild animals and feral cats, in particular, has become a health and safety issue in the Borough; and

WHEREAS, the Borough Council of the Borough of California believes that it is in the best interest of its residents to regulate and to provide responsibilities for the feeding and/or maintaining of wild animals and feral cats in the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance, the following words shall be construed as defined herein:

1. Cat: A member of the species felis catus.
2. Feral Cat: A cat that lives permanently outside of a domestic home and is not owned and cared for as a typical companion animal or pet, as a result of having been feral, abandoned by an owner, or rendered homeless, wild or stray by any other means.
3. Wild animals: Animals of an untamable disposition; animals in a state of nature.

SECTION 2. CONSIDERATION OF AND RESPONSIBILITIES OF OWNERSHIP.

Individuals who feed and/or maintain shelter for feral cats, in particular, shall be considered the animal's owner and responsible for all required immunizations, as well as spaying/neutering of such feral cat(s), in addition to any and all other requirements in the Borough's Ordinances, including fines and penalties that govern the activities of animals that are considered pets.

SECTION 3. PROHIBITED ACTS.

No person shall purposely or knowingly feed, bait, or provide any wild animal or feral cat with access to food on lands that are publicly or privately owned. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, or fruit in a manner that would constitute an attraction to any wild animal. Bird feeders, if used, shall be of the type that restricts birdseed to the feeder, and any excess seed that falls upon the ground shall be immediately removed by the property owner.

SECTION 4. RESPONSIBILITY FOR REMOVAL.

The removal of wild animals and feral cats from private property shall be the responsibility of the property owner and not the Borough of California.

SECTION 5. NESTING AND BREEDING AREAS.

Residents are prohibited from creating potential nesting or breeding areas for wild animals, such as the outside storage of building materials, decaying firewood, exposed compost piles, decaying shrub and tree cuttings, standing water, tires or anything deemed by the Municipality to provide shelter to wild animals.

SECTION 6. VIOLATIONS AND PENALTIES.

Each property owner shall have the duty to remove any of the above-named materials from the owner's property if in violation of this ordinance. Any person violating any provision of this ordinance shall be liable for a fine of not less than \$100 nor more than \$600.00 for each offense, in addition to the costs of prosecution, including, but not limited to, reasonable attorney's fees incurred in the prosecution of such offense, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. A separate offense shall be deemed committed on each day or of each day thereafter during which a violation occurs or continues.

SECTION 7. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 8. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances or portions of prior Ordinances, including, specifically, Ordinance No. 449 and Ordinance No. 452, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining prior Ordinances and portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this _____ day of _____, 2017.

ATTEST:

BOROUGH OF CALIFORNIA

Borough Secretary

By: _____
President of Council

EXAMINED AND APPROVED by me this _____ day of _____, 2017.

BOROUGH OF CALIFORNIA

By: _____
Mayor