

Legislation Text

File #: 000103-A, **Version:** 2

Amending Chapter 10-100 of The Philadelphia Code, entitled “Animals,” by amending Section 10-105, entitled “Animals Committing Nuisances,” by expanding the section to include nuisances committed upon the private property of the owner and animal noises which cause unreasonable annoyance, disturbance or discomfort to a person or persons, 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.

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§10-105. Animals Committing Nuisances.

- (1) **Where Prohibited.** No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance upon any gutter, street, driveway, alley, curb, or sidewalk in the City, or upon the floors or stairwells of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park or upon the grounds of any public park or public area, or upon any private property, *including* [other than] the property of the owner of such animal.
- (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), shall be required to immediately remove the said feces from such surface and either:
 - (a) carry same away for disposal in a toilet; or
 - (b) place same in a nonleaking container for deposit in a trash or litter receptacle.
- (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), shall be required to remove said feces from such surface within twelve (12) hours and either:
 - (a) carry same away for disposal in a toilet; or
 - (b) place same in a nonleaking container for deposit in a trash or litter receptacle.

(4) *Animal Noise.* No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to make any noise which causes unreasonable annoyance, disturbance or discomfort to a person or persons residing within five hundred feet (500') of the owner of said animal. The complainant(s) must be willing to sign a complaint against the owner and agree to testify in court if required.

[[3]] (5) *Horse Drawn Carriages.* The owner, operator or driver of horse-drawn carriages operating in an area bounded by Washington avenue, Spring Garden street, Delaware avenue and Broad street shall be required to attach a containment device to the rear of each and every horse so fitted, to be maintained and emptied so that manure is completely contained therein, cannot and does not fall to any gutter, street, driveway, alley, curb, or sidewalk in the City, and is not exposed and is carried away for proper disposal.

[[4]] (6) *Exception.* The provisions of this Section shall not apply to a guide dog accompanying any blind persons, or to a dog used in any police or fire activities of the City or to horses not attached to horse-drawn carriages.

[[5]] (7) *Enforcement.* For the purposes of enforcing the provisions of this Section, notice of violation shall be issued by police officers or any other person authorized to enforce ordinances.

(a) Whenever a police officer or any other official authorized to enforce ordinances observes a violation of the provisions of this Section, he shall hand to the violator a printed notice of violation. Such notice shall bear the date, time, and nature of the violation, dog or carriage license number, identity and address of the violator, the amount to be remitted in response to the notice of violation, the penalty which can be imposed by the court for violation, and shall be signed by the person issuing the notice and shall bear the police officer's badge number or other official identification number identifying the person issuing the violation notice.

(b) Any person who receives notice of violation, may within ten (10) days, pay the amount of twenty-five dollars (\$25), admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.

(c) If a person who receives a notice of violation fails to pay the prescribed payment within ten (10) days of the issuance of the notice of violation, a code enforcement complaint shall be issued for such violation in such manner as provided by law. If a person named in the code enforcement complaint is found to have violated this Section or fails to appear on the date set for the hearing, he shall be subject to the imposition of fines in the amounts set forth in Subsection 10-102(6) plus court costs.

[[6]] (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.* [and no more than \$300. for each violation.] *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.

- (b) Any fine or costs imposed by the court shall be entered as a judgment against the violator.
- (c) Any fine imposed by the court shall be paid within ten (10) days of its imposition. If the fine together with any court cost is not paid within such period, the violator shall be subject to proceedings for contempt of court and/or collection of the fine as provided by law.

Explanation:

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