

Proposed Amendment for Bill No. 250989

Proposed Deletions in ~~Strikethrough~~
Proposed Additions in **Bold**

AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by adding a new Section to impose a temporary moratorium on the breeding and transfer of puppies, all under certain terms and conditions.

WHEREAS, The City of Philadelphia has experienced a documented increase in stray and abandoned dogs, creating threats to public health and safety, including dog bites, traffic accidents, and the spread of communicable diseases; and

WHEREAS, The City’s Animal Control Agency, ACCT Philly, funded primarily with public resources, has for extended periods operated at or above capacity, leading to overcrowding, disease risk, and heightened fiscal burdens on taxpayers; and

WHEREAS, Intake data from ACCT Philly demonstrates that indiscriminate or unregulated breeding is a primary driver of shelter crowding and dog relinquishment, compounding the strain on the City’s ability to provide humane care; and

WHEREAS, The unregulated sale of puppies also presents consumer protection and public health risks, including the misrepresentation of animal health, spread of contagious diseases among community and shelter animals and the possible spread of zoonotic diseases to humans; and

WHEREAS, Enforcement of existing animal control laws has proven insufficient to stem the rapid increase in intake, and immediate action is required to stabilize the situation; and

WHEREAS, A temporary moratorium on dog breeding is a targeted measure intended to address this emergency condition while Council considers and adopts permanent regulatory solutions, including licensing, subsidized sterilization, and enhanced enforcement; and

WHEREAS, The moratorium is limited in duration and scope, does not permanently bar the pursuit of dog breeding as an occupation, and is substantially related to the protection of public health, safety, and welfare;

WHEREAS, This temporary moratorium is a narrowly tailored public-health and welfare measure that does not prohibit responsible, state-licensed kennel operations but pauses unlicensed commercial puppy sales until shelter capacity and public safety stabilize;

WHEREAS, This Section supplements Pennsylvania Dog Law as it applies solely to persons not holding a valid Pennsylvania kennel license and addresses unlicensed, unregulated puppy sales that have produced documented impacts on shelter capacity and public health within the City. now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1: Title 10 of The Philadelphia Code (“Regulation of Individual Conduct and Activity”) is amended by adding new Section 10-119, to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-100. ANIMALS

* * *

§ 10-119. *Temporary Moratorium on the Sale and Transfer of Puppies.*

(1) Moratorium Established.

~~*(a) No person, business, or entity shall:*~~ ***(a) Any person who keeps, harbors, or has custody or control of a female dog within the City of Philadelphia shall take reasonable measures, including but not limited to spay surgery, supervision, confinement, and/or separation from intact male dogs, to prevent the birth of a litter of puppies, unless expressly exempted under this Chapter. The birth of a litter of puppies shall constitute prima facie evidence of a violation of this section.***

~~*(1) Breed, cause, or allow a dog to give birth within the City of Philadelphia; or*~~

~~*(2) Sell, offer for sale, advertise for sale, exchange, or transfer for consideration any dog under seven (7) months of age (“puppy”), except as provided in subsection (2).*~~

(b) No person, business or entity shall transfer, offer for transfer or advertise for transfer any dog under seven (7) months of age (“puppy”), except as provided in subsection

(2). A person shall not conduct or arrange a hand-off outside the City for the purpose, or with the effect, of evading this Subsection. Any such transaction shall be deemed to occur within the City.

(c) For purposes of this Section 10-119, “transfer” shall mean any act or arrangement, whether direct or indirect, temporary or permanent, and whether or not for consideration, by which a dog or puppy is sold, exchanged, bartered, given away, adopted, delivered, relinquished, or otherwise conveyed, or by which possession or custody is transferred or attempted to be transferred.

~~(b) (d) This prohibition shall remain in effect for thirty-six (36) months from the effective date of this Ordinance, unless renewed by Resolution of City Council upon written findings that unregulated puppy sales continue to endanger animal welfare or public health.~~

(2) Exemptions.

This Section shall not apply to:

(a) Any person or entity holding a valid Pennsylvania Dog Law, kennel license;

(b) Nonprofit animal shelters or animal rescue organizations with 501(c)(3) status, acting in the ordinary course of adoptions;

*(c) Transfers of puppies bred for bona fide service, ~~police~~ **law enforcement, search and rescue**, or research programs; **or***

(d) One-time transfers of a single puppy that was not bred or whelped within the City of Philadelphia, has been continuously owned by the transferor for at least thirty (30) days, and is rehomed without profit. Any payment may not exceed documented veterinary or care expenses actually incurred.

(3) Advertising, Offer, and Location Disclosure.

(a) During the moratorium established under this Chapter, ~~Any~~ any advertisement, ~~posting, for sale or other~~ offer to transfer a puppy, must include, conspicuously:

~~(1)~~(.1) The Pennsylvania kennel license number of the seller, or the EIN of the nonprofit animal shelter or animal rescue organization, whichever is if applicable; and

~~(2)(2) Nonprofit animal shelters or animal rescue organizations If exempt under subsection (2)(b), the rescue organization's EIN; and~~

~~(3) The City zip code where the puppy is physically located.~~

(b) No person shall advertise or offer a puppy for transfer if the puppy was physically located in the City within the preceding 14 days, unless the advertiser qualifies for an exemption under subsection (2).

(c) Each non-compliant advertisement and each day it remains posted shall constitute a separate violation.

~~(d) Anti-Evasion. A person shall not conduct or arrange a hand-off outside the City for the purpose, or with the effect, of evading this Section. Any such transaction shall be deemed to occur within the City.~~

(4) Hosting Platforms.

(a) Any online platform, website, or digital marketplace that permits user-generated classified advertisements shall, upon notice from the Animal Control Agency, promptly remove or disable access to any advertisement offering the sale, transfer, or breeding of a dog in violation of this Section.

(b) A platform shall not be liable under this section if it:

(1) maintains and enforces a policy prohibiting such postings from advertisers based in Philadelphia; and

(2) removes identified violations within 48 hours of written notice.

(c) Failure to comply with this subsection may result in civil penalties of up to \$500 per day per violating posting.

(d) Nothing herein imposes a general duty to monitor user content.

(5) Buyer Responsibility.

No person located in the City shall purchase or pay a deposit for a puppy without first obtaining ~~and retaining~~ the seller's kennel license number or rescue EIN. **The person shall retain such information** for twelve (12) months, to be produced upon lawful request.

(6) Enforcement and Penalties.

(a) The Animal Control Agency shall enforce this Section.

(b) Each sale, purchase, offer to transfer, advertisement, or facilitation involving a puppy, and each puppy bred or whelped within the City in violation of this Section, shall constitute a separate offense. Each advertisement, offer to transfer or puppy ~~born~~ bred is a distinct violation, even if multiple occur as part of the same transaction or on the same date.

(c) Civil fines for first offenses shall not exceed one thousand dollars (\$1,000) per violation.

(d) Any person, business, or entity previously cited for one or more violations of this Section who commits a subsequent violation shall be subject to fines of up to two thousand dollars (\$2,000) per violation.

(e) Second and subsequent violations may also be declared a public nuisance and may be subject to injunctive relief or other equitable remedies in a court of competent jurisdiction, in addition to civil penalties.

(f) The City shall provide quarterly reports to City Council stating the number of citations issued and the amount paid on each citation.

(7) Severability.

If any provision of this Section is held invalid, the remainder shall not be affected.

SECTION 2. Effective Date. This Ordinance shall take effect ~~in sixty (60)~~ **ninety (90) days **after becoming law.****