

OFFICIAL

BOROUGH OF ETNA

ORDINANCE NO. 1391

AN ORDINANCE AMENDING CHAPTER 160 OF THE BOROUGH OF ETNA CODE OF ORDINANCES BY ADDING NEW ARTICLES IV AND VIII TO CHAPTER 160 OF THE BOROUGH OF ETNA CODE TO PROHIBIT THE DECLAWING AND TETHERING OF CATS; TO EXPAND PROTECTION PROHIBITING UNATTENDED DOGS BEING LEFT OUTSIDE DURING INCLEMENT WEATHER AND TO DESIGNATE THE ENFORCEMENT TO THE ETNA BOROUGH POLICE

WHEREAS, the Borough of Etna currently has an Article in its Code of Ordinances regulating animals; and

WHEREAS, the Borough of Etna wishes to prohibit the performance of declawing procedures on cats (subject to exceptions necessary to protect the health of individual cats); and

WHEREAS, the Borough of Etna deems it advisable to provide prohibitions on the tethering of cats within the Borough as further set forth below; and

WHEREAS, the Borough of Etna finds it necessary to prohibit unattended dogs from being left outside during inclement weather for long periods of time which may lead to suffering, injury, or death of the dog.

NOW THEREFORE, the Borough of Etna, Pennsylvania, hereby ordains:

Section 1. That in existing Article II, Section 160-6, the term “dog catcher” be replaced with “animal control officer/agency”.

Section 2. That new Article IV and Article VIII are added to Chapter 160 of the Borough of Etna Code to read as follows:

Article IV CATS

§ 160-16. DECLAWING OF CATS, DEFINITIONS AND PROHIBITIONS

a. Definitions

1. "Cat". Any member of the Felidae family (both domestic and nondomestic felines).
2. As used in this ordinance, the term "Declawing" means any of the following:
 - (a) An onychectomy, dactylectomy, phalangectomy, partial digital amputation, or any other surgical procedure by which a portion of a cat's paw is amputated to remove the cat's claw.
 - (b) A tendonectomy or another surgical procedure by which the tendons of a cat's limbs, paws, or toes are cut or modified so that the cat's claws cannot be extended.
 - (c) Any other method of permanently or irreversibly preventing the normal functioning of a feline's claws.
3. "Therapeutic purpose" means the necessity of addressing the physical medical condition of a cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition of the cat which compromises the cat's health. The term does not include a cosmetic or aesthetic reason or reasons of convenience for keeping or handling the cat.

b. Prohibition.

A person may not perform a declawing by any means on a cat within the Borough of Etna, Pennsylvania unless the procedure is necessary for a therapeutic purpose.

§ 160-17. PENALTY AND VIOLATION

A person who violates §160-16 is subject to civil penalty of up to five hundred dollars (\$500.00), plus costs, for each violation, or as defined by Borough Resolution. Each incident in which a cat is declawed or partially declawed in violation of §160-16 constitutes a separate violation.

The Borough of Etna Police officers and all of those vested with the authority as an enforcement officer are the primary agents to enforce this Section. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce the provisions of this Section.

§ 160-18. TETHERING OF CATS; PROHIBITED CONDUCT

- a) It shall be unlawful for any person to tether, fasten, chain, tie, or restrain an unattended cat or cause an unattended cat to be fastened, chained, tied or restrained to houses, trees, fences, garages, porches, stakes or other stationary or highly immobile objects.

Unattended - For the purposes of this section, "unattended" is defined as any cat tethered, fastened, chained, tied, or restrained while an adult aged 18 years or older is not in the physical presence of said cat.

- b) The Borough of Etna Police officers and all of those vested with the authority as an enforcement officer are the primary agents to enforce this Section. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce the provisions of this Section.
- c) The Borough's police authority having jurisdiction are hereby authorized to notify any owner or occupant of any premises or registered owner of said cat in violation of this Section, either personally or by posting such notice upon the premises, that such any owner or occupant of any premises or registered owner of said cat must bring the cat tethering violation into compliance with this Section within one (1) day of receipt of such notice.

§ 160-19. PENALTY AND VIOLATION

Upon the failure of such owner or occupant or registered owner of said cat to bring his or her tethering situation into compliance with this Section within one (1) day of receipt of such notice, shall commit a summary offense, and shall, upon being found guilty by a Magisterial District Judge, after hearing, pay a fine not to exceed \$50 for the first offense, \$100 for the second offense and \$150, or as defined by Borough Resolution, for each subsequent offense together with all enforcement costs and all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such.

The Borough of Etna Police officers and all of those vested with the authority as an enforcement officer are the primary agents to enforce this Section. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce the provisions of this Section.

Article VIII PROHIBITING UNATTENDED DOGS BEING LEFT OUTSIDE DURING INCLEMENT WEATHER

§ 160-25 DEFINITIONS

As used in this Article VIII, the following terms shall have the meanings indicated:

OUTSIDE

Outside, for the purpose of this section, shall mean any unattended dog that is outside subject to weather and elements, which expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a kennel, or a dog tethered or tied out. The dog shall be considered outside regardless of access to an outdoor doghouse or similar structure.

INCLEMENT WEATHER

Inclement weather shall mean weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice, snow, wind, severe weather warnings, or temperatures at or below thirty-two (32) degrees Fahrenheit or at or above eighty-five (85) degrees Fahrenheit.

§ 160-26 SUBJECTING DOGS TO INCLEMENT WEATHER

It shall be unlawful for any person to leave any dog – tethered or untethered - outside and unattended during any period of inclement weather for a period of time greater than one-half (½) hour without proper outdoor accommodations or unlimited access to its owner's house.

§ 160-27 IMPLEMENTATION AND ENFORCEMENT

The Borough of Etna Police officers and all of those vested with the authority as an enforcement officer are the primary agents to enforce this Section. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce the provisions of this Section.

Those primary agents authorized to enforce this Section are hereby authorized to notify any owner or occupant of any premises in violation of this Section, either personally or by posting such notice upon the premises, that such owner must bring the violation into compliance within twenty-four (24) hours of receipt of such notice. Upon the failure of such owner or occupant to bring his or her situation into compliance with this Section within such time period, any of the foregoing individuals authorized to enforce this Section are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.

Any removed dog will be held at the designated or authorized Animal Control facility. Prior to any hearing regarding the violation, such dog owner may regain possession of any confiscated dog upon an adequate showing that the violation has been brought into compliance with this Section. No confiscated dog shall be considered surrendered to the confiscating party unless expressly surrendered by the dog owner or adjudicated as forfeited after a hearing on the matter.

Nothing in this Section shall prohibit a law enforcement officer from taking temporary custody of a dog or cat that is a companion animal that is exposed in a manner that places the dog or cat in a life-threatening situation (for a prolonged period of time) in extreme heat or cold conditions that may result in injury or death of the dog or cat or may result in hypothermia, hyperthermia, frostbite, or similar condition. Upon taking temporary custody of the dog or cat under this section, the law

enforcement officer shall attempt to contact the owner of the dog or cat and shall seek emergency veterinary care for the animal as soon as available. The law enforcement officer shall leave information of the location of the dog or cat if the owner cannot be reached. The owner of the dog or cat is responsible for any costs of providing care to the dog or cat.

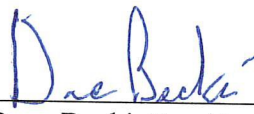
Any person who violates §160-26 shall commit a summary offense and shall, upon being found guilty by a Magisterial District Judge after hearing, pay a fine not less than \$50 and no more than \$100, or as defined by Borough Resolution, together with all enforcement and shelter costs in the event a dog must be confiscated, and all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. Enforcement and prosecution of any violation of this Section may be conducted by the Borough of Etna police or agents from the borough-contracted Animal Control Agency.

Section 3. Severability.

The provisions of this ordinance are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, or chapter or part thereof had not been included therein.

Section 4. This ordinance shall take effect immediately.

ORDAINED AND ENACTED into an Ordinance and passed by the Council of Etna, Pennsylvania on this day of ^{21st} MARCH, 2023.



Dave Becki, President

ATTEST:



Mary Ellen Ramage, Secretary/Manager

EXAMINED AND APPROVED by me this ^{21st} day of MARCH, 2023.



Thomas Rengers, Mayor