

**BOROUGH OF INDIANA
INDIANA COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF INDIANA, INDIANA COUNTY, PENNSYLVANIA, AMENDING AND MODIFYING THE CODE OF ORDINANCES, SPECIFICALLY CHAPTER 138, BY REVISING ARTICLE I, AND ADDING NEW ARTICLE II “FERAL AND COMMUNITY CATS” AND ARTICLE III “CHICKENS”, AND PROVIDING FOR AN UPDATE IN PENALTIES AND SEVERANCE AND REPEAL.

RECITAL:

WHEREAS, the Borough of Indiana desires to update and amend its rules and regulations concerning the maintenance of animals in the Borough; and

WHEREAS, these amendments modify and amend Chapter 138, Article I “Animal Nuisances,” and add new Article II, “Feral and Community Cats,” and Article III, “Chickens” and

WHEREAS, the Borough Council finds that these amendments are necessary for the protection of the health, safety and welfare of the Borough residents and consistent with the Code of the Borough of Indiana and the Borough Code, 8 Pa. C.S.A. §§1202, 1203, and 3301.1; and

WHEREAS, public notice of consideration of this Ordinance was made by publication one time in a newspaper of general circulation within the Borough on _____, as well as posting on the Borough Website, and will be considered by Borough Council as advertised at a public meeting on _____; and

WHEREAS, the Borough demonstrates additions and deletions to the Code by ~~striking~~ out deleted text and underlining added text.

NOW, THEREFORE, be it ordained and enacted by Borough Council, and it is hereby enacted by the authority of the same that Chapter 138 is amended as follows:

Section 1: Incorporation by Reference. The above recitals and all referenced documents are incorporated herein by reference as if fully set forth herein.

Section 2: Chapter 138, Article I “Animal Nuisances,” is revised by adding and deleting text as indicated in Attachment “A”, incorporated herein as if fully set forth.

Section 3: Chapter 138, Article II, is a newly added section regulating “Feral and Community Cats” as indicated in Attachment “A”, incorporated herein as if fully set forth.

Ord. No. _____, Chpt 138 Animals
2

Section 4: Chapter 138, Article III, is a newly added section regulating “Chickens” as indicated in Attachment “A”, incorporated herein as if fully set forth.

Section 5: Repeal. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 6: Savings and Severability. The provisions of this Ordinance shall be deemed severable and the invalidity or unenforceability of any one provision, part, or clause thereof shall not affect the validity or enforceability of the other provisions, parts or clauses hereof. If any provision or clause of this Agreement, or portion thereof, shall be held by any court or other tribunal of competent jurisdiction to be illegal, void, or unenforceable in such jurisdiction, the remainder of such provision shall not be thereby affected and shall be given full effect, without regard to the invalid portion.

Section 7: Incorporation Into the Code of Ordinances. By this Ordinance all provisions adopted herein shall be incorporated into the Borough of Indiana Code of Ordinances by incorporating the adopted text, revising any index, appendix or table of contents, alphabetizing and numbering each section in accordance and consistent with the construction and format of the codification of ordinances.

Section 8. Effective Date. This Ordinance shall become effective

Duly presented and adopted at a regular meeting of the Indiana Borough Council, Indiana County, Pennsylvania, held on the _____ day of _____ 2020.

ATTEST

Indiana Borough

C. Michael Foote
Borough Manager

Peter Broad
Council President

Ord. No. _____, Chpt 138 Animals
3

This Ordinance is approved this ____ day of _____, 2020

George E. Hood
Mayor, Indiana Borough

I hereby certify that the foregoing ordinance was fully enacted and approved as set forth at the meeting of Council held on _____, and before approval, was advertised in the _____, a newspaper of general circulation in the municipality of Indiana Borough on _____.

Chapter 138

ANIMALS

ARTICLE I

Animal Nuisances

§138-1. Definitions.

§138-2. Prohibited acts.

~~**§138-3. Exemptions.**~~

~~**§138-4.3. Violations and penalties.**~~

ARTICLE II

Community Cats

§138-4. Purpose.

§138-5. General policy.

ARTICLE III

Chickens

§138-6. Chickens Permitted; Roosters Prohibited.

§138-7. Permits.

§138-8. Coops.

§138-9. Feed and Water.

§138-10. Veterinary Care.

§138-11. Slaughtering.

§138-12. Waste Storage and Removal.

§138-13. Sale of Chicken Parts or Eggs.

§138-14. Permit Revocation.

[HISTORY: Adopted by the Borough Council of the Borough of Indiana as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct – See Ch. 184.

Noise – See Ch. 275.

ARTICLE I
Animal Nuisances
[Adopted 11-7-2000 by Ord. No. 2000-08]

§138-1. Definitions.

AT LARGE – Not confined, outside an area of escape such as a pen, corral, yard, cage, house, vehicle, or other secure enclosure, unless otherwise under appropriate human control.

CHICKEN RUN: An enclosed area in which chickens are allowed to walk and run about.

COLONY – A group of one or more community cats.

COMMUNITY CATS – A cat that is:

- A. Homeless, stray, or at large, where the cat:
 - a. Has been socialized to people, or is less than five weeks old;
 - b. Could become feral as connection with humans is farther removed;
 - c. Is older than five weeks, has a good potential to quickly become domesticated once again; or
- B. Feral, where the cat:
 - a. Is not socialized towards humans;
 - b. Is born in the wild or is the offspring of an owned cat;
 - c. Is a formerly owned cat that has been abandoned; or
- C. A cat that lives in the community but is not owned by a human, sometimes referred to as a “free-roaming” or “street” cat.

COOP – A small building for housing poultry.

DOMESTICATED CAT – A cat that:

- A. Is social towards humans,
- B. Currently lives within the residence or property of a person or person accepted as the cat’s owner;
- C. Is considered appropriate as a companion for humans.

EAR TIPPING – A straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

NEUTER – To permanently sterilize male cats to render them incapable of impregnating female cats by means of either surgery performed to remove the reproductive organs or chemical sterilization by which cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

PARCEL – For the purposes of this chapter, land whose boundary is clearly described and closes on itself, is in one ownership, and may include structures and buildings thereon.

PERSON – Any person, individual, firm, corporation, partnership, or any other entity that owns, has control of, or is in possession of any of the animals mentioned herein.

SPAY – To permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their ability to become pregnant by means of either surgery performed to remove the ovaries and uterus or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

STERILIZE – To spay or neuter a cat.

TRAP NEUTER RETURN (TNR) PROGRAM – A program in which community cats are humanely trapped, evaluated, vaccinated, sterilized, and ear tipped by a veterinarian and returned to the trap location with the intent of controlling or reducing feline population and reproduction.

VETERINARIAN – A person licensed to practice veterinary medicine in the State of Pennsylvania.

§138-2. Prohibited acts.

- A. No person shall keep any pig, hog, ~~chicken~~ rooster, horse, or nondomestic animal at any place within the Borough of Indiana.
- B. No person shall keep or harbor any dog, cat, chicken or other animal in the Borough of Indiana so as to create offensive odors, excessive noise, or unsanitary conditions which are a menace to or affect the health, comfort, or safety of the public.
- C. No ~~personal person~~ shall ~~permit~~ keep or harbor any dog, cat, chicken or other animal which by frequent and habitual barking, howling, screeching, yelping, baying, or in any way or manner ~~disturbs~~ disturbs the quiet of any person in the community.
- D. No person shall permit any dog, cat, chicken or other animal to enter any enclosure or fenced-in area on another person's property where domestic animals are confined, provided that the enclosure is adequate for the purpose intended.
- E. No person shall permit any dog, cat, chicken or other animal to run at large within the Borough of Indiana except in the case of a Borough-approved off leash exercise area in accordance with posted rules. Any animal on a leash or similar apparatus shall not be considered at large, providing that the leash is no more than 15 feet long.
- F. No person shall permit any dog, cat, chicken or other animal to scratch, dig, or defecate upon any other person's property, including but not limited to, buildings, lawns, trees, hedges, shrubs, plants, flowers, or any growing things, whether the property is public or private, without the permission of the owner of the property. ~~In the event that the person in charge or control of the animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.~~
- G. No person shall attract community cats to a property in a manner that creates a public nuisance to adjacent property owners or that threatens the health, safety and welfare of the community.

~~§138-3. Exemptions.~~

~~Any person with impaired eyesight or hearing who relies upon a dog specifically trained for the purpose of assisting that person shall be exempt from §138-2F if this article if that person is alone with the dog when the act is committed.~~

§138-43. Violations and penalties. ¹

Any owner of any dog, cat, chicken or other animal who permits the violation or violates a provision of this ~~article~~ chapter shall be given a written Notice of Violation. If the violation is not corrected in the 30 days permitted, upon conviction before a Magisterial District Judge, the individual may be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days. Each day that each section is violated shall be considered a separate violation.

¹ Editor's note: Amended at time of adoption of Code (See Ch. 1, General Provisions, Art. I).

ARTICLE II
Community Cats

[Adopted by Ord. No.]

§138-4. Purpose.

The provisions of this chapter are deemed necessary to:

- A. Reduce the population of free-roaming cats, reduce annoyance caused by feral and community cats, positively affect the health of feral and community cats, and reduce the problems associated with feral or community cats.
- B. Allow Trap Neuter Return (TNR) programs to be carried out within Indiana Borough in order to stabilize and/or reduce existing feral and community cat populations, address disease concerns and increase the quality of life for residents of Indiana Borough.
- C. Promote the health, safety, and welfare of residents of Indiana Borough by setting the following standards for the management of feral and community cats.

§138-5. General policy.

- A. TNR of feral and community cats shall be legal in Indiana Borough and interested citizens are encouraged to participate in and support TNR activities on a voluntary basis.
- B. All persons who attempt to trap feral and community cats for TNR in Indiana Borough should be familiar with the guidelines supported by regional and national feral and community cat organizations, as well as the American Veterinary Medical Association (AVMA), regarding the appropriate methods of TNR. Any medical procedure must be carried out by a license professional.

ARTICLE III
Chickens

§138-6. Chickens Permitted; Roosters Prohibited.

- A. No parcel shall contain at any one time more than four (4) hens over the age of one (1) month.
 - a. For example, in the case of two-family dwellings, conversion dwellings, or multi-family dwellings without individually owned backyards, the maximum number of hens allowed shall be four (4) per parcel.
- B. Chickens shall be permitted only in the R-1, R-2 and R-3 zoning districts.
- C. No person shall keep or harbor any rooster within the Borough.

§138-7. Permits.

- A. No person may own, keep, or harbor any chickens within the Borough without first obtaining a permit from the Borough Planning, Zoning and Code Enforcement Office. An application 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 established from time to time by resolution of Borough Council.
- B. No person shall erect, alter, relocate, or expand a coop without first obtaining a zoning permit from the Borough Planning, Zoning and Code Enforcement Office. The issuance of a zoning permit shall not obviate the necessity for compliance with all other Borough Ordinances Chapter 460 Zoning. Non-property owners that wish to keep chickens on property that the non-property owner is renting must include written permission from the property owner that explicitly indicates that the non-property owner has permission to own chickens on the subject property. Such written permission shall be supplied to the Borough as part of the annual chicken permit application.
- C. Applicants with one or more unsatisfied nuisance violations within the twenty-four (24) months prior to initial submission shall not be eligible to receive a permit to house chickens.

§138-8. Coops. All chickens must be kept in a coop, chicken run, or fenced area at all times. During daylight hours, chickens may have access to the outdoors via a chicken run that is enclosed. Chickens may also be allowed in a securely fenced yard if supervised so that they cannot stray beyond the premises on which they are secured. The chickens shall be secured within the coop during non-daylight hours.

- A. Coops and chicken runs shall be located at least fifty (50) feet away from the front property line, twenty (20) feet away from side and rear property lines and ten (10) feet from the principal structure.
- B. The minimum coop shall be solid, vermin and predator proof and shall provide at least three (3) square feet of area per chicken.
- C. The chicken run shall be adequately enclosed and fenced to contain the chickens on the property and to prevent predators from gaining access to the chicken run.
- D. Coops shall be enclosed on all sides, and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening, windows, and vents must be covered with vermin, predator and bird-proof wire of one-half (1/2) inch hardware cloth.
- E. Materials used for making a coop shall be uniform for each element of the enclosure such that the walls are made of the same material, the roof has the same shingles or other coverings, and any windows or openings are constructed using the same materials. The use of scrap, waste board, or similar material is prohibited.
- F. The coop shall be painted or stained; the color shall be uniform around the coop and shall be in harmony with the surrounding area.

§138-9. Feed and Water. Chickens shall be provided with access to feed and clean water at all times. All feed, water, and other such items associated with the keeping of chickens shall be properly stored in a clean and sanitary manner so as to prevent the infestation of rats, mice, or other rodents or vectors.

§138-10. Veterinary Care. All chickens shall be afforded veterinary care if they are known or suspected to be sick or injured. In the case where a chicken is suspected to be sick, the owner is responsible for notifying the Planning, Zoning and Code Enforcement Office.

§138-11. Slaughtering. There shall be no outdoor slaughtering of chickens allowed in the Borough.

§138-12. Waste Storing and Removal. Waste Storing and Removal. A written waste storage and removal plan shall be submitted at the time of the application. All stored manure shall be placed within a fully enclosed container prior to disposal. No more than three cubic feet of manure shall be stored at any time. The coop, chicken run and surrounding area must be kept free from trash and accumulated manure. All deceased chickens shall be disposed of promptly and consistent with applicable waste disposal regulations of Chapter 152 Burials.

§138-13. Sale of Chicken Parts or Eggs. Any sale of chicken parts or eggs must comply with state and federal laws and regulations. This Article is not meant to address the sale of eggs or animal products.

§138-14. Permit Revocation.

Any individual found to be in violation of any provision of this article may face the revocation of their permit. Upon written notice thereof, such individual shall surrender their permit to the Planning, Zoning and Code Enforcement Office. In the case that a permit is revoked, all hens must be removed from the parcel within fifteen (15) days and the chicken coop and/or run must be removed within thirty (30) days of the revocation.