

Legislation Text

File #: 000537, **Version:** 1

Amending Chapters 10-100 and 10-600 of The Philadelphia Code relating to Animals, Individual Conduct and the use of public and private property by adding to Sections 10-101, 105, 603 and 10-606 the prohibition of Dog Fighting.

WHEREAS, It is the intent of City Council to protect all animals from extreme cruelty and abuse within the City; and

WHEREAS, Members of City Council have made the finding that dog fighting is a form of extreme cruelty and abuse which must stop; and

WHEREAS, It is the intent of City Council to promote the health, safety and welfare of all its citizens; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

§10-101. Definitions.

In this Chapter the following definitions apply:

(1) Adult dog or cat. Shall mean any dog or cat at least seven (7) months of age.

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

[(2)] (3) Animal. Shall include any description of vertebrate excluding only Homo sapiens.

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

[(4)] (5) Animal Shelter. Shall mean any facility operated, owned or maintained by a duly incorporated human society, animal welfare society or other non-profit organization or by or under contract with the City whose purpose is to provide for and promote the welfare, protection, and humane treatment of animals or for the purpose of impounding seized, stray, homeless or unwanted dogs, cats, or other animals.

[(5)] (6) Carriage Horse. Shall mean any horse which is used by its owner or other person to pull any vehicle, carriage, sled, sleigh, wagon or other device. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed a carriage horse for the purposes of this Chapter.

[(6)] (7) Commercial Stable. Shall mean any stable operated for profit which accommodates horses for breeding, boarding, training, riding, sale and rental.

[(7)] (8) Horse. Shall include any mare, gelding, pony, foal, colt, filly or stallion; this also includes an ass, mule, donkey, hinney or jennet.

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

[(9)] (10) Person. Shall include corporations (both profit and non-profit), partnerships, or associations as well as individuals.

[(10)] (11) Public Stable. Shall include any facility, building, or other premises whatsoever at which horses are kept or from which they are let out for hire, working, training, or riding, or from which horses are provided and used to give instruction on riding, or where horses are boarded. This term shall include existing stables as well as those constructed hereafter.

[(11)] (12) Rental Horse. Shall mean any horse offered to the public for a fee for the purpose of riding or drawing a horse-drawn vehicle.

[(12)] (13) Veterinarian. Shall mean a person duly authorized by the State Board of Veterinary Examiners to engage in the practice of veterinary medicine in the Commonwealth of Pennsylvania.

[(13)] (14) Vicious Animal. Shall mean any animal except a government-owned animal used for law enforcement which poses an imminent danger to humans or to domesticated animals, or which has been found by the Department of Public Health or an animal control agent to have a history of bites or attacks on humans or domesticated animals.

[(14)] (15) Wild Animal. Shall include any animal which is wild, fierce, dangerous, noxious, or naturally inclined to do harm, in any place other than a zoological park, veterinary hospital, or clinic, humane society, circus or facility used for educational or scientific purposes.

Wild animals, however domesticated, shall also include but not be limited to:

Dog family (Canidae). All except domesticated dogs-including wolf, fox, coyote, dingo, or any hybrid thereof;

Cat family (Felidae). All except the commonly accepted domesticated cats - including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, wild cats, etc.;

Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

Weasels (Mustelidae). All except domesticated ferrets, including weasels, martens, mink, wolverine, badgers, otters, ermine, mongoose, skunk, etc.;

Raccoon (Procyonidae). All raccoons;

Primates. All subhuman primates;

Porcupine (Erethizontidae). All porcupines;

Raptorial birds. All birds of prey except for those which are regulated by the Pennsylvania Game Commission and U.S. Fish and Wildlife Falconry or Proagation Permits where the necessary permits or certificates have been obtained;

Venomous snakes;

Venomous lizards;

Alligators and crocodiles;

Venomous fish and piranha;

Venomous invertebrates, including rear-fanged snakes.

SECTION 2. Chapter 10-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-100 ANIMALS

* * *

§10-104.1. Dog Fighting.

(1) No person shall intentionally, knowingly, recklessly, or negligently allow a dog to engage in dog fighting on public or private property.

(2) No owner of private property shall be allowed to use their real estate for the purposes of 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. The dog shall be immediately returned to the owner upon showing of a license and verification of rabies vaccination.

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SECTION 3. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.