

May 20, 2004 - City Council

COUNCILMAN O'NEILL: Madam

7 President, I offer three bills.

8 COUNCIL PRESIDENT VERNA: Thank you.

...

...

9 THE CHIEF CLERK: And an ordinance
10 amending Title 10 of the Philadelphia Code
11 entitled "Regulation of Individual Conduct and
12 Activity" by generally prohibiting the keeping
13 of certain farm animals, including concern
14 poultry and livestock, under certain terms and
15 conditions.

16 COUNCIL PRESIDENT VERNA: The bill
17 will be referred to the appropriate committee.

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12 I would ask Mr. McPherson to please read
13 the title of Bill No. 040566.

14 MR. MCPHERSON: 040566, an ordinance
15 amending Title 10 of The Philadelphia Code entitled
16 Regulation of Individual Conduct and Activity by
17 generally prohibiting the keeping of certain farm
18 animals, including certain poultry and livestock,
19 under certain terms and conditions.

20 COUNCIL PRESIDENT VERNA: Do we have the

21 health commissioner or someone from the health
22 department?

23 Please approach the witness table and
24 identify yourself and please give testimony on this
25 bill if you will. 1 6/9/05 – Committee on Rules Public Hearing

2 MR. FERRARO: Good morning, Council
3 President. Good morning, Council Members. My name
4 is William Ferraro, chief of patrol service for the
5 Department of Public Health Environmental Health
6 Services. I'm here this morning to shortly quickly
7 testify on Bill 040566, which amends 10101, 10112 of
8 the ordinance involving animals. This bill is
9 addressing the keeping of farm animals in the City
10 of Philadelphia.

11 The Health Department supports this bill
12 at this time. Also, in the future the Health
13 Department is seeking amendments to the penalty
14 sections of 10114 of the ordinance. This would make
15 the ordinance more effective in improving the
16 quality of life of the residents of the city. And
17 I'm open for questions.

18 COUNCIL PRESIDENT VERNA: Who is in
19 charge of the enforcement, may I ask? Who is in
20 charge of enforcement.

21 MR. FERRARO: In most cases it is the
22 Health Department for animal codes; also, our

23 contractor, which would be the PACC agency,
24 Philadelphia Animal Care and Control agency.

25 COUNCIL PRESIDENT VERNA: And we are 1 6/9/05 -
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2 increasing the penalty to what?

3 MR. FERRARO: That is not being
4 addressed at this change.

5 COUNCIL PRESIDENT VERNA: Oh, later.

6 The Chair recognizes Councilman O'Neill.

7 COUNCILMAN O'NEILL: Yes, thank you.

8 This bill was written with the
9 assistance of the Health Department as well as the
10 Law Department. I understand there is an amendment
11 that the Health Department is requesting today to
12 expand the -- are you -- I have a copy of it. I'm
13 not sure if you do.

14 MR. FERRARO: Yes, that was actually
15 handed to me this morning.

16 COUNCILMAN O'NEILL: Could you read the
17 additional language into the record?

18 MR. FERRARO: It is under 10-101,
19 definitions. Farm animals: Any chicken, goose,
20 duck, turkey, goat, sheep, pig, cow, and other
21 changes would be or other farm animals, provided
22 such other farm animal presents a public nuisance
23 due to smell and/or noise. This does not include a

24 cat or dog.

25 COUNCILMAN O'NEIL L: Thank you.
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2 It was my understanding that in
3 preparing this, both the Law Department and Health
4 Department looked at some other large cities in the
5 area -- Baltimore is one that I was aware of -- and
6 modeled it on ordinances that are already in effect
7 in other cities. Are you aware of any of that?

8 MR. FERRARO: Yes. Most of the major 9 urban
cities have gone offer to limiting or

10 eliminating farm animals, limiting the amount of
11 farm animals that people can maintain.

12 COUNCILMAN O'NEILL: Thank you.

13 COUNCIL PRESIDENT VERNA: Are there any
14 other questions from the members of the committee?

15 Do we have anyone else to testify on
16 this bill? Please approach the witness table.

17 Thank you very much, sir.

18 The Chair recognizes Councilman Nutter.

19 COUNCILMAN NUTTER: Madam Chair, I don't
20 have a comment on this particular bill. I just need
21 to leave the chamber and I wanted to say something
22 about another bill but just be on the record for it
23 because I'm going to be out of the room for a few
24 minutes.

25 COUNCIL PRESIDENT VERNA: Very well. 1 6/9/05 -
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2 COUNCILMAN NUTTER: Madam Chair, it's
3 Bill 040429. It is an urban renewal bill out in the
4 Wynnefield section. I just wanted to at least put
5 on the record to the members of the committee that I
6 am strongly supporting this particular bill and
7 would ask for the Council members' strong
8 consideration. It is a blighting influence in the
9 community. It has been for a long time, and we are
10 trying to improve that particular section of the
11 community.

12 I will be returning to the chambers, but
13 if that bill should come up prior to my return, I at
14 least wanted to have those comments on the record.

15 COUNCIL PRESIDENT VERNA: Very well.
16 Thank you so much.

17 COUNCILMAN NUTTER: Thank you, Madam
18 Chair.

19 COUNCIL PRESIDENT VERNA: Good
20 afternoon. Please identify yourself for the record. MS. MILLER: My name is
Donna Miller.

22 I'm a homeowner.

23 COUNCIL PRESIDENT VERNA: I can't hear
24 you. Can you pull the microphone closer?

25 MS. MILLER: My name is Donna Miller,
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2 and I'm a homeowner, and I live next to a home that
3 has chickens and ducks, and for approximately two
4 years I have had to put up with the noise and the
5 smell of these animals. I have tried unsuccessfully
6 to get anyone to help me until I approached
7 Councilman O'Neill. The Health Department, Animal
8 Control and L & I had no regulations over this. I
9 have been unable to even sit outside of my home on
10 my porch because of the smell. There have been days
11 where I can't even open my windows, so it is clearly
12 a nuisance and it is clearly an odor problem. 13 My other concern
14 is the health issues. 14 No one can tell me who has been regulating this and
15 monitoring these farm animals in neighborhoods in
16 our city. When you go to petting farms or even
17 chicken farms, they are regulated by organizations
18 to make sure that the health issues are addressed.
19 There has been documentation of E-coli being spread
20 to children at petting farms. Recently in the media
21 the farm animals, the chicken farms in the tri-state
22 area, there has been documentation of the outbreak
23 of the bird flu. Who is regulating the health
24 concerns of neighborhoods with farm animals in small
25 back yards? So I have a significant concern about
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2 that, and no one has been able to answer that

3 question.

4 And, thirdly, I'm concerned about the
5 farm animals living in small yards just with chicken
6 wire around them, not in barns in very cold winter
7 weather and in extreme hot weather like today. Farm
8 animals should be on farms. Farms have barns. They
9 have enough ground. Farm workers have very
10 hardworking individuals and they spend all day
11 taking care of these animals. In our neighborhood
12 these animals aren't taken care of for days at a
13 time, so I'm asking Council to please pass this
14 ordinance. I have signatures of 156 other people
15 who could not attend today but who also support this
16 law. Thank you.

17 COUNCIL PRESIDENT VERNA: Thank you very
18 much.

19 Sir, would you please approach the

20 witness table and identify yourself for the record? 21 MR. GLENN:
Good morning. My name is

22 Sean Glenn. I would like to thank you for giving me
23 the time to testify here today. I would like to
24 thank Councilman O'Neill for inviting me here.

25 My particular problem directly relates
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2 to the bill that he is introducing here today. I
3 live in a row home in Northeast Philadelphia. My

4 neighbor, my next-door neighbor, owns approximately
5 a 140-pound pig. I believe you have the pictures up 6 there. I have
been trying to get the Health

7 Department's Animal Control Division to do something
8 about this problem for the last nine months. She
9 keeps the pig in the backyard in the good weather.
10 In the wintertime she keeps it in the garage, which
11 our houses have adjoining garages.

12 The front of my house smells like pig
13 urine because the urine comes out from underneath
14 the garage. The back of my house smells like a
15 pigsty and the flies that go along with it. I have
16 a deck in back of my house. I can't sit out there
17 without being gagged by the smell. I can't invite
18 friends over without them asking me what's that
19 smell, where are all of these flies coming from.
20 I'm afraid to let my kids run barefoot in my
21 backyard because the mud washes into my yard and I'm
22 afraid of what it might contain.

23 So I'm asking you to please help. Take
24 a good look at this bill and maybe it will give the 25 Health Department
the enforcement tool that it needs 125

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2 to help people like me with these problems. Thank
3 you.

4 COUNCIL PRESIDENT VERNA: Thank you.

5 Thank you for your patience, for coming in.

6 The Chair recognizes Councilman O'Neill.

7 COUNCILMAN O'NEILL: Before you leave, I

8 have your photos. I want to give them back to you,

9 but I also want you to give them to the Health

10 Department, since they are here. Maybe we can get 11 something
moving here.

12 MR. GLENN: Thank you.

13 COUNCIL PRESIDENT VERNA: Anybody else

14 to testify on this bill?

15 MR. CITRINO: In opposition?

16 COUNCIL PRESIDENT VERNA: For or

17 against.

18 Please identify yourself for the record.

19 MR. CITRINO: Thank you, Madam

20 President. My name is Harry Citrino, C-I-T-R-I-N-O.

21 I'm an attorney in Philadelphia. I'm a resident,

22 lifelong resident of Philadelphia. I represent some

23 people especially a farm owner. We do have a

24 working farm in Philadelphia, and unbeknownst to

25 many of the people in the Philadelphia area, the 1
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2 bill as written would not allow the farmer at the

3 working farm to keep farm animals.

4 I can understand the homeowners that

5 have testified and they have indicated that they

6 have problems with certain neighbors, but I think

7 the record will show that those laws that are

8 presently on the books, if enforced, for
9 cleanliness, smell, odor, that kind of thing would
10 eliminate those problems.

11 We have some people here that are also
12 residents of Philadelphia that own farm animals as
13 pets, and these folks keep the animals clean, in a
14 nice, safe area, with plenty of land.

15 My farm owner has three-plus acres to
16 keep his goat, sheep, goose, chickens, roosters and
17 ducks, and there hasn't been any problem with that
18 being a clean, safe area.

19 A number of times the Health Department
20 has come out to inspect, and every time he has
21 passed his inspection. And I know that some of the 22 other residents
that are here that do have other

23 animals as pets also keep them in a clean and safe
24 manner. I can understand Councilman O'Neill's idea,
25 but it kind of seems to encompass the entire
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2 universe of Philadelphia instead of selecting those
3 people that do not take care of their animals.

4 (Applause.)

5 MR. CITRINO: As a child in
6 Philadelphia, I was brought up in the Frankford
7 area, and there were always people that had horses 8 -- and I know this
does not apply to horses, but

9 horses were always a common animal that were kept.
10 Chickens were always kept because people used the
11 eggs, ducks, geese the same way, the eggs can be
12 utilized, and the sheep that my farmer has, the wool
13 is taken and donated so people can get blankets and
14 some clothing.

15 Therefore, I would ask Council and the
16 Council members not to pass the legislation as
17 written; however, if you are going to tighten up the
18 bill in order to penalize people that don't take
19 care of their animals, then I see the next extension
20 is we can also start penalizing parents what don't
21 take care of their children.

22 COUNCIL PRESIDENT VERNA: And so we
23 should.

24 MR. CITRINO: I don't know where this
25 will stop. So to stop people from having animals, 1 6/9/05 -
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2 especially a farmer who has farm animals on his
3 farm, would be a liability, since that is his sole
4 support and means of making a living.

5 COUNCIL PRESIDENT VERNA: Thank you,
6 sir.

7 Any questions or comments from members
8 of the committee?

9 The Chair recognizes Councilman O'Neill.

10 COUNCILMAN O'NEILL: Harry, I would like
11 to work with both you and the Health Department on
12 that farmer. A three-acre property, that is not the
13 intent of this bill.

14 MR. CITRINO: I understand the intent of
15 the legislation, but I don't want you to penalize
16 other people who take care of their animals.

17 COUNCILMAN O'NEILL: I don't want to be
18 misunderstood. If there is a way of doing something
19 for the farmer, I'm not sure what the location is or
20 anything -- where is the location?

21 MR. CITRINO: Bustleton. I will show it
22 to you one of these days. It is in your district.

23 COUNCILMAN O'NEILL: I probably have
24 seen it, but I'm sure that is not the intent of this
25 bill, something so rural. It is still an old

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2 throwback to the -- I think we can work with that,
3 but I want to limit my remarks to that issue. Thank
4 you.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 Any other witnesses to testify on this
7 bill? Please approach the witness table.

8 Good afternoon. Please identify

9 yourself for the record. MS. SMITH: Thank you very much for the

11 opportunity to be here. I have a new respect for
12 someone that has to do public speaking. My name is
13 Jean Smith, and my husband of 33 years and I have
14 three children. I drive a school bus for a living
15 and work at Feeney's Nursery. I also work in area
16 farms in Richboro, Langhorne and Doylestown. I live
17 in the Somerton section on Buxmont Street, and it is
18 called that because the site sits on the corner
19 where Bucks and Montgomery come into Philadelphia.
20 We have lived there since 1979.

21 I do not sculpture or play an
22 instrument, but I know what it takes to care for
23 poultry. We bought our home only after making sure
24 we could raise these animals. We wanted also for
25 our children not to think that five hours in school was a day's work. It is
hard work, but it is work

3 that I do know and that I can do correctly. I also
4 know that when city people hear the word "chickens,"
5 hillbilly music starts playing in their heads and
6 they envision chickens crazily running wildly.

7 First of all, all chickens don't come
8 with hillbilly music and chickens like to be calm
9 and quiet.

10 Secondly, it would take a chicken a
11 month to create the amount of waste a puppy makes in
12 a single day. I have the chickens to do hatchings

13 in schools and for eggs for my family. There is no
14 comparison between store eggs and farm-raised eggs.
15 Like everything in our lives, raising chickens can
16 be done the right way or the wrong way. There are
17 people living in very dirty situations without an
18 animal in site. You can have farm animals and do it
19 correctly. You can be clean. Yes, it was very long
20 ago, but when I was in school we were taught about
21 majority rules but minority rights. Just because
22 the majority of this city is urban and residential, 23 that does not mean
there aren't some less densely
24 populated areas where such animals can be
25 effectively supported. 131

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2 To pass a bill that considers only the
3 majority of neighborhoods but nonetheless supplies
4 to the whole city would overlook the rights of the
5 minority of our neighborhoods. Just because the
6 minority of our city chooses not to rear farm
7 animals, that does not mean the rest of us have not
8 that right.

9 I would like to give our Councilman two
10 petitions that were circulated and then notarized at
11 our State Representative's office. And I also have
12 some letters to our City Councilman.

13 I present to the children the

14 opportunity to know what farm life is like. They
15 are getting further and further away from it all the
16 time. Two of the teachers at St. Christopher's
17 wrote a letter to you, and I would like to read it.

18 It says, "Over the past few years the
19 students and adults at St. Christopher's School have
20 had the opportunity to engage in the hatching of
21 ducks and chicks through the kindness and
22 involvement of Mrs. Smith. Our children as well as
23 staff have learned patience as we waited for our
24 eggs to hatch. Our patience was often rewarded with

25 the miracle of life as we watched most of our eggs 1
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2 hatch into ducklings and chicks. The children learn
3 to accept the differences in our newborns and marvel
4 at their abilities and rapid growth. We have
5 cheered on and cared for the frail as well as the
6 strong.

7 This was a wonderful experience for the
8 entire St. Christopher's community, an experience we
9 look forward to offering to our children each year.
10 Where else could we city-dwellers have a chance to
11 see life up close and personal." And they go on to
12 say they support me very strongly.

13 Cranaleaf is the spiritual center in
14 Somerton, and in that she says the more that she

15 appreciates the programs that I have, the animals
16 that I have given them for their property, and it
17 says, "The more remote and detached children's lives
18 become from nature, the less likely they are to
19 experience the awe of creation."

20 Councilmen and women, please enforce the
21 laws that are already on our books. Please know that
22 you can take care of these problem people that are
23 causing problems for their neighbors. That is not
24 what the rest of us want. That is not what has to
25 be. Please enforce the laws that are already on the

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2 books, but please don't throw out the baby with the
3 bath water. Thank you.

4 (Applause.)

5 COUNCIL PRESIDENT VERNA: Thank you. Any questions or comments
of this witness? Thank

7 you very much.

8 MR. SMITH: Good afternoon. I'm Ed
9 Smith. I'm Jean's husband, Councilmen and
10 Councilwomen.

11 I have one question basically. Why
12 would a law letting farm animals be necessary in the
13 city? Our city has been known for its acceptance of
14 a diverse number of activities as long as it does
15 not have a serious effect on our citizens. We

16 already have laws on the books regulating many of
17 those activities whether it is driving a car, having
18 a pet or maintaining some farm animals.

19 There is no need to create a ban on any
20 such activity if, as long as these laws are
21 enforced, they can all go on safely. What has
22 changed in this city that would make it now
23 necessary to ban farm animals?

24 MS. SMITH: Thank you, President Verna.

25 COUNCIL PRESIDENT VERNA: Thank you very 1 6/9/05 –
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2 much.

3 Do we have anyone else to testify on
4 this bill?

5 Before our next witness, I would just
6 like to remind everyone that we still have a number
7 of bills to be considered. I think you have all
8 been extremely, extremely patient. I would just ask
9 in fairness to everybody that when you come up to
10 testify that you try to be as concise as possible.
11 Thank you.

12 Please identify yourself for the record.

13 MS. DECARLO: My name is Patricia
14 DeCarlo, and I live and work in Norris Square, and
15 I'm going to be very brief because that is not what
16 I was here for, but I would agree with the prior two

17 witnesses. There's enough laws on the books. If
18 you don't maintain your pet, then they enforce it.
19 I happen to live in an urban
20 neighborhood, the heart of North Philadelphia, and
21 people keep chickens. They wake us up in the 22 mornings. It's
wonderful. Another one has geese.

23 Somebody else has a peacock and somebody else has a
24 midget African goat, and it is part of living in a
25 city that has all kinds of things. We have to put
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2 up with the blair of loud music, so I like to put up
3 with the blair of the roosters in the morning or the
4 geese. So we all learn to live with each other and
5 appreciate all of the things and the variety that we
6 bring, right, and you just need to maintain your pet
7 just like you do with dogs. Thank you.

8 (Applause.)

9 COUNCIL PRESIDENT VERNA: Thank you.

10 Do we have anyone else to testify on
11 this bill? Please approach the witness table.

12 MS. STRUNK: My name is Sue Strunk, and I live in Northeast
Philadelphia. At the present

14 time I don't have the particular animals that this
15 bill is against, but I do own horses. I have lived
16 at my residence for over 30 years. I bag my manure
17 twice a day every day seven days a week. I have

18 been out there in lightning storms, cleaning up and
19 picking up. The bathtubs that I fill for water I
20 clean out to make sure there is no mosquito larvae
21 growing in it. I probably do a lot more on my
22 property to protect my horses against the mosquitos
23 than the normal person will do on their open
24 property, leaving tires, barrels, buckets or
25 whatever that have rainwater that will grow mosquito 1 6/9/05 -
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2 larvae.

3 I have a friend that has a potbelly pig,
4 which I have watched on several occasions at my home
5 when she goes on vacation, and contrary to popular
6 belief the pigs are usually very clean animals.
7 They go in the same spot all the time, not all over
8 the yard like my dogs do. I also had a vacant
9 property next door to me for a while that originally
10 had a barn also with several horses, a peacock,
11 chickens and other animals. A gentleman bought the
12 property. Well, before he bought it, he was out
13 looking at the property. I brought my horses out
14 into the yard for him to see and I went over and I
15 spoke to him and I said, "Well, you know I have
16 horses here?"

17 He said, "Oh, yes, that's fine. I like
18 horses. My father used to have horses."

19 He moved in, started to build his home.

20 COUNCIL PRESIDENT VERNA: You understand

21 that horses are not covered under this? 22 MS. STRUNK: Yes. I'm
just trying to

23 bring up this point that he moved in and started to

24 build and tearing down the fence on my property, and

25 when I had the police out to stop him, he was saying
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2 he hated the horses, he didn't want them there. He

3 wants wide open spaces and didn't like my fence.

4 And one of the questions that was asked to him was

5 "Didn't he know that I had horses before he bought

6 the property?" And he said yes, but now he wanted

7 them out. 8 And this is what seems to be happening

9 especially in the Northeast area. People have lived

10 at their homes, had these animals for years. They

11 are developing every vacant lot that is around. The

12 new people move in, and all of a sudden they don't

13 like our animals. Then why did they move there in

14 the first place? They knew we already had them.

15 Why penalize us for people that are now coming in to

16 our area that don't want these animals there?

17 And, again, you have laws. There is the

18 SPCA. There is Licenses & Inspections. Even a

19 Pollution Control was sent out to a friend's house

20 on various occasions, not once, not twice, probably

21 a dozen or more times. They found everything to be
22 in order, the animals well kept, the area cleaned
23 up, no problem around, and they leave. And yet they
24 get another complaint and they are back again at the
25 same people's homes. 1 6/9/05 – Committee on Rules Public Hearing

2 My opinion is they need to first go
3 after the laws that are already on the books,
4 enforce them more, but also these people that
5 constantly complain about the same person and no
6 problem is ever found, they ought to start fining
7 them for filing false complaints.

8 (Applause.)

9 MS. STRUNK: And I really wish that the
10 Councilman will really take this under consideration
11 and not penalize everybody that loves and keeps
12 animals for the few people out there that do not
13 take care of their animals.

14 COUNCIL PRESIDENT VERNA: Fine. Thank
15 you very much. We appreciate your testimony.

16 Do we have anyone else to testify on
17 this bill?

18 Seeing none, I would ask Mr. McPherson
19 to please read the title of Bill No. 040616.