

City of Philadelphia



(Bill No. 110210-A)

AN ORDINANCE

Amending Chapter 10-100 of The Philadelphia Code, entitled “Animals,” to provide for mandatory annual licensing of dogs and the creation of dog licensing agents to facilitate the issuance of such licenses, to provide for minimum standards for the care and control of dogs and cats, including their maintenance in kennels operating in the City, to provide for sterilization of dogs and cats, to provide for the confiscation and protection of dogs used in dog fighting, and to provide for the administration and enforcement of laws relating to animals, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-100. ANIMALS.

§ 10-101. Definitions.

In this Chapter the following definitions apply:

[(1)] Adult Dog or Cat. * * *

[(2)] Dog Fighting. A dog engaging in physical violence with another dog or animal.

(3)] Animal. * * *

Animal Control Agency. Such agency or agencies as the Managing Director shall designate pursuant to Section 8-401 of the Home Rule Charter, or such agency as otherwise provided for under the Home Rule Charter, with responsibility for the administration and enforcement of the provisions of this Chapter.

[(4)] Animal Control Officer. Shall mean any person authorized by the [Department of Public Health] *Animal Control Agency* to enforce this Chapter, whether employed directly by [the Department] *such agency* or not.

Animal Retailer. A person in the business of selling dogs or cats to the ultimate owners of such dogs or cats, including but not limited to a pet shop kennel under

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the Dog Law, and a dealer, to the extent such dealer engages in the retail sale of dogs or cats.

[(5)] Animal Shelter. * * *

Boarding Kennel. A boarding kennel as defined under Section 102 of the Dog Law (3 P.S. § 459-102), except that a boarding kennel under this Chapter shall also include boarding kennels that house domesticated cats.

[(6)] Carriage Horse. * * *

[(7)] Commercial Stable. * * *

Dealer. A person who:

(a) *publicly or privately sells or offers for sale any dog or cat belonging to another person for consideration, a fee, commission, or percentage of the sale price;*

(b) *transfers dogs and/or cats at wholesale for resale to another; or*

(c) *offers or maintains dogs and/or cats at wholesale for resale to another.*

Dog Fighting. A dog engaging in physical violence with another dog or animal.

Dog Law. The Act of December 7, 1982, P.L. 784, No. 225 (3 P.S. § 459-101 et seq.).

Dog Law Kennel. Any of the following types of kennel as defined under Section 102 of the Dog Law (3 P.S. § 459-102): a Boarding Kennel, Commercial Kennel, Dealer Kennel, Kennel, Nonprofit Kennel, Pet Shop-Kennel, Private Kennel, Rescue Network Kennel, or Research Kennel.

[(8)] Farm Animal. * * *

[(9)] Horse. * * *

[(10) Neutered. Shall mean rendered permanently incapable of reproduction, whether male or female.]

Kennel. Any of the following:

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(a) *A facility in or through which 13 or more dogs or cats, combined, are kept, bred, whelped, harbored, boarded, sheltered, maintained, sold, given away, exchanged, or in any way transferred in a calendar year.*

(b) *A boarding kennel.*

(c) *A Dog Law kennel.*

[(11)] Person. * * *

[(12)] Public Stable. * * *

[(13)] Rental Horse. * * *

Sterilized. Shall mean rendered permanently incapable of reproduction, whether male or female.

[(14)] Veterinarian. * * *

[(15)] Vicious Animal. * * *

[(16)] Wild Animal. * * *

§ 10-102. Administrative Provisions.

(1) Responsibilities of Various Departments.

(a) The [Department of Public Health] *Animal Control Agency* shall have primary responsibility for the control of animals pursuant to this Chapter of The Philadelphia Code.

(i) [There is hereby established in the Department of Public Health a Division of Animal Control, which shall be responsible for the duties of the Department of Public Health as described in this Chapter. The Commissioner of Health may, if he chooses, contract out any or all of the duties of the Division of Animal Control.

(ii) The [Department of Public Health] *Animal Control Agency* shall authorize Animal Control Officers to monitor and enforce the provisions of this Chapter. Animal Control Officers are empowered to enforce the provisions of this Chapter, and shall issue orders or citations or impound animals or otherwise act to

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enforce the provisions of this Chapter, or to act as animal control officers as designated in applicable state law.

[(iii)] (ii) The [Department of Public Health] *Animal Control Agency* shall promulgate regulations for the issuance of licenses and set by regulation the requirements and standards for the humane operation of businesses relating to animals pursuant to this Chapter. [The Department of Public Health shall certify these regulations to the Department of Licenses and Inspections.]

[(iv)] (iii) Upon notice of any violation of this Chapter or any regulation or standard promulgated thereunder, the [Department of Public Health] *Animal Control Agency* or an animal control officer shall conduct an inspection and when necessary take appropriate action including but not limited to the issuance of fines as described in this Chapter. The [Department of Public Health] *Animal Control Agency* or an animal control officer [shall recommend to the Department of Licenses and Inspections] *may seek the* suspension or revocation of licenses where appropriate.

[(v)] (iv) The [Department of Public Health] *Animal Control Agency* shall establish standards for granting waivers to residents for keeping more than twelve (12) adult dogs or cats combined based on the welfare and safety of the animals, residents and local community.

(b) The [Department of Licenses and Inspections] *Animal Control Agency* shall issue licenses *and accept registrations* in accordance with this Chapter and the regulations promulgated [thereunder. The Department of Licenses and Inspections] *thereunder, and may seek the* [revoke or suspend] *revocation or suspension of* licenses issued under this Chapter when [appropriate or when requested by the Department of Public Health.] *appropriate.*

(2) Animal Control Fund.

(a) There is hereby established in the [Department of Public Health] *Office of the Managing Director* an Animal Control Fund, to include the following items which shall accrue to the Fund:

(i) All licensing fees and fines received or levied under this Chapter relating to Animals.

(ii) Such additional funds as may be appropriated annually from the General Fund which are required to fund the [Division of Animal Control of the Department of Public Health] *Animal Control Agency* or its contractors [who] *to the extent the Animal Control Agency or its contractors* provide services required or authorized under this Chapter.

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(b) The Animal Control Fund shall be used to carry out the responsibilities defined by this Chapter relating to animals, including enforcement, licensing, and inspection of facilities regulated by this Chapter, including personal services, purchase of services, and materials, supplies and equipment expended directly by the [Department of Public Health] *Animal Control Agency* or contracted for by the [Department of Public Health.] *Animal Control Agency*. The Department of Licenses and Inspections shall annually charge the Fund for all direct and indirect costs performed by them pursuant to this Chapter relating to Animals.

(3) Animal Advisory Committee. To monitor the provisions and goals of this Chapter, there shall be created the Animal Advisory Committee ("Advisory Committee") to be part of the [Office of the Health Commissioner] *Office of the Managing Director*.

(a) The Advisory Committee shall be chaired by the [Commissioner] *Managing Director* or his designee.

* * *

(b) The Advisory Committee shall have the following responsibilities:

(i) To advise the [Health Commissioner] *Animal Control Agency* on matters related to animals and animal control.

(ii) To propose regulations for the implementation, enforcement and administration of the provisions of this Chapter.

(iii) To review, at least every two (2) years, any City contract or contracts relating to animals or animal control, and to make suggestions regarding those contracts to the [Health Commissioner] *Animal Control Agency* and to the Procurement Department.

(c) The [Commissioner] *Animal Control Agency* shall assemble and furnish to the Advisory Committee, upon request, such records, documents and information on animals and animal control as the Advisory Committee finds necessary for the proper fulfillment of its responsibilities.

(d) The Advisory Committee shall meet at least quarterly, at the call of the [Commissioner] *Managing Director*, or at the call of any five (5) members.

(4) *Disclosure and Reporting by Animal Shelters.*

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(a) *Animal Shelters shall keep annual written or electronic records, by species, of the following information regarding animals impounded at each Animal Shelter:*

(.1) *The number of animals impounded at the Animal Shelter.*

(.2) *The number of animals that were adopted.*

(.3) *The number of animals that were transferred to other persons, organizations, or entities for adoption.*

(.4) *The number of animals reclaimed by their owners.*

(.5) *The number of animals that died of a cause other than lawful euthanasia.*

(.6) *The number of animals that escaped or were stolen while under the care of the Animal Shelter.*

(.7) *The number of animals impounded at the Animal Shelter that were euthanized.*

(b) *By January 31 of each year, Animal Shelters shall submit to the Animal Control Agency a written report for the prior year of the information required under subsection (4)(a).*

(c) *Animal Shelters shall post, in every area where animals are relinquished to the Animal Shelter by owners, a sign that is clearly and conspicuously visible and readable from any vantage point in the area, and that is at least 17 inches by 22 inches, which displays all of the information required under subsection (4)(a). The Animal Control Agency may by regulation further specify format, dimensions, and posting requirements consistent with this subsection (4)(c).*

§ 10-103. Licensing and Rabies Vaccination.

(1) **Dogs Licensed.** No one shall have any dog, except one that is kept in a state-licensed kennel, unless he has obtained a license for such dog and has paid an annual license fee as follows:

For each [unneutered] *unsterilized* dog, [\$16.00] *\$40.00*

For each [neutered] *sterilized* dog, [\$8.00] *\$16.00*

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[(2) Permanent Licensing. In lieu of annual licensing, permanently tattooed dogs may be permanently licensed as follows:

For each unneutered dog, \$40.00

For each neutered dog, \$16.00]

(2) *Permanent Licenses Grandfathered.* Owners shall obtain an annual license for dogs for which a permanent license has previously been issued, but no fee shall be required. Such license shall be obtained no more than three (3) months after the next anniversary of the issuance of the permanent license following the effective date of the ordinance adding this subsection.

* * *

(6) [Veterinarians and Others Authorized] *Authorization to Dispense and Accept License Applications.* Application for any dog license shall be made to the [Department of Licensing and Inspection.] *Animal Control Agency.* [Any] Every veterinarian, veterinary [hospital or animal shelter can be authorized by the Department of Licenses and Inspections to accept license applications on its behalf,] *hospital, animal shelter, animal retailer, boarding kennel, and groomer shall act as a dog licensing agent for the Animal Control Agency,* under such regulations as [it] *the Agency* shall develop. [Any such veterinarian, veterinary hospital or animal shelter authorized to accept license applications] *Dog licensing agents* [shall keep as] *may charge* a processing fee [ten (10%) percent of the license fee, or one dollar (\$1.00), whichever is larger, per license processed. The Department of Licenses and Inspections shall not unreasonably restrict any veterinarian, veterinary hospital or animal shelter from acting as an agent for the collection of licensing applications as described in this Section.] *of no more than two dollars (\$2.00) per license application taken.*

(7) Time of Licensing.

(a) *Licensing Upon Purchase or Adoption.* A person obtaining a dog that must be licensed under this Section from an animal retailer or animal shelter shall submit an application and the applicable fee for such license to a dog licensing agent or the Animal Control Agency as a condition of obtaining the dog. No animal retailer or animal shelter shall release a dog to a person unless such person has submitted a license application and applicable fee.

(b) *Licensing Upon Provision of Services.* Whenever a veterinarian, veterinary hospital, boarding kennel, or groomer provides services for a dog that must be licensed under this Section, such service provider shall verify that the dog is licensed. A current license tag issued for the dog under Section 10-103(5) or, if available, a record from a City-maintained database of dog licenses, shall constitute proof that the dog is

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licensed. If the owner does not produce proof that the dog is licensed or that the owner has applied to the Animal Control Agency for a license, the service provider shall take a license application and collect the license fee from the owner under Section 10-103(6). If the owner refuses to license the dog, the service provider shall issue a notice to the owner of the City's dog licensing requirements, the owner shall sign the notice, and the service provider shall maintain the signed notice on file for two years. The service provider shall notify the Animal Control Agency within five (5) days of providing services that such dog is not licensed. Such notice shall include the owner's name and address.

(c) *With respect to a dog obtained by a City resident from a private owner or from an animal retailer or animal shelter outside the City, [Application] application for a license must be made within thirty (30) days after obtaining [a dog over four months of age,] the dog, or within thirty (30) days of [establishing residence in] bringing the dog into Philadelphia. [This requirement will not apply to a non-resident keeping a dog within Philadelphia for no longer than sixty (60) days.] A non-resident shall license any dog kept in the City by such non-resident for more than 60 days.*

(d) *The Animal Control Agency may authorize any non-profit entity that is a dog licensing agent under Section 10-103(6) to do, at such times and places as the Animal Control Agency may designate, any of the following:*

(i) *Waive the fee for a dog license, notwithstanding Section 10-103(1). No processing fee may be collected under Section 10-103(6) if the dog license fee is waived pursuant hereto.*

(ii) *Provide veterinary services to dogs without verifying that such dogs are licensed, notwithstanding Section 10-103(7)(b).*

(8) *Maximum Number of Dogs and Cats Allowed. No residential dwelling unit that is not registered as a kennel shall keep [a total of] more than twelve (12) adult dogs or cats combined, of which no more than [four (4)] two (2) dogs and two (2) cats may be [unneutered,] unsterilized, unless the [Department of Public Health] Animal Control Agency has been notified and granted a waiver.*

§ 10-103.1. Kennels.

(1) *All Kennels. Any person operating a kennel of any kind shall comply with Section 10-114 of this Code. The Animal Control Agency may inspect any kennel for compliance with Section 10-114, and may, where a violation is found, order the kennel to cease operations until such time as all violations have been remedied.*

(2) *Dog Law Kennels. Any person operating a Dog Law kennel shall comply with all provisions of the Dog Law, including maintenance of any license required*

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thereunder. The Animal Control Agency may inspect any Dog Law kennel for compliance with Section 207 of the Dog Law (“Requirements for kennels”), and may, where violations of Section 207 are found, order the kennel to cease operations until such time as all violations have been remedied. All violations of the Dog Law shall be reported to appropriate authorities.

(3) *Cease Operations Orders. A cease operations order under this Section may contain such terms as will permit the lawful and humane maintenance of animals sheltered in the kennel while the order is in effect and violations are remedied. A cease operations order under this Section shall not be imposed in a manner that contradicts or is otherwise inconsistent with any action by the Secretary of Agriculture under the Dog Law with respect to the same violation or violations for which the cease operations order was imposed.*

(4) *Registration. Any person operating a kennel of any kind shall register such kennel with the Animal Control Agency annually, providing such information, and on such form, as the Animal Control Agency shall specify. The registration fee shall be \$30, or such other amount as the Animal Control Agency may by regulation specify.*

§ 10-104. Animals Running at Large and Vicious Animals.

(1) No person shall permit any animal other than a *sterilized* cat to go at large upon any street, public place or private property other than the property of the owner of the animal. All [animals] *animals, other than sterilized cats*, using any street, public place or private property of anyone other than the owner of the animal shall be on a leash not exceeding six (6) feet in length including the handgrip but excluding the collar and accompanied by a person able to fully control the animal at all times.

Horses shall be exempt from the provision requiring a leash but shall under this Section require proper rein and bit or halter and lead shank.

Any animal running at large in violation of this [ordinance] *subsection* shall be seized by any animal control officer or police officer and delivered to an appropriate area of confinement approved by the [Department of Public Health.] *Animal Control Agency*.

(2) [Any] *Notwithstanding subsection (1), any [animal which] animal, other than a dangerous dog under Article V-A of the Dog Law, that is vicious* may be seized by any police officer or any authorized animal control officer and may be humanely destroyed *or rehabilitated for adoption* at the discretion of the [Department of Public Health] *Animal Control Agency* after a reasonable effort has been made to notify the owner. *With respect to dangerous dogs, the provisions of Article V-A of the Dog Law (3 P.S. §§ 459-502-A, et seq.) shall control.*

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(3) *The Animal Control Agency may, upon finding a cat to be feral, sterilize such cat and release it back to the cat's colony.*

§ 10-104.1. Dog Fighting.

* * *

(3) [The penalty for violation of this Section shall be a fine of \$300 per violation.

(4) The amount required to be remitted in response to a notice of violation issued pursuant to § 1-112 of the Code to enforce this Section is one hundred and fifty dollars (\$150.00).

(5) If it is determined by a police officer or an animal control officer that a dog has engaged in dog fighting, the dog shall be [temporarily] seized and examined by the appropriate agency for injuries, and to ascertain whether the dog [has rabies and/or is licensed.] *is licensed, and whether it has rabies.* The dog shall be [immediately] returned to the owner [upon showing of a license and verification of rabies vaccination.] *only where (a) the owner has never been convicted of dog fighting or cruelty to animals under 18 Pa. C.S. § 5511 or a substantially similar law, and (b) the owner does not pose a future danger to the health and welfare of the dog. Otherwise, the dog shall remain impounded and may be forfeited, provided that where the fair market value of the dog is greater than \$2,000 or such other amount set forth as the maximum allowable forfeiture under Section 17 of the Home Rule Act, Act of April 21, 1949, P.L. 665 (53 P.S. § 13131), the dog shall not be forfeited, but the owner shall instead be fined in an amount not to exceed \$2,000, or the maximum allowable fine under Section 17 of the Home Rule Act, and further provided that no forfeiture pursuant to the Home Rule Act shall be imposed where the dog is forfeited under 18 Pa. C.S. § 5511. The Animal Control Agency is authorized to promulgate regulations setting forth the procedure to be employed when making determinations under this subsection.*

§ 10-104.2. Vicious Animals in Playgrounds.

(a) No person shall bring any vicious animal into any playground owned or controlled by the City.

[(b) Penalty. Any person violating this Section shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109(3), or imprisonment for not more than ninety (90) days, or both.]

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§ 10-105. Animals Committing Nuisances.

* * *

(2) Removal. Any person, other than the owner, operator or driver of horse-drawn carriages, having possession, custody or control of any dog or other animal which commits a nuisance in any area other than the private property of the owner of such dog or other animal, as prohibited in § [10-102(1),] *10-105(1)*, shall be required to immediately remove the said feces from such surface and either:

* * *

(3) Removal From Private Property. Any person, other than the owner, operator or driver of horse-drawn carriages, having possession, custody or control of any dog or other animal which commits a nuisance on the private property of the owner or on the private property of the person having possession, custody or control of such dog or other animal, as prohibited in [10-102(1),] § *10-105(1)*, shall be required to remove said feces from such surface within twelve (12) hours and either:

* * *

(8) Penalties.

(a) The penalty for the first violation of any provision of this Section shall be a minimum fine of \$100; the penalty for a second violation of any provision of this Section shall be a minimum fine of \$200; the penalty for a third violation of any provision of this Section shall be a minimum fine of \$300. The third violation of any provision of this Section will result in the commencement of proceedings as provided by law for the removal of said animal and delivery of same to an appropriate area of confinement approved by the [Department of Health.] *Animal Control Agency*.

* * *

§ 10-106. Wild Animals.

* * *

(4) Licensing Animals Kept for Exhibit.

* * *

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(d) Upon certification by the [Department of Public Health] *Animal Control Agency* or its authorized animal control officers, the Department of Licenses and Inspections shall issue a permit to the applicant if it is found that:

* * *

(vi) The premises and facilities comply with such specific regulations as shall be promulgated by the [Department of Public Health,] *Animal Control Agency*, Fire Department, and the Department of Licenses and Inspections to carry out the provisions of this Section.

* * *

§ 10-107. Maintenance and Operation of Stables for Horses.

* * *

(2) Requirements of a Commercial Stable.

* * *

(b) No stable shall operate or be granted a license to operate unless it shall maintain facilities and services which shall:

* * *

(viii) Comply with such specific regulations as shall be promulgated by the [Department of Public Health,] *Animal Control Agency*, the Fire Department, or the Department of Licenses and Inspections to carry out the provisions of this Section.

* * *

§ 10-108. Rental and Carriage Horses.

(1) Rental and Carriage Horse Licenses.

(a) No person shall use or offer the use of any horse in a rental riding or carriage horse business unless such horse shall be licensed by the Department of Licenses and Inspections. The [Department of Public Health] *Animal Control Agency* in conjunction with the Department of Licenses and Inspection shall promulgate regulations for the licensing of rental and carriage horses, which regulations may from time to time revise the annual license or renewal fee to reflect the costs incurred by the City in regulating rental and carriage horses under this Section. Unless otherwise provided by regulation, the annual fee for a license or renewal of a license shall be twenty-five dollars

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(\$25.00) per horse. No license shall be transferable. All applications for a license or the renewal of a license shall be accompanied by a health certificate signed and dated by the examining veterinarian.

* * *

(d) The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by animal control officers of the [Department of Public Health] *Animal Control Agency* or persons designated by the [Department of Public Health] *Animal Control Agency* to enforce this Chapter.

(2) Working Conditions.

* * *

(b) Owners shall not allow a horse to be worked on a public highway, path or street when the temperature is over ninety-one (91) degrees Fahrenheit, or when the wind chill factor is less than twenty-six (26) degrees Fahrenheit, or during other dangerous conditions which are a threat to the health or safety of the horse. A horse being worked when such conditions develop shall be immediately returned to the stable by the most direct route. The [Department of Public Health] *Animal Control Agency* shall promulgate regulations specifying how the temperature and wind chill factor shall be measured for purposes of this subsection, and how persons working horses shall determine that the temperature is not within the permitted range.

(c) Carriage horses shall not be in harness for more than nine (9) hours in any continuous twenty-four (24) hour period. Riding horses shall not be at work for more than ten (10) hours in any continuous twenty-four (24) hour period. Riding horses shall be rested a minimum of fifteen (15) minutes for every riding hour. Carriage horses shall be rested a minimum of fifteen (15) minutes for every pulling hour. Daily records shall be maintained as prescribed by regulation of the [Department of Public Health.] *Animal Control Agency*, indicating the time and daily activity of a rental horse and shall be available for inspection by animal control officers or others authorized by the [Department of Public Health.] *Animal Control Agency*.

* * *

(f) A rental horse or carriage horse which suffers from any physical disability may be ordered to be removed from work until such time as deemed appropriate by a veterinarian authorized or retained by the [Department of Public Health.] *Animal Control Agency*.

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(3) Medical Care.

(a) Every horse required to be licensed under this Section shall be examined by a veterinarian prior to its use in a rental horse or carriage business and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites; for its general physical condition, which is to include inspection of teeth, hoofs, and shoes; and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of same. A health certificate provided by the [Department of Public Health] *Animal Control Agency* and signed by a veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse, as well as the maximum number of hours a day that, in the opinion of the veterinarian said horse should work. A copy of said certificate shall be filed with the [Division of Animal Control of the Department of Public Health.] *Animal Control Agency*.

* * *

(4) Removal from Work. A horse required to be licensed under this Section which is lamed or suffers a physical condition or illness making it unable for work may be ordered to be removed from work by an Animal Control Officer or other designee of the [Health Commissioner.] *Animal Control Agency*. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate that condition or otherwise endanger the health of the horse. In any proceeding under this Section, it shall be presumed that a horse which is found at work within forty-eight (48) hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this Section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight (48) hour period.

(5) Further Regulations to be Promulgated. The [Health Commissioner] *Animal Control Agency* shall promulgate such further regulations which may be required to carry out the intent of this Section, or to further safeguard the health and humane treatment of rental and carriage horses.

* * *

§ 10-109. [Neutering of Adopted Animals.] *Sterilization of Dogs and Cats; Records.*

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(1) [Neutering of Adopted Animals.] *Sterilization of Adopted Dogs and Cats.*

[(a) Any adult dog or cat adopted from an animal shelter shall be neutered by a licensed veterinarian within one (1) month of adoption.] *No animal shelter shall release a dog or cat to a person for adoption unless the animal has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply under the following circumstances:*

(a) *A licensed veterinarian certifies that he or she has examined the dog or cat and found that, because of a medical reason, the life or well-being of such dog or cat would be endangered by sterilization.*

(b) *The dog or cat is released into foster care. For purposes of this exception, the term “foster care” means the care provided by a private person who commits to maintain the animal in such person’s home, on a temporary basis, while a permanent adoptive owner of the animal is sought.*

[(b) Any dog or cat adopted from an animal shelter that is not an adult shall be neutered by the age of eight (8) months.

(c) If a licensed veterinarian makes a written determination that such dog or cat is physically unable to undergo surgical sterilization within the enumerated time limitations, the dog or cat shall be neutered at a time determined by the veterinarian.]

[(2)] (c) Reclamation of Adopted Animals. [(a)] Notwithstanding the provision for penalties upon violations of this Section, any dog or cat not [neutered] *sterilized* in accordance with [subsection (1)] *Section 10-109(1)(b)* may be reclaimed by the animal shelter without refund [or] *of any [adoption] fee or [sterilization] deposit.*

(2) *Sale of Unsterilized Animals Prohibited. No animal retailer shall sell a dog or cat on a retail basis unless the animal is of an appropriate age for sterilization and the animal has been sterilized by a licensed veterinarian. In addition to a fine for any unsterilized cat or dog sold in violation of this subsection, the Animal Control Agency may order an animal retailer to cease operations for up to one year from the date of a violation.*

(3) *Exception to Sterilization Requirements. Subsections (1) and (2) shall not apply with respect to the following:*

(a) *Dogs obtained by a governmental entity for purposes of law enforcement or public safety.*

(b) *Dogs obtained as guide dogs for the blind, or as service dogs for persons with handicaps.*

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(c) *Dogs or cats of a recognized breed, obtained for purposes of participation in a recognized competition. The Animal Control Agency shall promulgate regulations specifying the requirements for establishing that a dog or cat is of a recognized breed and has been obtained for purposes of a recognized competition.*

(4) *Animal Records.*

(a) *Every animal retailer shall maintain records of dog and cat sales, the identity of all breeders supplying dogs and cats to the animal retailer, sterilization procedures performed at the request of the animal retailer, records of any vaccinations or veterinary care provided to the animal, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of two years. Such records, letters and certificates shall be made available to the Animal Control Agency in such format as the Animal Control Agency may by regulation direct.*

(b) *Every animal retailer shall provide the following to a purchaser of a dog or cat at the time of sale: the breeder's name, address and state license number; a current, valid rabies certificate; and records of any other vaccinations or veterinary care provided to the animal and certificate of sterilization. If the breeder is not known, the name and address of the dealer from whom the dog or cat was obtained shall be provided.*

(c) *With respect to dogs, the provisions of this subsection (4) shall be in addition to the requirements of the Dog Purchaser Protection Act, Act of June 25, 1997, P.L. 287, No. 27, § 1 (73 P.S. § 201-9.3).*

* * *

§ 10-114. *Animal Care -- Requirements for Animal Owners and Kennels.*

(1) *Every person who owns any animal or who owns, conducts, manages or operates any kennel shall comply with all of the following conditions:*

(a) *Buildings and enclosures in which animals are kept shall be maintained in a clean and sanitary condition to control odors and prevent the spread of disease. Enclosures shall be kept in good repair.*

(b) *Animals shall be supplied with appropriate food and potable water, free from contaminants, as often as the feeding habits of the respective animals require.*

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(c) *Animals shall not be neglected, abused, or mistreated, and no condition that presents an immediate threat to the welfare of an animal may be maintained.*

(d) *No animal shall be allowed to constitute or cause a hazard, or be a menace to the health, peace or safety of the community.*

(2) *Every person who owns, conducts, manages or operates any kennel shall, in addition to the requirements of subsection (1), comply with all of the following conditions:*

(a) *All facilities and animal enclosures shall be constructed so as to prevent escape of animals, restrict the entrance of other animals, and protect the animals from injury, and shall be kept structurally sound and in good repair. All facilities, including areas where animals are kept, must be equipped with working smoke alarms and shall have a means of fire suppression on the premises. Animals shall be afforded appropriate shelter from the elements at all times.*

(b) *All animal enclosures, including, but not limited to rooms, cages, kennels and kennel runs, shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein. An enclosure with a wire bottom may never be used. Enclosures shall be securely placed and fastened so that there is no danger of an enclosure falling; the animals do not have direct access to one another; and waste from one enclosure cannot be transmitted to another. Food and water containers must be secured to prevent spillage. Crates may be stacked no more than two high.*

(c) *Animals shall be directly observed at least once every 12 hours. Whenever any animal is left unattended, the telephone number of the Animal Control Agency, and the name, address and telephone number of the responsible person, shall be posted in a conspicuous place at the front of the property. Kennels that breed 51 or more dogs or cats in a year shall provide staffing at least eighteen (18) hours per day.*

(d) *Sick animals shall be isolated so as not to endanger the health of other animals. Animals shall be vaccinated as required by law. Newborn animals and new animals introduced into a kennel shall receive a wellness examination from a licensed veterinarian within three calendar days after entry into the kennel.*

(e) *Animals shall be so maintained as to eliminate excessive and nighttime noise.*

* * *

§ [10-114.] 10-115. Penalties and Sanctions.

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(1) [Unless otherwise provided,] *Except as provided*, the penalty for violation of any Section of this Chapter is a fine of no less than one hundred fifty (150) dollars and no more than three hundred (300) dollars.

(a) *Violations of §§ 10-103.1 (Kennels), 10-104.1 (Dog Fighting), § 10-104.2 (Vicious Animals in Playgrounds), 10-109 (Sterilization of Animals; Records), or 10-114 (Animal Care -- Requirements for Animal Owners and Kennels) shall be Class III violations, and the minimum fine shall be \$500. In addition to any fine, imprisonment for not more than 90 days may be imposed for a violation of § 10-104.2.*

(b) *A violation of § 10-104(1), pertaining to animals running at large, where the animal has been sterilized, may be punished by a fine of up to \$150. A violation of § 10-104(1) where the animal seized has not been sterilized shall be a Class III offense, and the minimum fine shall be \$500, provided that such fine shall be waived if the owner agrees to permit the Animal Control Agency to sterilize the animal. The Animal Control Agency may charge a reasonable fee for sterilization not to exceed the cost of sterilizing the animal. Notwithstanding § 10-115(2), a violation of § 10-104(1) involving an unsterilized animal occurring within 12 months of any prior violation of § 10-104(1) by the same person shall be a Class III violation, and the minimum fine shall be \$750. Any animal, whether or not sterilized, seized in connection with such successive violation, may be subject to forfeiture.*

(2) Repeat Offenders. Any person who commits, on more than one occasion, a violation of any Section of this Chapter, except §§ 10-103 (*Licensing and Rabies Vaccination*), 10-103.1 (*Kennels*), 10-104(1) (*pertaining to Animals Running at Large*), 10-104.1 (*Dog Fighting*), [10-105 or 10-113,] 10-105 (*Animals Committing Nuisances*), 10-109 (*Sterilization of Animals; Records*), 10-113 (*Sale of Horse Meat*), or 10-114 (*Animal Care -- Requirements for Animal Owners and Kennels*) shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.

* * *

(5) Administrative Enforcement and Sanctions.

* * *

(a) Closing of Facilities. If the [Department of Public Health] *Animal Control Agency* determines that it is in the best interest of the health, safety, and welfare of the City of Philadelphia, [that Department] *the Animal Control Agency* may issue an

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Order closing the offending facility until such time as compliance with this Ordinance is attained.

(b) Denial, Revocation, or Suspension of License. The Department of Licenses and Inspections, [upon recommendation of the Department of Public Health] *Animal Control Agency* or the Fire [Department, or upon its own finding of violation of this Code] *Department* may withhold, deny, revoke, or temporarily suspend for a period not to exceed one (1) year, any license or permit issued or applied for in accordance with the provisions of this Chapter. [The Department of Licenses and Inspections] *Such license or permit* may also [withhold, deny, revoke or temporarily suspend a license so issued,] *be withheld, denied, revoked, or temporarily suspended* upon a finding that the licensee has been guilty of any of the following:

* * *

(c) Administrative Hearing. Except for cases declared by the [Health Commissioner] *Managing Director* to constitute an immediate threat to the health, safety, or welfare of the City of Philadelphia, closing of facilities or denial, revocation or suspension of license shall not take place without an administrative hearing to be conducted by the appropriate department, pursuant to procedures established by that department.

§ [10-115.] *10-116*. Severability. * * *

SECTION 2. Effective Date. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 5, 2011. The Bill was Signed by the Mayor on May 25, 2011.



Michael A. Decker
Chief Clerk of the City Council