

WYOMISSING BOROUGH, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1447-2024

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 2, ENTITLED "ANIMALS", AND CREATING PART 6, ENTITLED "CATS AT LARGE", OF THE WYOMISSING BOROUGH CODE OF ORDINANCES, IN ORDER TO PROVIDE FOR REGULATIONS FOR CATS AT LARGE

WHEREAS, the Borough of Wyomissing is a borough in the Commonwealth of Pennsylvania; and

WHEREAS, as a borough, the Borough of Wyomissing is governed by the Borough Code of the Commonwealth of Pennsylvania; and

WHEREAS, Section 1202(5) of the Borough Code, authorizes the Borough Council to enact ordinances not inconsistent with or restrained by the Constitution and laws of the Commonwealth to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, the Borough Council believes an ordinance regulating cats at large in the Borough is necessary for the health and welfare of the Borough and its citizens.

NOW THEREFORE, BE IT ENACTED and ORDAINED by the Council of the Borough of Wyomissing, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. The Code of Ordinances of Wyomissing Borough, Chapter 2 entitled "Animals" is amended to add Part 6 to be entitled "CATS AT LARGE".

SECTION 2. The Code of Ordinances of Wyomissing Borough, Chapter 2 entitled "Animals," Article I entitled "CATS AT LARGE" shall read in its entirety as follows:

§601. Intent and Purpose.

The Borough Council of Wyomissing finds and declares that the population of stray and feral cats within the Borough poses a danger to the health, safety, and welfare of the public and constitutes a public nuisance. Accordingly, it is the intent of this article to ensure the humane treatment of feral cats and reduce their population by providing standards to restrict the authority of persons to care for and maintain custody of non-Treated feral cats and by providing for penalties as set forth herein.

§602. Definitions.

The following words and phrases shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

Cat: An animal that is a member of the species *felis catus*.

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: Any cat that is unsocialized to humans, whether the cat was born outside and never socialized with humans or a domesticated cat which has become unsocialized to humans; any homeless, wild or untamed cat.

Feral Cat Caregiver: Any person or organization that, in accordance with these regulations, has a permit issued by the Borough of Wyomissing to trap, treat, and return feral cats.

Owner: Every person having a right of property in any non-feral cat, every person who keeps or harbors such cat or has such cat in his or her care, and every person who permits such animal to remain on or about any premises occupied by him or her. "Owner" does not include a person keeping a feral cat as a Feral Cat Caregiver.

Stray Cat: Any non-feral cat whose Owner allows the cat to run free off the property of the Owner.

Trap-Neuter-Return: The nonlethal process of humanely trapping, Treating, and returning community cats to their original location.

Treat/Treatment: The provision of temporary food, shelter, and medical care, including, but not limited to, sterilization, vaccination for rabies and distemper, testing for feline diseases, and eartipped.

Unsocialized: Exhibiting a temperament of extreme fear of and resistance to contact with humans.

§603. Prohibited Acts.

1. It shall be unlawful for the Owner of any non-feral cat to permit such cat to be a Stray Cat unless said cat has been:
 - A. Neutered or spayed to prevent it from procreating;
 - B. Immunized against rabies in compliance with Pennsylvania law;
 - C. Appropriately "tipped" on the left ear to signify that it has been neutered/spayed and immunized; and
 - D. Fitted with an identification tag or collar or microchipped.

2. It shall be unlawful for the Owner of any non-feral cat to permit such cat to cause annoyance to persons or damage to persons or property, to trespass upon, litter or deface any premises, pavement, public highway or park in the Borough.
3. It shall be unlawful for any person to release into the wild or otherwise abandon any non-feral cat or any un-Treated feral cat upon that person's property or the property of another.
4. It shall be unlawful for any person other than a Feral Cat Caregiver to feed a feral cat.
5. It shall be unlawful for a Feral Cat Caregiver to feed a feral cat that has not been Treated except during the course of trapping a feral cat for the purpose of Treating such cat.

§604. Public Nuisances.

Every Owner shall exercise such care and control of his or her non-feral cat to prevent the cat from becoming a public nuisance.

§605. Female Cats in Heat.

Every Owner of a non-feral female cat in heat shall confine that cat in a building or secure enclosure in such a manner that such female cat cannot come into contact with another cat except for planned breeding.

§606. Identification.

The Owner of any non-feral cat shall microchip said cat or fit said cat with an identification tag or collar at all times when the cat is off the premises of its Owner.

§607. Odors; Defecation.

1. Every Owner of a non-feral cat who is an owner or possessor of real property in the Borough of Wyomissing shall prevent or remove any and all accumulations of cat waste, feces or excretions on such property if such accumulations create obnoxious odors outside such real property or create unhealthy conditions.
2. No Owner of a non-feral cat shall allow such cat to defecate upon any gutter, street, driveway, alley, curb, sidewalk or other public property in the Borough or in or on any building or place frequented by the public or used in common by the tenants thereof or upon the grounds of a public park or public area or upon private property other than the property of the Owner..
3. Every Owner of a non-feral cat which defecates in any area other than the private property of the Owner of such cat shall immediately remove the feces from such area and either:

- A. Carry the same away for deposit in an appropriate disposal facility; or
- B. Place the same in a nonleaking container for deposit in a trash or litter receptacle.

§608. Enforcement.

1. The Borough of Wyomissing code enforcement official, animal control officer, and any special officers appointed by the Borough Council of Wyomissing shall enforce and administer the provisions of this article.
2. Every code enforcement official, animal control officer, and any special officer or agent designated by the Borough shall have the authority to seize and detain any cat, whether non-feral or feral, causing annoyance or damage by running at large and to transport such animal for impoundment in an animal shelter. Such code enforcement officer, special officer, animal control officer or agent is hereby authorized to go upon any premises to seize, detain or impound any cat, whether non-feral or feral, that poses an imminent risk to the public health, safety or general welfare.

§609. Exemption.

Persons permitted as a Feral Cat Caregiver by the Borough may possess and feed feral cats as part of a trapping, Treatment, and return program. Except for those acts prohibited hereinabove, no Feral Cat Caregiver shall be cited or fined under this article for possession or feeding of a feral cat in his or her discharge of any duty of such program as set forth in or established by the requirements of this Article.

§610. Permit Requirement.

1. Any person seeking to be a Feral Cat Caregiver shall submit an application for a Feral Cat Caregiver permit to the Borough of Wyomissing on a form provided for that purpose, together with any other documents or certifications as may be required pursuant to such application form. Such application form shall require that the applicant certify that the applicant shall comply with the standards for the safe trapping, Treatment, and return of feral cats that the Borough may require by ordinance. Such application shall include the Feral Cat Caregiver's name, home address, telephone number, email address, the number of cats included in the colony, the name of the veterinarian providing medical treatment and that performed the TVNR, the number and location of any feeding stations or dens/burrows and any other information the Borough may determine is necessary to approve the permit.
2. A permit issued under this article does not authorize a Feral Cat Caregiver to enter upon private property without the permission of the landowner.

3. A fee for the permit may be established, and amended from time to time, by Resolution of the Borough Council..

§611. Standards for Permits; Treatment.

1. Feral cats trapped as part of a permitted program must be Treated prior to release.
2. All feral cats receiving Treatment shall be ear-tipped for identification.
3. Treatment of feral cats shall only be performed by a veterinarian currently licensed in the Commonwealth of Pennsylvania.

§612. Violations and Penalties.

1. Any person who shall violate any provision of this article shall, upon summary conviction before a District Justice, be subject to a fine for each offense of not less than \$100 and not more than \$1,000 and the costs of prosecution, and in default of payment of fine and costs of prosecution shall be sentenced to imprisonment of not more than 30 days. Each day a violation shall remain shall constitute a separate violation and a violation of each section of this article shall be considered a separate offense.
2. If a violation of the Ordinance by any person results in any charge to the Borough from an animal rescue organization, whether or not the Borough has an agreement with such organization, in addition to the penalties set forth above, such person shall be responsible for such costs, expenses or charges incurred or charged to the Borough by the animal rescue organization for the services of the animal rescue organization.

SECTION 3. Effective Date.

The effective date of the within amendments shall be immediately upon its enactment and approval by the Mayor

SECTION 4. Code of Ordinances.

The Code of Ordinances, as amended, of the Borough of Wyomissing, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

[Signature and Certificate Pages to Follow]

ENACTED AND ORDAINED this _____ day of _____, 2024.

BOROUGH OF WYOMISSING
Berks County, Pennsylvania

By: _____
William S. Jenckes
President of Borough Council

Attest: _____
Melissa Miller
Borough Secretary

APPROVED this _____ day of _____, 2024.

Frederick C. Levering
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. _____-2024 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on _____, 2024, pursuant to notice as required by law.

Melissa Miller
Secretary of the Borough

DATED: _____