

**BOROUGH OF VERONA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF VERONA COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, IDENTIFYING THE RESPONSIBILITIES OF PERSONS OWNING AND/OR KEEPING ANIMALS; PROHIBITING CERTAIN ACTIVITIES CONCERNING ANIMALS; PROHIBITING UNAUTHORIZED FEEDING; PROVIDING FOR ENFORCEMENT AND PENALTIES AND EXPRESSLY REPEALING ORDINANCE 5 OF 2001 AND ORDINANCE 3 OF 2008.**

**WHEREAS**, Borough Council finds and declares that the population of stray and feral cats and other wild animals continues to pose a danger to the health, safety, and welfare of the public within the Borough; and

**WHEREAS**, Borough Council believes that its Ordinances presently in effect do not effectively serve the Borough resident's needs in regulating the health safety and welfare of the public with regard to these animals; and

**WHEREAS**, Borough Council has determined that it is in the best interests of the citizens of the Borough to repeal these existing Ordinances and replace same with the following Ordinance; and

**NOW, THEREFORE**, IT IS HEREBY ENACTED AND ORDAINED by the Borough of Verona, Allegheny County, Pennsylvania, as follows:

**SECTION I. DEFINITIONS.**

For the purpose of this Ordinance, the following terms shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

**ANIMAL:** Any dog, cat, domesticated animal, non-domesticated or wild animal.

**BOROUGH:** The Borough of Verona, Allegheny County, Pennsylvania.

**COMMUNITY CAT:** a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.

**COMMUNITY CAT CAREGIVER:** a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harbinger, controller, or keeper of a community cat.

**EARTIPPING:** 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.

**FERAL CAT:** An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans. Feral cats are not wildlife

**HOARDING:** The keeping or owning of more than 5 pets in one residence without proper care, nutrition or supervision.

**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.

**OWNER:** Any person having a right of property in, having custody of or who harbors or permits a dog, cat, domestic animal to remain on or around his or her property, excluding feral cat and community cat caregivers as defined herein.

**PERSON:** A natural person, firm, partnership, association or corporation.

**SPONSOR:** An eligible animal welfare organization appointed by Borough of to run a TNR program in the Borough.

STRAY CAT: A cat who has been socialized to people at some point in its life, but has left or lost its domestic home, as well as most human contact and dependence. Stray cats are not wildlife.

TRAP, NEUTER, RETURN (TNR): A non-lethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped and then returned to the location where they were originally trapped.

## **SECTION II. DISTURBING OR LOUD NOISE.**

No person shall allow any animal confined on that person's premises to make any loud or harsh noise or disturbance which shall interfere with or deprive the peace, quiet, rest or sleep of any person within the Borough.

## **SECTION III. UNSANITARY NUISANCE; EXEMPTIONS.**

No person shall allow any animal owned by him or his control to defecate on any sidewalk, walkway or the property of another without immediately cleaning it up. Any vision or mobility-impaired person who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section. Property owners and tenants shall clean and dispose of animal waste from their respective properties daily.

## **SECTION IV. ANIMAL CONTROL OFFICER.**

An Animal Control Officer or Company may be appointed by Council from time to time. The Animal Control Officer, in addition to the police officers of the Borough, shall have the power of enforcement of this article, provided that the Animal Control Officer shall not have the power to make arrests under this article. The contract with the Animal Control Officer or Company may contain additional terms for the seizure, impoundment, release to owner of animals found to be running at large whose owner had not been previously identified as well as the safe and humane disposal of unclaimed animals.

#### **SECTION V. TRANSPORTATION OF ANIMALS.**

No person other than a person actually working a dog or other animal for agricultural purposes shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown from or out of jumping from said motor vehicle.

#### **SECTION VI. UNATTENDED ANIMAL.**

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject dog or other animal to extreme temperature which adversely affect the health or safety of the dog or animal.

#### **SECTION VII. UNAUTHORIZED FEEDING OF WILD & UNDOMESTICATED ANIMALS.**

It is hereby declared to be a nuisance, and shall be unlawful, for any person to intentionally provide food, water, or other forms of sustenance or care for wild and/or undomesticated animals or to allow other persons to engage in such activities on his/her property. However, a person may provide such care to community and/ or feral cats provided that such person complies with the provisions of Section IX or X of this Ordinance as it pertains to such cats. Nothing herein shall prohibit the Borough from issuing, upon request, a special permit to allow authorized persons or groups to engage in such activities as part of a Trap, Neuter, Return program managed by the Borough or Sponsor of the Borough, all of which is encouraged. Further, a person may maintain birdfeeders and bird baths for songbirds, hummingbirds and other birds not otherwise expressly precluded in this ordinance.

#### **SECTION VIII. HOARDING OF ANIMALS PROHIBITED.**

It shall be unlawful for any person to engage in hoarding of animals. Evidence of hoarding shall

include but not be limited to lack of nutrition & supervision, offensive odor emanating from a person's residence, unsanitary conditions, insufficient litter boxes or other necessary accoutrements. Violations and penalties for hoarding under this ordinance shall be in addition to any charges that could be filed under the Pennsylvania Animal Cruelty Act, also known as "Libre's Law".

#### **IX. TRAP, NEUTER, RETURN PROVISIONS.**

The following are expressly permitted as part of Trap-Neuter-Return:

Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community and/or feral cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable;

An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required;

Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations;

A person who returns a community and/or feral cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat;

Trap-Neuter-Return shall be the preferred disposition for impounded community cats.

Animal control and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

#### **SECTION X. RESPONSIBILITIES OF INDOOR/OUTDOOR CAT OWNERS**

It shall be unlawful for any owner of any indoor/outdoor cat to permit such cat to run free outside

the residence of its owner unless such cat has been:

Neutered or spayed to prevent procreating;

Immunized against rabies in compliance with Pennsylvania law; and

Appropriately microchipped and wearing a breakaway collar with tags.

## **SECTION XI. KEEPING OF ANIMALS AND MAINTENANCE OF ANIMAL PENS**

The keeping of chickens, ducks, geese or other poultry, cattle, pigs, goats or horses or the maintenance of chicken coops, pig pens, stables, or other such facility is hereby prohibited within the Borough of Verona, except as expressly authorized in this Section as follows:

- a. Property owners may keep a combination of any total of four (4) rabbits, chickens, ducks, Guinea hens, and quail (“permitted animals”), but not roosters, which are expressly prohibited, on the owner’s property where the lot is a minimum of 3500 square feet and where there is an occupied structure.
- b. The permitted animals may not run at large or be free range, but must be kept in a coop, run or shelter at least ten feet from any property line and at least 25 feet from any neighboring home, and regularly cleaned and kept sanitary and free from accumulations of animal excrement and objectionable odor.
- c. A run for the permitted animals must be a minimum of eight (8) square feet for each permitted animal and any coop or other shelter must provide a minimum three (3) square feet of living space for each permitted animal and must be constructed so that they are vermin and predator proof.
- d. The permitted animals shall have access to water at all times and any food must be stored indoors or in a container that is vermin and predator proof.
- e. The selling and or breeding of permitted animals is prohibited nor shall they be raised to be killed for food.

- f. No person shall possess any of the permitted animals without having first obtained a permit from the Borough. An application for a permit shall be made in writing and on such forms or in such format as established by the Borough, and shall be accompanied by the prescribed permit fee in the amount \$25.00 a year, or as otherwise established or modified from time to time by resolution of Borough Council.

**SECTION XII. VIOLATIONS AND PENALTIES.**

Any person who violates any provision of this Ordinance, in addition to any other penalty under state law, shall be charged with a summary offense and shall be fined not less than \$100 nor more than \$1000 and all costs of prosecution. Each day there is a violation may count as a separate violation.

**SECTION XIII. SEVERABILITY.**

It is hereby declared to be the intent of the Council of the Borough of Verona that several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

**SECTION XIV. REPEALER.**

Ordinance 5 of 2001 and Ordinance 3 of 2008 as codified in the codified ordinances of the Borough of Verona at Chapter 99 § 99-1 through § 99-15 are expressly repealed in their entirety and replaced with this Ordinance. All other Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

**SECTION XV. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon enactment.

**ORDAINED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

BOROUGH OF VERONA

\_\_\_\_\_  
Jerome Kenna, Borough Manager

\_\_\_\_\_  
Patrick McCarthy, Council President

Examined and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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David P. Ricupero, Mayor

APPROVED AS TO FORM:

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Craig H. Alexander, Solicitor