

ORDINANCE NO. 5 2024

AN ORDINANCE OF THE BOROUGH OF MOOSIC PROHIBITING THE FEEDING OF FERAL AND/OR STRAY CATS; PROVIDING FOR THE DEVELOPMENT OF A TRAP NEUTER AND RETURN PROGRAM (TNR) RELATIVE TO STRAY AND/OR FERAL CATS; PROVIDING FOR THE PAYMENT OF A CERTAIN FEE FOR THE TNR PROGRAM; PROVIDING FOR CERTAIN REGULATIONS WHEN PARTICIPATING IN THE TRAP NEUTERED RETURN PROVISIONS; PROHIBITING THE ABANDONING OF STRAY OR FERAL CATS; PROVIDING CERTAIN PENALTIES FOR VIOLATIONS;; PROVIDING AN EFFECTIVE DATE, PROVIDING A SEVERABILITY AND REPEALER CLAUSE

WHEREAS, the Borough of Moosic is a duly authorized political sub-division; and

WHEREAS, the Borough has received numerous complaints relative to the increase in the amount of stray and/or feral cats; and

WHEREAS, as a result of stray and/or feral cats being unneutered the population of such within the Borough has increased tremendously causing conditions which are contrary to the health safety and welfare of the residents of the Borough of Moosic; and.

WHEREAS The Borough intends to restrict the feeding of stray or feral cats and also providing an appropriate program where residents can trap neuter and release feral cats and/or stray cats

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council for the Borough of Moosic, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

SECTION 1. Except as provided in the Trap Neuter and Release program, the feeding of feral and/or stray cats is hereby prohibited in Borough of Moosic.

SECTION 2. The Borough hereby adopts the following trap neuter and release (TNR) program.

2.1 Any resident wishing to participate in the TNR program must first register with the Borough of Moosic relative to their participation in such program.

2.2 For any resident registered for the TNR program trapping for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping feral and/or stray cats, in accordance with any applicable federal or State law, and under the supervision of a licensed veterinarian, where applicable is permitted.

2.3 Any resident who participate in the TNR program, must provide the appropriate shelter and post-surgery recovery time before releasing the cat.

2.4 Any resident who participate in the TNR program, must provide the appropriate shelter for each cat.

2.5 Feral and/or Stray Cat Caregivers may continue to provide basic food, shelter, and medical care to feral and/or stray cats who have completed the TNR program throughout the natural lifespan of the feral and/or stray cat.

2.6 Feral and/or Stray Cat Caregivers are responsible for the long-term maintenance of their feral and/or stray cats, Any new unaltered/unvaccinated feral and/or stray cats must be trapped, neutered, and remain in compliance with the ordinance.

2.7 The Borough will reimburse each resident \$50.00 for the costs of participation in the TNR program, upon presentation of a payment receipt. This cost of \$50 should include neutering/spaying, ear tipping, rabies, and distemper shots.

2.8 A person who returns a feral and/or stray cat to its original location while conducting TNR is not deemed to have abandoned the cat.

SECTION 3. Any person not a participant of the TMR program found releasing cats or trapping cats and releasing them into the wild will be in violation of this ordinance and subject to fines as set forth in paragraph.

SECTION 4. The enforcement of the rules and regulations of this chapter shall be carried out by the Police Department or the Code Enforcement Officer of the Borough of Moosic with assist if needed from the Fire Department of the Borough of Moosic.

SECTION 5. Except as provided is subsection 5.1 **any** person who violates or permits a violation of this Ordinance shall on the first offense receive a warning and any subsequent offense upon being convicted before a District Justice shall pay a fine not exceeding Six Hundred (\$600.00) Dollars, and any costs incurred by the Borough of Moosic, including the Borough’s reasonable attorney fees in prosecuting the action. Each day of the violation shall be considered separate violations and offenses.

5.1 Any person who violates or permits a violation of Section 3 of this Ordinance shall upon being convicted before a District Justice shall pay a fine not exceeding Six Hundred (\$600.00) Dollars, and any costs incurred by the Borough of Moosic. Each day of the violation shall be considered separate violations and offenses.

SECTION 6. ABATEMENT

6.1 The Borough of Moosic and/or its contractor at the direction of the Borough reserves the right to abate any violation of this ordinance at the expense of the owner and/or tenant or responsible party. If the Borough has abated a violation of this ordinance, the total cost thereof to include hourly wages and all items of materials used may be charged to the owner of the property, tenant or offending party.

6.2 If the Owner, Tenant and or responsible party fails to pay any amounts due under 6.1 within 30 days of mailing of invoice, the Borough reserves the right to file a municipal claim or lien as permitted by law.

SECTION 7. SEVERABILITY

This provisions of the Ordinance are severable and if any Section, subsection, sentence, clause, or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not effect or impair any of the remaining actions, declared to be the intent of the Borough of Moosic that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, subsection, sentence clause, or part thereof had not been included.

SECTION 8. REPEALER

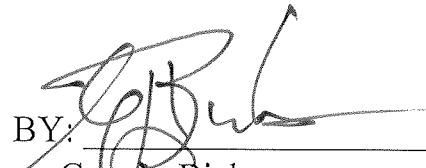
Any Ordinance or parts of Ordinance inconsistent herewith are hereby repealed to the extent of any such inconsistency.

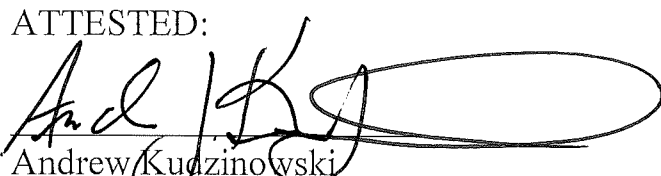
SECTION 9. EFFECTIVE DATE

This Ordinance shall be become effective immediately.

Accepted by the Council of the BOROUGH OF Moosic on this the 15th day of OCT.
2024

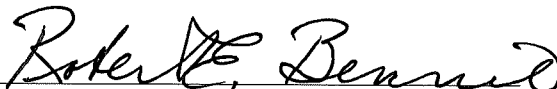
BOROUGH OF MOOSIC
LACKAWANNA COUNTY, PENNSYLVANIA

BY: 
George Bieber
Council President

ATTESTED:

Andrew Kudzinowski
Secretary

(SEAL)

Examined and approved this 15th day of OCTOBER, 2024


Robert Bennie
Mayor