

# PHILADELPHIA MUNICIPAL CODE

## ORDINANCE No. 642

### CHAPTER 4

### ANIMALS AND FOWL

### ARTICLE 11. DOGS

#### DIVISION A. GENERALLY

##### Sec. 4.5 Definitions.

For the purpose of this division, the following terms shall have the respective meanings ascribed to them:

Dog shall include both males and females.

Owner shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

At large shall mean that the dog is not inside a locked fenced yard or other enclosure on the owner's property which will securely confine the dog and will prevent the dog from escaping. A dog under the control of the owner or a member of his immediate family, either by leash, cord, chain or otherwise, however, shall not be considered "at large."

##### Sec. 4.6 Dogs running at large prohibited.

No owner of a dog shall permit such dog to run at large.

##### Sec. 4.7 Vaccinations.

It shall be unlawful for the owner of any dog to own, keep, or harbor such dog within the city unless the dog has been vaccinated by a licensed veterinarian with anti-rabies vaccine within the preceding one year.

##### Sec. 4.8 Dogs running at large impounded.

It shall be the duty of the animal control officer and of every police officer and every other employee of the city to apprehend any dog running at large and to impound such dog in the city dog pound or some other suitable place at the discretion of the animal control officer. At the time of impoundment, a registry shall be made of the dog, showing the breed, color and sex of the dog.

##### Sec. 4.9 Impoundment fees.

The owner of any dog so impounded may reclaim such dog by having the dog vaccinated, if the dog has not been previously vaccinated as provided in this division, and paying twenty-five dollars (\$25.00) for impounding the dog between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday, and fifty dollars (\$50.00) for impounding the dog excluding the previously mentioned hours, and five dollars (\$5.00) each day for keeping such dog and/or puppy.

Sec. 4.10 Place for keeping impounded dogs.

All impounded dogs shall be kept in the city dog pound, or such other places as directed by the animal control office, for ten (10) days, unless earlier claimed, as provided in this division. If an Impounded dog has not been claimed within the ten (10) days, however, the dog shall be disposed of by execution in any humane manner or by sale upon a buyer meeting the vaccination requirement set forth in this division and paying the fees hereinabove set forth. Any such sale shall be at the discretion of the animal control officer.

Sec. 4.11 Dangerous, fierce or vicious dogs at large.

Any dangerous, fierce or vicious dog found at large that cannot be safely taken up and impounded may be slain by any police officer.

Sec. 4.12 Penalty for violation.

Any owner who violates this division more than one time in a twelve month period shall be guilty of a misdemeanor and shall be punished by a mandatory fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) or to serve not more than ten (10) days in the city jail, or both.

**DIVISION B. DANGEROUS DOGS**

Sec. 4.13 DEFINITIONS.

The following definitions shall apply to the interpretation and enforcement of their division:

**Dangerous dog** means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite, or has bitten, or has maimed, killed, or otherwise endangered any person, dog, or other animal.

Dangerous dog shall not include:

1. A police dog while being used to assist law enforcement officials in the performances of their official duties;
2. A dog attempting to prevent a trespass or other criminal offense on the property of it's owner, keeper or harbinger.

Menacing fashion means that the dog would cause a reasonable person being chased or approached to believe that the dog would attempt to cause physical injury to that person.

**Pit bull dogs, dogs belonging to the breed of dogs commonly referred to as pit bull dogs, Rottweiler, Dobermans, Chows, Wolf Hybrids, and any type or breed of dog used as guard or attack dogs, shall be considered prima facie as dangerous dogs under the terms and provisions of this division.**

**Proper enclosure means a locked pen which has a top, or any other locked enclosure which has a top, or a locked fenced yard which will securely confine the dog and which will prevent the dog from escaping. Such pens or enclosure must also provide protection for the dog from the elements.**

Without provocation means that the dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid of the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

#### Sec. 4-14 Registration, requirements and fees.

It shall be unlawful for any person to own, keep or harbor a dangerous dog unless the dog is registered as provided by this section.

The City Clerk shall issue such a certificate of registration to the owner, keeper or harbinger of such animal for one (1) year upon such person paying a fee to the city of ten dollars (\$10.00) in addition to the regular fees charged for dog licenses, and demonstrating to the clerk:

1. A proper enclosure to confine the dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the premises,
2. The dog has been vaccinated by a person granted a permit to administer virus (vaccine) by the State Board of Health, as defined in Section 41-53-5, Mississippi State Code Annotated 1972, as amended with anti-rabies vaccination within four (4) months of the date of such application; and
3. A surety bond issued by a surety to be approved by the City Clerk in the sum of at least fifty thousand dollars (50,000.00), payable to any person injured by such dog; or
4. A policy of liability insurance, such as a homeowner policy, in the amount of at least fifty thousand (\$50,000.00) insuring the owner for any personal injuries inflicted by such dog.

#### Sec. 4.15 Restraint.

It shall be unlawful for the owner, keeper or harbinger of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a leash that is not more than six (6) feet in length.

Such a lease must be controlled by a person of suitable age and discretion to adequately restrain the dog.

#### Sec. 4.16 Penalties for violation.

Any person who violates this division shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or to serve not more than ten (10) days in the city jail, or both.

If a license as required by Section 4.14 is not obtained within ten (10) days of any such conviction, the court may order the dog to be humanely destroyed by a licensed veterinarian.

The Ordinance was declared adopted by the Mayor on the 16th day of February, 1999.