

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 543**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) OF THE CODE OF
ORDINANCES OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA PROVIDING DEFINITIONS AND CONDITIONS TO REGULATE THE
KEEPING AND FEEDING OF FERAL CATS IN THE BOROUGH**

WHEREAS, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter "Borough") is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough has enacted a Code of Ordinances pursuant to its statutory authority in the Pennsylvania Borough Code; and

WHEREAS, it is the intent of this ordinance to provide further regulations to regulate the keeping and feeding of feral cats, in the Borough in accordance with state law, while simultaneously advancing the substantial government interest of public safety, health and protection; and

WHEREAS, the Borough has recognized the need to amend the Code of Ordinances to add a section in Chapter 2, dealing with feral cats, to better address feral cats in the Borough as reflected herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, to add a new Part 5, "FERAL CATS" to Chapter 2, "Animals," as follows:

CHAPTER 2 ANIMALS, PART 5,

GENERALLY

SECTION 1. Chapter 2 of the Borough Code of Ordinances, "Animals," shall be revised and amended to read as follows:

§ 5-501. Purpose.

The purpose of this chapter is to prohibit and to regulate the keeping and feeding of feral cats within the Borough in order to promote the health, safety and general welfare of its inhabitants.

§ 5-502. Definitions.

For the purpose of this chapter, 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:

BOROUGH — The Borough of Hatfield.

BOROUGH COUNCIL — The Borough Council of the Borough of Hatfield.

FERAL CAT — Any homeless, wild, or untamed cat.

NUISANCE — Any use of property within the Borough of Hatfield or any condition upon any property within the said Borough that, other than infrequently or occasionally, shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property; interference to the health and/or safety of persons beyond the boundaries of such property; and/or disturbance to or interference with the peaceful use of the property of others in the Borough, in any case taking into consideration the location of the use or condition, and the nature and condition of the surrounding neighborhood.

OWNER — Any person having a right of property in, having custody of or who harbors a cat to remain on or around his or her property.

PERSON — A natural person, firm, partnership, association or corporation.

§ 5-503. Responsibilities of cat owners.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Identified by means of a collar with a tag or a microchip. The identification must provide the owner's name and contact information.

§ 5-504. Feeding of feral cats and other prohibited acts.

- A. It shall be unlawful and deemed a nuisance subject to penalties under this act for any person to feed six (6) or more feral cats at one time or in one location.
- B. If the feeding of feral cats results in the gathering of six (6) or more cats in one location, it shall be automatically deemed a nuisance subject to penalties under this act.
- C. It shall be unlawful and deemed a nuisance subject to penalties under this act for any person to cause feral cat(s) to habitually trespasses upon or damage either private or public property, or annoy, disturb the peace and quiet of the surrounding neighbors between the hours of 10:00 p.m. to 7:00 a.m., or harm lawful users or occupants thereof, or violate the provisions of §2-202 Noise Disturbance.

§ 5-505. Violations and penalties.

Any person, organization, firm or corporation who shall violate any provision of this chapter or is found to be causing a nuisance as described in this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of

summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 and not more than \$1000, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

§ 5-506. Continuation of prior provisions.

The provisions of this chapter, as far as they are the same as those of ordinances in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances and not as new enactments. The provisions of this chapter shall not affect any such suit or prosecuting pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this chapter.

SECTION 2. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts, are hereby repealed.

SECTION 4. This Ordinance shall take effect as provided by law.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this

10th day of February, 2022 with 4 Council Members

Girard, Fagan, Kroesser, Stevens voting "aye" and 0 voting

"nay."

Attest:

Jaime E. Snyder, Secretary

HATFIELD BOROUGH

By: Jason Ferguson, Council President

Approved by the Mayor:

Mary Anne Girard
Mary Anne Girard

Date: 2/21/2022

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10th day of February, 2022 with 4 Council Members

Girard, Fagan, Kroesser, Stevens voting "aye" and 0 voting

"nay."

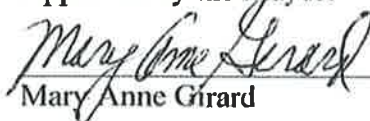
Attest:


Jaime E. Snyder, Secretary

HATFIELD BOROUGH

By: 
Jason Ferguson, Council President

Approved by the Mayor:



Mary Anne Girard

Date: 2/21/2022

CERTIFICATION

I, Kathryn Vlahos, Assistant to the Manager for the Borough of Hatfield, do hereby certify that the foregoing Ordinance No. 543 was adopted by majority vote of Hatfield Borough Council at Regular session of Council held on February 16, 2022, said session being duly advertised at which a quorum was present. Further, the said Ordinance was approved by the Mayor of the Borough of Hatfield and recorded in the Ordinance Book on the same date.

Dated: February 22, 2022


Kathryn Vlahos, Assistant to the Manager
Borough of Hatfield