

Legislation Text

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Amending Title 10 of The Philadelphia Code, entitled "Regulation of Individual Conduct and Activity," to provide for the licensing of certain horses, to provide for requirements with respect to keeping certain horses, and to further provide for penalties and enforcement, 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:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

CHAPTER 10-100. ANIMALS

§ 10-101. Definitions.

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Commercial Stable. Shall mean any [stable operated for profit which accommodates horses] *stable, building, facility, or other premises where horses are accommodated for consideration, for any purpose, including, but not limited to, breeding, boarding, training, riding, sale [and] or rental.*

* * *

Farm Animal. Any chicken, goose, duck, turkey, goat, sheep, pig, cow, or other farm animal, provided such other farm animal presents a public nuisance due to smell and/or noise. Does not include a [cat or dog.] *cat, dog, or horse.*

* * *

[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.]

* * *

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

(1) Commercial Stable License.

(a) No person shall own, operate, maintain, or permit the maintenance of a commercial stable [or] *on* property which he owns, leases, or otherwise controls within the City of Philadelphia, unless a

license shall have been obtained from the [Department of Licenses and Inspections,] *Animal Control Agency*, as hereinafter provided.

* * *

§ 10-108.1. *Horse Licenses.*

(1) Horse License. No person shall keep any horse for more than 30 days, whether privately or at a commercial stable, unless he or she obtains a license for such horse from the Animal Control Agency pursuant to this Section. This Section shall not apply to horses subject to Section 10-108 (Rental and Carriage Horses).

(a) Application and Administration.

(i) Applications for a horse license, or for renewal of such license, shall be made to the Animal Control Agency. Every applicant shall supply such information as the Animal Control Agency requires and shall, at the time of application, pay an annual fee of \$100 for each horse licensed, or such other amount as the Animal Control Agency may by regulation specify. Licenses under this Section shall expire annually on July 1.

(ii) Every license application shall provide the name of the horse and identify the horse in one of the following ways:

(.1) By one or more color photographs of the horse sufficient to positively identify the horse.

(.2) By a specific written physical description of the horse sufficient to positively identify the horse by reference to breed, color, markings, and individual characteristics unique to the horse.

(.3) By the identification number of a microchip permanently implanted in the horse, along with either a general written description of the horse's breed, color, and markings, or a color photograph of the horse.

(iii) The Animal Control Agency may authorize any commercial stable to accept license applications for horses kept at such stable on behalf of the Animal Control Agency. Commercial stables accepting license applications pursuant to this section shall submit a completed license application, along with payment, to the Animal Control Agency within thirty days of completion of such application. Nothing in this subsection (1)(a)(iii) shall relieve the person seeking the services of the commercial stable from the obligations imposed by this Section.

(b) Conditions.

(i) Lcharrsid4655285 icenses shall be conditioned upon compliance by the licensee with the provisions of this Section, and all other provisions of The Philadelphia Code relating to animals, including, but not limited to, all applicable building, construction, maintenance, and zoning requirements.

(ii) A license may be denied or revoked based upon a conviction for violation of 18 Pa. C.S. §§ 5511 through 5511.3 (pertaining to cruelty to animals and related matters), 18 Pa. C.S. § 3129

(pertaining to sexual intercourse with animals), or any similar offense or offenses under the laws of another jurisdiction, whether or not such conviction is related to the horse for which the license would be or was issued.

(2) The Animal Control Agency is authorized to issue regulations to implement and enforce this Section.

§ 10-108.2. Private Keeping of Horses.

(1) No person shall keep any horse at any location, other than at a commercial stable validly licensed pursuant to Section 10-107 (Maintenance and Operation of Commercial Stables for Horses), unless such person complies with all of the following requirements:

(a) At least one quarter of an acre of open space, per horse, shall be provided to each horse, unless the horse remains in the City for less than 24 hours. All open spaces shall be fully bounded by a permanent enclosure adequate to prevent escape.

(.1) Where no more than two horses are kept in the same space, an exercise plan, adequate to maintain good health and approved by an equine veterinarian, may be followed in lieu of meeting the minimum open space requirement set forth in subsection (1)(a). A daily log shall be maintained documenting compliance with such exercise plan.

(b) A stable or other suitable shelter for protecting horses from the elements shall be provided and available to horses at all times. All shelter areas shall be clean and dry. Sufficient bedding of straw, shavings or other suitable material shall be furnished and changed as often as necessary to maintain them in a clean and dry condition. Adequate ventilation shall be maintained in stables.

(c) Adequate food and water shall be provided for all horses.

(d) All areas accessible to horses shall be cleared of manure at least once every 24 hours. Manure shall be stored in leakproof containers with overhead protection that directs rain and melting snow or ice away from the container. Containers shall be kept on a flat surface, and at least 50 feet from any storm drain or body of water. Manure shall be removed from the property at least weekly during the months of November through April, and at least twice a week during the months of May through October.

(e) Horses shall not be left unattended except when in an enclosure adequate to prevent escape, or when properly tethered.

(f) Horses shall be maintained in good health and shall not be subjected to injurious treatment or conditions, and shall receive adequate veterinary care.

(g) The owner of any horse, or any person in control of the stable at which the horse may be kept, shall grant access to such horse at any time for inspection by the Animal Control Agency.

(h) The certificate of license shall at all times remain at the location where the horse is kept and shall be available for inspection, except that this subsection (1)(h) shall not apply where no license is required under this Chapter.

(2) The Animal Control Agency is authorized to issue regulations to implement and enforce this Section. The Department of Streets and the Board of Health are authorized to issue regulations regarding the handling and disposal of manure and bedding materials.

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§ 10-115. Penalties and Sanctions.

(1) 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.

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(c) The penalty for a violation of § 10-108.1 (Horse Licenses) or § 10-108.2 (Private Keeping of Horses), or for violation of any regulation issued pursuant to either section, shall be a fine of \$300. Provided that where a violation or violations of § 10-108.2 has resulted in the inhumane treatment of a horse, the horse may further be forfeited, provided that the value of the horse is not greater than \$2,000; if the value of the horse is greater than \$2,000, then a fine of \$2,000 shall be imposed in lieu of forfeiture.

(i) In addition to issuing a notice of violation, whenever there is probable cause to believe that violation of § 10-108.2 has resulted, or will imminently result, in the inhumane treatment of a horse, a police officer may immediately seize the horse. The owner shall be liable for the costs of seizing and maintaining the horse during any period of seizure.

(ii) When a horse is seized pursuant to subsection (1)(c)(i), notice shall be provided to the owner within thirty (30) days of seizure of the place to which the horse has been removed, the reason the horse was seized, and the costs of seizing and maintaining the horse (including ongoing costs). The owner may appeal the seizure to the Board of Licenses and Inspections Review pursuant to § 9-103(2) and (3), and Board procedures.

(iii) The horse shall not be returned to the owner until the owner pays all fines and costs, and demonstrates to the satisfaction of the Animal Control Agency that the horse will be maintained in compliance with §§ 10-108.1 and 10-108.2. In no event shall a horse be returned to the owner while either judicial proceedings to forfeit the horse are pending, or the time for timely appeal in any such proceeding has yet to expire.

(iv) Where it would be impracticable for the owner to maintain a horse in compliance with § 10-108.2, the Animal Control Agency may, at its discretion, permit the owner to forfeit such horse voluntarily in lieu of the payment of all or any portion of fines, costs of seizure, and maintenance.

SECTION 2. This Ordinance shall become effective July 1, 2013.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

