## Presented to the Prince George's County Council

**July 2003** 

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#### I ORIGIN OF THE TASK FORCE

#### History

The issue of vicious animals, specifically dogs, has been a concern in Prince George's County for many years. In 1985, the County enacted model vicious animal legislation to control the ownership and maintenance of animals that have attacked or injured humans or other animals.

In the mid-1990's, community concern was raised by a number of well-publicized dog attacks resulting in injuries to minors within Prince George's County and around the region. In 1996, the Prince George's County Council sought to address this issue via legislation.

CB-104-1996 (see Attachment C) required the impoundment of any animal that seriously injures someone prior to a hearing by the Animal Control Commission. CB-106-1996 (see Attachment D) was breed specific legislation defining Pit Bull Terrier dogs, prohibiting ownership under certain conditions and providing penalties for violation. In the original version of the legislation rottweiler and pit bull dogs were to be banned. However, a successful lobbying campaign resulted in rottweilers being deleted from the proposal.

In August 1998, a Work Study Group was convened under the auspices of the Department of Environmental Resources to review and make recommendation for revisions to the Animal Control Ordinance. Based on the recommendations of the Work Study Group, in April 2001, then County Executive, Wayne K. Curry proposed CB-26-2001 (see Attachment E) to comprehensively amend the Animal Control Ordinance. This

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legislation, which was enacted by Council, addressed all of the Work Study Group recommendations except repeal of the pit bull ban. The general consensus of the Work Study Group was that while the legislation would not repeal the ban on pit bulls, it would significantly strengthen the County's animal control laws.

#### Purpose

The Vicious Animal Legislation Task Force was established via a County Council resolution, CR-68-2002 (see Attachment A). The Task Force membership designated in the resolution was intended to be representative of various public and community stakeholders (see Attachment B). The purpose of the Task Force, as stated in the legislation, was to evaluate the effectiveness of existing legislation and administrative regulations concerning vicious animals and to advise the County on improvements and amendments to current policies or laws.

#### II WORK OF THE TASK FORCE

While this is an emotional topic, the objective of the Task Force was to consider the effectiveness of the current vicious animal ordinance and to reach consensus, if not unanimous support, on recommendations for any amendment of the ordinance.

The Task Force was officially convened in January 2003 and met bi-weekly over a period of four months.

#### **Issue Discussion**

At the outset, the Chairman informed the Task Force of the history of the issue and the purpose for the group being assembled. The discussion then centered on identifying the scope of what the Task Force would like to see addressed. The consensus of the Task Force was that the County's Vicious Animal Ordinance, which was comprehensively updated in 2001, is fairly progressive and effective. The Task Force

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therefore, limited its scope to focus on any deficiencies in current policy and one issue not addressed in the 2001 update – the breed specific ban against pit bulls.

The Chairman polled the Task Force members on their organization's position on the pit bull ban. Of the organizations represented, all oppose the breed specific ban with the exception of the Health Department. The Health Department supports the ban on pit bull dogs due to the severity of bites and for health and safety reasons. The Prince George's County Municipal Association has not taken an official position.

Some of the initial reasons noted for opposition to the breed specific ban were:

- Law should hold the dog owner responsible
- Current law punishes good dog owners/bad owners go underground/good dog owners leave the County
- Current law hard to enforce
- Doesn't promote public safety/public may be less safe with breed specific law
- · Bite severity is not limited or determined by breed
- Other breeds have higher number of dog bites
- Creates backlog of Animal Control Commission cases
- Animal Control Commission sometimes overturn Animal Management Division's decision
- · Support strong vicious animal code/dangerous dog law
- Support potentially dangerous dog legislation

#### **Statistical Analysis**

#### Dog Bites/Exposures Statistics

The Health Department representative provided information on dog bites/exposures statistics in the County over several years. The charts (see Attachments F and G) include information on dog bites from the year prior to the adoption of CB-106-1996.

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However, it was pointed out that this report is designed to track rabies and not breed. It was further indicated that the information on the breed is reported by the victim and is often vague. It must also be noted that the "pit bull" was originally the product of mixed-breeding. This adds to the propensity to misidentify this animal. For these reasons, the accuracy of the bite statistics may be questionable.

#### **Complaint Statistics**

The Animal Management Division receives approximately 27,000 total calls for service per year. The number of calls pertaining to pit bulls was approximately 3,000 per year.

The Police Department representative reported that the Police Department received 3,3l6 animal activity complaints in 2002. The calls are related to all kinds of animal activity, not just pit bulls. The municipality representative indicated that municipality complaints are not included with those of the County.

The Task Force discussed the numbers and types of cases that have been coming before the Animal Control Commission. The Commission representative stated, that the Commission is experiencing a backlog in its review of cases. This seems to be related to the large number and complexity of pit bull cases.

#### Euthanasia Statistics

A handout was provided reflecting the Animal Management Division activity related to pit bulls. This lists the total number of pit bulls impounded, and how many of these were euthanized versus how many were returned to owners annually from 1997 through June 2002 (see Attachment H). The County averages impounding more than 900 pit bulls per year. On average, more than 80 percent of those pit bulls impounded are maintained by the Animal Management Division throughout a lengthy process and eventually euthanized.



#### Cost Analysis

The Associate Director of the Animal Management Division submitted preliminary information on the financial impact of the cost to the County for housing a pit bull. The cost to the County for maintaining a single pit bull throughout the entire process for one year was estimated at approximately \$68,000. The Task Force requested a more comprehensive fiscal analysis be undertaken with the assistance of the Office of Audits and Investigations.

A member of the Office of Audits and Investigations staff briefed the Task Force members on the fiscal impact of the maintenance of pit bulls on the resources of the Animal Management Division. A fiscal impact statement was provided which indicated that there is a wide gap between revenue from pit bull registration fees and expenses for maintenance of pit bulls by the County (see Attachment I). Fees from pit bull registrations generated approximately \$35,000 over a two-year period (2001-2002). However, the cost to the Animal Management Division for maintenance of pit bulls over the same period was approximately \$560,000. The expenses would be higher if other variables were considered and quantified such as utilities, manpower, and overtime.

It should be noted that, these average costs to the County do not include the expenditures of the County or Municipal Police Departments. These cross-agency costs, while significant, could not be fully captured or adequately estimated.

Since 1996, there has been a dramatic reduction in the number of dog shows/exhibitions being held in the County. This may be attributed, at least in part, to the breed specific ban and confinement requirements for pit bulls at dog shows in the County. This results in lost revenue to the County. Though the amount of direct revenue loss from the shows may be limited, the indirect revenue loss could be somewhat more significant. Some sources of potential indirect revenue being unrealized are hotels/motels, fuel stations, veterinarians, pet supply stores, restaurants, grocery and drug stores.

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#### Legal opinion

The County is currently not administering the "grand-fathering" provision of CB-106-1996, which allowed for the registration of pit bulls that were in the County prior to November 1, 1996. An attorney from the Office of Law briefed the task force on the legal opinion regarding the decision to no longer register new pit bulls in the County after February 2002. This decision is regardless of an owner having proof of previously maintaining the pit bull in the County or in another jurisdiction. Instead, any pit bull in the County without a current registration must be seized.

Prior to this ruling, when pit bull dogs were found running at large, with no proof of registration, the Animal Control Associate Director would allow the dog owner to provide an address outside the County to relocate the animal. This information would be verified with the jurisdiction, and the dog owner would be allowed to keep the dog at that address.

The representative indicated that pursuant to CB-106-1996 all pit bulls in the County should have been registered. It was further stated that CB-106-1996 had a grandfather provision that allowed continued ownership of a pit bull if held prior to February 2, 1997. The legal opinion was rendered as a result of an actual case, and therefore is protected by the attorney/client privilege. It was noted that this legal opinion was rendered in late 2001, which should have allowed ample time for residents or citizens to register their pit bull.

A question was raised regarding what could be done for residents or citizens moving into the County with a pit bull and not being made aware of the County's law. It was indicated that citizens could appeal to the Commission for Animal Control for permission to register their dog and keep it in the County.

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#### **Education and Training**

The County should undertake efforts to inform citizens and residents, especially newcomers on proper animal maintenance and animal control laws. Dog owners should be educated as to the legal requirements for pet licensing, required shots, appropriate nutrition and housing. The Animal Control representative indicated that the educational literature on animal control regulation is currently being updated.

Task Force members also indicated it is essential to have approved or certified animal training available in the County.

#### **Dangerous Dog Policy in Other Jurisdictions**

A representative from the District of Columbia Government, Department of Health, indicated that currently the District has Dangerous Dog legislation that pertains to all dogs, and is not breed specific. It was estimated that 40% of the dogs in the District are pit bulls and that 27% of dog bites are from pit bulls. It was further indicated that 95% of the District's animal cases which go to court are related to pit bulls, and there are criminal penalties.

Baltimore City recently decided not to impose a breed ban. Montgomery, Howard and Anne Arundel Counties each have Dangerous and Potentially Dangerous Dog laws.

A chart is provided listing jurisdictions that have recently considered or repealed breed specific laws (see Attachment J). Most national and local animal associations have taken a position in opposition to breed-specific laws (see Appendix 1). Additionally, Dr. Cornelia Wagner asserts "most veterinarians and ethnologists oppose breed-specific legislation, arguing that the genetic make-up of an individual animal is only one of many components that may enhance its aggressiveness (see Appendix 5)."

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#### "Operation Dog Tag"/Interagency Task Force

At the request of a Task Force member, the Chair made a conference call to Thomas Flanagan of "Operation Dog Tag" in Dorchester, Boston. Mr. Flanagan indicated that in 1996 the residents of Dorchester were being overwhelmed by vicious dog situations. Many of the dogs were being used for intimidation purposes against residents of the area. Operation Dog Tag started out as a combined task force effort to control various dog complaints (see Appendix 2).

The Animal Control Task Force was established and consisted of members of the Boston Police, Animal Control, City of Boston, Animal Rescue League of Boston (A.R.L.), and Massachusetts Society for the Prevention of Cruelty to Animals (M.S.P.C.A.). When conducting an operation, the task force breaks down into three or four teams. Each team consists of a Police Officer in uniform, Animal Control Officer, and a member of either A.R.L. or M.S.P.C.A. Each team must have an animal inspector as a member of the team. All teams are being supplied with educational material for distribution to all animal owners encountered. Some animal owners are from other cultures and only need a chance to be instructed in the proper care of animals under the American rules.

The Task Force also works in a proactive mode to prevent child/domestic violence. This evolved as a component of Operation Dog Tag, due to the linkage and correlation between animal cruelty and later acts of child abuse and domestic violence.

Mr. Flanagan further stated that Operation Dog Tag has been a very successful endeavor with a 95% decrease in animal complaints within 6 months to a year after its implementation. Operation Dog Tag was an inexpensive initiative due to the use of existing resources and the dedication and commitment of the Task Force members.

Of note, Boston does not have breed specific legislation. Mr. Flanagan indicated that it would be difficult to get support

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for breed specific legislation and breed specific law would encourage abuse/mishandling in development of another breed for intimidation. Also, in Boston you must be eighteen years of age to be a dog owner.

#### **Potentially Dangerous Dog Legislation**

The Animal Management Division representative indicated that the Metropolitan Washington Council of Governments (COG) had developed and endorsed model legislation to address dangerous and potentially dangerous dogs.

The COG Animal Services Committee recommends that jurisdictions develop a law enforcement program that applies equal requirements and restrictions on all dogs that exhibit dangerous behavior, regardless of breed. Successful programs include identification, citations and impoundment and possible euthanasia.

The position statement and model legislation for potentially dangerous dogs was approved by the COG Board and forwarded to participating governmental entities (see Appendix 3). This information was shared with and considered by the Task Force.

#### **Subcommittees**

The Task Force subsequently divided into two subcommittees. The "Findings" subcommittee was charged with documenting and summarizing the Task Force findings. The "Recommendations" subcommittee was tasked with drafting language to amend the code regarding the issues of criminal offense and breed specific preemption. This subcommittee was also responsible for developing a proposal for an ongoing Interagency Task Force. The reports of these subcommittees are inherent in this report. However, these reports are also included for reference (see Attachments L and M).

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#### III FINDINGS

The Task Force found that overall the County's Animal Control Ordinance is up-to-date in its current form (as amended by CB-26-2001). However, the Task Force raised considerable concern over the breed specific ban. This portion of the ordinance may arguably be deemed "effective" in that the number of pit bulls in the County has been reduced. However, the Task Force found this policy to be inefficient, costly, difficult to enforce, subjective and questionable in its results. The Findings Subcommittee Report is included (see attachment L).

#### **Reasons For Inefficiency**

- COST TO COUNTY/DIRECT & INDIRECT REVENUE LOSS
- COST IN MANPOWER/STAFF TIME
- CROSS AGENCY OVERLAP IN RESPONSIBILITY POLICE MUST RESPOND AND ARREST IN CERTAIN INSTANCES
- DIFFICULTY IN DETERMINING BREED
- DEFINITION OF PIT BULL IS SUBJECTIVE
- LIMITS SPACE AT SHELTER/EACH PIT BULL MUST HAVE SEPARATE SPACE
- INCREASES THE NUMBER OF ANIMAL CONTROL COMMISSION CASES CAUSING A BACKLOG
- LIMITS EDUCATION RESOURCES
- DIFFICULT TO ENFORCE
- BITE STATISTICS ARE DIFFICULT TO INTERPRET
- PUBLIC SAFETY BENEFIT IS UNMEASURABLE

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#### IV RECOMMENDATIONS

The Task Force recommends amending the County Vicious Animal Ordinance and/or administrative policies as follows:

#### ENACT A "POTENTIALLY" DANGEROUS DOG LAW

The Task Force proposed a modified version of the Metropolitan Washington Council of Governments "Model Potentially Dangerous Dog" Legislation. This is intended to be a proactive approach that applies equal requirements, restrictions and sanctions on all dogs that exhibit dangerous behavior. Remedial steps to be taken may include identification, citations, impoundment and possible euthanasia.

It was determined that the "Dangerous Dog" category should be omitted from the County's version of the COG model, along with other changes, deletion of sections, and the inclusion of language from the County code (see Attachment K). Since the County already has an effective policy regarding dangerous dogs, the Task Force focused on adapting the proactive "Potentially Dangerous" portion of the model. With these modifications the Task Force supports and recommends that the "Potentially Dangerous Dog" legislation be developed and incorporated into a comprehensive animal management program for the County.

 DEVELOP AN INTERAGENCY ENFORCEMENT TASKFORCE WITH POLICE, ANIMAL CONTROL AND OTHER AGENCIES AS NEEDED

A proposal was made for an ongoing working Interagency Vicious Animal Task Force. Other County agencies would be invited to participate as need arises as well as other advisory organizations. This working Task Force could eventually be utilized in other capacities as well as for animal control. Additional discussion items were: How often this Task

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Force would meet, the reporting mechanism to the Council, and making community education a part of the Task Force duties.

- REPEAL THE BREED SPECIFIC BAN
- ADD LANGUAGE PREEMPTING BREED SPECIFIC LEGISLATION

The proposed language states, "No dog shall be found to be dangerous or vicious or regulated solely because it is of a particular breed."

 ENHANCE ADMINISTRATIVE FLEXIBILITY AND ENFORCE PENALTIES AGAINST DOG OWNERS – SANCTIONS TO INCLUDE 90 DAYS IN JAIL AND/OR \$500.00 FINE

This proposal is to provide the Police or Animal Management Division the option to impose criminal charges on owners. The penalty should be reduced to (90) days instead of 6 months of imprisonment and the fine reduced from \$1,000 to \$500. This would allow for a "summons in lieu of arrest". As the County Code currently stands, Sec. 3-116.01 (see Appendix 6), the higher penalty means that an arrest must occur. This causes concern for the (Police) enforcement agency since new County residents are not always aware of the law and because identifying the animal as a pit bull is not an easy decision.

 IMPLEMENT EDUCATIONAL PROGRAMS TO PROMOTE RESPONSIBLE PET CARE AND LICENSING INFORMATION, AND COORDINATE EDUCATIONAL INFORMATION MAILINGS WITH MUNICIPALITIES

**NOTE:** The Task Force did not reach unanimity in its support of all of these recommendations. However, each of these recommendations received at least majority/consensus support. One additional proposed recommendation was considered, but did not receive majority support. That proposal was to continue to require a pit bull license. In this regard, the Task Force was

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especially concerned for the potential for homeowners' insurance to be negatively affected.

When discussing options for recommendations, a phased approach and/or some reasonable trial period for changes to be evaluated should be considered. The Recommendations Subcommittee Report is included (see Attachment M).

#### V CONCLUSIONS

In conclusion, the Task Force finds the current Animal Control Ordinance generally effective. However, the law and administrative regulations concerning vicious dogs are costly and inefficient in terms of the fiscal and human resources required to enforce the breed specific portion of the ordinance.

The recommendations of the Vicious Animal Legislation Task Force include:

- Enacting Potentially Dangerous Dog Legislation based on the Metropolitan Washington Council of Governments model
- Developing an Inter-agency Vicious Animal Task Force for enforcement and educational purposes
- Repealing the breed specific ban
- Enhancing and Enforcing penalties against owners of Vicious and/or Potentially Dangerous Dogs
- Implementing educational programs to promote responsible pet care and licensing

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#### VI ATTACHMENTS

- A. CR-68-2002 Vicious Animal Legislation Task Force
- B. Task Force Membership List
- C. CB-104-1996 Vicious Animals
- D. CB-106-1996 Pit Bulls
- E. CB-26-2001
- F. Reported Animal bite and non-bite exposures in Maryland, 2000
- G. Dog Bites/Exposures 2001/2002 (Prince George's)
- H. Animal Management Division Activity Related to Pit Bulls from 1997 to 2002 (including euthanasia statistics)
- I. Fiscal Impact Statement (Audits & Investigations)
- J. Municipalities that have recently considered or repealed breed specific language
- K. Modified Potentially Dangerous Dog Legislation
- L. Findings Subcommittee Report
- M. Recommendations Subcommittee Report

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#### VII APPENDICES

- 1. Official Positions
  - a. National Animal Control Association
  - b. American Veterinary Medical Association
  - c. American Kennel Club
  - d. Maryland Veterinary Medical Association
  - e. The Humane Society of the United States
- 2. City of Boston "Operation Dog Tag"
- 3. Metropolitan Washington Council of Governments "Potentially Dangerous Dog Legislation"
- 4. American Veterinary Medical Association Task Force on Canine Aggression Human-Canine Interactions "A Community Approach to Dog Bite Prevention"
- 5. "Are certain dog breeds more dangerous than others?"
  Article by Dr. Cornelia Wagner, DVM, MS; September 9, 2002
- 6. Animal Control Ordinance The Prince George's County Code Subtitle 3. Animal Control. 2001 Supplement

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# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2002 Legislative Session

Resolution No.	CR-68-2002	<del></del>
Proposed by	Council Member Scott	
Introduced by	Council Member Scott	<del>.</del>
Co-Sponsors	<u> </u>	
Date of Introduction	October 7, 2002	

### RESOLUTION

#### A RESOLUTION concerning

Vicious Animal Legislation Task Force

For the purpose of establishing the Vicious Animal Legislation Task Force to evaluate the effectiveness of existing legislation and administrative regulations concerning vicious animals and to advise the County on improvements and amendments.

WHEREAS, the County enacted model vicious animal legislation in 1985 to control the ownership and maintenance of animals that have attacked or injured humans or other animals; and

WHEREAS, the County's enacted legislation in 1996 to restrict the ownership and maintenance of pit bull terriers within the County and to prevent the introduction of additional pit bull terriers into the County; and

WHEREAS, the County Council desires to measure the effectiveness of the vicious animal legislation and the pit bull terrier legislation in reducing the number of attacks and the severity of injuries by dogs.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Vicious Animal Legislation Task Force is hereby created to evaluate the effectiveness of existing animal control legislation and recommend to the County Council appropriate amendments to the Animal Control Ordinance to reduce the total number of attacks by dogs and to reduce the severity of injuries inflicted by dogs in the County.

BE IT FURTHER RESOLVED that the Vicious Animal Legislation Task Force shall be composed of 8 members:

1. The Chairman of the County Council or the Chairman's representative who shall serve

1	as the pr	estaing officer,								
2	2.	The Chairman of the Animal Control Commission or the Chairman's representative,								
3	• 3.	The Health Officer or the Health Officer's representative,								
4	4.	The Chief of Police or the Chief's representative,								
5	5.	The Administrator of the Animal Control Division of the Department of Environmental								
6	Resource	es or the Administrator's representative,								
7	6.	A representative selected by the Prince George's Chapter of the Humane Society,								
8	7.	A representative selected by the Prince George's County Municipal Association, and								
9	8.	A representative selected by the Maryland Dog Federation, Inc.								
10	BE	IT FURTHER RESOLVED that the Vicious Animal Legislation Task Force shall								
11	present i	ts evaluation and recommendations to the County Council by February 28, 2003.								
12	BE IT FURTHER RESOLVED that the Council Administrator shall assign appropriate									
13	technical and administrative support personnel to assist the Vicious Animal Legislation Task									
14	Force in	its work.								
	Ado	opted this 22nd day of October, 2002.								
		COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND								
		BY: Peter A. Shapiro Chair								
i	ATTEST									
	Redis C.	dis Core Floyd								
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# PRINCE GEORGE'S COUNTY COUNCIL AGENDA ITEM SUMMARY

Meeting Da	te: 10/22/2002	Reference No.:	CR-68-2002									
Proposer:	Scott	Draft No.:	2									
Sponsors:	Scott											
Item Title: A Resolution establishing the Vicious Animal Legislation Task Force to evaluate the effectiveness of existing Legislative and administrative regulations concerning Vicious animals and to advise the County on Improvements and amendments												
	Ralph E. Grutzmacher Legislative Officer	Resource Betsy Burian Personnel: Legislative Ai	de									
LEGISLAT	TVE HISTORY:		,									
Date Presented:/_/_ Executive Action:/_/  Committee Referral: 10/7/2002 C.O.W. Effective Date:/_/_  Committee Action: 10/16/2002 FAV(A)  Date Introduced: 10/7/2002  Public Hearing:/_/ :												
Council Action: 10/22/2002 ADOPTED  Council Votes: PS:A, DB:A, TD:A, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A  Pass/Fail: P  Remarks:												
COMMITT	TEF OF THE WHOIF DEPODT	DΛ	FF: 10/1 <b>7/02</b>									

#### COMMITTEE OF THE WHOLE REPORT

Committee Vote: Favorable with amendments, 6-0 (In favor: Council Members Wilson, Scott, Hendershot, Knotts, Shapiro and Estepp)

The County Council has passed vicious animal legislation in 1985 and pit bull terrier legislation in 1996. The purpose of CR-68-2002 is to compile information to measure the effectiveness of the vicious animal and pit bull terrier legislation in reducing the number of attacks and the severity of injuries by dogs.

CR-68-2002 was amended in Committee to include the Health Officer or his designee and a representative from the Dog Federation.

The report is due to the Council by February 28, 2003.

The Office of Audits and Investigations has determined that there should not be any negative fiscal impact on the County as a result of adopting CR-68-2002.

# BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

The legislation proposes to establish the Vicious Animal Legislation Task Force to evaluate the effectiveness of existing legislative and administrative regulations concerning vicious animals and to advise the County on improvements and amendments.

#### **CODE INDEX TOPICS:**

## VICIOUS ANIMAL TASK FORCE CR-68-2002

### **COUNTY COUNCIL**

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## POLICE DEPARTMENT

LT. REX BARRETT
7600 BARLOWE ROAD
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/240-882-8998 fax: 301-773-8659
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# DEPT. OF ENVIRONMENTAL RESOURCES (ANIMAL CONTROL DIVISION)

RODNEY TAYLOR, ASSOCIATE DIRECTOR 8311 D'ARCY ROAD FORESTVILLE, MD 20747 301-499-8307 fax: 301-324-2911

e-mail: rctaylor@co.pg.md.us

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# SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)/HUMANE SOCIETY FOR PRINCE GEORGE'S COUNTY

JUDY MCCLAIN 13114 N. POINT LANE LAUREL, MD 20708

301-776-5545 fax: 301-470-3989

e-mail: ramccla@aol.com

## PRINCE GEORGE'S COUNTY MUNICIPAL ASSOCIATION

FREDERICK SMALLS, COUNCIL MEMBER PAT HAAG, SECRETARY CITY OF LAUREL 8103 SANDY SPRING ROAD LAUREL, MD 20707

301-725-5300 fax: 301-725-6831

e-mail: fsmalls@jorge.com/phaag@laurel.md.us

### MARYLAND DOG FEDERATION, INC.

ADRIANNE LEFKOWITZ, PRESIDENT 4804 MADISON STREET RIVERDALE PARK, MD 20737 301-577-6556(h)301-779-8898 fax: 301-779-2422

e-mail: euniverz@aol.com

### **COUNTY COUNCIL**

SANDRA EUBANKS, DIRECTOR
TRANSPORTATION, HOUSING & ENVIRONMENT COMMITTEE
14741 GOVERNOR ODEN BOWIE DR.
UPPER MARLBORO, MD 20772
301-952-4525 fax: 301-952-4862

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### **COUNTY COUNCIL**

GLORIA HARRISON, ADMINISTRATIVE AIDE 14741 GOVERNOR ODEN BOWIE DR. UPPER MARLBORO, MD 20772 301-952-4525 fax: 301-952-4862

e-mail: gcharrison@co.pg.md.us

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# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 1996 Legislative Session

Bill No	CB-104-1996
Chapter No.	71
Proposed and Presented by	Council Member Gourdine
Introduced by	Council Members Gourdine and Del Giudice
Co-Sponsors	
Date of Introduction	October 22, 1996
-	BILL
N ACT concerning	

A

#### Vicious animals

For the purpose of requiring the impoundment of any animal which seriously injures a human being prior to a hearing by the Animal Control Commission.

BY repealing and reenacting with amendments:

SUBTITLE 3. ANIMAL CONTROL.

Section 3-136,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 3-136 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

## SUBTITLE 3. ANIMAL CONTROL.

## DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

## Subdivision 3. Animal Control Regulations.

### Sec. 3-136. Vicious animals.

- (a) Any dog or other animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals is defined to be a vicious animal for the purpose of this Subtitle.
- (b) It shall be the duty of the Police Department and of the Administrator to receive and investigate complaints concerning vicious animals. Whenever an animal complained against

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shall be reasonably deemed by a police officer or the Administrator to be a vicious animal, the officer or Administrator shall report the fact to the Commission in the form of a written complaint and shall be authorized and empowered to impound the animal pending a hearing if he reasonably believes that the owner of the animal is not capable of restraining the animal from attacking, biting or injuring any human being or other animal pending a full hearing on whether the animal is vicious. Notwithstanding the above, whenever an animal causes severe injury to any human being, the police officer or Administrator shall impound the animal pending a hearing by the Commission. In this section, "severe injury" means any physical injury that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

- (c) Whenever an animal has been impounded pursuant to this Section, the owner shall be notified within forty-eight (48) hours of the impoundment of a right to a preliminary hearing. The preliminary hearing shall be scheduled within seventy-two (72) hours of a written request by the owner. This hearing may be conducted by a hearing officer designated by the Commission and shall be for the sole purpose of determining whether the owner of the animal is capable of restraining the animal from attacking, biting or injuring any human being or other animal until it can be determined at a full hearing conducted by the Animal Control Commission whether the animal is vicious.
- (d) If it is determined that the animal may be returned to the custody of the owner, the Commission may impose such requirements of conditions as are deemed necessary to restrain the animal and the owner shall be required to pay the costs and maintenance expenses incurred during the time that the animal was impounded.
- (e) If the Commission determines that continuing impoundment is necessary, the owner, shall be responsible for all costs and maintenance expenses incurred.
- (f) Any person who alleges that an animal is vicious may file a verified complaint with the Animal Control Commission that states in clear language why the animal is vicious. This verified complaint shall identify where the animal is located and describe the animal which is the subject of the complaint. The Administrator shall investigate the complaint and may impound the animal in accordance with Subsections (b) through (d) of this Section.
  - (g) The Commission shall conduct a public hearing upon the question of whether the

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animal is a vicious animal in accordance with the provisions of Section 3-110 of this Subtitle.

- (h) If the Commission, upon the evidence before it, finds that the animal complained of is in fact a vicious animal, as defined in Subsection (a), and Section 3-101(41), the Commission may direct the owner or custodian of the vicious animal to confine the animal and to abate its danger to the public in accordance with Section 3-137 herein, or require the owner or custodian of the vicious animal to surrender the animal to the County and authorize the Administrator to destroy the animal.
- (i) The Administrator shall maintain a record of all known vicious animals in Prince George's County.
- (j) If any animal shall be found at large or running at large by an Animal Control Officer or police officer and, in the judgement of the Animal Control Officer or police officer, such animal is dangerous, fierce, or vicious and cannot be taken up or tranquilized and impounded, such animal may be slain by the Animal Control Officer or police officer.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

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1	Adopted this 19th day of November, 1996.
2	COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
3	GEORGE'S COUNTT, MARTEAUD
4	1500014.1.
5	BY: Stephen Del Fludice
7	Chairman
8	ATTEST:
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11	Hoyce T. Sweeney
12	Clerk of the Council
13	APPROVED:
14	<b>1</b>
15 16	DATE: 12 - 2 - 96 BY: WG - K.
17	wayne K. Curry
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19	Underscoring indicates language added to existing law.
20	[Brackets] indicate language deleted from existing law. Asterisks *** indicate intervening existing Code provisions that remain unchanged.
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## PRINCE GEORGE'S COUNTY COUNCIL AGENDA ITEM SUMMARY

Meeting Date: 11/19/96

Reference No.:

CB-104-1996

Proposer:

Gourdine

Draft No.: 2

Sponsors: Gourdine, Del Giudice

Item Title: An Act to require the impoundment of any animal which

seriously injures a human being prior to a hearing by the

**Animal Control Commission** 

Drafter: Maurene Epps Webb

Office of Law

Resource Personnel: Hubert Green

Legislative Aide

#### **LEGISLATIVE HISTORY:**

Date Presented:

Executive Action: 12/2/96

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Committee Referral:(1) 10/22/96 HEHS

Effective Date: 1/21/97

Committee Action:(1) 11/13/96 FAV

Date Introduced:

10/22/96

Pub. Hearing Date: (1) 11/19/96

1:30 PM

Council Action: (1)

11/19/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:A, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks:

11/19/96 - Amended on the Floor

## **HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE**

DATE: 11/13/96

Committee Voted: Favorable, 5-0 (In favor: Council Members Gourdine, Bailey, MacKinnon, Scott and Wilson).

Committee consensus was that at the point of Public Hearing to amend this bill to include the definition of "severe injury" as outlined in the California State law. "Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

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# BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

This legislation will require a police officer or the Animal Control Administrator to impound a vicious animal that has seriously injured a human being prior to a hearing by the Animal Control Commission.

### **CODE INDEX TOPICS:**

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# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

	1996 Legislative Session
Bill No	CB-106-1996
Chapter No.	
Proposed and Presente	ed byCouncil Member Gourdine
Introduced by	Council Member Gourdine
Co-Sponsors	
Date of Introduction	October 29, 1996
	BILL
N ACT concerning	
-	Pit Bulls
or the purpose of defin	ing Pit Bull Terrier dogs; prohibiting any person from owning,
eeping, or harboring Pi	t Bulls under certain circumstances, and providing for penalties for
olation.	
Y repealing and reenac	ting with amendments:
	SUBTITLE 3. ANIMAL CONTROL.
	Sections 3-101 and 3-116,
	The Prince George's County Code
	(1995 Edition).
Y adding:	
:	SUBTITLE 3. ANIMAL CONTROL.
	Section 3-185.01,
	The Prince George's County Code
	(1995 Edition).
	IT ENACTED by the County Council of Prince George's County,
•	3-101 and 3-116 of the Prince George's County Code be and the same
are hereby repealed and	reenacted with the following amendments:
•	SUBTITLE 3. ANIMAL CONTROL.
	DIVISION 1. DEFINITIONS.

Sec. 3-101. Definitions.

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(a) As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:

## (34.1) Pit Bull Terrier shall mean any and all of the following dogs:

- (A) Staffordshire Bull Terrier breed of dogs;
- (B) American Staffordshire Terrier breed of dogs;
- (C) American Pit Bull Terrier breed of dogs:
- (D) Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull Terrier more than of any other breed of dog;
  - (E) Dogs which have been registered at any time as a Pit Bull Terrier.

### DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

Subdivision 1. Enforcement and Violation Notices.

## Sec. 3-116.01 Criminal penalties; violations.

- (a) Any person found to have violated any provision of Subtitle 3-185.01 shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.
- (b) A Pit Bull that causes injury to or kills a human being or a domestic animal without provocation shall be humanely destroyed and the owner of such dog shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Section 3-185.01 of the Prince George's County Code be and the same is hereby added to the Prince George's County Code:

### SUBTITLE 3. ANIMAL CONTROL.

DIVISION 6. OTHER RULES, REGULATIONS AND STANDARDS.
Sec. 3-185.01. Pit Bull Terriers.

(a) Except as provided below, no person shall own, keep or harbor a Pit Bull Terrier

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within the County.

- (b) Any person owning a Pit Bull Terrier prior to November 1, 1996, may continue to harbor the animal on his premises under the following conditions:
- (1) The animal shall be registered by the Administrator of Animal Control, and must at all times wear a tag provided by the Administrator which will readily identify it as a registered Pit Bull Terrier.
- (2) The owner shall pay an annual fee of \$50.00 to the Administrator of Animal Control to maintain such animals and support enforcement.
- (3) The owner shall maintain the dog within a building or a secure kennel at all times.

  Whenever the dog is removed from the building or kennel it shall be secured by an unbreakable or unseverable leash and maintained under the control of an adult.
- (c) A person may temporarily hold a Pit Bull Terrier in the County for the purpose of showing the dog in a place of public exhibition, contest, or show sponsored by a dog club, association, or similar organization. The sponsor of the exhibition or show must obtain written permission from the Director and must provide protective measures adequate to prevent the dog from escaping or injuring the public. The dog shall at all times during the transportation to and from the show or exhibition be confined in a secure temporary enclosure.
- (d) Any dog employed or owned by the County or licensed security services and trained to perform official police, correctional, security, fire and/or search and rescue service shall be exempt from the provisions of this act.
- SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are necessary to protect the general public from the unique hazard to public safety represented by the ownership and possession of Pit Bull Terriers and to control the presence of Pit Bull Terriers due to the unpredictable nature of dogs which have an extraordinarily savage behavior and physical capabilities in excess of those possessed by many other breeds of dogs.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall

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not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of November, 1996.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: Stephen J. Del Giudice Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_\_ BY: \_\_\_\_\_\_ Wayne K. Curry

County Executive

KEY:

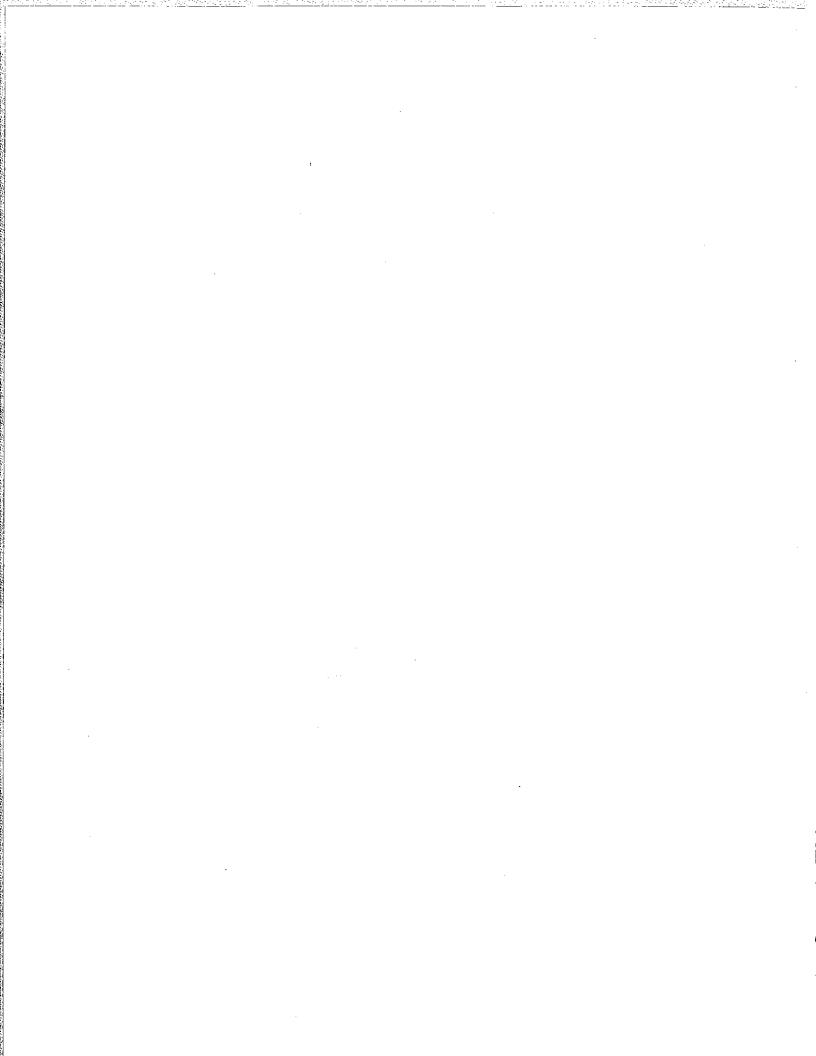
<u>Underscoring</u> indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

The County Executive having failed to return this Bill within ten (10) days after the date of its presentation to him with either his approval or veto, this Bill became law on 12/19/96.

To become effective: 2/3/97



## PRINCE GEORGE'S COUNTY COUNCIL AGENDA ITEM SUMMARY

Meeting Date: 11/26/96

Reference No.: CB-106-1996

Proposer:

Gourdine

Draft No.: 2

Sponsors: Gourdine

Item Title: To define Pit Bull Terrier dogs, prohibiting any person

from owning, keeping, or harboring Pit Bulls under certain circumstances, and providing for penalties

for violation

**Drafter:** Robert Williams

Resource Personnel: Council Member Gourdine

**HEHS Committee Director** 

#### **LEGISLATIVE HISTORY:**

**Date Presented:** 

Executive Action: /\_/\_

Effective Date: 2/3/97

US

Committee Referral:(1) 10/29/96 HEHS

Committee Action:(1)

11/13/96 UNFAV

Date Introduced:

10/29/96

Pub. Hearing Date:

11/26/96 2:00 PM

Council Action: (1)

11/26/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:A, AMc:N, WM:A, RVR:A, AS:N, MW:A

Pass/Fail: P

11/26/96 - Amended on the floor

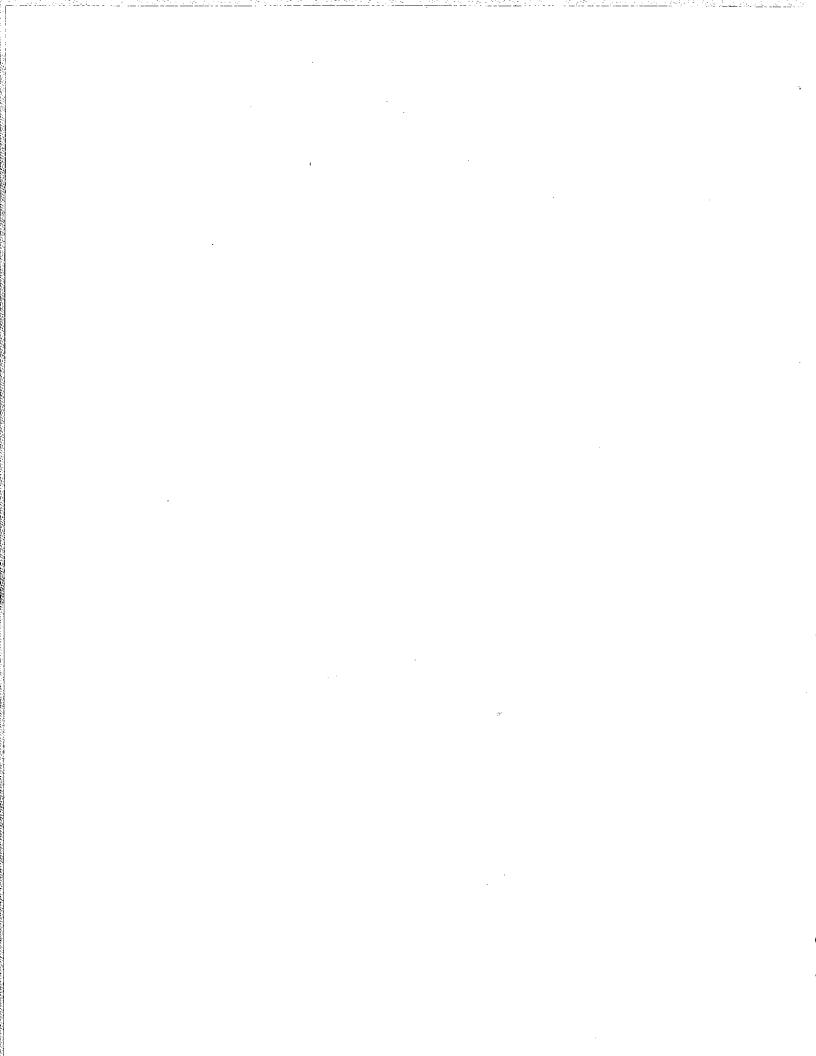
Remarks:

## **HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE**

DATE: 11/13/96

Committee Voted: Unfavorable, 3-2 (In favor: Council Members MacKinnon, Scott and Wilson. Opposed: Council Members Bailey and Gourdine).

A majority of the Committee members restated their intent to establish a task force to address animal control issues in the next legislative year.



# BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

This bill will provide a mechanism to protect the public from the unique hazard to safety represented by the ownership and possession of Pit Bull Terriers within the County. Current owners of such animals will be able to keep their animals if registered, tagged, and maintained in a manner to ensure public safety. Dogs employed by the County to perform public safety and rescue services are exempt.

#### **CODE INDEX TOPICS:**

Animal Control	
Animal Control Enforcement	
Enforcement and Violation Notices	·
Civil penalties; subsequent violations	3-116
Criminal penalties: violations	<u>3-116.01</u>
Duties of Administrator	3-113, 3-119
Other Rules, Regulations and Standards	·
Pigeons as a nuisance	3-185
Pit Bull Terriers	<u>3-185.01</u>
Selling, dyeing or coloring baby chickens, ducklings or young rabbits;	exception 3-183

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## COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2001 Legislative Session

Bill No.	CB-26-2001
Chapter No.	36
Proposed and Presente	ed by The Chairman (by request – County Executive)
Introduced by	Council Members Bailey and Hendershot
Co-Sponsors	
Date of Introduction	June 19, 2001
	BILL
AN ACT concerning	
	Animal Control Ordinance
For the purpose of ame	nding the Animal Control Ordinance and generally relating to animal
control.	
BY repealing and reena	acting with amendments:
	SUBTITLE 3. ANIMAL CONTROL.
	Sections 3-101, 3-102, 3-103, 3-104, 3-106, 3-110, 3-111, 3-115,
	3-116, 3-116.01, 3-117, 3-118, 3-120, 3-121, 3-122, 3-123, 3-125,
	3-126, 3-127, 3-128, 3-129, 3-131,3-132, 3-133, 3-135, 3-136, 3-137,
	3-140, 3-141, 3-144, 3-145, 3-146, 3-147, 3-148.01, 3-148.03,
	3-148.04, 3-151, 3-152, 3-153, 3-156, 3-159, 3-160, 3-162, 3-164,
	3-165, 3-166, 3-167, 3-168, 3-169, 3-170, 3-171, 3-173, 3-174, 3-176,
	3-177, 3-178, 3-180, 3-187, 3-188, 3-189, 3-190, 3-191, 3-194, 3-195,
	and 3-196,
	The Prince George's County Code
	(1999 Edition, 2000 Supplement).
BY repealing:	
	SUBTITLE 3. ANIMAL CONTROL.
•	Sections 3-181 and 3-182,
	The Prince George's County Code
	(1999 Edition, 2000 Supplement).

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SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 3-101, 3-102, 3-103, 3-104, 3-106, 3-110, 3-111, 3-115, 3-116, 3-116.01, 3-117, 3-118, 3-120, 3-121, 3-122, 3-123, 3-125, 3-126, 3-127, 3-128, 3-129, 3-131, 3-132, 3-133, 3-135, 3-136, 3-137, 3-140, 3-141, 3-144, 3-145, 3-146, 3-147, 3-148.01, 3-148.03, 3-148.04, 3-151, 3-152, 3-153, 3-156, 3-159, 3-160, 3-162, 3-164, 3-165, 3-166, 3-167, 3-168, 3-169, 3-170, 3-171, 3-173, 3-174, 3-176, 3-177, 3-178, 3-180, 3-187, 3-188, 3-189, 3-190, 3-191, 3-194, 3-195, and 3-196 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

# SUBTITLE 3. ANIMAL CONTROL. DIVISION 1. DEFINITIONS.

#### Sec.3-101. Definitions.

- (a) As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:
- (1) Abandon shall mean to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of adequate care as defined herein.
- (2) Adequate care shall mean the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
- (3) Adequate exercise shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.
- (4) Adequate feed shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

- (5) Adequate shelter shall mean provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is property lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition, shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
  - (6) Adequate space shall mean sufficient space to allow each animal to:
- (A) Easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and,
  - (B) Interact safely with other animals in the enclosure.
- water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and normally at all times. However, when special circumstances dictate, water must be provided at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.
- [(1)] (8) Administrator of animal control or Administrator shall mean that person designated by the Director of the Department of Environmental Resources to administer the operations of the animal control program or his designee.
- (9) Adoption shall mean the transfer of ownership of an animal from a releasing agency to an individual for placement.
  - (10) Agricultural animal shall mean all livestock and poultry.
- [(2)] (11) Animal shall mean every nonhuman species of animal, both domesticated and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.

2	premises of its owner.
3	[(4)] (13) Animal Control program shall mean that unit within the Department of
4	Environmental Resources designated by the Director and authorized by this Subtitle to
5	administer and enforce the provisions of this Subtitle under the direction of the Administrator of
6	Animal Control.
7	[(6)] (14) Animal Control Facility shall mean any facility operated by or under
8	contract with Prince George's County, Maryland, for the care, confinement, detention, or
9	euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.
10	[(6)] (15) Animal Control Officer shall mean any person designated as such by the
11	Administrator of Animal Control or his authorized representative for the purpose of enforcing
12	this Subtitle.
13	[(7)] (16) Animal exposed to rabies shall mean any animal that is known or is
14	suspected to have had bite or nonbite contact with another animal that is known or suspected to
15	be infected with rabies. The determination whether an animal has been exposed to rabies shall
16	be made by the Health Officer for Prince George's County and the Maryland Department of
17	Health and Mental Hygiene.
18	[(8)] (17) Animal Holding Facility shall mean any commercial facility for the care,
19	boarding, training, holding, harboring, or housing of any animal or animals; and shall also
20	include the following:
21	(A) A kennel, as defined in Section 3-101[(28)](51);
22	(B) A pet shop or pet store as defined in Section 3-101[(33)](60);
23	(C) A cattery as defined in Section 3-101[(15)](28);
24	(D) A petting zoo as defined in Section 3-101[(34)](61);
25	(E) A riding school or stable as defined in Section 3-101[(38)](70);
26	(F) A commercial pet distribution facility as defined in Section 3-166(b);
27	(G) A grooming establishment as defined in Section 3-101[(25)](47);
28	(H) A guard dog facility as [defined] described in Section 3-161; or
29	(I) Any one or more of the above or <u>a</u> combination thereof.
30	[(9)] (18) Animal hospital shall mean any establishment maintained or operated by a
31	licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention, and

[(3)] (12) Animal at large shall mean an animal not under restraint and off the

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treatment of diseases and injuries of animals.

- (19) Animal shelter shall mean a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, government operated animal control facility, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
- [(10)] (20) Animal under restraint shall mean an animal secured by a leash or lead and under the control of a responsible person or confined within a vehicle or within the boundaries of its owner's real property.
- (21) Appointing authority shall mean the Director of the Department of Environmental Resources.
- of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is deemed appropriate tethering.
  - [(11)] (23) Attack dog shall mean a dog trained to attack on command.
- [(12)] (24) Anti-climbers shall mean a device consisting of angled metal braces and heavy gauge wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire shall have at least three strands, separated evenly, the furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from perpendicular.
  - (25) Bite contact shall mean penetration of the skin by the teeth of an animal.
- [(13)] (26) Cage shall mean any enclosure of limited space, enclosed on the bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed for any purpose, including confinement or display.

- [(14)] (27) Cat shall mean domesticated felines. The term "cat" shall not include wild or exotic felines.
- [(15)] (28) Cattery shall mean an establishment wherein a person engages in the business of boarding, breeding, buying, grooming, or selling cats.
- (29) Collar shall mean a well-fitted humane device, appropriate to the age and size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the animal.
- [(16)] (30) Commercial establishment shall mean any trade or business the primary function of which is the sale of any goods or service.
- [(17)] (31) [Commission for Animal Control or] Commission shall mean the Commission for Animal Control established [pursuant to this Subtitle] in Division 3 of this Subtitle.
- (32) Commission administrator shall mean that person designated by the Director of the Department of Environmental Resources (DER) to administer the operations of the Commission for Animal Control (CAC) or the administrator's designee.
- (33) Companion animal shall mean any domestic or feral dog, domestic or feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, wild or game species native to Maryland, or any animal regulated under federal law as research animals shall not be considered companion animals.
- (34) Confinement for animal quarantine for human bite and nonbite contact shall mean an animal confined to a house, garage, or escape-proof enclosure or building. An animal kept outside on a chain and/or fenced yard is not considered properly confined.
- [(18)] (35) Cruelty shall mean any act of commission or omission whereby unjustifiable physical harm or pain, suffering, or death is caused or permitted, including failure to provide proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutritious food in sufficient quantities, with respect to an animal. In the case of an activity in which physical pain is necessarily caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall mean the failure to employ the most reasonable humane method

1	available under the circumstances.
2	[(19)] (36) Director shall mean the Director of the Department of Environmental
3	Resources or [his] the Director's authorized representative.
4	[(20)] (37) Disposition shall mean the adoption or placement as a pet in an approved
5	home, humane administration of euthanasia, or, in the case of a wild animal, release into a
6	suitable habitat.
7	[(21)] (38) Dog shall mean any member of the domesticated canine species, male or
8	female.
9	[(22)] (39) Domesticated animal means an animal of a species that has been bred,
10	raised, and is accustomed to live in or about the habitation of man, and is dependent on man for
11	food or shelter.
12	(40) Euthanasia shall mean the humane destruction of an animal accomplished by a
13	method that involves instantaneous unconsciousness and immediate death or by a method that
14	involves anesthesia, produced by an agent which causes painless loss of consciousness, and
15	death during such loss of consciousness.
16	[(23)] (41) Exotic animal shall mean any animal of a species that is not indigenous to
17	the State of Maryland and is not a domesticated animal and shall include any hybrid animal
18	which is part exotic animal.
19	[(23.1)] (42) Farm Animal shall mean any domesticated species of animal commonly
20	kept in proximity to, but not ordinarily housed in the immediate domicile or household of,
21	humans, and used for agricultural or riding purposes. Farm animals shall include, but not be
22	limited to, horses, cattle, sheep, and swine. Dogs and cats are not farm animals.
23	(43) Feral shall mean animals existing in the wild or untamed state, i.e., wild.
24	(44) Foster shall mean the temporary holding, care, and treatment of a companion
25	animal by an authorized group or individual pending adoption to a permanent home, or the
26	temporary custody of an animal not normally placed for adoption authorized by the
27	Administrator of the Animal Control Facility.
28	(45) Foster home, group, or organization shall mean a group, organization, or
29	individual recognized by the County to be capable of holding animals on a temporary basis.
30	[(24)] (46) Fowl shall mean any and all birds, domesticated and wild, which are used
31	for food.

[(25)] (47) Grooming establishment shall mean any commercial establishment which provides a service of grooming and cleaning animals.

- [(26)] (48) Guard dog shall mean [a dog who will detect and warn its handlers that an intruder is present and/or near an area that is being secured, except that it shall not include a pet as defined in Section 3-101(32)] a dog that is continuously maintained at a commercial establishment for the purpose of securing that area.
- (49) Humane society shall mean any chartered, nonprofit organization incorporated under the law and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.
- [(27)] (50) Keeping or harboring shall mean the act of, or the permitting or sufferance by, an owner or occupant of real property either of feeding or sheltering any domesticated animal on the premises of the occupant or owner thereof.
- [(28)] (51) Kennel shall mean an establishment or a private individual engaged in the breeding of dogs or cats, or the boarding, buying, grooming, letting for hire, training for a fee, or selling of dogs or cats. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a commercial kennel, except to the extent that it engages in the boarding of well dogs or cats. The ownership of dogs or cats which are part of a household or are maintained adjoining a private residence and are kept for hunting, practice tracking, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of no more than [two (2) litters] one (1) litter per year shall not constitute the operation of a kennel. Obedience training of dogs or cats wherein the dogs or cats are not housed, boarded, or kenneled overnight shall not be considered a kennel if the operation is limited to the hours of 8:00 A.M. to 12:00 Midnight. The term "kennel" shall include a facility maintained solely for the keeping of foxhounds used for fox chasing. (See Cattery)
- (52) Livestock shall include all domestic or domesticated bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the genus Lama, ratites, and enclosed domesticated rabbits or hares raised for human food or fiber, except companion animals.
  - (53) Neglect shall mean failure to provide adequate care.
- (54) Nonbite contact shall mean a scratch or contamination of an abrasion, open wound, or mucous membrane with saliva or other potentially infectious material.

- [(29)] (55) **Obedience training** shall mean the concurrent training of a dog and its owner to prepare the dog as a companion to humankind and to prepare the dog's master for responsible control of the dog.
- (56) Owned animal shall mean an animal for which an owner has been identified; or that is surrendered to Prince George's County by a person proving ownership; or one that is impounded by proper authority and held at the Animal Control Facility pending disposition of its case; or, one for which there are indications that the animal has an owner. Such indicators include an animal license tag, tattoo, microchip implant, ear tag, normally acceptable livestock identification, or other condition that would lead a person to reasonably believe that the animal has a current owner and may be lost.
- [(30)] (57) Owner shall mean any person who [keeps, has temporary or permanent custody, possesses, harbors, exercises control over, or has a property right in any animal, livestock, or fowl, provided that veterinary hospitals, kennels, and pet shops and their employees shall not be considered to be owners to the extent hereinafter provided.]:
  - (A) Has a right of property in an animal;
  - (B) Keeps or harbors an animal;
  - (C) Has an animal in his or her care;
  - (D) Acts as a temporary or permanent custodian of an animal:
  - (E) Exercises control over a particular animal on a regular basis; or
- (F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of an animal owned or in the possession and control of the minor child for purposes of this Subtitle and shall be liable for all damages caused by the animal.
- [(31)] (58) **Permit** shall mean, when used as a verb, human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent, or negligent.
- [(32)] (59) Pet shall mean a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, reptiles, and other animals, which, by habit or training, live in association with man.
- [(33)] (60) **Pet shop** shall mean [any separate commercial establishment, activity, or facility, which, or which in connection with another commercial enterprise, offers to sell or sells any species of live animal with the intent that they be kept as pets] an establishment where

companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

- [(34)] (61) **Petting zoo** shall mean any commercial establishment, activity, or facility a substantial purpose of which is to permit persons to come into physical contact with animals maintained within or upon such establishment, activity, or facility.
  - [(34.1)] (62) Pit Bull Terrier shall mean any and all of the followin; dogs:
    - (A) Staffordshire Bull Terrier breed of dogs;
    - (B) American Staffordshire Terrier breed of dogs;
    - (C) American Pit Bull Terrier breed of dogs;
- (D) Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull Terrier more than of any other breed of dog;
  - (E) Dogs which have been registered at any time as a Pit Bull Terrier.
- [(35)] (63) Poultry shall mean [domestic fowl] all fowl and game birds raised in captivity used for human consumption or other products.
- (64) Properly cleaned shall mean that debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animal's contact with the above-mentioned contaminants, except for carcasses which are subject to immediate removal; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.
- (65) Properly lighted shall mean sufficient illumination to permit routine inspections, maintenance, cleaning, housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facility; and to promote the well-being of the animals.
- [(36)] (66) **Public nuisance animal** shall mean any animal which unreasonably annoys humans, endangers the life or health of other animals or persons, or gives offense to human senses; or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and

1	include, but is not limited to, any animal which:	
2	(A) Is repeatedly found at large; or	
3	(B) Damages the property of anyone other than its owner, or	
4	(C) Molests or intimidates pedestrians or passersby; or	
5	(D) Chases vehicles; or	
6	(E) Excessively makes disturbing noises[,] (including, but not limited to,	
7	continued and repeated howling, barking, whining, or other utterances) causing unreasonable	
8	annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises	
9	where the animal is kept or harbored; or	
10	(F) Causes fouling of the air by odor and causing thereby unreasonable	
11	annoyance or discomfort to neighbors or others in close proximity to the premises where the	
12	animal is kept or harbored; or	
13	(G) Causes unsanitary conditions in enclosures or surroundings where the animal	
14	is kept or harbored; or	
15	(H) By virtue of the number or types of animals maintained, is offensive or	
16	dangerous to the public health, safety, or welfare; or	
17	(I) Attacks other domestic animals; or	
18	(J) Has been found by the Commission for Animal Control, after notice to its	
19	owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public	
20	health, welfare, or safety.	
21	[(37)] (67) Public nuisance condition shall mean an unsanitary, dangerous, or	
22	offensive condition occurring on any premises or animal holding facility caused by the size,	
23	number, or types of animals maintained, kept, or harbored, or due to the inadequacy of the	
24	facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or	
25	training animals. A public nuisance condition shall be deemed to exist on any premises or	
26	animal holding facility in which any animal is maintained, kept, or harbored under conditions	
27	which constitute cruelty to such animals, or where the animal maintained, kept, or harbored is a	
28	public nuisance animal.	
29	(68) Rescue/breed rescue organization community adoption partners shall mean a	
30	group or individual, recognized by the County as capable of meeting standards for fostering	
31	animals, authorized to receive and place animals from the Animal Control Facility which would	

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beings or domesticated animals. An animal which has on one or more occasions caused significant injury to person or domesticated animals may be deemed to be a vicious animal.

[(42)] (77) Wild animal means any animal which is not included in the definition of "domesticated animal" and shall include any hybrid animal which is part wild animal.

#### DIVISION 2. ANIMAL CONTROL PROGRAM.

#### Sec. 3-102. Animal Control Program.

- (a) The County Executive is authorized to establish an Animal Control program. The appointing authority shall designate a person to perform the duties of Administrator of Animal Control.
- (b) [The Administrator of Animal Control shall enforce the provisions of this Subtitle including, but not limited to, programs for animal control, animal licensing, vaccination, spaying and neutering, public education, cruelty prevention, euthanasia, and other duties and programs prescribed in this Subtitle.] The County Executive is authorized to establish an Animal Control Facility. The Administrator shall operate the Animal Control Facility for the detention, confinement, and disposition of animals in accordance with this Subtitle.
- (c) [The County Executive is authorized to establish an Animal Control Facility. The Administrator shall operate the Animal Control Facility for the detention, confinement, and disposition of animals in accordance with this Subtitle.] The Administrator of Animal Control shall enforce the provisions of this Subtitle including, but not limited to, programs for animal control, animal licensing, vaccination, spaying and neutering, public education, cruelty prevention, euthanasia, and other duties and programs prescribed in this Subtitle.

# Sec. 3-103. Administrator of Animal Control; duties and responsibilities.

The Administrator of Animal Control shall have operational responsibility for carrying out the duties prescribed in this Subtitle and for enforcing the provisions of this Subtitle. The Administrator shall be the Chief Animal Control [Warden] Officer and Supervisor of the Animal Control Facility.

#### Sec. 3-104. Personnel of Animal Control Program; duties.

(a) The Director, subject to the provisions of the Personnel Law and Labor Code, may appoint such numbers of persons as are authorized in the approved current expense budget to fill positions as he shall deem necessary.

- (b) Animal Control [Wardens] Officers are authorized and empowered as follows:
- (1) To enforce the Animal Control provisions of the Subtitle by impounding animals found at large, or animals injured, or found to be diseased, and by issuing notices of violations to the owners of such animals;
  - (1.1) To enforce licensing and rabies inoculation requirements under the County Code;
- (2) To enforce the cruelty <u>and neglect</u> prevention provisions of this Subtitle by removing and impounding mistreated animals and by issuing notices of violations to the person or persons inflicting cruelty <u>and neglect</u> upon animals;
- (3) To administer emergency assistance or first aid to injured animals which come into the custody of the County, without the consent of the owner or owners of such animals. For this purpose, neither the individual Animal Control [Warden] Officer administering such emergency assistance or first aid, or Prince George's County, Maryland, or any of its employees or agents shall be liable for acts committed or omitted in the course of rendering such emergency assistance or first aid;

Sec. 3-106. Fees for boarding and care of animals; security.

(e) (1) A person claiming [an] a proprietary interest in any animal confined pursuant to Sections 3-122, 3-123, 3-131 through 3-138, 3-140, 3-141, 3-175, 3-176, 3-180[ through 3-182], or Division 7 of this Subtitle may prevent disposition of the animal after the required holding period, pending a Commission for Animal Control hearing, by posting a bond, cash or corporate surety, with the Administrator prior to the expiration of the required holding period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least thirty (30) days; [{provided,}] provided, however, that such bond, cash or corporate surety, shall not prevent the Administrator from disposing of such animal at the end of the thirty (30) day period covered by the bond, cash or corporate surety, unless the person claiming an interest posts an additional bond, cash or corporate surety, with the Administrator to secure payment of reasonable expenses for an additional thirty (30) days, and does so prior to the expiration of the first 30-day period. Additional thirty (30) day extensions may be granted provided additional bond, cash or corporate surety, is posted prior to the extension of the previous posting. The amount of the bond shall be

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determined by the Administrator based on the current rate for board and on the condition of the animal after examination of the animal by a licensed veterinarian. At the conclusion of the case, the bond shall be forfeited to the County, except that the person claiming interest shall be entitled to a refund of the amount remaining after settlement of any reasonable expenses, fees, including veterinary fees, and fines.

(2) A person seeking judicial review of an order or action of the Commission for Animal Control, pursuant to Title 7 of the Maryland Rules, shall post a bond, cash or corporate surety [, in the amount of \$500.00 with the court to cover all charges for the care, feeding, housing, and veterinary fees] sufficient to cover charges incurred to date for the care, feeding, housing and veterinary fees, or Five Hundred Dollars (\$500.00), whichever is greater.

#### DIVISION 3. COMMISSION FOR ANIMAL CONTROL.

#### Sec. 3-110. Hearing procedures; findings and orders.

(e) The Commission may require the attendance of the charging officer [or warden] or the complainant and the person charged with the violation or noncompliance with a Commission order.

#### Sec. 3-111. Appeals from Commission orders.

Any party, including Prince George's County, Maryland, aggrieved by a final order of the Commission in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal that order to the Circuit Court for Prince George's County, within [thirty (30)] fifteen (15) days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to administrative appeals. The decision of the Circuit Court in all appeals from decisions of the Commission shall be final.

#### DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

#### Subdivision 1. Enforcement and Violation Notices.

#### Sec. 3-115. Violation notices.

(a) Whenever in this Subtitle any act or condition is prohibited or is made or declared to be unlawful or an offense, or whenever in this Subtitle the doing of any act or the maintenance of any condition is required or the failure to do any act or the maintenance of any condition is

declared to be unlawful, the violation of any such provision of this Subtitle may be evidenced and notice thereof may be given by the issuance by an Animal Control [Warden] Officer or a police officer of a uniform notice of violation or uniform citation, on a form to be designated and approved by the County Executive. A police officer or a duly authorized Animal Control [Warden] Officer witnessing a violation shall be authorized to issue such uniform notice of violation or uniform citation.

- (f) Notwithstanding the provisions of Subsection (e), above, the Commission, in its discretion, may review any violation notice or citation filed, and treat the same as any written complaint of a violation of this Subtitle. If the Commission determines that there is reason to believe that action other than or in addition to a civil penalty is required, it may give notice of a public hearing to investigate the matter and require the attendance of the person charged at such
- (g) Any person failing to comply with an order issued by the Animal Control Commission shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or imprisonment not to exceed ninety (90) days.

hearing upon due notice to appear before the Commission at the hearing.

# Sec. 3-116. Civil penalties; subsequent violations.

- (a) Any person found to have violated any provision of this Subtitle shall be subject to the following civil penalties:
- (3) For violation of Sections 3-137, 3-175, 3-176, [3-180,] 3-189, 3-191, [and ]3-195 [through 3-197], and 3-196, the civil penalty for the first violation shall be One Hundred Dollars (\$100.00), One Thousand Dollars (\$1,000.00) for the second offense, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.
- (4) For violation of Sections 3-141[,] and 3-142,[ and 3-181,] the civil penalty shall be Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1,000.00) for the second violation, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.

Sec. 3-116.01. Criminal penalties; violations.

- (c) For violation of Section 3-115(g), the criminal penalty shall be up to One Thousand Dollars (\$1,000.00) and/or imprisonment for up to ninety (90) days.
- (d) For violation of Section 3-135, the criminal penalty shall be up to Five Hundred Dollars (\$500.00) and/or imprisonment for up to ninety (90) days.
- (e) For violation of Section 3-180(b)(4) or Section 3-180(c), the criminal penalty shall be One The usand Dollars (\$1,000,00) and/or imprisonment for up to six (6) months.

#### Sec. 3-117. [Elections] Options available to person receiving citation.

- (a) A person receiving an Animal Control violation notice or citation must [elect] select one of the following:
- (1) To pay the fine provided for in the citation to the Administrator within ten (10) days of receipt of the violation notice or citation; or
- (2) Within ten (10) days of receipt of the citation, submit a written request for a hearing and for dismissal of the citation by the Commission; and to pay the fine should the Commission fail to dismiss the citation.
- [(3)] (b) The failure of the person charged to note a timely appeal to the Commission or to pay the amount of the civil penalty within the time for appeal shall constitute an admission of liability for the amount of the civil penalty.

#### Sec. 3-118. Duty of charging officer.

- (a) Each <u>police</u> officer or Animal Control [Warden] <u>Officer</u> who issues a violation notice or citation to an alleged violator shall:
  - (1) Promptly file the original copy with the Administrator; and
  - (2) Appear for the hearing of such citation should it proceed to hearing.

### Sec. 3-120. Recovery of Civil Penalties.

All civil penalties assessed by police officers or Animal Control [Wardens] Officers, or imposed by the Commission pursuant to this Subtitle, shall be due and payable immediately, unless the person charged shall note a timely appeal to the Commission or a court of proper jurisdiction. In the event that any penalty ordered to be paid by the Commission or forfeited by failure to appeal or to attend a hearing is not paid within thirty (30) days of the violation notice or the Commission's order, whichever is later, the Commission shall refer the matter to the Office of Law. The Office of Law shall institute appropriate civil proceedings to recover the amount of the penalty. All penalties recovered pursuant to this Subtitle in a civil proceeding

brought by the Office of Law shall be paid to, and become the property of, Prince George's County, Maryland.

### Subdivision 2. Impoundment and Disposition of Animals.

#### Sec. 3-121. Notice of violation.

In addition to or in lieu of impounding an animal found at large, an Animal Control [warden] Officer or police officer or other duly appointed law enforcement officer may issue to a known owner of such animal a notice of violation as provided for in Section 3-115 herein.

# Sec. 3-122. Impounding animals; procedure.

(a) A dog found at large with a license tag, rabies tag, tattoo, <u>microchip</u>, or other indications of ownership[,] shall, except as otherwise provided in this Subtitle, be impounded and taken to the Animal Control Facility and there confined in a humane manner for a period of not less than five (5) workdays, unless sooner claimed and redeemed by its owner.

#### Sec. 3-123. Impounding by private persons.

Any person may take up any animal found running at large within the County [and deliver it to]. Any animal picked up running at large shall be turned over to an Animal Control [Warden] Officer or [other authorized person for impounding, or he may deliver the animal to] delivered to the Animal Control Facility.

# Sec. 3-125. Interference with impounding of animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Subtitle by an Animal Control [Warden] Officer or police officer, nor shall any person take or attempt to take any animal out of the Animal Control Facility without the consent of the Administrator, nor shall any person knowingly impound or attempt to impound any animal not legally liable to impoundment. Any violation of this Section is a misdemeanor punishable pursuant to Section 1-123 of this Code.

# Sec. 3-126. Records of impounded animals.

(a) The Administrator shall keep complete and accurate records of the breed, color, sex, condition, and location where found of any animal impounded in the Animal Control Facility, and shall record whether or not the animal is licensed, tattooed, microchipped, or has a rabies tag.

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#### Sec. 3-127. Injured animals; prompt euthanasia.

When a seriously injured, diseased, or suffering animal is taken into custody by an [animal control warden] Animal Control Officer, and the owner cannot be promptly identified or contacted, a veterinarian shall be consulted and the animal may be taken to a veterinarian for an examination. The cost of any veterinary examination or consultation shall be an obligation of the owner of the animal. If, after consultation with the veterinarian, the Administrator determines that the animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, the Administrator may promptly authorize euthanasia or other humane destruction of the animal without regard to any time limitations established in this [d]Division. For the purpose of this Section, neither the Administrator, nor his designee, nor Prince George's County, Maryland, nor any of its employees or agents shall be liable for acts committed or omitted with regard to a veterinarian consultation and/or euthanizing an animal.

#### Sec. 3-128. Redemption; fees and costs.

- (a) The owner of an impounded animal shall be entitled to redeem such animal, except as provided in this [d]Division, upon compliance with the license provisions of this [s]Subtitle, payment of redemption fees, payment of costs accrued with respect to the animal to be redeemed, and presentation of satisfactory proof of ownership.
  - (b) Redemption fees shall be as follows:
- (1) A redemption charge of Fifteen Dollars (\$15.00) for the first impoundment for altered animals and Sixty Dollars (\$60.00) for the first impoundment for unaltered animals and [Seventy-five Dollars (\$75.00)] One Hundred Dollars (\$100.00) for any animal per each subsequent impoundment in a twelve (12) month period.

#### Sec. 3-129. Property in impounded or surrendered animals.

Any domesticated animal which is impounded and not reclaimed by its owner as prescribed in Section 3-123 shall be deemed abandoned and shall become the property of Prince George's County, Maryland. Any animal surrendered by its owners to the Animal Control Facility shall immediately become the property of Prince George's County, Maryland, for final disposition. The Administrator may dispose of abandoned animals by adoption, euthanasia, or other disposition [through the Office of Central Services] as may be most advantageous to the County and the public interest subject to Section 3-105(e).

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#### Subdivision 3. Animal Control Regulations.

#### Sec. 3-131. Manner of keeping animals; prohibition of nuisances.

- (a) Each owner or custodian shall provide the following for each of his or her companion mimals:
  - (1) Adequate feed;
  - (2) Adequate water;
  - (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending on its size, species, and weight;
  - (5) Adequate exercise;
  - (6) Adequate care, proper and appropriate treatment, and proper transportation; and
- (7) Adequate veterinary care and veterinary care when needed to prevent suffering or disease transmission.
- (b) The provisions of this Section shall also apply to every animal shelter, impoundment facility, foster home, and holding facility whether temporary or permanent.
- (c) No person shall keep or maintain any animal in Prince George's County in such manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance condition. No person shall keep or maintain any animal in the County in such manner as to disturb the peace, comfort, or health of any person residing within the County.

# Sec. 3-132. Public nuisance conditions and animals; procedures; appeals.

(a) No owner or custodian of an animal or operator of any animal holding facility shall fail to abate a nuisance caused by any animal owned by him or under his control nor shall any person fail to abate a public nuisance condition found to exist upon the premises owned or controlled by him, after having been notified by an Animal Control [Warden] Officer or other law enforcement officer, in accordance with Section 3-115 herein, or after having been ordered to abate the nuisance by the Commission as provided herein. [Any person failing to abate such a nuisance after the Commission has ordered him to do so shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not in excess of One Thousand Dollars (\$1,000.00) and by imprisonment for not in excess of ninety (90) days, or both. In addition, the Commission, after due notice and a public hearing as required by this Subtitle, may impose civil penalties as prescribed in Section 3-115 herein.]

- (b) Any animal having been declared to be a public nuisance animal shall, when required by the Commission and upon demand by the Administrator, be delivered by his owner to the custody of the County. No owner of a public nuisance animal shall refuse to surrender such animal to the County. A public nuisance animal which has been impounded by the County may be redeemed by the owner only upon those conditions established by the Commission for that particular animal. In addition to any special conditions imposed by the Commission, the owner of a public nuisance animal shall comply with the provisions of Section 3-128 herein.
- (c) Any animal found to be unredeemable shall [be disposed of in accordance with Section 3-127 herein] become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal. No animal may be destroyed or otherwise disposed of pending the outcome of any appeal from an order of the Commission pursuant to Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the expense of the care, feeding, and any necessary veterinary care for the animal shall be charged to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the provisions of Section 3-106 herein.

Sec. 3-133. Sanitary conditions [for animal husbandry] for care and maintenance of animals.

(b) The premises upon which are kept any fowl or animals[,] (including, but not limited to, rodents, cattle, horses, sheep, swine, or goats[,]) shall be subject to inspection by Animal Control [Wardens] Officers. Such premises shall be subject to the regulations contained in Section 3-131(a) of this Subtitle with respect to the maintenance of sanitary conditions, care, and feeding of animals and their young, provision of veterinary care, and other matters as may be promulgated by the Director, pursuant to recommendations from the Commission.

Sec. 3-135. Animals at large prohibited.

(a) It shall be unlawful for the owner or custodian of any animal[,] (including, but not limited to, any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, dog, cat, or other animal) to permit the animal to run at large or be at large as defined in Section 3-101[(3)](12) within Prince George's County, Maryland. At large shall also include:

- (1) The confinement [of] or securing of an animal by any person at a location other than on the premises of its owner, custodian, or authorized agent; [or]
  - (2) Herding such animal or tying it for grazing in any street or other public place; or
- (3) The fastening of any horse or other animal on public property to any hydrant, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.
- (e) Any Animal Control [Warden] Officer, police officer, or other agent authorized or empowered to perform any duty under this Subtitle may pursue any animal at large or running at large and may go upon any premises for impounding the animal at large or running at large. If the animal returns to the premises of its owner, the Animal Control [Warden or] [o]Officer may pursue the animal upon the unenclosed exterior premises of the owner. If the owner or custodian takes the animal within the enclosed interior portion of his premises, the Animal Control [Warden] Officer or police officer shall direct the owner or custodian to surrender the animal for impoundment. No person, after having been directed by an Animal Control [Warden] Officer or law enforcement officer to surrender an animal for impoundment, shall fail to surrender the animal immediately. Failure to surrender an animal for impoundment upon demand by an Animal Control [Warden] Officer or law enforcement officer is a misdemeanor and upon conviction thereof, the violator may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed [thirty (30)] ninety (90) days in the County Detention Center, or both. In addition to the criminal penalty hereby imposed, the Commission may impose civil penalties pursuant to Section 3-110 and Section 3-116 herein.
- (f) This Section shall not apply to an animal under the control of its owner, custodian, or an authorized agent of the owner by a leash [, cord or chain,] or lead, or to an animal undergoing obedience training or while actually engaged in the sport of hunting in authorized areas while supervised by a competent person.

#### Sec. 3-136. Vicious animals.

(a) Any dog or other animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals is defined to be a vicious animal for the purpose of this Subtitle. No animal

shall be found to be dangerous or vicious if the threat, injury, or damage was sustained by a person who was:

- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
- (2) Committing, at the time, a tort upon the premises occupied by the animal's owner or custodian; or
  - (3) Provoking, tormenting, or physically abusing the animal.
- (b) It shall be the duty of the Police Department [and of the Administrator] to receive and [investigate] document complaints concerning vicious animals. It shall be the duty of the Administrator to receive and investigate complaints concerning vicious animals. Whenever an animal complained against shall be reasonably deemed by a police officer or the Administrator to be a vicious animal, the police officer or Administrator shall report the fact to the Commission in the form of a written complaint and shall be authorized and empowered to impound the animal pending a hearing if he reasonably believes that the owner of the animal is not capable of restraining the animal from attacking, biting, or injuring any human being or other animal pending a full hearing on whether the animal is vicious. Notwithstanding the above, whenever an animal causes severe injury to any human being, the police officer or Administrator shall impound the animal pending a hearing by the Commission. In this Section, severe injury means any physical injury [that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery] from single or multiple bite(s) resulting in broken bones, serious disfigurement, serious impairment of health, serious impairment of a bodily function, or requiring multiple sutures or cosmetic surgery.

\* \* \* \* \* \* \* \* \* \* \* . .

(h) If the Commission, upon the evidence before it, finds that the animal complained of is in fact a vicious animal, as defined in Subsection (a), above, and Section [3-101(41)] 3-101(75), the Commission may direct the owner or custodian of the vicious animal to confine the animal and to abate its danger to the public in accordance with Section 3-137 herein, or require the owner or custodian of the vicious animal to surrender the animal to the County and authorize the Administrator to destroy the animal.

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# Sec. 3-137. Vicious animals; restrictions.

- (a) A vicious animal shall be confined by the owner or custodian within a building or secure enclosure and shall not be taken out of such building or secure enclosure unless securely restrained.
- (b) A vicious animal shall not be upon any street or public place, except while securely restrained, humanely muzzled if appropriate to the species, and in the charge of a responsible [person] adult.
- (c) A vicious animal not confined as required by this Subsection is hereby declared a public nuisance, detrimental to the public health, safety and welfare. The owner of the animal shall be held strictly liable for any violation of this Section and for any damages caused hereby.
- (d) The owner of a vicious animal shall, at his or her own expense, have the identification number assigned to the vicious animal by the Administrator tattooed <u>or microchipped</u> upon the animal by a licensed veterinarian [or person trained and authorized by the County as a tattooist]. The Administrator may designate the location of the tattoo <u>or microchip</u>.
- (e) The owner of a vicious animal shall display a conspicuous sign [,] on the premises where the animal is permanently maintained [,] that a vicious animal is located on those premises. The form and location of the sign shall be subject to the approval of the Administrator.
- (f) The owner of a vicious animal shall consent to periodic inspections by the Administrator.
- (g) The owner of a vicious animal shall report the status of the animal to the Administrator every three (3) months and shall notify the Administrator immediately [if the animal is removed] prior to the removal of the animal from the approved premises.

# Sec. 3-140. Strays and unwanted animals.

- (a) Stray dogs, cats, and other animals for which ownership cannot readily be established shall automatically become the property of Prince George's County, Maryland, and shall fall subject to the provisions of Section 3-129 herein.
- (b) Any stray animal found by any individual shall forthwith be delivered to the Animal Control Facility or to an Animal Control [Warden] Officer.

#### Sec. 3-141. Theft of animals.

- (a) No person except an Animal Control [Warden] Officer or law enforcement officer acting in the course of his duties shall intentionally entice, take, or carry away any dog, cat, or other pet or animal without the owner's consent.
- (b) Except as provided in Section 3-123, any person who steals, entices, takes, or carries away any [dog, cat or other pet] <u>animal</u>, the property of another, without the owner's consent and with the intent to deprive the owner permanently of his <u>or her</u> property in such [dog, cat or other pet] <u>animal</u> shall be guilty of the crime of theft. Upon conviction, he <u>or she</u> may be punished in the same manner and to the same extent as if the [dog, cat or other pet] <u>animal</u> were the personal goods of the owner.
- (c) Every person convicted of a violation of Subsection (b) shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and to a term of imprisonment not to exceed ninety (90) days, or both. One-half of any such fine shall be remitted to the owner of such [dog, cat or other pet] animal.

#### Sec. 3-144. Disposal of animal carcasses.

- (a) The owner or custodian of an animal may not deposit or leave such animal upon its death on public property or the property of another person. If a dog, cat, or ferret has a history of a bite or nonbite exposure to a human within ten (10) days prior to its death, it must be tested for rabies. All [such] other dead animals shall be promptly disposed of by cremation, burial, or other sanitary means so long as there has been no human bite or nonbite exposure.
- (b) The Administrator, upon request of any person, shall pick up dead dogs, cats, and other small domestic animals for disposal for a fee not to exceed the actual cost of such pickup and disposal.
- (c) In addition to other assigned duties, Animal Control [Wardens] Officers shall collect all dead animals found on County-owned property or highways and the Administrator shall dispose of such carcasses.

#### DIVISION 5. LICENSES AND STANDARDS.

#### Subdivision 1. Pet Licenses.

## Sec. 3-145. Ferret, [D] dog, and cat licenses.

(a) A <u>ferret</u>, dog, or cat which is four (4) months of age or older shall be licensed by the owner as herein provided.

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(b) The licensing requirement of this Subdivision shall not apply to any [dog or cat] animal belonging to a nonresident of the County and kept within the boundaries of the County for not longer than thirty (30) days. All such [dogs or cats] animals shall at the time of entry into the County be properly vaccinated against rabies[,] and, while kept within the County, shall meet all requirements of this Subtitle.

#### Sec. 3-146. License application; fees; exemption and notice conditions.

- (a) Application for license shall be made to the Department. The annual license fee shall be Twenty-five Dollars (\$25.00) for all ferrets, dogs, and cats. The license fee shall be reduced to Five Dollars (\$5.00) where there is proof that the animal has been spayed or neutered or where the Administrator, in the Administrator's sole discretion, has determined that the animal cannot be spayed or neutered because of size, age, or other physical condition.
- (b) [Dogs trained to assist the physically handicapped,] <u>Assistance dogs (guide, hearing, service, seizure alert, etc.)</u> and dogs in police canine units shall be provided licenses without charge.
- (c) The application for a ferret, dog, or cat license shall state the name and address of the owner, and the name, breed, color, age, and sex of the [dog] <u>animal</u> and rabies vaccination information.

#### Sec. 3-147. Same: Time to apply; renewal; penalty.

- (a) An owner shall apply for a license within ten (10) days after a <u>ferret</u>, dog, or cat becomes four (4) months of age.
- (b) Any person moving into, and establishing a residence in, the County with a <u>ferret</u>, dog, or cat must apply for licenses for each <u>ferret</u>, dog, or cat within thirty (30) days of establishing residence.
- (c) All <u>ferret</u>, dog, and cat licenses shall expire one (1) year from the last day of the month in which the license was issued.
- (d) Notwithstanding any other provision of this Division, the Director may, in [his] the Director's discretion, establish a systematic method for administering the renewal of licenses under this Division, including, but not limited to, establishing staggered renewal dates for existing licenses and prorating license fees based on such renewal dates. In no event shall the Director:

- (1) Restrict the right of a licensee, under any initial license issued in accordance with the provisions of this Division, to an initial term of less than one (1) year from the date of
  - (2) Issue any initial license for a period to exceed eighteen (18) calendar months; or
- (3) Renew any license for a period of less than seven (7) calendar months, or for a period (f more than eighteen (18) calendar months.

#### Sec. 3-148.01. Animal hobby permit.

- (a) No person may keep or harbor five (5) or more animals larger than a guinea pig or over the age of four months, without first obtaining an animal hobby permit as provided herein. Except as provided herein, no household may keep, harbor, or foster five (5) companion animals, with a limit of ten (10), over the age of four (4) months without first obtaining a hobby permit as set forth in Section 3-148.02.
- (b) Any household keeping, harboring, or fostering more than ten (10) animals prior to the effective date of this law may continue to harbor, foster, or keep such animals as are in existence. Said household cannot replace existing animals beyond the number allowed in Subsection (a).
- (c) This Section shall not apply to a licensed animal holding facility, a licensed veterinary hospital, a circus or travelling exhibition, or the keeping of farm animals, [or ]fish, or birds. Sec. 3-148.03. Animal Foster Care Permit.
- (a) Any person, group, or organization which provides temporary holding, care, and treatment for a companion animal pending permanent adoption may apply for a foster animal care permit. The requirements are:
- (1) The organization or group must be approved and registered with the Animal Management Division of the Prince George's County Department of Environmental Resources. Requirements for the organizations or groups are:
  - (A) Federal registration as a nonprofit or not-for-profit organization;
- (B) Proof of incorporation in the state in which they do business, as well as proof of good standing; and
- (C) Compliance with all Federal, State, and local laws in keeping animals and record maintenance for the animals and the organization.

- (2) Each individual location holding animals must be registered with the Animal Management Division. The custodian must be associated with a group or organization registered with the Prince George's County Animal Management Division.
- (3) Each location is limited to ten (10) animals including animals owned by the care taker or other residents of the location. Any location housing more than ten (10) animals must apply for an Animal Holding Facility permit.
- (4) Each location must be inspected on an annual basis upon renewal of the permit.

  In addition, the Animal Management Division may inspect the location for compliance with requirements for the care and maintenance of each animal.
- (5) Each animal owned by custodians, residents, or caregivers at each location must be legally registered with Prince George's County and must be up-to-date on rabies inoculations and other required preventative care requirements.
- (6) Animals being held for temporary foster care may be kept for ninety (90) days without being licensed by Prince George's County. An extension of no more than sixty (60) days may be applied for, and may be granted by, the Associate Director of the Animal Management Division. After that time, the animals will be considered owned animals and must be registered with the County. The Animal Management Division must be notified when a new animal is accepted for temporary foster care and when an animal is adopted from the foster location. The Animal Management Division will maintain and keep current a list of animals at each location.
- (7) With the exception of the animal licensing requirement, each location must meet the requirements set forth for an animal hobby permit. In addition to the penalties set forth for failure to obtain or maintain an animal foster care permit, the custodian is also subject to fines for failure to obtain an animal license for each animal held in custody.

# Sec. 3-148.04. [Same:] Penalties, denial; revocation.

- (a) Failure to obtain an animal hobby <u>or foster care</u> permit as required in Sections 3-148.01 <u>and 3-148.03</u> shall result in a fine of [Twenty-five Dollars (\$25.00)] <u>One Hundred Dollars</u> (\$100.00) for the first offense, [Fifty Dollars (\$50.00)] <u>Five Hundred Dollars (\$500.00)</u> for the second offense, and [One Hundred Dollars (\$100.00)] <u>One Thousand Dollars (\$1,000.00)</u> for each subsequent offense in a two (2) year period.
- (b) The Department shall deny any application for an animal hobby <u>or foster care</u> permit if the Administrator determines that the applicant is in violation of the standards herein.

- (c) The Director may revoke the animal hobby <u>or foster care</u> permit if the Director determines that the owner or custodian is in violation of the standards herein.
- (d) The Director shall give written notice of denial or revocation of an animal hobby or <u>foster care</u> permit to the applicant or permittee at the address shown on the permit application. The notice shall set forth the reasons for the denial or revocation.
  - (e) The denial or revocation shall be effective on 'he date set forth therein.
- (f) The decision to deny or revoke an animal hobby <u>or foster care</u> permit may be appealed to the Commission for Animal Control within <u>ten (10)</u> days of the date of the letter of denial or revocation. Any such appeal shall be governed by Sections 3-110 and 3-111 of this Subtitle.
- (g) Any animals found to be maintained in violation of the standards set forth herein may be subject to impoundment by the County.

# Subdivision 2. Animal Holding Facility Licenses.

#### Part 1. Definitions and General Provisions.

### Sec. 3-151. Application for animal holding facility license.

- (a) Every person required to obtain and hold an animal holding facility license shall make application for an animal holding facility license to the Department upon forms prescribed by the Director. The application shall be accompanied by an annual license fee as prescribed herein. A Use and Occupancy permit is required.
- (b) The applicant for an animal holding facility license shall make his application to the Department upon a form prescribed by the Director. The application shall be signed by the proprietor, if an individual, or by the president or vice president, if a corporation, or by a general partner, if a partnership. The application shall state the name and address of the individual applicant; name, location, and the business address of the animal holding facility; the name and home and business address of the manager or operator of the facility; the name and regular business address of the applicant; and the species and number of animals to be housed in the animal holding facility. The application shall also specify the type or types of animal holding facility for which a license is sought. The Administrator may promulgate regulations requiring additional information in the application.

# Sec. 3-152. Inspection of Facility.

(a) The Administrator shall inspect the applicant's establishment. The Administrator shall

determine whether the establishment is in satisfactory condition and properly operated under the provisions of this Subtitle. The Administrator shall determine the species which may be housed or held in the facility. The Administrator shall issue regulations setting forth standards and criteria for determining the maximum number of animals of different type or species to be maintained in an animal holding facility.

- (b) The Administrator shall conduct additional unannounced inspections [during regular business hours] of animal holding facilities in the County <u>during regular business hours</u> to insure compliance by the facilities with the requirements of this Subtitle and the regulations promulgated by the Administrator.
- (c) The Administrator shall request the assistance of the Health Officer in making determinations when appropriate.
- (d) If reinspection is required due to the applicant's failure to comply with the above-referenced requirements or regulations, the applicant shall be charged Ten Dollars (\$10.00) upon the first reinspection and Twenty-five Dollars (\$25.00) for any subsequent reinspection.

#### Sec. 3-153. Issuance of animal holding facility license.

If the Administrator and/or the Health Officer determine that the establishment is in satisfactory condition and properly operated under the provisions of this Subtitle, the Department shall issue to the applicant an animal holding facility license upon a form of certificate prescribed by the Director. The license certificates shall be consecutively numbered, shall state the year of issuance and period of effectiveness, and shall state the location of the animal holding facility licensed, the type of animal holding facility or facilities licensed, [and] the type or species, and maximum number of animals to be maintained therein. The license shall be conspicuously placed for public viewing.

# Sec. 3-156. Appeal from decision to deny, suspend, or revoke an animal holding facility license.

- (a) The decision of the Director to deny, suspend, or revoke an animal holding facility license may be appealed by the applicant or licensee to the Board of Administrative Appeals.
- (b) The applicant or licensee must give written notice of its appeal to the Board of Administrative Appeals within [not more than] thirty (30) days from the date of the written notice of the decision to deny, suspend, or revoke the license.
  - (c) [An appeal of a decision to deny a license shall not suspend the operation or

effectiveness of that decision.] The filing of an appeal shall not negate the effectiveness of the Director's decision unless and until the Director's disposition is reversed on appeal.

- (d) An appeal of a decision to suspend or [to] deny the renewal of or to revoke a license shall suspend the operation of that decision.
- (e) The Board of Appeals shall conduct a public hearing. In appeals from a denial of a license, the applicant shall have the burden of proof to establish his entitlement to a license. In an appeal from the suspension, revocation, or denial of renewal of a license, the Department shall have the burden of proof to establish by preponderance of the evidence that the suspension, revocation, or denial of renewal was correct. The Board of Administrative Appeals shall decide only whether the action of the Director was supported by substantial evidence. The applicant or licensee shall have the opportunity to present evidence, to cross-examine witnesses for the Department, and may be represented by an attorney at any hearing. Failure on the part of the applicant or the licensee to appear at the place set for the hearing shall be deemed a waiver of the right to a hearing. [Where an applicant or licensee asserts before the Board of Administrative Appeals that the conditions of the animal holding facility or the nature of its operation at the time the appeal is noted or at the time of the hearing before the Board are in compliance with this Subtitle, the Board of Appeals shall not receive evidence with respect to such assertion, but shall direct that the applicant or licensee apply to the Department to renew its application for a new or renewed license.]

# Part 2. General Standards for Animal Holding Facilities.

# Sec. 3-159. Animal health and veterinary care.

- (a) Any animal in an animal holding facility which is injured or which shows signs of illness or symptoms of contagious disease shall be <u>immediately</u> isolated in such manner as to prevent the spread of such illness or disease to other animals or to prevent the exacerbation of any injury.
- (b) All sick, diseased, or injured animals in an animal holding facility shall be provided [appropriate] immediate veterinary care by a doctor of veterinary medicine licensed to practice in the State of Maryland or under the supervision of such <u>licensed</u> veterinarian.
- (c) Cages, enclosures, or other areas in which animals [that have exhibited illness or a contagious disease] have been housed or held shall be decontaminated [after the diseased animal is removed to isolation or otherwise disposed] before being used by another animal.

(d) No animal that is ill or diseased, [or] shows visible evidence of any current illness or disease, or [which] is injured in any way may be sold, exhibited in a petting zoo, used as a guard dog or for guard dog training, or used or exhibited for equestrian training or show.

#### Part 3. Particular Licenses and Standards.

#### Sec. 3-160. Kennel licenses.

- (A) No person may operate a kennel without first obtaining a kennel license [; provided, however, that research] . Research facilities wherein bona fide medical or other scientific research[,] (including, but not limited to, dental, pharmaceutical, and biological research)[,] is being conducted[,] and other animal holding establishments which are licensed by Federal law or operated by agencies or contractors of the United States, the State of Maryland or of any Maryland local government are excluded from the kennel licensing requirements of this Subtitle.
  - (b) The applicant shall pay an annual kennel license fee as follows:

(1)	Authorized to house less than ten (10) animals	[\$50.00]
		<u>\$75.00</u>
(2)	Authorized to house ten (10) [or more,] but less than	[\$100.00]
	fifty (50) animals	<u>\$125.00</u>
(3)	Authorized to house fifty (50) [or more] but less than	[\$150.00]
	one hundred (100) animals	<u>\$175.00</u>
<u>(4)</u>	Authorized to house one hundred (100) or more animals	<u>\$250.00</u>

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(c) The holder of a commercial kennel license shall make and retain for one year written records of the names and addresses of persons who board, buy, or otherwise receive dogs from the kennel.

#### Sec. 3-162. Pet shop licenses.

- (a) No person may operate a pet shop without first obtaining a pet shop license as provided herein.
- (b) The holder of a pet shop license shall make and retain for one year written records of the names and addresses of persons who buy or otherwise receive ferrets, dogs, or cats from the pet shop.
- (c) The annual license fee for a pet shop shall be [One Hundred Fifty Dollars (\$150.00)] Three Hundred Dollars (\$300.00).

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Sec. 3-164. Cattery license.

- (a) No person may operate a cattery without first obtaining a cattery license as provided
  - (b) The annual fee for a cattery license shall be as follows:

(1)	Cattery authorized to house less than ten (10) cats	[\$50.00]
		<u>\$75.00</u>
(2)	Cattery authorized to house ten (10) [or more,] but	[\$100.00]
	less than fifty (50) cats	<u>\$125.00</u>
(3)	Cattery authorized to house fifty (50) [or more] but	[\$150.00]
	less than one hundred (100) cats	<u>\$175.00</u>
<u>(4)</u>	Authorized to house one hundred (100) or more cats	<u>\$250.00</u>

Sec. 3-165. Riding school and stable license.

(c) The annual fee for a riding school and stable license shall be as follows:

\$50.00 School or stable authorized to house or display less than ten (10) horses \$100.00 (2) School or stable authorized to house or display ten (10) [or more,] but less than twenty (20) horses \$150.00 School or stable authorized to house or display twenty (3)(20) or more horses

Sec. 3-166. Commercial pet distribution facility license.

(c) The annual fee for a commercial pet distribution facility license shall be as follows:

(1)	Facility authorized to house less than one hundred (100) animals	\$100.00
(2)	Facility authorized to house one hundred (100) [or more,] but less than two hundred [and] fifty (250) animals	\$150.00
(3)	Facility authorized to house two hundred [and] fifty (250) or more animals	\$200.00

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#### Sec. 3-167. Grooming establishment license.

- (a) No person may operate a grooming establishment without first obtaining a grooming establishment license as provided herein.
- (b) The annual fee for a grooming establishment license shall be Fifty Dollars (\$50.00) and the establishment is authorized to hold up to [50] <u>fifty (50)</u> animals for the day (12 hour period). Sec. 3-168. Standards for kennel or cattery.
  - (a) All kennels and catteries shall provide for each dog or cat:
- (1) [An enclosure with four (4) solid walls and a solid roof with an opening on at least one (1) side, if the animal is housed outside, or a cage of sufficient size to allow its occupant to stand up, lie down, and turn around without touching the sides or top. Cage floors shall be made of nonporous, impervious material and, unless radiantly heated, shall be equipped with a resting board or other bedding.] A cage or run of sufficient size to allow its occupant to stand up, lie down, and turn around without touching the sides or top. Cage floors shall be made of nonporous, impervious material and, unless radiantly heated, shall be equipped with a resting board or other bedding. Appropriate drainage is required between cages and runs to prevent cross-contamination from waste materials or cleaning water. If animals are housed in two (2) or more levels, no waste or other matter from the upper levels is permitted to contaminate other levels.
- (2) [An exercise area of sufficient size to allow running, with sufficient secure fencing and a secure latched gate.] Animals may be permitted to have access to outside areas on a temporary basis, provided the exercise area is of sufficient size with secure fencing and a secure latched gate. The outside area must be capable of being properly cleaned. In the event of weather extremes, an animal permitted outside must have access to inside runs or other appropriate shelter. Animals in kennels or catteries may not be permanently kept outside.
- (3) Enclosures, cages, and exercise areas which shall be kept clean, dry, and in a sanitary condition, and which shall provide adequate ventilation, a healthful temperature, and protection against extremes of weather.

# Sec. 3-169. Standards for Guard Dog Facilities.

(a) All owners or trainers of guard dogs shall, in addition to the requirements provided in Section 3-168, comply with the standards of this Section whenever any dog is to be trained or

used as a guard dog, except for dogs kept as pets. Failure to comply with these standards shall be grounds for denial or revocation of the license.

- (b) Dogs being trained or used as guard dogs must be able to demonstrate obedience training, but they shall not be subjected to cruel or inhumane treatment prohibited by State law or this Subtitle.
- (c) Guard dogs must be under the control of a responsible <u>adult</u> handler v hen they are being trained or utilized.
- (e) Guard dogs may not be allowed in any area to which the public has access unless they are securely restrained, humanely muzzled, and [in the charge of their handler] under the control of an adult handler.

Sec. 3-170. Standards for pet shops and commercial pet distribution facilities.

- (b) No sick animals may be sold or further transferred in the course of commercial distribution until transfer is approved by a veterinarian[s]. All [canines and felines] animals and birds received by a pet shop or commercial pet distribution facility shall be isolated until they can be examined. The examination shall be conducted in an area separate and apart from the housing or display area provided for other animals. Any [canine, feline, or] bird or animal exhibiting illness, disease, or a present crippling deformity must be provided with immediate and adequate care by a veterinarian.
- (f) A pet shop or commercial pet distribution facility shall have all canines and felines on the premises examined by a veterinarian every fourteen (14) days for compliance with Section 3-159 and appropriate records signed by the attending veterinarian. All animals shall be checked daily for signs of illness.
- (h) All ill animals, maimed animals, and animals with present crippling deformities shall be under the care of a veterinarian at the expense of the pet shop or distribution facility until they are permanently cured, humanely destroyed, or properly given away. Any animal [considered cured] certified by a veterinarian to be healthy may be transferred or sold.

- (i) (1) It shall be a violation for any pet dealer to sell a dog or cat without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, or the dealer's agent or employee, and shall contain the following information:
  - (A) Th animal's breed, sex, age, color, and birth date;
- (B) The name and address of the person from whom the pet dealer purchased the animal;
  - (C) The breeder's name and address:
- (D) The date on which the animal was examined by a veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
- (E) A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, the name and address of such veterinarian, and a brief statement of all findings.
- (2) The information contained in the pet dealer's animal history certificate required in paragraph (1), above, shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless the dealer knows or has reason to know that such information is erroneous. A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.
- (3) It shall be a violation for a pet dealer to include in the pet dealer's animal history certificate provided for in paragraphs (1) and (2), above, any false or misleading statement regarding the information to be contained therein.
- (4) If, at any time within ten (10) days following receipt of an animal by a consumer, a veterinarian certifies such animal to have been unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease, the pet dealer shall afford the consumer the right to choose one of the following options:
- (A) The right to return the animal and receive a refund of the purchase price including sales tax; or
- (B) The right to return the animal and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer.

[5] The refund required in paragraph (4), above, shall be made by the pet dealer not later than ten (10) business days following receipt of a signed veterinary certificate as hereinafter provided. A pet dealer shall give notice hereinafter set forth in writing to a consumer prior to the delivery of an animal. Such notice shall be embodied in either a written contract, the pet dealer's animal history certificate, or a separate document and shall state in at least ten point (10 pt.) bold face typ the following:

#### **NOTICE**

The sale of animals is subject to the provisions of Section 3-170(i). In the event that a veterinarian certifies your animal to have been unfit for purchase within ten (10) business days following receipt of your animal, you may choose:

- (1) To return your animal and receive a refund of the purchase price; or
- (2) To return the animal and receive an exchange animal of your choice of equivalent value.

In order to exercise these rights, you must present a written veterinary certification, indicating that the animal was unfit for purchase, to the pet dealer within three (3) business days after receiving such certification.

- (6) [The] If the consumer agrees, the pet shop [shall] may provide to the animal purchaser free veterinary treatment for any illness or condition existing at the time of sale that is diagnosed by a veterinarian within ten (10) days of the date of sale. The initial examination fee, office visit fee, vaccine cost, and inoculation fee are to be the pet owner's responsibility. The pet shop shall choose the veterinarian who is to provide treatment for the illness or condition.
- (j) The pet shop shall maintain an <u>accurate</u> individual history and health record for each dog[,] <u>or cat[,]</u> and lot records for birds. The records shall contain the name of the pet shop[,]; a full description of the animal[,]; the name and address of the person from whom the animal was obtained[,] and [his] <u>the</u> federal dealer identification number, if available[,]; the date of the animal's entry into the State of Maryland[,]; the animal's date of birth[,]; [date,] the name and address of the breeder[,]; the name and address of the broker[,]; the name and address of the shipper[,]; a record of all vaccines administered to the animal[,] <u>and</u> the date of administration[,];

a record of any disease of the animal observed while in the possession of the pet shop, including, but not limited to, symptoms of illness, diagnosed illness, treatment, medication, and prognosis, if known[,]; and the date of sale or other disposition.

- (k) The pet shop shall maintain a record of sale for each bird in conformance with the requirements of the Department of Health.
  - (1) All cages must meet the following requirements:
- (1) All cages are to be constructed of nonabsorbent, nonporous, and impervious material.
- (2) The floors of the primary enclosure shall be constructed so as to protect the animals' feet and legs from injury. Primary enclosures for animals, except cats, may have wire or grid flooring provided that the gauge of the wire or grid material is of adequate size to support the animal(s) and to prevent sagging under the weight of the animal and provided that the mesh openings are of a suitable size for the age and species of the animal. Wire or grid flooring for small animals (quadrupeds), shall have mesh openings of such size as to prevent the animals' feet from passing through the openings.
- (3) Each primary enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit, or lie in a comfortable position. Containing a dog by means of tying or chaining shall not be permitted, except that a dog may be restrained when grooming if the chain is placed or attached to a well-fitted collar. The area of confinement for cats shall be large enough to permit adequate exercise for the animals.
- (4) A primary enclosure for a cat shall have a litter pan made from nonabsorbent material, or disposable pans containing sufficient clean litter to contain the excreta.
- (5) There shall be available for cleaning and sanitation a sufficient supply of hot running water and an effective chemical sanitizing agent.
- (6) If a cage is made of material which can be scratched, they shall be steam cleaned or cleaned with an effective disinfectant every [14] <u>fourteen (14)</u> days and before the introduction of another animal. Cage walls and ceiling shall have a smooth, washable surface and shall be finished in a light color and kept in a clean, safe, and sanitary condition.
- (m) All areas of confinement, display, storage, and sales shall be maintained in a rodent [proof]-free, vermin [proof]-free, and sanitary condition. These areas shall be cleaned and

disinfected regularly as conditions warrant. All cages shall be cleaned and disinfected daily. Feed and water dishes shall be emptied and sanitized at least once daily. No animal is permitted to be maintained in an area being cleaned until this process is completed and the area is dry. Sipper tube water bottles, if used, shall be kept clean and sanitized regularly[,] and kept free of dirt, debris, and algae.

- (n) At least one (1) sink or tub equipped with both hot and cold running water shall be provided within the building in a location easily accessible to the areas where animals are housed. All wastes or sewage shall be discharged to a Health Department approved waste disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and sanitary condition. Where flooding or steaming methods are employed for cleaning floors, adequate means shall be provided for removal of waste water. Water shall not be permitted to [pond] pool under equipment, partitions, animal enclosures, or other places within the building. Any animal enclosure which is subject to waste water runoff after cleaning or subject to the influence of weather shall be connected to an approved waste water disposal system.
- (q) No more than one (1) adult dog or cat may be confined in the same cage. Young animals may not be confined or displayed in the same cage with adult animals. Pugnacious or vicious animals shall be isolated from other animals. Dogs shall be taken from cages and allowed to exercise at least twice daily, including Sundays and holidays. Dogs and cats under the age of eight (8) weeks may not be displayed or offered for sale.
- (r) The water temperature in a fish tank shall be maintained at a constant level appropriate for the fish confined therein. If necessary for purposes of health or sanitation, the fish tank shall be equipped with an efficient circulating pump, filter, thermometer, and light for the emission of heat. Fish tanks shall be kept in a sanitary condition at all times.
- (s) Each bird cage housing small-sized birds up to and including doves, cockatiels, and love birds shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein; and [1/3] one-third (1/3) of the perch space is to be vacant at all times. If a perch is detrimental to the health of a particular species, then the perch is to be omitted from the cage in which that species is confined. In addition to bird seed and water, each bird cage shall contain an amount of fresh gravel, where appropriate and needed for digestion, sufficient for the number of birds confined therein. Parrots and other large bird species shall

have sufficient cage space or sufficient T-stand perch space. They shall not be confined or displayed in a cage with smaller birds.

(t) Hand washing facilities for the public shall be provided.

#### Sec. 3-171. Standards for petting zoo.

- (a) Cages and enclosures shall be of sufficient size to allow each animal to move around with ease. Cages and enclosures shall be maintained at all times in a sanitary condition, with sufficient clean and dry bedding to prevent offensive odors.
- (b) [The petting zoo shall make available fresh water for zoo animals at all times.]

  Animals shall be provided adequate water at all times.
- (c) [The petting zoo shall provide food for each animal which is palatable and of sufficient quantity and quality to meet the normal nutritional needs for the type, species, condition, and size of the animal.] Animals shall be provided with adequate food.
- (d) [The petting zoo shall provide] <u>Animals shall be provided with adequate ventilation</u> and healthful temperatures for every species [of animal shown in the zoo]. Access to a comfortable weather-proof shelter must be available at all times.
- (e) An [attendant] <u>adequate number of attendants</u> shall be on the premises during the hours the zoo is open to the public <u>in order to provide adequate supervision</u>.
- (f) Hand washing facilities for the public shall be provided.

  Sec. 3-173. Standards for riding schools and stables.
- (a) All riding schools <u>and stables</u> shall comply with the minimum standards of this Section.
- (b) All animals shall be provided with daily food and water which shall be wholesome, palatable and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animal. The food shall be free of any contamination.
- (c) All horses [and], ponies <u>donkeys</u>, <u>mules</u>, and other <u>livestock</u> shall have an enclosure with at least three (3) solid walls and a solid roof. All buildings and sheds used for the stabling of animals shall be well lighted and ventilated and provide protection from extremes of weather.
- (d) All buildings and sheds used for stabling animals shall be kept clean and in good repair at all times and manure shall be removed therefrom daily.
- (e) [Manure piles shall not be allowed to stand for a period in excess of thirty (30) days during the period from October 15 through April 15 or for four (4) days during any period from

April 16 through October 14.] Stacked manure piles shall not be allowed to stand for a period in excess of four (4) days except when conditions of ice and/or snow prohibit its removal, and in all instances must be kept at least fifty (50) feet from a building or shed housing animals.

(f) Any enclosure where animals are kept shall be graded and drained to prevent [ponding] pooling of water. No garbage, fecal matter, or other similar matter shall be placed or allowed to remain in any stable or enclosure. No open drain is permitted to run through any stable or enclosure.

### Sec. 3-174. Standards for Grooming Establishment.

- (a) Enclosures, cages, and/or exercise areas shall be maintained in a sanitary condition which shall provide adequate ventilation, a healthful temperature, and protection against extreme weather.
- (b) All areas of confinement, display, storage, and sales shall be maintained in a rodent-[proof] <u>free</u>, vermin-[proof] <u>free</u>, and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant.
- (c) At least one (1) sink or tub equipped with both hot and cold running water shall be provided within the building in a location easily accessible to the areas where animals are housed. All wastes or sewage shall be discharged to a Health Department approved waste disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and sanitary condition. Where flooding or steaming methods are employed for cleaning floors, adequate means shall be provided for removal of waste water. Water shall not be permitted to [pond] <u>pool</u> under equipment, partitions, animal enclosures, or other places within the building. Any animal enclosure which is subject to waste water runoff after cleaning or subject to the influence of weather shall be connected to an approved waste water disposal system.
- (d) No animal may be held for more than one (1) hour without having access to water in a secured container.
- (e) No animal may be retained overnight in a grooming establishment unless the facility is also licensed as a kennel.

DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS. Sec. 3-176. Keeping wild or exotic animals.

(a) No person shall keep or permit to be kept on his premises any unlicensed wild or

exotic, vicious, or dangerous animal either as a pet, [or] for breeding, <u>for sale</u>, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.

- (b) No person shall keep or permit to be kept on his premises any poisonous snake, poisonous reptile, or other poisonous or venomous animal either as a pet, [or] for breeding, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.
- (c) No person[s] shall keep or permit to be kept on his premises any ground hog, skunk, raccoon, opossum, fox, bear, wolf, other native wildlife, or member of the cat family other than the domestic cat either as a pet, for breeding purposes, for sale, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.
- (d) The Director shall prescribe regulations to insure the safe penning or caging of wild or exotic animals or reptiles [, with a view to preventing] in order to prevent threats to the public health or the creation of public nuisances.
- (e) The Director shall [not issue a permit for the keeping or displaying of any exotic or wild animal except upon the approval and under the conditions established by the Commission.] issue a permit for the keeping or displaying of any exotic or wild animal upon inspection and under the conditions established by the Administrator. Denial of the permit may be appealed to the Commission.

### Sec. 3-177. Spaying and neutering.

All [adult] animals adopted from the Animal Control Facility must be spayed or neutered not later than thirty (30) days after the date of adoption. A certificate, signed by a licensed veterinarian, that spaying or neutering has been accomplished must be provided to the Administrator within fifteen (15) days of the date of spaying or neutering. Any extension of time must be requested in writing to the Administrator, stating the reason spaying or neutering has not been accomplished and the date upon which said action will be accomplished. The Administrator, in his discretion, may approve or deny the request for an extension. If the request is denied, then upon the expiration of forty-five (45) days from the date of adoption the adopted animal must be immediately returned to the Animal Control Facility. [Puppies and kittens adopted shall be spayed or neutered within the time specified in the adoption contract.]

Sec. 3-178. Adoption contract.

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(a) The administrator shall prepare an adoption contract to be used in connection with the adoption of any animal by any person from the County. The adoption contract shall set forth the obligations of an adopter for the proper care, including veterinary care and neutering or spaying, feeding, maintenance, and disposition of any adopted animal.

(d) No person who adopt: an animal from the County shall sell, make a gift of, transfer, destroy, or otherwise dispose of the animal [within one year] without the prior written permission of the Administrator. [A person who has adopted an animal from the County and no longer desires to possess the animal shall surrender the animal to the Administrator.]

### Sec. 3-180. Cruelty and Neglect.

(a) [Whenever it becomes necessary in order to protect any animal from neglect or cruelty, any police officer or Animal Control Warden may take possession of it. If an animal is impounded, yarded, or confined and continues without necessary food, water, or proper attention, or is cruelly treated or neglected, any police officer or Animal Control Warden may enter into and upon any place in which the animal is impounded, yarded, or confined and supply it with necessary food, water, and attention so long as it there remains, or, if necessary for the health of the animal, may remove the animal and not be liable to any action for that entry or for taking possession of the animal. In all cases the owner or custodian of the animal shall be notified of that action and any administrative remedies which may be available by the person taking possession of the animal. The owner or custodian may file within ten (10) days a petition in writing with the Commission for the return of the animal. If the owner or custodian is notified and fails to file the petition within the time prescribed, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty (20) days, the animal shall be held to be a stray and be dealt with as such; provided, however, that nothing in this Section shall be construed as permitting the entry into a private dwelling or as permitting the taking of a farm animal without first having obtained the recommendation of a licensed veterinarian.] No animal is exempt from protection against cruelty or neglect as defined in Sections 3-101(35) and 3-101(53) of this Subtitle. No animal shall be overdriven, overloaded, deprived of necessary sustenance, tortured, tormented, mutilated, cruelly beaten, or otherwise physically abused or cruelly killed. Any person who causes, procures, or authorizes these acts;

or who, having the charge or custody of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the animal; or who unnecessarily fails to provide the animal with nutritious food, water, air, space, shelter, or protection from the weather shall be charged in accordance with the provisions of Subsection (b), below. Any person who fails to employ the most humane method possible for activities such as processing, pest elimination, hunting, and animal training shall be charged in accordance with the provisions of Subsection (b), below.

(b) [Any person who overdrives, overloads, deprives of necessary sustenance, tortures, torments, cruelly beats, mutilates, or cruelly kills an animal, or causes, procures, or authorizes these acts, or, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather, is guilty of a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed ninety (90) days, or both. Customary and normal veterinary and agricultural husbandry practices, including, but not limited to, dehorning, castration, docking tails, and limit feeding, are not covered by the provisions of this Subsection. In the case of activities in which physical pain may unavoidably be caused to animals, such as food processing, pest elimination, animal training, and hunting, cruelty shall mean a failure to employ the most humane method reasonably available. It is the intention of the County Council that all animals shall be protected from intentional cruelty, but that no person shall be liable for criminal prosecution for normal human activities to which the infliction of pain to an animal is unavoidable.] Whenever it becomes necessary to protect an animal from cruelty or neglect, any police officer or Animal Control Officer may take possession of it. If an animal is impounded, yarded, or confined and continues without necessary food, water, or proper attention, or is cruelly treated or neglected, any police officer or Animal Control Officer may enter into and upon anyplace in which the animal is impounded, yarded, or confined and supply it with necessary food, water, and attention as long as it remains there; or, if necessary for the health of the animal, the officer may remove the animal and not be liable to any action for that entry or for taking possession of the animal. In all cases, the owner or custodian of the animal shall be notified, by the person taking possession of the animal, of the officer's action and of any administrative remedies which may be available. The owner or custodian may file, within ten (10) days of receiving notice, a petition in writing with the Commission for

Animal Control (CAC) for the return of the animal. If the owner or custodian is notified and fails to file the petition within the prescribed time period, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty (20) days, the animal shall be deemed a stray and handled accordingly. Nothing in this Section shall be construed to permit the entry into a private dwelling or to permit the taking of a farm animal without first having obtained the recommendation of a veterinarian. When a vicilation under this Section has occurred, the police officer or Animal Control Officer shall employ one of the following:

- (1) A one-time written warning shall be issued by an Animal Control Officer, who shall also provide detailed educational guidance specific to the violation for first-time offenders of less extreme cases of cruelty or neglect. "Less extreme cruelty or neglect" is defined as any unintentional act of cruelty or neglect, which has no permanent effect on the animal, and the aforementioned behavior of the owner or custodian is subsequently corrected through education.
- recurrence of the conduct prohibited in this Subsection, shall result in the removal of the animal(s). Said animal(s) shall be housed, for a period not to exceed ten (10) days, at the Animal Control Facility. The owner or custodian shall pay for the board and care of the animal(s) at the Animal Control Facility during the ten (10) days allowed for taking corrective measures. Such animals shall be designated as a "humane hold" until corrective measures ensuring the safety and well-being of the animal(s) have been taken by the owner or custodian. These corrective measures shall be confirmed through inspection by an Animal Control Officer. Animals on humane hold shall not be adopted or euthanized. If appropriate corrective measures have not been taken by the close of the ten (10) day period, the animal(s) shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal(s).
- (B) Second offenses that are a recurrence of the conduct prohibited in this Subsection shall result in the removal of the animal(s). The owner or custodian shall be fined One Hundred Dollars (\$100.00) per animal and pay for board and care of the animal(s) at the Animal Control Facility during the ten (10) day period provided for the taking of corrective measures.
  - (3) Deliberate violations of this Section, as well as any third offense, shall result in a

charge of cruelty, and the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) and a fine of One Hundred Dollars (\$100.00) per animal.

- (4) Extreme or egregious violations of this Section (including, but not limited to, torture, torment, mutilation, or cruel beatings), or in the case of a subsequent offender under Subsection (b)(3) of this Section, shall result in a criminal charge of cruelty. A conviction under this charge shall be punishable by a criminal fine of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.
- (c) [Any police officer shall upon his own view of any misdemeanor in relation to cruelty to animals make arrests or apply for a charging document permitting the arrest of offenders believed to have violated the ordinances of this County in relation to cruelty to animals. Any Animal Control Warden shall upon his or her own view of any misdemeanor in relation to cruelty to animals apply for a charging document permitting the arrest of offenders believed to have violated the ordinances of this County in relation to cruelty to animals.] Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.
- (d) Any person charged under Subsections (b)(3), (b)(4), or (c) of this Section shall immediately surrender all animals in ownership or custodianship to the Animal Management Division of the Prince George's County Department of Environmental Resources. If an appeal is filed, the animal(s) shall either be maintained or euthanized at the owner or custodian's expense by the Animal Management Division. It shall be unlawful for any person found guilty of cruelty under this Section to have ownership or custodianship of any animal for a period of five (5) years from the date of determination. Upon a finding of guilt and/or the exhaustion of all appeals, the surrendered animal(s) shall become the property of Prince George's County and may be disposed of by adoption or euthanasia.
- (e) Any police officer shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, make arrests or apply for a charging document permitting the arrest of

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offenders believed to have violated the ordinance of this County regarding cruelty to animals.

Any Animal Control Officer or other person shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals.

### **DIVISION 7. RABIES CONTROL.**

# Sec. 3-1?7. Antirabies clinics; vaccination certificates; coordination with pet licensing requirements.

- (a) Antirabies clinics will be operated by the Health Department. The Health Department is authorized to charge such reasonable fees as may be necessary to defray the actual costs of such service.
- (b) Any person administering rabies vaccination shall complete a Health Department vaccination certificate of rabies immunization on all animals immunized and shall furnish copies of the certificate to the Administrator of Animal Control within [thirty (30)] sixty (60) days of the vaccination.
- (c) When a dog, cat, or ferret is presented to the Health Department for immunization at an antirabies clinic, personnel of the Animal Control program shall ascertain whether the [dog] animal is licensed under this Subtitle. If the animal is unlicensed, the Administrator shall provide the owner with an application for the appropriate license.

# Sec. 3-188. [Report of person bitten by animal] Report of person(s) having bite contact or nonbite contact with animal(s).

- (a) A report of the circumstances of a person [being bitten] having a bite contact or nonbite contact [by] with an animal(s) shall be made promptly to the Police Department, the Health Department's designee by anyone having personal knowledge of the incident. The police shall within twenty-four (24) hours notify the Administrator and the Health Officer of the details of the incident.
- (b) It shall be the duty of every physician, medical practitioner, or hospital attendant to report to the Police Department the names and addresses of persons treated for [bites inflicted] bite contact or nonbite contact [by] with animals, together with such information as will be helpful in rabies control.
- Sec. 3-189. Confinement [of animal biting, scratching, or otherwise exposing a person] for quarantine of animal(s) following a bite or nonbite contact with a human(s).

- (a) The Administrator shall confine any animal [biting, scratching, or otherwise exposing any person] following a bite or nonbite contact with a human(s) for clinical observation for a period of ten (10) consecutive calendar days. At the discretion of the Administrator and with the approval of the Health Officer, the confinement may occur on the premises of the animal's owner. The Administrator may issue such written orders to the owner with respect to the confinement of the animal as he finds necessary for the public safety. In the alternative, the animal may be confined at any animal shelter, veterinary hospital, or humane shelter at the owner's option and expense, subject to the approval of the Health Officer and the Administrator.
- (b) No person shall [knowingly] allow a confined animal to escape or be released from confinement. No person shall sell, give away, or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period until the animal is examined by a licensed veterinarian or observed by the Administrator or the Administrator's designee. Nor shall any person remove said animal from Prince George's County during the [observation] confinement period[,] without the Health Officer's written approval.

Sec. 3-190. Report of suspected rabies.

It shall be the duty of [very] <u>every licensed</u> veterinarian to report to the Administrator and the Health Officer any animal considered by [him] <u>the licensed veterinarian</u> to be rabid or to be a rabies suspect.

# Sec. 3-191. Confinement of animal suspected of having rabies.

- (a) Upon demand by the Administrator or the Health Officer, the owner of any animal which has [bitten] had bite or nonbite contact with a human, or which is suspected of having been exposed to rabies, shall surrender such animal for supervised confinement. The expense of such confinement shall be borne by the owner. Payment of boarding fees and compliance with the licensing provisions of this Subtitle shall be prerequisites to the release of a confined animal to the owner.
- (b) If the owner of an animal which has [bitten] had bite or nonbite contact with a human or which is suspected of having been exposed to rabies refuses to surrender the animal upon demand by the Administrator or the Health Officer, the County Attorney may petition a court for ex parte temporary and permanent mandatory injunctive relief to require the owner to surrender the animal for quarantine and observation.

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# Sec. 3-194. Disposition of [animals exposed to] an animal exposed to a rabid animal or to an animal suspected of having rabies.

- (a) If the owner or custodian of a ferret, dog, cat, cow, horse, sheep, or goat exposed to a rabid or suspected rabid animal can provide proof of a currently valid rabies vaccination as determined by the State Public Health Veterinarian [or], the Health Officer, or the Health Officer's designee, the animal shall be revaccinated and kept under restraint for forty-five (45) days or for such time as specified by the [p]Public [h]Health [v]Veterinarian [or], the Health Officer, or the Health Officer's designee. 'Under restraint' means confined to a house, garage, escape-proof enclosure or building. An animal kept outside on a chain and/or in a fenced yard shall not constitute 'under restraint'.
- (b) If the owner or custodian of any animal cannot provide proof of current vaccination against rabies, the animal shall be either [killed] <a href="https://humanely.com/huma
- (c) No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required in this Division when demand is made by the Administrator, the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian.

  Sec. 3-195. Destruction of rabid animal restricted.
- (a) Except under the direction and supervision of the Health Officer or the Health Officer's designee, no person shall kill, or cause to be killed, any rabid animal, any animal which has

[bitten] had bite or nonbite contact with a human or any animal suspected of having been exposed to rabies.

- (b) No person shall remove such animal from the jurisdiction of the County without written permission from the State Public Health Veterinarian.
- (c) If there is a possibility of an animal's escape or of further [biting] bite or nonbite contact [by] with the animal, the animal may be [killed] humanely destroyed and the Administrator shall be notified immediately.

### Sec. 3-196. Disposal of rabid or suspected rabid animal's carcass.

(a) The carcass of any dead animal exposed to rabies or suspected of being exposed to rabies shall, upon demand, be surrendered to the Administrator, the Health Officer, or the State Public Health Veterinarian.

SECTION 2. BE IT FURTHER ENACTED that Sections 3-181 and 3-182 of the Prince George's County Code be and the same are hereby repealed:

### SUBTITLE 3. ANIMAL CONTROL.

### DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS.

# Sec. 3-181. [Cockfighting and dogfighting prohibited.] Reserved.

[Cockfighting and dogfighting are prohibited. No person shall engage in cockfighting or dogfighting, train animals for cockfighting or dogfighting, or permit cockfighting or dogfighting on his premises.]

# Sec. 3-182. [Animals killed by dogs; procedures.] Reserved.

- [(a) When any resident of the County has any domestic fowls or animals destroyed or injured by dogs, he may apply to the Office of the County Executive, who shall appoint a disinterested person as appraiser to view and appraise the damages sustained. The appraiser shall state in writing under oath to the Office of the County Executive the number of fowls or animals so killed, the character and extent of the injury, if any, and the amount of the damages sustained by the owner. In like manner the appraiser shall give a general description of both the destroyed or injured fowls or animals. Both the appraiser and the owner shall make oath that they believe the same to have been destroyed or injured by dogs. The appraiser and the owner or either of them shall state under oath the names of the owners of the dos, if known.]
  - [(b) When the report of such proceedings has been filed, the County Executive shall review

the report, provided it was filed within thirty (30) days after the date of the injury or destruction claimed. If, in the judgment of the County Executive, the amount of damages states is unfair, he may award such amount as he may deem fair; provided, that before any award of damages for the killing or injuring of the fowls or animals, the person claiming damages shall be required to prove to the satisfaction of the County Executive that he does not know and is unable with reasonable diligence to ascertain the owner of the dog which did such damage, or if the said owner is known, to prove to the satisfaction of the County Executive that it is impracticable to collect the amount of damages sustained by suit against the owner of the dog.]

[(c) If the owner of the dog or dogs doing the damage shall be known, it shall be the duty of the County Executive to notify the owner to have the destroyed. If the owner shall have the dog destroyed after notice, he shall be exempt from all further liability to the County, but in case the owner should refuse or neglect to kill the dog upon notice, the owner shall be liable to the County for the damages to the same extent as he would be liable in case of negligence or malicious destruction of property. The County Executive may, in his discretion, authorize the Administrator to impound and destroy the dog.]

 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 10th day of July, 2001.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY:

Ronald V. Russell

Chairman

ATTEST:

oyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

The County Executive having failed to return this Bill within Ten (10) days after the date of its presentation to him with either his approval or veto, this Bill became law on 7/26/2001.

To become effective: 9/10/2001

# PRINCE GEORGE'S COUNTY COUNCIL AGENDA ITEM SUMMARY

-							
Proposer: County Executive Draft No.: 2							
Sponsors: Bailey, Hendershot							
Item Title: An Act amending the Animal Control Ordinance and generally relating to animal control							
Drafter:Karen T. ZavakosResourceLeslie Jackson JenkinsLawPersonnel:DER							
LEGISLATIVE HISTORY:							
Date Presented: 4/24/2001 Executive Action:// US							
Committee Referral: 4/24/2001 THE Effective Date: 9/10/2001							
Committee Action: 6/12/2001 FAV(A)							
Date Introduced: 6/19/2001							
<b>Public Hearing:</b> 7/10/2001 1:00 P.M.							
Council Action: 7/10/2001 ENACTED							
Council Votes: RVR:A, DB:A, JE:A, IG:A, TH:A, WM:A, AS:A, PS:A, MW:A							
Pass/Fail: P							
Remarks:							

## TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 6/12/01

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Estepp, Shapiro, Bailey, Gourdine and Hendershot)

Committee staff explained the purpose of CB-26-2001 stating that a Work Study Group was convened in August 1998 by the Director of the Department of Environmental Resources (DER) to review the Humane Society of the United States (HSUS) Evaluation Report of the Animal Management Division (AMD) and the current Animal Control Ordinance. After discussion and consideration of all of the report's recommendations, CB-26-2001 represents the Work Study Group's recommendations suggested for implementation.

The Legislative Officer finds CB-26-2001 to be in proper legislation form. However, he noted that the proposed revisions have not addressed existing problems of clearly understanding the Animal Control Ordinance.

The Office of Law proposed amendments presented in a draft 2. The proposed amendments included the Health Departments and the Legislative Affairs Office recommendations.

The Office of Audits and Investigations has determined that there will be positive fiscal impact in the amount of approximately \$22,325. The amount results from additional revenue generated from the increases in fines and fees.

Members of the Work Study Group were present and testified in support of CB-26-2001. However, the Work Study Group recommended repeal of the pit bull ban, which was not included in CB-26-2001. The members stated that in order to get CB-26-2001 passed, they would not object to the exclusion of language dealing with the repealing of the pit bull ban.

The County Executive's staff explained that consideration was given to the Work Study Group on repealing the pit bull ban. However, the safety and well being of the citizens far out weigh the consequences of repealing the pit bull legislation.

The dog bite statistics indicate that dog bites have declined subsequent to the pit bull ban. Several proponents of the pit bull ban suggested that the collected data is opened to interpretation. The data takes into account all dog bites and is not categorized by breed or type of bite.

# BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

This legislation will amend the Animal Control Ordinance generally relating to animal control.

### **CODE INDEX TOPICS:**

# Reported Bites and Nonbite Exposures in Maryland, 2000

# Incidence Rate per 100,000 People

	All Bites	Dog Bites	Cat Bites	Nonbite Exposures
	(per 100,000 people)	(per 100,000 people)	(per i00,000 people)	(per 100,000 people)
Allegany	326	228	81	24
Anne Arundel	238	171	56	19
Baltimore County	233	159	62	24
Calvert	380	252	122	13
Caroline	302	205	87	37
Carroll	249	167	63	44
Cecil	334	273	54	24
Charles	452	287	158	12
Dorchester	245	183	55	121
Fredrick	152	95	49	34
Garrett	342	275	37	10
Harford	276	187	81	0
Howard	121	80	34	35
Kent	302	193	89	5
Montgomery	125	91	28	38
Prince George's	105	87	15	21
Queen Anne's	301	214	76	74
St. Mary's	233	177	49	10
Somerset	275	226	32	81
Talbot	269	169	89	12
Washington	253	155	93	0
Wicomico	410	258	126	136
Worcester	318	208	92	86
Baltimore City	141	112	24	2
State Total	195	139	48	25



# Dog Bites/Exposures by Calendar Year Prince George's County

Breed	1996	1997	1998	1999	2000	2001	2002	2003
Akita	17	21	21	25	27	35	32	
Boxer	10	. 3	11	15	. 9	11	14	
Chow Chow	59	47	45	39	42	35	28	_
Cocker Spaniel	38	25	34	31	22	23	17	
Dalmatian	11	12	0	10	. 4	8	5	
Doberman Pinscher	11	11	7	11	5	7	9	
German Shepherd	129	97	89	88	88	75	85	
Husky	18	7	3	10	7	5	14	2
Labrador Retriever	48	45	42	46	53	57	50	
Other Breeds, Mixed Breeds	249	293	294	222	236	206	235	
Pit Bull & Pit Bull Mix (TOTAL)	107	105	105	106	80	81	68	
Poodle	8	14	2	7	5	11	6	
Rottweiler	67	53	71	72	69	68	57	
Unknown	81	72	93	74	134	120	123	
Total	853	805	817	756	781	742	743	0

2002 Data as of Dec. 31, 2002

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	NO. PITBULLS	NO. PITBULLS	NO. RETURNED
YEAR	IMPOUNDED	EUTHANIZED	TO OWNERS
1997	91,3	767	136
1998	1015	908	107
1999	1162	1007	155
2000	1141	982	159
2001	966	892	74
2002*	565	507	58
*Figure	is for January	u than Tuno 2	กกา

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# THE PRINCE GEORGE'S COUNTY GOVERNMENT Office of Audits and Investigations

ANIMAL MGMT DIVISION

March 5, 2003

### MEMORANDUM

TO:

R.C. Taylor

Associate Director of Animal Management Division

FROM:

Hawi Norton

Legislative Auditor

RE:

Vicious Animal Task Force

The Office of Audits and Investigations has reviewed all costs and revenues associated with the Vicious Animal Task Force. Revenues are derived from permits, County licenses and bonds collected. Expenses are incurred to board and maintain the animals and there are labor costs associated with calls and animal pickup. There are other variable costs associated with maintenance of impounded animals that cannot be quantified at this time.

Our review resulted in \$35,061 of revenue and \$559,570 in expenses. We believe that the expenses could be significantly more than we have calculated, due to additional expenses associated with water and sewerage charges. We have also concluded that 3.6% of animals impounded are returned to their owners. 96.4% of animals impounded are maintained and eventually euthanized at a substantial cost which is not offset by bond amounts collected. We hope this information will be sufficient for your needs.

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# Fiscal Impact for Vicious Animal Task Force

# **Assumptions:**

Registration Fee pe	er Year	\$30.00		•
Pitbull Tag	$\boldsymbol{b}$	\$50.00		
Bond Amount per i	mpound		(30 day si cost)	ay
Total # of dogs (Int	akes) (2 yr. period - 2001-2002)	2031		
Total # of dogs Fut	hanized (2 yr. period - 2001- 002)	1724		
Total # of Dogs reti	irned to owners	135		
Total # of Boarding	Dave in 2001	9142		
Total # of Boarding	Days in 2001	14635		
Total # of Boarding	bulle through outhonsels 30 Days	\$550		
Maintenance of Pit	bulls through euthanasia 30 Days	<b>\$18</b>		
Maintenance of Pit	bulls per day	ΨΙΟ		
t and the second	ssumption per Year	2001	2002	Total
Revenues		4.050	0.500	42.050
	Revenue from Permits	4,350	8,500	12,850
	County Licenses	3,697	2,760	6,457
	Revenue from Bonds Collected	7,514	8,240	15,754
	Total Revenue	15,561	19,500	35,061
Evenences				
Expenses	Cost to Euthanize Dogs	707	851	1,558
·			268,308	•
	Boarding Costs( Offset by Bond Collected)	107,000	200,000	100,012
	Labor Costs related to Calls	60,000	62,100	122,100
	Total Expenses	228,310	331,259	559,570

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Here are just a few of the municipalities that have recently considered or repealed breed specific legislation:

enapolis, Maryland	Considered breed specific legislation, then dropped proposal due to public outcry
CINCINNATI, OHIO	10/99 – has <i>rescinded</i> it's 13 year-old breed ban, citing it's too expense to enforce and it's completely ineffective.***
FEDERALSBURG, MARYLAND	Put a breed ban in place. Due to public, reasoned outcry, the law has been tabled and will not be enforced.
Lawrence, Kansas	Contemplated BSL, then dropped it due to public outcry and reasoned debate
Cripple Creek, Colorado	Considered BSL, then dropped it due to public outcry and reasoned debate
New York City, New York	Contemplated at least twice, then dropped due to Constitutionality issues and conflict with state law
SHAWNEE, KANSAS	Has recently repealed its breed specific legislation in favor of non breed specific dangerous dog law
ELLIS, KANSAS	Had a breed ban in place, <i>replaced</i> with non-breed specific dangerous dog law
OSAGE COUNTY, KANSAS	Had a breed ban in place which was repealed and replaced with non breed specific dangerous dog law when contested in court
CLEVELAND, OHIO	Had a breed ban in place, rescinded it due to ineffectiveness and expense.
Hazel Park, Michigan	City officials decided not to pursue <i>proposed</i> breed specific legislation, and is instead calling for more responsible dog ownership
ungstown, Ohio	Considered a breed ban, then dropped it due to public outcry and reasoned debate
Crawford County, Michigan	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for better enforcement of generic law.
St. Tammany Parish, Louisiana (8/00)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for better enforcement of generic law.
Loveland, Colorado (8/00)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for better enforcement of generic law.
Boston, Massachusetts (10/00)	Opting for better enforcement of generic law.
St. Mary's County, Maryland (2/00)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for better enforcement of generic law.

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REVERE, MASSACHUSSETS (9/00)	Their decade old breed ban was <i>repealed</i> , with their dangerous dog law to be enforced.
vington, New Mexico (12/2000)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for better better written generic law.
Denmark, Wisconsin (12/2000)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for a better written generic law.
Baltimore, Maryland (May, 2001)	Considered a breed ban, then dropped it due to public outcry, reasoned debate, and expense.
The State of Maryland (May, 2001)	Considered a breed ban, then dropped it due to public outcry.
PONTIAC, MICHIGAN	Repealed their breed ban
The State of Delaware (May, 2002)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for a better written generic law.
Bellevue, Nebraska (June, 2002)	Considered a breed ban, then dropped it due to public outcry and reasoned debate. (Article attached)
Stafford, Kansas (June, 2002)	Considered a breed ban, then dropped it due to public outcry and reasoned debate.
California, Florida, Illinois, Maine, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, Washington (new in 2002)	States that have state law that prohibits banning dogs by breed.
:RMANY (7/2002)	Has repealed a <u>country-wide</u> ban of many breeds including "pit bulls". A rigorous, 5 hour temperament test performed on hundreds of banned dogs revealed few that failed; the courts determined the ban was unconstitutional
Wilmington, North Carolina	Considered a breed ban, but refused to pass the legislation. Opting for a better written generic dangerous dog law.
Austintown, Ohio	Considered a breed ban, then dropped it due to public outcry
TOPEKA, KANSAS	Repealed their total "pit bull ban", replacing it with a pit bull license and microchip. One more step toward total repeal.
Bellingham, Massachusetts	Considered a breed ban, then dropped it due to public outcry and reasoned debate. Opting for changes to strengthen their generic dangerous dog law.
Grand Rapids, Michigan	Considered a breed ban, then dropped it due to public outcry and reasoned debate. They are working with the community to establish a "Community Approach to Dog Bite Prevention" as outlined in the AVMA plan.

Municipalities that actually had breed specific legislation that has since been repealed are in CAPITAL LETTERS.

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# SEVEN YEAR FLORIDA STUDY DETERMINED MANY DOG **BREEDS RESPONSIBLE FOR SEVERE BITES**

# Montgomery County, Maryland statistics also cited.

BALTIMORE, MD – A Palm Beach, Florida study set out to discover which breeds were responsible for severe bites. The study found that relatively few bites result in the need for medical attention, and that many different breeds and mixed breeds are responsible for severe injuries\*.

1987: "Pit Bulls" rank 7th, with Chow Chows, Rottweilers, Cocker Spaniels, Labrador Retrievers, German Shepherds and Doberman Pinchers ranking 1st thru

1988: "Pit Bulls" rank 9th, with Poodles being 10th, with Chow Chows, Rottweilers, Cocker Spaniels, Doberman Pinchers, Labrador Retrievers, Golden Retrievers, German Shepherds, and "Hounds" ranking higher.

1989: "Pit Bulls" rank 5<sup>th</sup>, surpassed by Golden Retrievers, Chow Chows, Doberman Pinchers and Labrador Retrievers.

1990: "Pit Bulls" are again 5th, with Doberman Pinchers, Rottweilers, Chow Chow and German Shepherds 1st thru 4th.

1991: "Pit Bulls" are again 9th, with Rottweilers, Cocker Spaniels, Golden Retrievers, Chow Chows, Labrador Retrievers, "Hounds", German Shepherds, and "Terriers" ranking higher.

1992: "Pit Bulls" rank 2<sup>nd</sup>, with Cocker Spaniels scoring higher 1993: "Pit Bulls" rank 5<sup>th</sup>, with the Golden Retriever only 2/10ths of a percentage point below them in 6th. The Dalmatian has the highest percentage in this year.

"Severe" bites in this study are comprised mostly of those requiring more than first aid. On average, less than 1% of bites required admission to hospital. None resulted in death during the study period.

Of course, these breed identifications also include mixed brees that resemble purebreds only purebreds.

It is very clearly demonstrated that "pit bulls" and "pit bull mixes" are not more likely to cause a severe bite than other popular breeds of dogs.

Closer to home, Montgomery County, Maryland upholds a similar theory: "Serious attacks inflicted by certain breeds such as "pit bulls" and Rottweilers tend to receive a lot of media publicity, while equally serious attacks by other breeds rarely, if ever, receive any media attention...Every dog, given the right circumstances, is capable of inflicting a bite. But remember that most dogs of whatever breed will never inflict a bite in their entire lives. It is not fair to judge entire breeds by the actions by a few members of that breed."

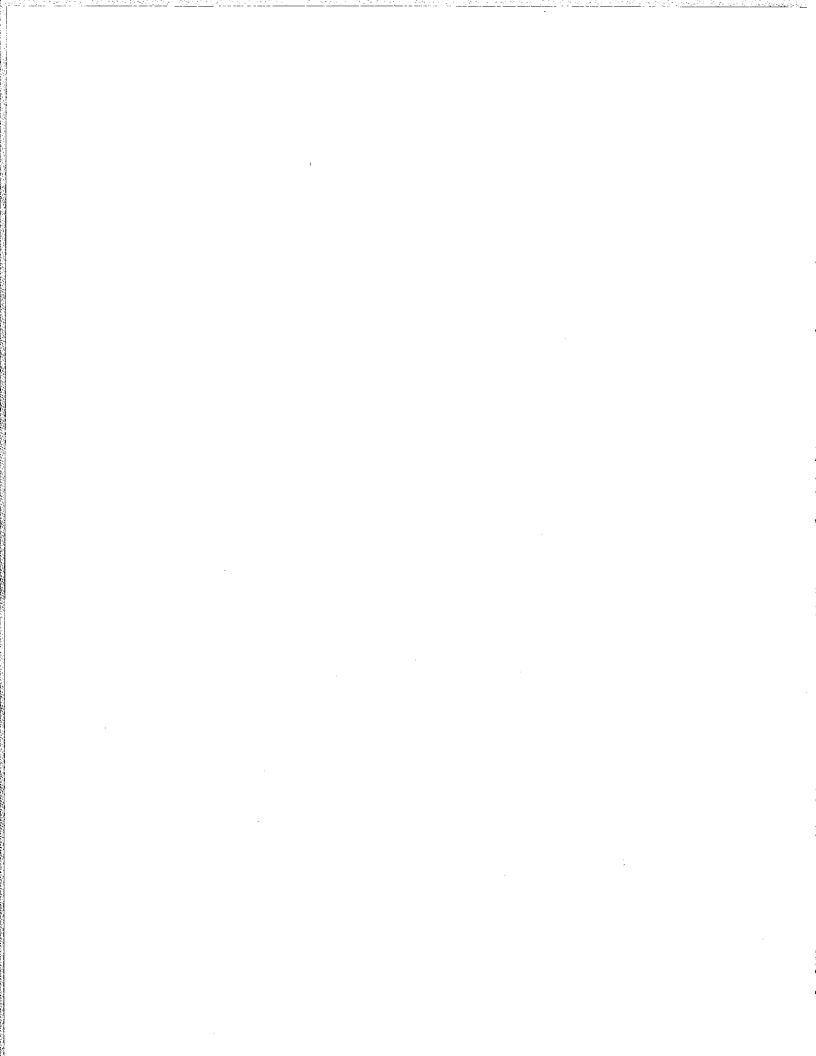
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- (2) A valid County pet license has been issued for the potentially dangerous dog pursuant to jurisdiction;
- (3) The potentially dangerous dog has current vaccinations;
- (4) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog;
- (5) The potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered.
- (6) The potentially dangerous dog shall be required to complete a socialization, behavior program offered or approved by the Administrator.
- (7) The owner of a potentially dangerous dog shall comply with any other requirements or conditions imposed by the Commission.
- (b) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in § 1(d) within the 36 months since the date of the potentially dangerous dog determination, then that dog is no longer subject to the requirements of this section; provided, however, then that same dog may again be declared a potentially dangerous dog if it again exhibits any of the specified behaviors. The animal may, but is not required to be, removed from the list of potentially dangerous animals prior to the expiration of the 36-month period if the owner or keeper of the animal demonstrates to the satisfaction of the Animal Management Division that changes in circumstances or measure taken by the owner or keeper, such as training of the animal or changes in environment, have mitigated the risk to public safety. This would not prevent the same animal from being declared a potentially dangerous animal if it again exhibits any of the specified behaviors.

### § 6. Potentially dangerous dog owner responsibility.

It shall be unlawful to:

- (a) Keep a potentially dangerous dog without a valid certificate of registration issued under § (5);
- (b) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible adult and restrained by a leash, not exceeding 6 feet in length;
- (c) Fail to notify the Administrator within 24 hours if a potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the potentially dangerous dog has been sold or given away the owner shall also provide the Administrator with the name, address, and telephone number of the new owner of the potentially dangerous dog;
- (d) Fail to surrender a potentially dangerous dog to the Administrator for safe confinement pending a disposition of the case when there is a reason to believe that the potentially dangerous dog poses a threat to public safety; or



(e) Fail to comply with any special care requirements for a potentially dangerous dog the Administrator may establish pursuant.

### § 7. Penalties.

- (a) An owner of a potentially dangerous dog who violates the provisions of § 6 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$250 or imprisonment not to exceed 30 days, or both, for a first offense and not more than \$500 or imprisonment not to exceed 60 days, or both, for a second offense.
- (b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act.

### § 8. Annual potentially dangerous dog licensing drive; educational program.

The Administrator shall encourage <u>potentially</u> dangerous dog owners to participate in preventative programs offered by the jurisdiction.

Revised by P.Smith-5-5-03 cclf/the/va\_cog-patti.doc

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#### FINDINGS SUBCOMMITTEE REPORT

#### COST IN DOLLARS TO THE COUNTY

- Animal Management Division only: 2001 - 2002: Expenditures \$559,000 (Manpower and staff) Revenue \$ 35,000

- This estimate is considered low as there are many variables that are difficult to quantify, such as increases in utilities, supplies to care for impounded dogs, etc.
- Expenditures do not include county police department involvement, nor local jurisdictional involvement, ie. Municipal police or animal control departments
- Six all-breed dog shows and eleven smaller shows have left the county Equestrian Center and are now held in Howard County. Loss of county commerce, (restaurants, hotels, gas, etc.) as estimated by the American Kennel Club, is approximately \$1.5 million per year.

#### CROSS AGENCY COSTS

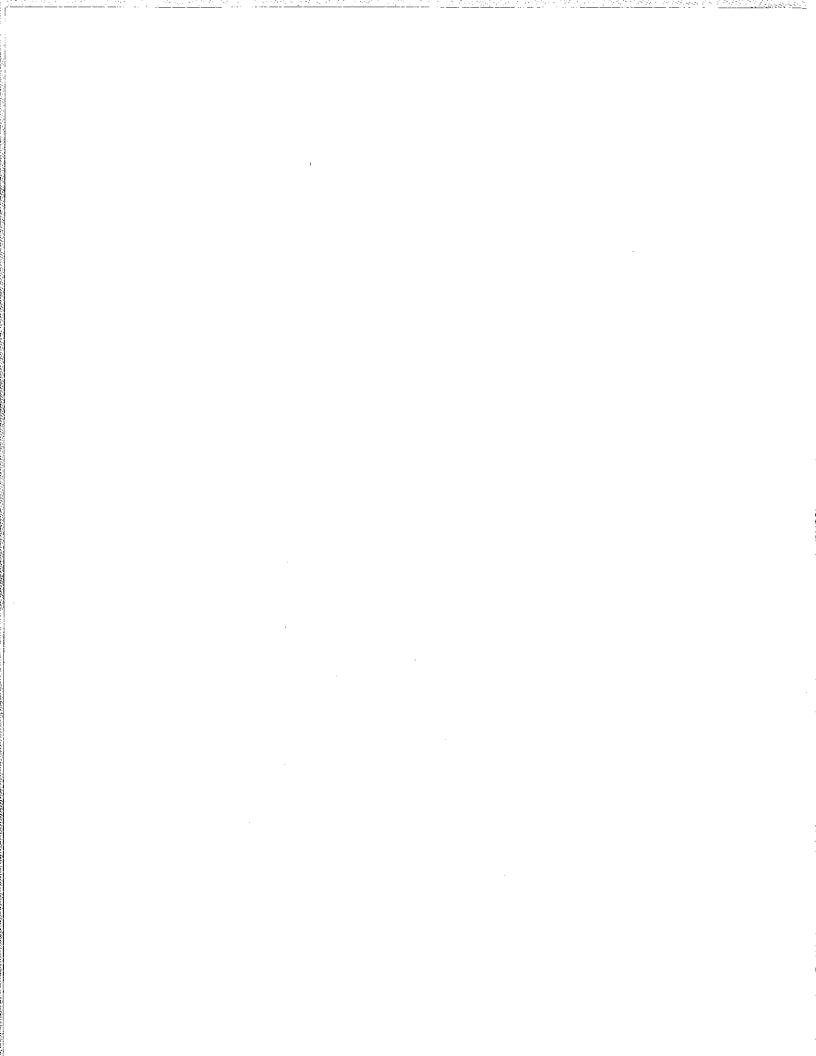
- Police department involvement due to criminal nature of code. Office Of Law, etc.
- Costs of dealing with a "non-issue"

Example: A "dog at large" call would require a response only by Animal Management; but any call involving a 'pit bull', whether that dog is running at large or confined to its backyard requires police department response, in addition. This cross-agency involvement increases the cost of each call (approximately 3000 AMD 'pit bull calls' annually)

- Less ability to enforce current non-breed-specific vicious animal, nuisance animal and stray animal laws
- Finite County resources used to impound and process benign 'pit bulls' could better be used to respond to vicious, nuisance and stray complaints.
- Animal Management calls have increased dramatically, from 18,000 to 27,000 calls per year (2001 to 2002 calls)

#### BITE/EXPOSURE STATISTICS ARE A PROBLEM

- County "bite/exposure statistics" actually track saliva contact between non-human mammals and humans. This can mean simple scratches from claws or nails, and minor bites. "Bite/exposure statistics" are better termed "rabies exposure incident statistics".
- The County "bite/exposure statistics" are mandated by the State and are compiled to track potential exposure to rabies. They are not meant for use to determine the dangerous



propensity of a given breed of dog.

- The 'breed' of dog is listed on incident reports for descriptive purposes as a means to help locate the dog at a future date, and is generally supplied by the victim, an eyewitness or the police. This information is subjective and not confirmed; therefore accuracy is questionable. Further, there is no scientific manner for pinpointing or identifying the actual breed of a dog.

#### PUBLIC SAFETY IS NOT IMPROVED AS A RESULT OF 3-185.01

- There is no transgression committed by owner or animal that is not covered by another, non-breed-specific portion of the Animal Control Code. (I.e., vicious animal, nuisance animal, leash laws)
- The County revised the Animal Control Code in its entirety in 2001, strengthening penalties, increasing fines and refining our vicious dog statute. At that time, it was recommended that 3-185.01 be stricken, as the Work Study Group determined the code to be redundant.
- Animal Management Division human resources stretched thin responding to 'pit bull' complaints, thus reducing their ability to respond to violations of other sections of the Code.
- Animal Management facility resources (space, etc.) stretched thin due to retention of animals impounded as a result of 3-185.01, and awaiting hearings by Animal Control Commission.
- Commission for Animal Control (administrative court) case load increased due to appeals on registration of new "pit bulls" in county.
- CR-68-2002 calls for review and recommendation to "reduce severity of injuries inflicted by dogs in the county". However, there is currently no monitoring or measurement of severity of incidents in the county. Overall, incident ("bite/exposure") statistics have declined steadily across the board, in a variety of identified breeds and types of dogs by 9% since 1996.
- Visual determination of dog breed not an accurate method, thus many breeds and mixes are mis-identified.
- Definition and determination of "pit bull" are subjective; there are no scientific criteria available.
- Current estimates of licensure within the population are very low; without accurate information on the actual population of dogs within the county, enforcement is sporadic at best.

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#### BOSTON'S "OPERATION DOG TAG" PROGRAM

- Conference call with Officer Flanagan revealed the following:
  - Holistic, cross agency program designed to increase public safety through public education and community outreach
  - -Animal Control calls in one Boston district dropped by 85% in the first six to twelve months after implementation of this program.
  - Licensing compliance in this district skyrocketed from approximately 15% to over 50% (Prince George's county licensing compliance estimated at 12-15%)
  - Excellent adjunct to domestic violence prevention efforts.

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# DRAFT

# Metropolitan Washington Council of Governments Model Potentially Dangerous Dog Legislation

#### § 1. Definitions.

For purposes of this chapter, the term:

- (a) "Serious injury" means any physical injury from single or multiple bites(s) resulting in broken bones, serious disfigurement, serious impairment of health, serious impairment of a bodily function, or requiring multiple sutures or cosmetic surgery.
- (b) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen or fenced yard with secure sides, which provides protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.
- (c) "Impound" means taken into the custody of the Animal Management Division of this jurisdiction.
- (d) "Potentially dangerous dog" means a dog that poses a threat to public safety as demonstrated by any of the following behaviors:
  - (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
  - (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
  - (3) Running at large and impounded two (2) or more times within any 12-month period by any Animal Control Officer, or other agent authorized or empowered to perform any duty under this Subtitle.

# § 2. Determination of a potentially dangerous dog.

- (a) After an investigation which must be initiated within four business days after the situation becomes known to the Animal Management Division, the Administrator is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 1(d) and shall notify the owner of the dog in writing of that status within five days after the completion of the investigation.
- (b) Following notice to the owner, if the Administrator has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public safety, the Administrator may impound the dog pending disposition of the case. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog.
- (c) The owner, within 5 business days after a determination that a dog is a potentially dangerous dog, may appeal this determination to the Commission for Animal Control in this jurisdiction seeking review of the determination. A decision by the Commission overturning the Administrator's determination shall not affect the Administrator's right to later declare that dog to be a potentially dangerous dog or to

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determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

## § 3. Exceptions.

No dog shall be declared a potentially dangerous dog if:

- (a) the dog was used by a law enforcement official for legitimate law enforcement purposes.
- (b) the threat, injury or damage was sustained by a person:
  - (1) who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
  - (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  - (3) who was committing or attempting to commit a crime; or
- (c) the dog was:
  - (1) responding to pain or injury, or was protecting itself, its offspring; or
  - (2) protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (d) No dog shall be found to be <u>potentially</u> dangerous or regulated solely because it is of a particular breed.
- (e) the animal was working as a hunting dog, herding dog, or predator control animal on the property of or under the control of its owner or keeper and the injury or death was to a species or type of domestic animal appropriate to the work of the animal; or
- (f) engaged, with its owner or keeper, in a lawful animal handling event or area.

## § 4. Consequences of a potentially dangerous dog determination.

- (a) If the Administrator determines that a dog is a potentially dangerous dog under § 2, the owner shall comply with the provisions of §§ 4 and 5 and any other special security or care requirements the Administrator may establish.
- (b) The Administrator may require impoundment of the dog until the owner of the dog has satisfied all the requirements of the Animal Management Division. The requirements must be met within 30 days.

## § 5. Potentially dangerous dog registration requirements.

- (a) The Administrator shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the animal control agency that:
  - (1) The owner of the potentially dangerous dog is 18 years of age or older;

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# **Prince George's County Police Department**



# Inter-Agency Vicious Animal Task Force Proposal

This proposal is being presented to the Prince George's County Police Department and the Prince George's County Animal Management Division.

These agencies jointly and separately agree to abide by the terms and provisions of this proposal throughout this joint operation. Nothing in this proposal should be construed as limiting or impeding the basic spirit of cooperation, which exists between the two departments.

#### A. Purpose.

The purpose of this proposal is to formalize the respective rights, obligations of, and relationship between, the Police Department and the Animal Management Division to support a joint investigative effort into vicious and dangerous animals. (Hereinafter referred to as the "Task Force")

#### B. Mission.

The mission of the unit is to investigate complaints of vicious and dangerous animals within Prince George's County. To ensure regulations of the Animal Control Ordinance are adhered to regarding animal cruelty, dog licensing, rabies vaccinations, and leash laws. This Task Force also provides the opportunity to enforce some criminal violations such as, Domestic violence, Controlled Dangerous Substance violations, and weapons violations (lists are not all-inclusive). Specifically trained individuals within the Animal Management Division and the Quality of Life Unit of the Police Department will conduct the investigations, enforcement activities and members of the Task Force will conduct public education and community outreach.

## C. Organizational Structure.

#### 1. Composition.

Police Department – Quality of Life Unit or designee of the Chief of Police

Animal Management Division - Associate Director or designee of the Director

Prince George's County Health Department - Designee of the Health Officer

Prince George's County Council - A representative designated by the Council

SPCA/HS – A designated representative

Animal Control Commission - A designated representative

Prince George's Municipal Association - A designated representative

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Maryland Dog Federation – A designated representative Vicious Animal Task Force Proposal Page 2

#### 2. Direction.

All participants acknowledge that the unit is a joint operation in which the Police Department and the Animal Management Division act as partners in its operation for the purposes of combining investigative resources. The leadership of the Police Department and Animal Management Division will be responsible for the management and direction of the Task Force.

#### D. Procedures.

#### 1. Personnel.

Members of the Quality of Life Unit from the Police department will be assigned to the Task Force. Associate Director or his/her designee will be assigned to the Task Force. These will be the only persons who will work in an enforcement capacity.

The following will be assigned to the Task Force in an advisory capacity:

A representative from the County Council

A representative from the Health Department

A representative from the SPCA/HS

A representative from the Prince George's Municipal Association

A representative from the Maryland Dog Federation

#### 2. Investigations.

The investigative methods employed will be consistent with the policies and procedures of the Prince George's County Police Department. (As outlined in the General Order and Criminal Investigations Manuals).

All investigations that fall within the responsibility of the Animal Management Division will be handled within their guidelines.

#### 3. Prosecution.

All of the Unit's investigations will be prosecuted by the Prince George's County State's Attorney's Office. (An attempt will be made to have the same Attorney handle cases generated by the Task Force).

#### E. Administrative.

#### 1. Case Assignments.

The Animal Management Division will oversee the prioritization and assignment of targeted cases and related investigations.

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## Vicious Animal Task Force Proposal Page 3

## 2. Records and Reports.

All investigative reporting will be prepared in compliance with existing Police Department policy. Additionally a form designed by the Task Force to report crimes to be investigated will be completed by initial responding personnel. A summary report also designed by the Task Force will be completed at the end of an operation.

#### 3. Evidence.

All evidence and original tape recordings (audio/visual) acquired during the course of an investigation will be maintained by the Police Department. The Police Department's rules and policies governing the submission, retrieval and chain of custody will be adhered to by all Task Force members.

#### F. Media.

All media releases pertaining to Task Force investigations and/or arrests will be coordinated and made jointly by the Police Department and the Animal Management Division. No unilateral press releases will be made by the Police Department or the Animal Management Division without prior approval. No information pertaining to the Task Force will be released to the media without mutual approval of the Police Department and the Animal Management Division.

## G. Task Force Meetings.

The entire Task Force will meet quarterly to solicit advice and direction as well as report on enforcement activities.

#### H. Funding.

Funding will be provided by each agency. The Police Department will fund their personnel and Animal Management will fund their personnel.

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Vicious Animal Task Force Proposal Page 4

## I. Duration.

This proposal shall remain in effect until terminated as specified below. Continuation of this proposal shall be subject to the availability of necessary funding. This agreement may be modified at any time by written consent of the Police Department and the Animal Management Division. This agreement may be terminated at any time by either department. A 30-day written notice of intent to withdrawal from the agreement should be provided when a Department intends to withdrawal.

Melvin C. High Chief of Police		Date	
Prince George's County Police Department	nent		
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Rodney Taylor		Date	
Associate Director	•		
Animal Management Division	,	•	

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# Prince George's County Police Department Quality of Life Team



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Operation Date: TBA					
Target Location: TBA			•		
Staging Area: TBA					
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This Vicious Animal Task Force activity is be the community. The complaints are the Management Division in reference to	_			-	
The Prince George's County Code requires _ have made numerous complaints.		Concerned c	itizens have v	vitnessed this	activity, and
This activity endangers the citizens of Prince	George's C	County.			

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Vicious Animal Operation Plan Page 2
Violations:
Maryland annotated Code County Code
Communications:
Primary communications will be provided by police radio. Secondary will be County Nextels.
Investigative Teams:
One primary investigator from the Animal Management Division and One primary investigator from the Police Department.
Arrest Teams:
Two Quality of Life Team officers
Once violators are observed by the task force, corrective action will be taken. (describe action)
Safety Controls:
The Police Department will be in charge of overall scene safety and security. Animal Management Division officers will provide first aid to animals if necessary. Transports will be made utilizing Animal Management Division vehicles
Emergency Services:
The nearest Hospital Center is located The nearest animal hospital is located
Immediate First Aide will be rendered by the Prince George's County Fire Department.

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Vicious Animal Operation Plan Page 3

## Manpower allocation:

All Members of the Quality of Life Enforcement Team will be involved in this operation. (Or other Police Department).

Personnel assigned by the Animal Management Division will be involved in this operation:

After the operation, a Commanders Information report will be completed. PAO will also be contacted in reference to the operation.

**Enforcement Confidential** 

Do not release to third parties

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#### RECOMMENDATIONS SUBCOMMITTEE

## Alternatives to breed specific law addressing public safety.

"Operation Dog Tag"

Consideration of forming a task force to address dogs used as weapons and other serious animal threats to public safety.

#### Findings:

Breed specific legislation does not address the problems of public safety. It actually gives a false sense of security to the public. The bad owners switch to other breeds of dogs or go underground with the illegal breeds but continue the illegal activities. Just because the dogs are not visible does not mean that the problems don't exist. For the safety of the public these problems need to be addressed.

The Vicious Dog Task Force has reviewed Boston's "Operation Dog Tag" task force and spoke with those involved with this operation. It is the model of all task forces dealing with owners of dogs used to threaten the public according to an article in January 2003, "Reader's Digest". Public safety has been improved due to the task force. A number of animal owners are more than willing to abide by the laws, but needed to be aware of the laws. The task force left education material and information on where to be contacted. This helped to empower the people to report suspicious activity under anonymity making the program a success. Licensing of animals has increased and public safety has been enhanced.

#### Recommendations:

Whereas we still have owners using animals as weapons or using them to intimidate the pubic in Prince George's County we recommend the following:

\*Change the fines from civil penalty to criminal penalty for Sec. 3-137. Vicious Animals: restrictions. Add to Sec. 3-116.01, For violation of Section 3-137, the criminal penalty shall be up to Five Hundred Dollars (\$500.00) and/or imprisonment for up to ninety (90) days.

\*Create a task force combining agencies (police department and Animal Management Division) to respond to various dog complaints where public safety is threatened.

Utilize the police "specialties unit" to be on this task force along with the Animal Management Division to work as a team. This would be at no cost to the county.

The goal of the task force would be addressed around:

- 1. Public Safety first so there is peace and tranquility in the neighborhood.
- 2. Provide education of the laws and proper treatment of animals.
- 3. Give handouts of resources for addressing animal problems.

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The task force would be activated as needed from complaints received by either the Animal Management Division or the police department.

Visibility and communications are the key to success with this task force program. The interaction with the community enhances the chance for getting information concerning animal violations and alleviating the problems.

Other specialized units (drug units and domestic violence units) can be called in to join the team when needed.

The task force will be low in cost, but full of dedication and determination.

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Johnnie W. Mays Executive Director P.O. Box 480851 Kansas City, MO 64148

November 15, 1994

The National Animal Control Association has developed the following policy in regards to dangerous/vicious animals:

"Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed."

"Any animal may exhibit aggressive behavior regardless of breed. Accurately identifying a specific animal's lineage for prosecution purposes may be extremely difficult. Additionally, breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility."

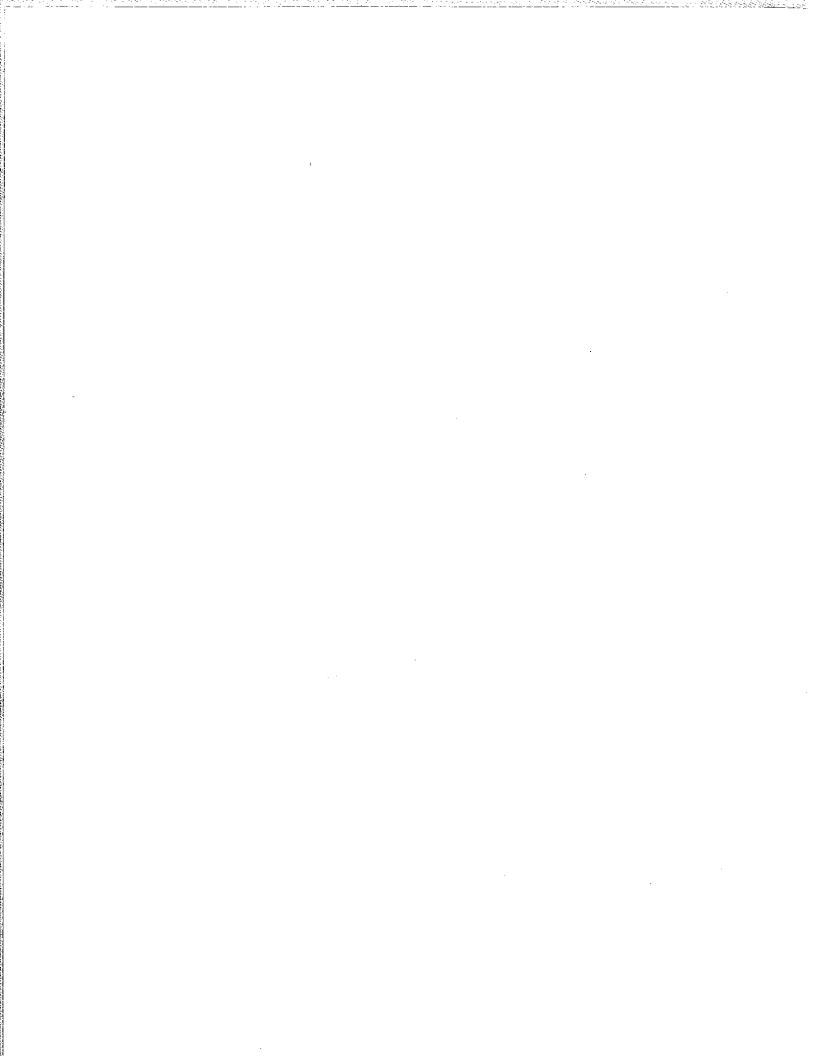
NACA's policy recommendations for dangerous/vicious animals are available upon request.

Sincerely.

Johnnie W. Mays

Executive Director

National Animal Control Association





# AMERICAN VETERINARY MEDICAL ASSOCIATION

1931 N. MEACHAM ROAD, SUITE 100 • SCHAUMBURG, ILLINOIS 60173-4360 PHONE 708-925-8070 • FAX 708-925-1329

DANGEROUS ANIMAL LEGISLATION (Approved by the AVMA Executive Board, 1988)

The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous and undesirable.

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# THE AMERICAN KENNEL CLUB

#### CANINE LEGISLATION DEPARTMENT

# **Position Statement**

# "DANGEROUS DOG" CONTROL LEGISLATION

The American Kennel Club supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. The AKC believes that dog owners should be responsible for their dogs. We support laws that: establish a fair process by which specific dogs are identified as "dangerous" based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. We believe that, if necessary, dogs proven to be "dangerous" may need to be humanely destroyed. The American Kennel Club strongly opposes any legislation that determines a dog to be "dangerous" based on specific breeds or phenotypic classes of dogs.

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# MARYLAND VETERINARY MEDICAL ASSOCIATION

**Association Headquarters** 

8015 Corporate Drive, Suite A + Baltimore, Maryland 21236-4977 Phone: 410-931-3332 + Fax: 410-931-2060 MVMA@ManagementAlliance.com + www.mdvma.org

# Official Position on Dangerous Animal Legislation

The Maryland Veterinary Medical Association encourages and supports ordinances that promote responsible pet ownership and at the same time protect the public from dangerous and vicious animals. We oppose legislation that restricts or prohibits certain breeds of dogs, since we do not believe that this is a workable solution.

Frederick F. Everhart, DVM, JD Immediate Past President

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# THE HUMANE SOCIETY OF THE UNITED STATES

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March 2003

To Whom It May Concern,

The Humane Society of the United States (HSUS) has been asked to offer our position on breed specific issues as they pertain to dogs.

Breed Specific Legislation (BSL) is a common first approach that many communities take. Thankfully, once research is conducted most community leaders correctly realize that BSL won't solve the problems they face with dangerous dogs. The HSUS opposes legislation aimed at eradicating, or strictly regulating, dogs based solely on their breed for a number of reasons.

There are over 4.5 million dog bites each year. This is an estimate as there is no central reporting agency for dog bites, thus breed and other information is not captured. Out of the millions of bites, about 10-20 are fatal each year. While certainly tragic, it represents a very small number statistically and should not be considered as a basis for sweeping legislative changes.

It is imperative that the dog population in the community be understood. To simply pull numbers of attacks does not give an accurate representation of a breed necessarily. For example, if you review a study that states there have been 5 attacks by Golden Retrievers in a community and 10 attacks by Pit Bulls in that same community it would appear that pit bulls are more dangerous. But, if you look at the dog populations in that community and learn that there are 50 Golden Retrievers present and 500 Pit Bulls, then the Pit Bulls are actually the safer breed statistically.

While breed is one factor that contributes to a dog's temperament, it alone cannot be used to predict whether a dog may pose a danger to his or her community. A September 2000 study published in the Journal of the American Veterinary Medical Association (VetMed Today: Special Report) further illustrates this point. The report details dog bite related faralities in the United States from 1979 through 1998, and reveals that over the nineteen years examined in the study at least twenty-five different breeds or crossbreeds of dogs have been involved in fatally wounding a human being. Breeds cited range from the oft-maligned pit bulls and rottwellers to the legendary "forever loyal" breed of St. Bernards. The study was conducted by a group of veterinarians, medical doctors, and psychology and public health experts.

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2100 L Street, NW, Washington, DC 20037 \* 202-452-1100 \* Fax: 202-778-5132 \* www.heus.org

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The main conclusion of the study was that breed specific legislation doesn't work for several reasons including the inherent problems in trying to determine a dog's breed, making enforcement of breed-specific legislation difficult at best; the fact that fatal attacks represent a very small portion of bite-related injuries, and should not be the major factor driving public policy; and specifically noted that non-breed specific legislation already exists and offers promise for prevention of dog bites. I have enclosed a copy of that study for your information.

Two decades ago, pit bulls and rottweillers (the most recent breeds targeted) were of little to no concern. At that time it was the Doberman pinscher who was being vilified. Two years ago no one had heard of the Presa Canario breed, involved in the tragic, fatal attack on Diane Whipple in California in January of 2001. Now, that breed is being sought by individuals who desire the now "killer dog." Unfortunately, the "problem dog" at any given time is often the most popular breed among individuals who tend to be irresponsible, if not abusive, in the control and keeping of their pets. Simply put, if you ban one breed, individuals will just move on to another one. Banning a breed only speeds up the timetable.

Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In fact, it has been no answer at all. In some areas, media hype has actually increased the demand for dogs whose breed is in danger of being banned. Animal control agencies, even those that are well funded and equipped, have found the laws to be an enforcement nightmare.

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Again, breed alone is not an adequate indictor of a dog's propensity to bite. Rather, a dog's tendency to bite is a product of several factors, including but not limited to:

- early socialization, or lack there of, of the dog to people
- sound obedience training for recognition of where he or she "fits" with regard to dominance and people or mistraining for fighting or increased aggression
- genetic makeup, including breed and strains within a bread
- quality of care and supervision by the owner (is the dog part of the family or is she kept chained outside)
- current levels of socialization of the dog with his or her human family
- behavior of the victim
- whether the dog has been spayed or neutered

If the goal is to offer communities better protection from dogs who are dangerous, then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more

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effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective and fair solution to the problem of dangerous dogs in all communities.

Comprehensive "dog bite" legislation, coupled with better consumer education and forced responsible pet keeping efforts, would do far more to protect communities than banning a specific breed. I encourage you to read the Community Approach to Dog Bite Prevention by the American Veterinary Medical Association, available to be read at: http://www.avma.org/press/dogbite/dogbite.pdf

The HSUS is committed to keeping dogs and people safe and is available and willing to offer guidance and advice should you choose to draft legislation that will decrease the incidence of dog bites and aggression.

Also see our website <u>www.nodogbites.org</u> for information. I do hope you will reconsider your current ban. Please let me know if I can answer any other questions.

Best wishes,

Sicphanic Shuin
Director of Outreach
Companion Animals

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# Boston

July 16, 1997

## **OPERATION DOG TAG**

"Operation Dog Tag" started out as a combined task force effort to control various dog complaints in the District 11 area of jurisdiction during the Summer of 1996. As a result of it's success, as both a law enforcement tool as well as an educational opportunity, it was expanded in its area of use.

As of this moment the task force is actively investigating numerous situations involving animals other than just dogs. We are looking into complaints of fighting animals for wager, illegal kennels/shelters, cruelty and neglect, as well as illegal shipment of animals. Our investigations have spread throughout numerous locations within the United States and into Puerto Rico.

One very apparent side effect has been the opportunity for members of the task force to engage in educational instruction to many owners of animals. We have discovered that many people, who are animal owners, are from other cultures and only need a chance to be instructed in the proper care of animals under the American rules regulating such actions. A great number of animal owners we deal with are more than willing to abide by the laws, but were simply unaware of them. Rabies vaccination is one of our most strongly emphasized issues, when dealing with the public as a whole. Many free Rabies Inoculation Fairs are offered throughout the area, which also offer the opportunity for licensing the animals at the same time



THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116



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Our present goal is to establish this highly successful strategy at a state wide level, with future hopes for both a regional and possibly national organization. A "quality of life" issue such as this is a cornerstone in the foundation of the Community Policing effort now ongoing throughout the Country. We are available to assist any agency that has an interest in our efforts and welcome their inquiries.

Our task force is comprised of Boston Police Officers of District 11's Community Service Office, Officers of the Animal Control Unit of the City of Boston, Animal Rescue League of Boston Law Enforcement Department, and Law Enforcement Officers of the Massachusetts Society for Prevention of Cruelty to Animals.

Respectfully,

Sgt. Thomas Flanagan Supervisor Community Service Office District 11 Boston Police Department

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# TASK FORCE PROCEDURES

The present task force consists of Boston Police Officers, City of Boston Animal Control Officers, Law Enforcement Officers of the M.S.P.C.A. and Animal Rescue League of Boston Law Enforcement Officers.

When conducting an operation the task force breaks down into three or four teams controlled by the number of people available.

Each team consists of a Police Officer in uniform, Animal Control Officer, and a member of either A.R.L. or M.S.P.C.A.

Each team should have an animal inspector as a member of the team.

An animal ambulance should be available for utilization if an animal is to be seized and removed.

If an animal is to be removed it should be done as quickly as possible to prevent escalation of emotions by those affected

Radio contact must be available between each team, preferably by using the police officers department radio.

Locations to be investigated should be established by a combined input of information received by all agencies involved.

When operating in a housing development, either public or privately managed, a member of the management team should accompany each team.

All teams should be supplied with educational material for distribution to all animal owners encountered. These flyers/booklets should emphasize the importance of Rabies shots and correct licensing procedures. The educational opportunity allows for greater interaction with the community as well as enhances the chances for additional information concerning animal violations in the area.

As an option members of drug units, gang units, or other specialized units should be offered the chance to join the teams. Many observations can be made by these units for use at later times.

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Prior talk concerning these operations should be held to a minimum with actual locations not disclosed until actually traveling to them.

All commanding officers should be informed about any operation that will visit numerous locations or possible critical locations at least two days prior to actual operation.

Follow-up by telephone is often a very useful tool as many animal owners will be willing to talk at length about other situations when not in the company of others.

Animal violation hearings should be utilized in minor situations involving incidents such as excessive barking/crying by animal, failing to clean up after animal, vicious animal, dog bites, etc.

Animal control violations should be available for issue by team members. (Boston utilizes tagbook style of citations)

Probably the most important item is that the members of the team must know what they are talking about and have to be aware of the correct laws regarding animals. Mis-information can cause extensive harm to all of the potential positive results that can be obtained.





March 9, 1998

# "OPERATION DOG TAG AND BEYOND"

About three years ago the police officers assigned to the Community Service Office of District 11 were handed a totally new problem. The residents of Dorchester were being overwhelmed by vicious dog situations. Many of the animals were being used for intimidation purposes against all members of the area, young and old, black and white.

The officers reached out to other areas for assistance, but no one else had faced this situation. As a result of this a task force was formed by seeking members of various agencies capable of assisting. Calls were made and a meeting date was set. A completely new tool was invented to alleviate the worries of Dorchester's residents.

The new tool was "The Animal Control Task Force" and it consisted of members of the Boston Police (District 11), Animal Control City of Boston, Animal Rescue League of Boston, and last but far from least, The Massachusetts Society for the Prevention of Cruelty to Animals. The first "Operation Dog Tag" was conducted on District 11 and was a complete success from all aspects. Other "Operation Dog Tag" maneuvers have been conducted since then, in other districts throughout the City, all being extremely successful.

With this success under it's belt the Task Force members have now progressed to what we hope is a more proactive area. We are now developing a new animal abuse/child abuse/domestic violence initiative. The initiative is in it's first stages of implementation and already appears to be another innovative success story.

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March 16, 1998

To:

Animal Control Task Force Members

From:

Sgt. Tom Flanagan

Subject:

Next Scheduled "Operation Dog Tag"

To all members,

Spring is rapidly returning and as the weather gets better the problems start to reappear. As a result of numerous calls already received by some of us, it's time to get going again.

The Task Force is planning on conducting the first sweep of the year on Thursday March 26, 1998. We will be meeting at District 11, 40 Gibson Street, Dorchester at 3:30 P.M. From the look of the list already assembled we can figure on about a three hour operation.

Any member of the Task Force is more than welcome to participate on the 26th, and we would like to see you. We are also planning on taking this opportunity to update everyone on the Task Force's plans for the future.

Enclosed with this letter you will find a short update titled "Operation Dog Tag and Beyond". The information pertains to our latest efforts in working to reduce child abuse/domestic violence through proactive avenues. We are working with the Child Witness to Violence Project from Boston Medical Center on this initiative, and things are moving rapidly.

Thanks.

Tom Flanagan

Community Service Office

District 11

(617) 343-4524

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March 30, 1998

# OPERATION DOG TAG

### SPRING 1998

On Thursday March 26, 1998, Operation Dog Tag was conducted by the Combined Agency Task Force. As a result of the operation the following was accomplished:

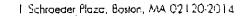
- 19 Locations were investigated. Locations were on Districts 3, 11, & 13.
- 2. 2 Dogs were seized 70 Bowdoin St. 1 dog & 65 Stratton St. 1 dog.
- 3. 3 Fowl were removed from 20 Maxwell St. (District 3).
- 4. 2 I.S.D. inspection intakes were submitted for locations on District 3.
- 5. I Quarantine notification was issued as part of a continuing dog bite investigation by the Animal Rescue League of Boston.
- 6. 1 Cruelty to Animals complaint is to be sought in Dorchester District Court as a result of the investigation conducted at 70 Bowdoin St.
- 7. 8 Citations were issued to various dog owners with some of the fines exceeding \$500.00.

Respectfully submitted

Sgt. Thomas Flanagan

Community Service Office

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May 14, 1998

To:

Animal Control Task Force Members

From:

Sergeant Tom Flanagan

Subject:

New Member of Task Force

Hi,

I am taking this opportunity to introduce everyone to our newest Task Force member. Aimee Thompson is our latest addition, and a very important part of our future. Aimee works for The Child Witness to Violence Project, which originates from Boston Medical Center. I have been part of this project since it first started five years ago.

With the addition of these wonderful people a whole new area of animal investigations is now on line. We are now working in a proactive mode of child/domestic violence prevention through the use of animal situations. As everyone is probably aware of there is an incredibly close tie between animal cruelty and later acts of child abuse and domestic violence.

Enclosed you will find a flyer developed by Aimee that is a major component of the information provided on animal cruelty follow-up visits. Along with other information concerning batterers, and where to get help, we leave this pamphlet with individuals involved with animal cruelty investigations. The flyers are also used to encourage others to assist those they believe are victims of ongoing violence. In these instances the flyers can be used to access the system without placing anyone in jeopardy. Aimee's phone number is on the flyer, and people are encouraged to call her with any questions about the Child Witness to Violence Project.

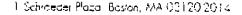
Respectfully.

Sgt. Tom Flanagan

Community Service Office

District II

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September 3, 1998

To:

Animal Control Task Force Members

From:

Sgt. Tom Flanagan

Subject:

Anniversary Update

Hi to Everyone,

The Task Force has now been in existence for two years. The time has gone by extremely fast and much has been accomplished. We have been contacted by agencies from all over the United States and Canada. Many requests have been in the form of pleas for help in dealing with vicious dogs, youth gangs and organized dog fighters. As I found out very quickly we are not the only areas that were having problems but we were the only agencies that got together and moved to solve the problems. We started with a letter asking for help with a dog and are now handling dog fighting, cock fighting, animal cruelty, ritualistic use of animals, child abuse and domestic violence linkage.

Some of the investigations have taken us long distances and hopped from down South to Chicago and back to New England. One case even took us to Puerro Rico, where we were lucky enough to have a contact in law enforcement that helped us follow ., that information right back here to two locations in Massachusetts. We have been able to go before the courts with some of the cases and as of right now all the cases we have presented have resulted in guilty findings, and the majority have also produced time to be served by the defendants. Four more cases have pending trial dates in the next few months and I feel they will also be successful in obtaining convictions.

Since our addition of Aimee Thompson from the "Child Witness to Violence Project" we have also opened a new area of investigation. Members of the Task Force now conduct follow-up visits to prior animal cruelty locations to look for indications of the animal abuse/child abuse, domestic violence correlation that occurs in such a high instance. Task Force members have made over fifty visits, and the reception received from people at the locations has been incredible. We have yet to have a door stammed in our face or threats made to get off property. The statements made by the individuals we have spoken to prove without a doubt that we are performing a desperately needed service. One woman's opening statement, in particular, stands out in my mind. Her response to our introduction at the front door was "how did you know I was being abused, thank God you're here".

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What is ahead for the Task Force? We now know that we have a successful program in place. Our next step is to provide the information, and training if needed, to as many agencies as possible. We will begin teaching Officers from the Boston Police Department at the end of this September. The officers will be arrending training provided by the Child Wimess to Violence Project. When training is completed the officers will know what to look for when investigating violent crimes in which children are witnesses. Children will be seen in a completely new light. The responding officers will now notice telltale characteristics displayed by the children after their training. Quite possibly the most important lesson learned by the officers is what to do when the children show the warning signs.

I hope to reach other agencies outside law enforcement before the much too distant future. What we have learned should be taught to Social Service Agencies, Domestic Violence Agencies, Humane Societies, Animal Control Officers, School personnel and community members. We have started reaching out to the community in Dorchester by attending community meetings, civic association meetings and local health center staff meetings. In June we conducted training at the New England Community Police Partnership seminar held at Saint Auselms' College in New Hampshire. Over seven hundred-law enforcement related people, from all over the Northeast attended the seminar. Many requests for information have been received from those attending. Hopefully more members of the Task Force will be attending conferences in the future and will also be able to speak about what we are all doing. If there are members that would like someone else from the Task Force to do the speaking please contact me and I will help you out.

None of the things I have talked about have happened because of one person, we have all made this happen by working together and sharing information, thoughts and ideas. We still explain to people that the Task Force is simple in concept, low in cost, but full of dedication and determination. I constantly get a chuckle out of the look on peoples faces when we say this, they seem almost disappointed that it isn't a very complex operation costing huge amounts of money. Maybe it is because that was what they could have used as an excuse for not becoming involved and making a better community for the people that depend on them.

Sincerely,

Tom Flanagan
Community Service Office
District 11
Boston Police

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October 13, 1998

To:

All Task Force Members

From:

Tom Flanagan

Subject:

"Operation Dog Tag" Update

Hello Everyone,

I just wanted to make sure everyone gets to see the latest results of the Task Force. The investigation took eighteen months from start to sentencing, but it was well worth the effort. I think we have made a major impression on those that had their doubts about our effectiveness.

We know there are more situations like this still going on throughout the area. I have three more cases pending in Dorchester alone. Our purpose now is to provide as much support as possible to those agencies that need help gaining backing within their departments.

Since our last letter we have had three new people join the Task Force. Welcomes go out to Don Harper, Animal Control Officer, Biddeford Maine and State Director of the Maine Animal Control Association; also joining us is Officer Angela Aurelio of the Framingham Police Department and Katherine Sheehan from Framingham Animal Control.

Please keep us updated regarding any important matters that happen in your area so we can spread the word, also let us know if you need any assistance. We are in existence to help each other as well as learn from each other.

Sincerely.

Sgt. Tóm Flanagan

Community Service Office

District 11

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### October 1998

# ANIMAL CONTROL TASK FORCE MEMBERS

Sergeant Tom Flanagan Boston Police Department

40 Gibson Street, Dorchester 02122

Officer Paul Johnston Boston Police Department

40 Gibson Street, Dorchester 02122

Captain Tom White Animal Rescue League of Boston

10 Chandler Street, Boston 02116

Lieutenant Alan Borgal Animal Rescue League of Boston

10 Chandler Street, Boston 02116

Officer Rigaud Lee Animal Rescue League of Boston

10 Chandler Street, Boston 02116

Officer Chris Charbonneau Animal Rescue League of Boston

10 Chandler Street, Boston 02116

Officer Scott Giacoppo M.S.P.C.A.

350 S. Huntington Avenue, Boston 02130

Officer Martha Parkhurst M.S.P.C.A.

350 S. Huntington Avenue, Boston 02130

Sergeant Charles Rudack Animal Control – Boston

1 City Hall Plaza (#811), Boston 02201

Officer Pat Conroy Animal Control - Boston

1 City Hall Plaza (#811), Boston 02201

Officer Lena Cabrerra Animal Control – Boston

l City Hall Plaza (#811), Boston 02201

Ms. Aimee Thompson Child Witness to Violence Project

91 E. Concord St., Mat. 5, 02118

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Officer Angela Aurelio

Framingham Police Dept.

81 Union Av., Framingham 01701

Katherine Sheehan

Framingham Animal Control

150 Concord St., Framingham 01701

Captain Chauncey Normandin

Lowell Police Department

50 Arcand Drive, Lowell 01852

Officer Barbara Malec

Lowell Police Department

50 Arcand Drive, Lowell 01852

Officer Jeff Davidson

Lowell Police Department

50 Arcand Drive, Lowell 01852

Edward Patenaude

Lowell Animal Control

1365 Middlesex Street, Lowell 01854

Officer Mike Driscoll

Lawrence Police Department

90 Lowell Street, Lawrence 01840

Officer Kevin Farnsworth

Lynn Animal Control

3 City Hall Square, Lynn 01901

Officer David Wall

Lynn Animal Control

3 City Hall Square, Lynn 01901

Officer Lorial Russell

Wellfleet Animal Control

Post Office Box # 1843, Wellfleet 02667

Officer Donald E. Harper

Animal Control Officer

City of Biddeford Police Department

39 Alfred Street

Biddeford, Maine 04005

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# Man sentenced , for abusing dogs

cles as "Dr. Dog," was sentenced yesterday to a year in jail for animal cruelty, police said. Last year, Medina, 20, was banned from keeping dogs after he was charged with running an illegal kennel of sickly, scarred canines, including pit bulls allegedly made to fight. Of the 17 dogs taken from his property, officials said, most were in such poor health they had to be put down. Medina's conviction is the fifth for the city's Animal Control Task Force of the 17 of the 17 of the 17 of the 18 of the 18 of the 18 of the 19

# octor Dog' to be caged in jail for one year

# BY AZELL MURPHY CAVAAN

A Dorchester man was sentenced to one year in jail for animal cruelty after authorities removed 17 malnourished and badly injured dogs from his home, police said yesterday.

"There was dog feces everywhere, no ventilation and no food," said Sgt. Tom Flanagan of the Boston Police Department. "The conditions were far past

horrible."

Javier Ruperteo, 20, of Dorchester, is a well-known figure in the dog-fighting fraternity, police said. Known as "Doctor Dog," he trained dogs for fighting and performed repair work on dogs wounded in brawls.

"He did patch-up jobs after dogs were ripped up in fights," said Flanagan. "He was big in this world. He's been around a long time."

The Animal Control Task Force paired up with Boston police for the IB-month investigation, which culminated with the eventual arrest of Ruperteo. Tips from community members led police to Ruperteo's door.

Most of the dogs were confined in transport cages in the basement and backyard, Flanagan said. Of the 17 dogs, mostly pit bulls, found in Ruperteo's home, 10 had to be put to sleep by a veterinarian.

fight, chances are they will also become child abusers and domestic abusers." Flanagan said, "We want

to stop this kind of behavior, be

it progresses."

"They were just unsalvageable," said Flanagan. "They had to be put

A number of the dogs, used for the fights had been stolen, and a few were returned to their owners after the arrest, Flanagan said.

Yesterday's sentencing marks the fifth dog-fighting animal cruelty conviction since last year. Several other investigations remain under way, Flanagan said. "If someone is training dogs to

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Animal control violations should be available for issue by team members. (Boston utilizes tagbook style of citations)

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# CITY OF BOSTON



# IN THE YEAR TWO THOUSAND

# AN ORDINANCE

# RELATING TO THE REGISTRATION OF DOGS AND FURTHER REGULATING DANGEROUS OR VICIOUS DOGS

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

1	WHEREAS, vicious dogs are so dangerous that they constitute a threat to
2	children and others in the city; and
3	WHEREAS, vicious dogs occasionally escape from the yard or building in
4	which they are kept, by slipping under a fence, jumping over a fence, slipping out
5	through a door or gate temporarily opened or unlatched, breaking the leash or
6	chain, or pulling up the anchor for the chain or leash; and
7	WHEREAS, children too young to read may wander too close to a dog,
8	even in the presence of "beware of dog" signs; and
9	WHEREAS, it is the policy of the City that children and others should not
10	have to assume the risk of a vicious dog having an opportunity to attack or to kill,
11	and
12	WHEREAS, the benefits to a dog owner in owning a dangerous dog are
13	outweighed by dangers to children and to the general public.
14	NOW THEREFORE BE IT ORDAINED:
15	Section 1: Chapter 16 of the City of Boston Ordinances is hereby amended by
16	inserting the following new section, after Section 1.9A:.
17	16-1.9B Dangerous or Vicious Dogs
18	A) A "dangerous or vicious" dog as the term is used in this section shall mean
19	1) Any dog that has bitten or attacked any person and any dog
20	that has attempted to bite or attack any person. A dog shall be

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The owner or keeper shall display a sign or signs on his or her premises 1 facing out from all sides of the premises warning that there is a dangerous or 2 vicious dog on the property the location and design of which shall be determined 3 by the Dog Officer. This sign should be visible and capable of being read from a 4 public way or within 20 feet of its placement. In addition, the owner shall 5 conspicuously display a sign with a symbol warning children who cannot read of б the presence of a dangerous or vicious dog. 7 The Dog Officer may permit a dangerous or vicious dog to be off the 8 owner's or keeper's premises if it is muzzled and restrained by a lead or chain 9 approved by the Dog Officer not exceeding three feet in length and is under the 10 control of an adult, able-bodied person. The muzzle must be made in a manner 11 that will not cause injury to the dog or interfere with its vision or respiration, but 12 must prevent it from biting any person or animal. No dog designated as a 13 dangerous dog shall be permitted at public festivals, carnivals, parades or similar 14 events, without an event specific waiver from the Dog Officer. 15 The provisions of this Ordinance regarding dangerous or vicious dogs shall 16 not apply to animals owned by law enforcement agencies and used for law 17 18 enforcement purposes. The owner or keeper of any dangerous or vicious dog who fails to comply with the requirements as set forth in paragraph (c) shall be subject to a fine of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for any subsequent offense. If said animal is found on property not owned or controlled by its owner or keeper, or not restrained in a secure area per

paragraph (c) of this section on two separate occasions within a twelve-month

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period as documented by the Dog Officer, said animal shall be forever banned from within the limits of the City of Boston.

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- (e) Each day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.
- (f) A dog shall not be considered legally licensed, pursuant to G.L. c. 140 §§ 137, 147, unless the owner is in full compliance with this ordinance.
- 7 (g) Compliance with the requirements of this section shall not be a
  8 defense to an order of disposal of a vicious dog pursuant to G.L. c.
  9 140, §157.
  - (h) The City of Boston Dog Officer shall be required to record the breed of any dog quarantined because of biting a human being or another animal. On October 1st of each year the dog officer shall deliver to members of the city council a report on the breeds of dogs that have bitten human beings or other animals during the previous year.
- 15 Section 2: To the extent permitted by G.L. c. 140 §172, fines collected pursuant
- 16 to the provisions of this ordinance and Chapter 16 of the City of Boston
- 17 Ordinance, Section 1.9A and all dog registration and licensing fees collected
- pursuant to Chapter 18 of the City of Boston Ordinances, Section 1.4 (6-10) shall
- be deposited into a revolving fund within the Animal Control Unit of the Property
- 20 Management Department with disbursement at the direction of the Commissioner
- of Property Management, pursuant to the provisions of G.L. c. 44, §53E1/2, and
- shall be subject to annual authorization by the City Council with the approval of
- 23 the Mayor. Said fund shall be utilized as follows: to reimburse for administrative
- 24 costs to those City agencies which enforce this ordinance and Chapter 16 of the
- 25 City of Boston Ordinances, Section 1.9 and for costs associated with licensing and

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- registration. The total amount which may be expended from such fund in fiscal
- year 1997 shall not exceed amounts authorized under the aforesaid Section
- 3 53E1/2.
- 4 Section 3: The title of Chapter 16 of the City of Boston Ordinances, section
- 5 32.3 is hereby amended to read as follows:
- 6 16-32.3 Alternative Noncriminal Disposition of Violations of Subsections 16-19,
- 7 16-32.4 16-1.9B and 16-12.7.
- 8 Section 4: The first sentence of Chapter 16 of the City of Boston Ordinance,
- 9 Section 32.3 is hereby amended by inserting after 16-1.9 the following: ,16-1.9B
- 10 Section 5: The first sentence of Chapter 16 of the City of Boston Ordinances,
- 11 Section 32.3 is hereby further amended by inserting the following after the last
- word of the sentence: and the Animal Control Unit of the Property Management
- 13 Department.
- 14 Section 6: pursuant to the provision of St. 1909, c. 486, §5, as amended by St.
- 15 1953, c. 473, chapter 16 of the City of Boston Ordinances is hereby amended by
- inserting the following new section, after Section 1.9B:
- 17 16-1.9C Dog Registration & Licensing.
- 18 All the powers and duties associated with dog registration and licensing in the City
- 19 of Boston, heretofore exercised by the Police Commissioner of the City of Boston
- 20 and the Inspectional Services Department pursuant to B.L. c. 140 are hereby
- 21 transferred to the Animal Control Unit of the Property Management Department.
- 22 The following positions in the Property Management Department and the
- 23 Inspectional Services Department shall be reclassified or transferred to and within
- 24 the Property Management Department: the incumbent Executive Assistant
- 25 responsible for Animal Control in the Property Management Department shall be

2000 - 122 - 222 - 200	· · · · · <u> · · · · · · · · · · · · ·</u>	<u> </u>		 1.451.26 <u>. 1.561.1.5</u> 4.21.1		ad add a sid at <u>a sid</u>	11.1.17.17.17.17.1.1.1.1.1.1.1.1.1.1.1.	
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I	deemed to be attempting to attack if it is restrained by a leash, fence
2	or other means, and it is clear from the dog's excited actions that
3	only the presence of the leash, fence or other means of restraint is
4	preventing the dog from making an immediate attack.
5	2) Any dog with a known propensity, tendency or disposition to
6	attack, to cause injury to, or to otherwise threaten the safety of
7	domestic animals.
8	Such incidents shall be evidenced by verified reports of the Dog Officer
9	and shall be governed by the procedures delineated in G.L. c. 140, § 157.
10	When a dog is deemed to be vicious, the Office of Animal Control may
11	order any or all of the following:
12	1) Spay or neutering
13	2) Microchip Identification
14	3) Behavior Training
15	b) An "owner or keeper" of a vicious dog shall mean an individual who is
16	the registered owner as well as an individual who keeps, harbors, or possesses a
17	vicious dog.
18	c) While on the owner's or keeper's property, a dangerous or vicious dog
19	must be securely confined indoors or in a securely enclosed and locked pen or
20	structure of a type meeting standards established by the Dog Officer, suitable to
21	prevent the entry of young children, and designed to prevent the animal from
22	escaping. Such pen or structure must have a minimum dimension of five feet by
23	ten feet and must be securely enclosed. If it has no bottom secured to the sides,
24	the sides must be imbedded into the ground no less than two feet. The enclosure
25	must also provide protection from the elements for the dog.

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- reclassified to the position of Executive Assistant (Director of Animal Control);
- the incumbent Dog Officers in the Inspectional Services Department shall each be
- 3 transferred to the position of Animal Control Officer to the Property Management
- 4 Department; the incumbent Administrative Assistant in the Animal Control Unit
- of the Inspectional Services Department shall be transferred to the Property
- 6 Management Department to the position of Administrative Assistant (Animal
- 7 Control). Each of the aforementioned positions and each subject employee who
- 8 immediately prior to such transfer or reclassification held and office or position
- 9 subject to Civil Service Laws and Rules shall be appointed without examination or
- 10 registration and shall upon such appointment retain all rights to retirement with
- pension that shall or would have accrued, and each such employee's service shall
- 12 be deemed to be continuous to the same extent as if this transfer or reclassification
- 13 had not taken place.
- 14 Section 7: Chapter 18 of the City of Boston Ordinances, Sections 1.4 (6-10) are
- 15 hereby amended by deleting the several references to "the Police Commissioner"
- 16 and inserting in place thereof: the Animal Control Unit of the Property
- 17 Management Department.
- 18 Section 8: All of the fees appearing in Chapter 18 of the city of Boston
- 19 Ordinances, Sections 1.4(6)-(10) are hereby increased by the amount of two
- 20 dollars (\$2,00).
- 21 Section 9: Severability Clause. If any provision of this ordinance shall be
- deemed unconstitutional by a court of appropriate jurisdiction, the remaining

23 provisions shall remain in effect.

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**Endorsement of Model Dangerous Dog Legislation** 

Submitted by the COG **Animal Services Committee** 



### **BOARD RESOLUTION** R13-03 **{APPROVED MARCH 12, 2003}**

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### METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS 777 North Capitol Street, N.E. Washington, D.C. 20002

### RESOLUTION ENDORSING DANGEROUS DOG POSITION STATEMENT AND DANGEROUS DOG MODEL LEGISLATION

WHEREAS, the Metropolitan Washington Council of Governments (COG) has sought methods to protect the public health and safety of the citizens of the Washington metropolitan region; and

WHEREAS, the Metropolitan Washington Council of Governments has worked to address the problems of animal protection throughout the Washington metropolitan region; and

WHEREAS, the COG Animal Services Committee, identified dangerous dogs as an immediate and continuing public safety issue impacting the Washington metropolitan region; and

WHEREAS, the COG Animal Services Committee, the COG Human Services and Public Safety Policy Committee, and the COG Human Services Policy Committee have developed and reviewed a Dangerous Dog Position Statement and Model Dangerous Dog Legislation which can protect persons by identifying dogs of all breeds that exhibit the propensity for dangerous behavior before an attack; and

WHEREAS, the Centers for Disease Control and Prevention (CDC), American Veterinary Medical Association (AVMA), The Humane Society of the United States (HSUS), The National Animal Control Association (NACA), and The American Kennel Club (AKC) all support this approach.

### NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:

- 1. The Dangerous Dog Position Statement and Model Dangerous Dog Legislation is endorsed by the Metropolitan Washington Council of Governments Board of Directors.
- 2. The Dangerous Dog Position Statement and Model Dangerous Dog Legislation is attached and shall be transmitted to each jurisdiction for review, consideration and enactment.



### **Endorsement of Model Dangerous Dog Legislation**

# **Submitted by the COG Animal Services Committee**



### **EXECUTIVE SUMMARY**



# Animal Services Committee, Dangerous Dog Subcommittee Presentation to The Metropolitan Washington Council of Governments Board of Directors



#### **Executive Summary**

One of the most difficult situations any local government may face is how to handle the attack of a dog on a young child or person. There are often complaints from the community directed at the local animal control agency for non-responsiveness and demands for stronger legislation. These situations often become headlines in the local news and are understandably very emotional issues. Citizens frequently ask why the jurisdiction has to wait for a dog to attack or bite before an intervention can occur? Most laws do not allow animal control agencies to act until there is an egregious act.

More and more jurisdictions and animal control agencies have found a legislative solution that works well to identify dogs of all breeds that exhibit a propensity for dangerous behavior in their community. The Model Dangerous Dog legislation, with a potentially dangerous dog category, enables the jurisdiction to place restrictions on the dog and educate the owner before a serious attack occurs.

The Model Dangerous Dog legislation was developed based on legislation, information and studies relating to dog bites and attacks around the country. Best practices include educating dog owners, enforcing strong animal control laws and adopting legislation with a potentially dangerous dog category to protect the public health and safety of the residents and visitors in the community. The Centers for Disease Control and Prevention (CDC), American Veterinary Medical Association (AVMA), The Humane Society of the United States (HSUS), The National Animal Control Association (NACA), and The American Kennel Club (AKC) all support this approach.

The COG Animal Services Committee strongly supports the Model Dangerous Dog Legislation with a potentially dangerous dog category for submission to the member jurisdictions to be adapted and integrated into existing laws.

The COG Animal Services Committee seeks endorsement of this position statement and companion Dangerous Dog Model Legislation with a potentially dangerous dog category.

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### **Endorsement of Model Dangerous Dog Legislation**

# **Submitted by the COG Animal Services Committee**



### POSITION STATEMENT

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### METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS ANIMAL SERVICES COMMITTEE



#### POSITION STATEMENT: DANGEROUS DOG LEGISLATION

The Metropolitan Council of Governments and its Animal Services Committee supports legislation that addresses potentially dangerous dogs. The COG Animal Services Committee recommends that jurisdictions develop a law enforcement program that applies equal requirements and restrictions on all dogs that exhibit dangerous behavior, regardless of breed. Successful programs include identification, citations and impoundment and possible euthanasia. The COG Animal Services Committee does not support breed specific legislation. The recommendations in support of dangerous dog legislation are based on research done by the Center for Disease Control, The American Veterinary Medical Association, The American Humane Association, and The Humane Society of the United States.

Statement Approved 11/07/01

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# **Endorsement of Model Dangerous Dog Legislation**

# **Submitted by the COG Animal Services Committee**



### **BACKGROUND**

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#### Dangerous Dogs

#### Background

The COG committee on dangerous dogs met on February 11 to discuss dangerous dogs and legislation to control them. The committee is charged with examining dog bites and attacks and to provide guidance to local jurisdictions in legislation to control dangerous dogs and minimize attacks.

The committee agreed on the following points:

- > Research and statistics have shown that a strong law enforcement program is essential to reducing dog bites and attacks and increasing compliance with animal control with laws that protect the public health and the safety of our community.
- > By identifying potentially dangerous dogs, we hope to avert serious attacks.
- > Statistics across the country have shown that breed bans do not work. Many jurisdictions have repealed bans for this reason.
- > Targeting only one breed does not solve problems. Trying to ban a certain breed would be unenforceable and expensive. This would make it difficult to identify persons bringing in other breeds that may be more aggressive and dangerous than the banned breeds.
- ➤ Dogs other than pit bulls can and do cause serious injury. No major entities support the ban, including as the Centers for Disease Control (CDC) and the Humane Society of the United States (HSUS).

The committee identified best practices for local governments and animal control agencies, and also drafted a model dangerous dog ordinance.

Best practices were identified as:

- Education
- Legislation
- Enforcement
- Sterilization
- Anti-tethering
- Proper training
- Socialization.

A copy of the model ordinance is attached.

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### **Endorsement of Model Dangerous Dog Legislation**

# **Submitted by the COG Animal Services Committee**



### **MODEL LEGISLATION**



### Metropolitan Washington Council of Governments Model Dangerous Dog Legislation

#### § 1. Definitions

For purposes of this chapter, the term:

- (a) "Dangerous dog" means any dog that:
  - (1) Causes a serious injury to a person or domestic animal; or
  - (2) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (6) of this section."
- (b) "Serious injury" means any physical injury that results in broken bones or lacerations that may require multiple sutures or cosmetic surgery.
- (c) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard or structure measuring at least 5 feet in width, 10 feet in length, and 6 feet in height, with secure sides, which provides protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.
- (d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
- (e) "Impound" means taken into the custody of the Animal Control Agency/Department of this jurisdiction.
- (f) "Potentially dangerous dog" means a dog that poses a threat to public safety as demonstrated by any of the following behaviors:
  - (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
  - (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
  - (3) Running at large and impounded by an Animal Control Agency three (3) or more times within any 12- month period.

#### § 2. Determination of a potentially dangerous dog

- (a) After an investigation which must be initiated within four days after the situation becomes known to the Animal Control Agency, the Animal Control Director is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 1(f) and shall notify the owner of the dog in writing of that status within five days after the completion of the investigation.
- (b) Following notice to the owner, if the Animal Control Director has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public

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- safety, the Animal Control Director may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog.
- (c) The owner may, within 5 business days after a determination that a dog is a potentially dangerous dog, bring a petition in this jurisdiction seeking review of the determination. A decision by this jurisdiction overturning the Animal Control Director's determination shall not affect the Animal Control Director's right to later declare a dog to be a potentially dangerous dog or a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

#### § 3. Determination of a dangerous dog

- (a) After an investigation, the Animal Control Director is authorized to make a determination whether a dog is dangerous based on the factors listed in § 1(a) and shall notify the owner of the dog in writing of that status. If the Animal Control Director has probable cause to believe that a dog is a dangerous dog, the Animal Control Director may convene a hearing for the purpose of determining whether the dog in question shall be declared a dangerous dog and to determine if the dog would pose a threat to public safety if returned to its owner. Prior to the hearing, the Animal Control Director shall conduct or cause to be conducted an investigation and shall provide reasonable notice of the hearing to the owner.
- (b) Following notice to the owner and prior to the hearing, if the Animal Control Director has probable cause to believe that a dog is a dangerous dog and may pose a threat to public safety, the Animal Control Director may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog.
- (c) The hearing shall be held no less than 5, and not more than 10 days, excluding holidays, Saturdays and Sundays, after service of notice upon the dog's owner. The hearing shall be informal and open to the public. The owner shall have the opportunity to present evidence as to why the dog should not be declared a dangerous dog or not determined to pose a threat to public safety if returned to its owner. The Animal Control Director may present all issues for or against the owner of the dog regardless of whether the owner appears at the hearing.
- (d) Within 5 days after the hearing, the Animal Control Director shall notify the owner in writing of the determination.
- (e) The owner may, within 5 days after a determination that a dog is a dangerous dog, bring a petition in this jurisdiction seeking review of the determination. A decision by this jurisdiction overturning the Animal Control Director's determination shall not affect the Animal Control Director's right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

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#### § 4. Exceptions

No dog shall be declared a dangerous or potentially dangerous dog if:

- (a) The dogs was used by a law enforcement official for legitimate law enforcement purposes.
- (b) The threat, injury or damage was sustained by a person:
  - (1) who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
  - (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  - (3) who was committing or attempting to commit a crime; or
- (c) The dog was:
  - (1) responding to pain or injury, or was protecting itself, its offspring; or
  - (2) protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

### § 5. Consequences of a dangerous or potentially dangerous dog determination

- (a) If the Animal Control Director determines that a dog is a potentially dangerous dog under § 3, the owner shall comply with the provisions of §§ 5 and 6 and any other special security or care requirements the Animal Control Director may establish.
- (b) If the Animal Control Director determines that a dog is a dangerous dog under § 2, the owner shall comply with the provisions of §§ 5 and 6 and any other special security or care requirements the Animal Control Director may establish.
- (c) The Animal Control Director may humanely destroy a dog that has been determined to pose a threat to public safety if returned to its owner as determined by the hearing examiner.
- (d) The Animal Control Director may require impoundment of the dog until the owner of the dog has satisfied all the requirements of the holding permit. The requirements must be met within 30 days.

### § 6. Dangerous dog and potentially dangerous dog registration requirements

- (a) The Animal Control Director shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the animal control agency that:
  - (1) the owner of the potentially dangerous dog is 21 years of age or older;
  - (2) a valid license has been issued for the potentially dangerous dog pursuant to jurisdiction;
  - (3) the potentially dangerous dog has current vaccinations;
  - (4) the owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog;

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- (5) the owner has paid an annual fee in an amount to be determined by the Animal Control Director, in addition to regular dog licensing fees, to register the potentially dangerous dog.
- (6) the potentially dangerous dog has been spayed or neutered;
- (7) the potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered.
- (8) the potentially dangerous dog owner shall enter the dog in a socialization, behavior program offered by the jurisdiction.
- (b) The Animal Control Director shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration of a potentially dangerous dog pursuant to paragraph (a) of this section, establishes to the satisfaction of the animal control agency that:
  - (1) the owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept;
  - (2) the owner of the dangerous dog has secured a policy of liability insurance issued by an insurer qualified under Jurisdiction law in the amount of \$300,000 insuring the owner for any personal injuries inflicted by the dangerous dog and containing a provision requiring the Jurisdiction to be named as an additional insured for the sole purpose of requiring the insurance company to notify the Jurisdiction of any cancellation, termination, or expiration of the liability insurance policy;
  - (3) the owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and
  - (4) the owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be visible from the public highway or 50 feet, which ever is less.
- (c) The Animal Control Director may order the immediate impoundment or humane destruction of a dangerous dog if the owner fails to abide by the conditions for registration of a dangerous dog.
- (d) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in § 1(g) within the 36 months since the date of the potentially dangerous dog determination, then that dog is no longer subject to the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors.

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(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act.

### § 9. Annual dangerous dog licensing drive; educational program

The Animal Control Director shall encourage dangerous dog owners to participate in preventative programs offered by the jurisdiction.

Revised Date February 20, 2003

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### § 7. Dangerous or potentially dangerous dog owner responsibility

It shall be unlawful to:

- (a) Keep a dangerous or potentially dangerous dog without a valid certificate of registration issued under § 6;
- (b) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person and restrained by a chain or leash, not exceeding 4 feet in length;
- (c) Fail to maintain a dangerous dog exclusively on the owner's property except for medical treatment or examination. When removed from the owner's property for medical treatment of examination, the dangerous dog shall be caged or under the control of a responsible person and muzzled and restrained with a chain or leash, not exceeding 4 feet in length. The muzzle shall be made in a manner that will not cause injury to the dangerous dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;
- (d) Fail to notify the Animal Control Director within 24 hours if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the dangerous or potentially dangerous dog has been sold or given away the owner shall also provide the Animal Control Director with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;
- (e) Fail to maintain the liability insurance coverage in the amounts required under § 6(b) for dangerous dogs;
- (f) Fail to surrender a dangerous or potentially dangerous dog to the Animal Control Director for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses a threat to public safety; or
- (g) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director may establish pursuant.

#### § 8. Penalties

- (a) An owner of a dangerous or potentially dangerous dog who violates the provisions of § 6 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both, for a first offense and not more than \$1,000 or imprisonment not to exceed 90 days, or both, for a second offense. Prosecutions for misdemeanor violations of this act pursuant to this paragraph shall be brought in the Superior Court of this jurisdiction by the Corporation Counsel for this jurisdiction.
- (b) An owner of a dangerous or potentially dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to \$10,000.

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## A community approach to dog bite prevention

American Veterinary Medical Association
Task Force on Canine Aggression and Human-Canine Interactions

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Julie Horvath, BS, Division of Education and Research, American Veterinary Medical Association, 1931 N Meacham	regulation of "dangerous" dogs 5. Suggested reading for professionals

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#### Introduction and Problem Statement

Dog bites are a serious public health problem that inflicts considerable physical and emotional damage on victims and incurs immeasurable hidden costs to communities. Bites have been tolerated as a job-related hazard for utility and postal workers, but for many communities the problem may be more encompassing. Following a severe attack, there is usually an outcry to do something, and the something that is done often reflects a knee-jerk response. Only later do officials realize that the response was not effective and, in fact, may have been divisive for the community. To assist communities in avoiding such ineffective responses, the AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions. Although the number of injuries will never be reduced to zero. Task Force members believe a well-planned proactive community approach can make a substantial impact. The information contained in this report is intended to help leaders find effective ways to address their community's dog bite concerns."

Scope of the problem

Dogs have shared their lives with humans for more than 12,000 years, and that coexistence has contributed substantially to humans' quality of life. In the United States, there are slightly more than 53 million dogs sharing the human-canine bond, 23 more dogs per capita than in any other country in the world. Unfortunately, a few dogs do not live up to their image as mankind's best friend, and an estimated 4.5 million people are bitten each year, 45 although the actual number injured is unknown.6 Approximately 334,000 people are admitted to US emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings. An unknown number of other people who have been bitten do not sustain injuries deemed serious enough to require medical attention. Still another group of individuals is not represented by these data, those that incur injuries secondary to a bite or attempted bite. For example, a jogger may trip and break an arm while fleeing from a threatening dog.

Of concern too are the demographics of typical dog bite victims. Almost half are children younger than 12 years old. <sup>83</sup> People more than 70 years old comprise 10% of those bitten and 20% of those killed. <sup>9,10</sup>

Direct costs of dog bite injuries are high. The insurance industry estimates it pays more than \$1 billion/y in homeowners' liability claims resulting from dog bites. Hospital expenses for dog bite-related emergency visits are estimated at \$102.4 million. There are also medical insurance claims, workmen's compensation claims, lost wages, and sick leave-associated business costs that have not been calculated.

Which dogs bite?

An often-asked question is what breed or breeds of dogs are most "dangerous"? This inquiry can be prompted by a serious attack by a specific dog, or it may be the result of media-driven portrayals of a specific breed as "dangerous." Although this is a common concern, singling out 1 or 2 breeds for control can

result in a false sense of accomplishment.<sup>14</sup> Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community's citizens.

Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite. Invariably the numbers will show that dogs from popular large breeds are a problem. This should be expected, because big dogs can physically do more damage if they do bite, and any popular breed has more individuals that could bite. Dogs from small breeds also bite and are capable of causing severe injury. There are several reasons why it is not possible to calculate a bite rate for a breed or to compare rates between breeds. First, the breed of the biting dog may not be accurately recorded, and mixed-breed dogs are commonly described as if they were purebreds. Second, the actual number of bites that occur in a community is not known, especially if they did not result in serious injury. Third, the number of dogs of a particular breed or combination of breeds in a community is not known, because it is rare for all dogs in a community to be licensed, and existing licensing data is then incomplete.7 Breed data likely vary between communities, states, or regions, and can even vary between neighborhoods within a community.

Wolf hybrids are just that hybrids between wild and domestic canids. Their behavior is unpredictable because of this hybridization, and they are usually treated as wild animals by local or state statutes. Wolf hybrids are not addressed by this program.

Sex differences do emerge from data on various types of aggression. Intact (unneutered) male dogs represented 80% of dogs presented to veterinary behaviorists for dominance aggression, the most commonly diagnosed type of aggression. Intact males are also involved in 70 to 76% of reported dog bite incidents.7.15 The sex distribution of dogs inflicting unreported bites is not known. Unspayed females that are not part of a carefully planned breeding program may attract freeroaming males, which increases bite risk to people through increased exposure to unfamiliar dogs. Dams are protective of their puppies and may bite those who try to handle the young. Unspayed females may also contribute to the population of unwanted dogs that are often acquired by people who do not understand the long-term commitment they have undertaken, that are surrendered to animal shelters where many are destroyed, or that are turned loose under the misconception that they can successfully fend for themselves. 16

Dog bite costs to a community

Costs associated with dog bite injuries cannot be readily measured, because so many intangible quality of life issues are involved. This makes it more difficult for community councils to justify the time, effort, and expense necessary to institute a bite reduction program when compared to a new fire truck, street paving, or city park. Intangible costs include time spent by volunteer and paid community officials on animal-related issues, deterioration of relationships between neighbors, building appropriate medical support, citizens' concerns about neighborhood safety for children,

homeowners' insurance costs within the community, and animal shelter support for unwanted pets. These are quality of life issues that ultimately determine the desirability of a community to its citizens and that can motivate proactive community officials to institute a prevention program.

This program

Reducing the incidence of dog bites requires active community involvement; passive attention or a token commitment is not sufficient. By actively focusing on dog bite prevention, the State of Nevada was able to reduce the incidence of bites by approximately 15%. Members of the Task Force represented a broad range of disciplines and designed the program presented here. It was recognized that the community approach must be multidisciplinary and that different communities will have different needs based on their level of commitment, preexisting programs, and available resources. Although the best results will be obtained by adopting the entire prevention program, the program is designed so that it may be adopted as a whole or in part. Either way, the goal remains to reduce the incidence of dog bites within communities and improve quality of life for their citizens.

Multidisciplinary and Multiprofessional Groups

It is unlikely that a dog bite prevention program will begin in a complete vacuum. Typically, some formal program is already in place under the auspices of animal control, the health department, or local law enforcement. Efforts may also be under way by other groups such as educators or dog breeders. It makes sense to identify related activities to determine what needs are not being met, find likely sources of support or resistance, and avoid duplication of effort and potential turf battles (Appendix 1).°

Identify dog bite issues in the community

Each community has a unique set of dog bite-related problems and its own approaches to confronting them. A central task is to identify these particular issues. The project begins by assessing the political landscape regarding dog bites and dog bite prevention. Before launching a program, it is useful to pinpoint the degree of current and potential support among corporate and community leaders as well as legislators and senior staff in the dog bite prevention program's sponsoring agency.

Recognize hot buttons—Crafting a program is easler if the objectives mesh with a highly visible community issue. For example, there may be public outcry about dog waste or a publicized dog attack. Such a situation may provide impetus for a campaign to support licensing and leash laws or ordinances pertaining to reporting dog bites. When community groups and the media have already invested in finding a solution to the dog bite problem, program organizers can dovetail their efforts and work collaboratively with these groups.

**Community interest**—Knowing the degree of support that exists for a prevention program is important.

The prior existence of a program suggests support, but this may not always be the case. The active support of a commissioner or health department head (local or state) is critical, because without his/her backing, a fledgling dog bite prevention program is vulnerable to shifting funding initiatives and political pressure. Public officials are influenced by vocal well-organized constituencies, so it is important to know what dog bite-related agendas are getting politicians' attention. It also helps to know whether any legislators have a strong interest in the dog bite issue.

**Dogs in the news**—News accounts can provide clues as to how dog-related issues have played out over time. Compare these accounts with available statistical data and scientific assessments for reliability.

#### Identify potential partners, allies, support, and funding sources

Determine which organizations in the community are likely to support program efforts or resist them. Some individuals and organizations will emerge as natural allies; some old hands will be glad to work with a new partner in the dog bite prevention field, and some will actively welcome a new focal point for dog bite prevention activity. Learning about various entities and their interest and involvement in dog bite control can help answer questions in the following areas.

Community resources—Organizations, agencies, businesses, and individuals offering training, assistance, consulting, library or computer search capabilities, in-kind contributions, volunteer help, or supplemental funding must be identified.

Currently available data—Before launching a major effort to collect dog bite data, it is wise to determine whether an assessment has already been done. Ask about reports related to injuries and costs from dog bites, surveys that include dog bite or dog ownership information, opinion surveys or other studies describing community perceptions about the need for dog bite prevention, and similar information. If possible, find out what happened to existing assessments and related recommendations. Knowing the history of previous evaluation and prevention efforts will help in development of a new program. If an assessment has been done, determine whether methods and conclusions are sound.

Legislation—It is important to know what interventions (eg, leash laws, "dangerous" dog ordinances) have been previously introduced and their history of success. Individuals involved in these efforts may be valuable allies in new programs. In addition, current ordinances should be evaluated to determine whether enforcement or revision could increase their effectiveness.

Barriers—Ownership of particular dog bite issues and potential turf battles should be confronted realistically. In addition, it must be acknowledged that a dog bite prevention program may attract opposition from groups on philosophical grounds (eg, groups that strongly support personal freedom argue that the gov-

ernment should not mandate licensing of dogs). Clubs for specific breeds may not be supportive if they fear their breed will be singled out in a negative way. Barriers can be overcome by a fresh approach to old problems or by agreeing to carve out areas of responsibility among interested groups. Typically, there are many more problems than there are organizations to tackle them, so it makes sense to avoid attacking similar issues.

Develop an advisory council

Obtaining community input can be as sophisticated as conducting public opinion surveys or holding focus groups to learn about what the community sees as pressing dog bite issues. More likely, there will be limited funds at the outset of the program, so more informal but also potentially valuable approaches may be required. These include meetings with potential partners and interested groups to learn about their constituencies' concerns. This type of informal interview can be a great help in uncovering key dog-related issues as perceived by the community. Talking with people in neighborhoods most affected by dog bite problems is important. For example, if there is a problem with dog bites in low-income neighborhoods, obtaining the views of people living there can help identify the nature of the problem and potential solutions.

An advisory council or task force that represents a wide spectrum of community concerns and perspectives creates a source of support for program initiatives. Advisory groups provide guidance for a dog bite prevention program and may focus on specific high-priority dog bite issues. Although organizing and maintaining an advisory council is labor-intensive, it can substantially benefit the program. Members may be able to provide access to useful information that is not otherwise easy for the coordinator to obtain. Members can also identify ways in which the program can work with appropriate voluntary organizations and associations. People with experience in dog bite control can offer perspective about the program and help identify potential pitfalls as well as successful strategies. Participation by members representing community organizations builds a sense of ownership in the dog bite prevention

Logistics in starting an advisory council include identifying organizations and individuals that should participate (Appendix 1), determining the size of the council, establishing a structure and operating procedures for the council and its regular meetings, assigning staff support, determining the relationship between the staff and the council, and reaching an agreement about key tasks. When community members and government officials work together to support the creation and development of a local task force, it enhances the

group's visibility and impact.

To foster an involved and active advisory council, professionals agree that several criteria must be met. The number of participants should be kept manageable; 10 to 12 is a size that works well. If it is necessary to have more members for political reasons, breaking the group into smaller committees or working groups

will improve the dynamics. For example, groups could coalesce around data issues, legislation and policy, and so on. Involving participants from the start in meaningful tasks will underscore that this is a productive group. In addition, people are more likely to support a program they participated in creating, because they have a sense of ownership.

Because each community's needs and priorities differ, the advisory council's major tasks will vary. The advisory council or one of its working groups may con-

sider the following activities:

coordinating efforts among participating organizations

developing an action plan

establishing dog bite prevention priorities

- generating public and legislative support for dog bite control
- identifying dog bite reporting sources

interpreting data

- identifying and obtaining resources for program activities (educational, financial, staffing)
- providing technical expertise for the program
- recommending goals and objectives for prevention

It is recommended that the program be overseen by a paid coordinator. The program coordinator and other staff involved can contribute to the advisory council's success by good meeting planning and preparation, regular communication with members, working with the advisory council chairperson to set the agenda, and helping to solve problems that threaten to derail the process. As with any volunteer effort, a dog bite prevention advisory council is likely to thrive if the coordinator nurtures its members with regular expressions of appreciation.

#### Infrastructure 🛩

A coordinated effort is essential for success in any venture, and each individual or organization involved must have a clear sense of their/its responsibilities. Reducing the incidence of dog bites requires the cooperation of many groups, including animal control agencies, the human and veterinary medical communities, educators, departments of health, and the local licensing authority. Open and consistent communication is an integral part of an effective program, and one entity should be designated as the coordinating agency. A logical coordinating agency would be the health department or animal control. In addition, it is imperative that an appropriate agency be granted authority to conduct investigations and make recommendations.

Program coordinator

As previously mentioned, dog bite prevention efforts should be assisted by a paid staff person. Because the diversity of input is so great, it is recommended that the office of the advisory council's program coordinator be located within the municipality's coordinating agency. Individuals, agencies, or organizations that come into contact with or are aware of a "dangerous" dog or risky situation should provide this information to the coordinator. The coordinator should then relay all information to the proper recipients.

Animal control agencies

Animal control officers are the frontline in controlling animal bites. A well-resourced animal control agency is vital for public health and safety within any community. In some communities, animal control is a stand-alone agency. In others it is administered through the local city or county health director or is a subsidiary of the local police department or sheriff's office. Wherever located, the functions of animal control within communities are multiple, including:

training of animal control officers and ancillary

personnel

licensing of dogs and cats

enforcement of leash laws, ordinances, regulations, and statutes

control of unrestrained and free-roaming animal populations

investigation of animal bite-related incidents

 administration of rabies quarantine programs after an animal bites

bite data management, analysis, and dissemination

regulation of "dangerous" animals

 educational outreach within the community regarding responsible ownership, spay/neuter programs, control of "dangerous" animals, rabies vaccinations

coordination of efforts

Larger communities often possess more resources to properly fund animal control agencies and provide adequate staff<sup>17</sup> and training; however, smaller animal control programs can also be effective, even when they operate on a limited budget. Dedicated personnel can accomplish much if they have community support, including support from law enforcement and the judiciary.

#### Preventive measures

Preventive measures are designed to minimize risk and should be addressed by all communities.

Control of unrestrained and free-roaming animals—Reasonable and enforceable laws or ordinances are required for good control of unrestrained or freeroaming animals (Appendix 2).18 Laws written to ensure that owned animals are confined to their property or kept on a leash make freeing a community of unrestrained and free-roaming animals easier. Although most dog bites occur on the property where the dog lives, unrestrained or free-roaming dogs do pose a substantial threat to the public. Enforcement of restraint laws is, therefore, essential if the incidence of dog bites is to be reduced. It is important to protect animal owners by providing an adequate amount of time for them to claim animals that have been impounded. Because of economic constraints, the current standard in the industry is 3 working days; however, 5 days may be more reasonable to ensure successful owner-animal reunions. Control of unrestrained and free-roaming animal populations requires an adequately staffed, trained. and funded animal control agency.

Licensing of dogs—The primary benefit of licensing animals is identification, should that animal

become lost. Licensing also ensures rabies vaccinations are current, allows quick identification in case of a bite incident, and provides revenue to help offset the costs of administering the animal control program. An effective program can be a source of reliable demographic data as well.

Vaccinations—Rabies vaccinations are normally a prerequisite for licensing dogs and cats, because they are an important control measure for a major public health concern. In addition to protecting pets, rabies vaccinations provide a barrier between infected wild animals and humans. Vaccination has reduced confirmed cases of rabies in dogs from 6,949 in 1947 to 126 in 1997.

Breed or type bans—Concerns about "dangerous" dogs have caused many local governments to consider supplementing existing animal control laws with ordinances directed toward control of specific breeds or types of dogs. Members of the Task Force believe such ordinances are inappropriate and ineffective.

Statistics on fatalities and injuries caused by dogs cannot be responsibly used to document the "dangerousness" of a particular breed, relative to other breeds, for several reasons. First, a dog's tendency to bite depends on at least 5 interacting factors: heredity, early experience, later socialization and training, health (medical and behavioral), and victim behavior. Second, there is no reliable way to identify the number of dogs of a particular breed in the canine population at any given time (eg, 10 attacks by Doberman Pinschers relative to a total population of 10 dogs implies a different risk than 10 attacks by Labrador Retrievers relative to a population of 1,000 dogs). Third, statistics may be skewed, because often they do not consider multiple incidents caused by a single animal. Fourth, breed is often identified by individuals who are not familiar with breed characteristics and who commonly identify dogs of mixed ancestry as if they were purebreds. Fifth, the popularity of breeds changes over time, making comparison of breed-specific bite rates unreliable.

Breed-specific ordinances imply that there is an objective method of determining the breed of a particular dog, when in fact, there is not at this time. Owners of mixed-breed dogs or dogs that have not been registered with a national kennel club have no way of knowing whether their dog is one of the types identified and whether they are required to comply with a breed-specific ordinance. In addition, law enforcement personnel typically have no scientific means for determining a dog's breed that can withstand the rigors of legal challenge, nor do they have a foolproof method for deciding whether owners are in compliance or in violation of laws. Such laws assume that all dogs of a certain breed are likely to bite, instead of acknowledging that most dogs are not a problem. These laws often fail to take normal dog behavior into account and may not assign appropriate responsibilities to owners.

Some municipalities have attempted to address notice and enforcement problems created by unregistered and mixed-breed dogs by including in the ordinance a description of the breed at which the ordinance is directed. Unfortunately, such descriptions are usually vague, rely on subjective visual observation, and result in many more dogs than those of the intended breed being subject to the restrictions of the ordinance.

Animal control legislation has traditionally been considered a constitutionally legitimate exercise of local government power to protect public safety and welfare. Breed-specific ordinances, however, raise constitutional questions concerning dog owners' fourteenth amendment rights of due process and equal protection.20 When a specific breed of dog is selected for control, 2 constitutional questions are raised: first, because all types of dogs may inflict injury to people and property, ordinances addressing only 1 breed of dog appear to be underinclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is impossible, such ordinances have been considered unconstitutionally vague and, therefore, to violate due process.

#### After a bite occurs

It is important to have a well-defined postbite program in place to minimize physical and emotional pain for dog bite victims. This allows animal control personnel to work efficiently, protects animals that are victims of false allegations, and provides the judiciary with reasonable alternatives that address a variety of situations. State laws may dictate parts of this process.

Investigation of animal bite-related incidents—Any animal bite or incident must be thoroughly investigated and substantiated by an agent of the empowered investigating authority such as an animal control officer, police officer, or peace officer. Ideally, the investigating authority should be the same authority that enforces related ordinances or laws to give continuity and credibility to all investigations. Investigating officers must be given authority to perform their duties by statute or ordinance. Clear, concise, standardized information concerning the incident must be obtained to ensure its successful resolution and facilitate long-term data collection (Appendix 3).

Postbite rabies quarantine programs—A healthy dog that is currently vaccinated against rables and that bites a human should be examined by a licensed veterinarian to determine its health status. If no signs of illness compatible with rabies are detected, the dog should be quarantined. The Centers for Disease Control and Prevention has set the quarantine period for dogs, cats, and ferrets at 10 days, including the day of the bite. Vaccinated dogs can be allocated to 2 categories: those that have bitten a member of the immediate family and those that have bitten an individual outside the immediate family. Home quarantine can be considered for vaccinated dogs that have bitten a member of the immediate family, assuming the owner can confine the dog in a manner that prevents further exposure, Vaccinated dogs that have bitten a human outside of the immediate family generally should be quarantined at the local shelter or veterinarian's office. At the end of the quarantine period, the dog should

undergo a physical examination. In addition, interim evaluations are highly recommended.

A dog that is not currently vaccinated against rabies and that bites a human should be considered a rabies suspect and be appropriately quarantined. Contact with the dog during the quarantine period should be strictly limited to individuals who have completed rabies prophylaxis and are up-to-date on serologic testing and booster vaccinations. Physical examinations should be conducted at the beginning and end of the quarantine period to determine the dog's health status. Quarantined dogs may be treated by a veterinarian, but rabies vaccines should not be administered to the dog until the quarantine period is complete. If at any time during the quarantine period the dog has signs of illness compatible with rabies, it should be humanely euthanatized and samples submitted for rabies testing.

Records of all bites must be kept, including information specifically identifying the dog and owner. These should be crosschecked with each incident for evidence of a chronic problem.

Identification and regulation of "dangerous" dogs-Certain dogs may be identified within a community as being "dangerous," usually as the result of a serious injury or threat. That classification, because it carries with it serious implications, should be well defined by law (Appendix 4). Any such definition should include an exclusion for justifiable actions of dogs. Procedures should be outlined that take into account the potential public health threat, are reasonable to enforce, and convey the seriousness of the situation to the owner. Although animal control officers or their statuary counterparts are responsible for collecting information, a judge or justice will hear evidence from animal control officers and the dog's owner to determine whether that dog fits established criteria for "dangerousness." In some municipalities, a hearing panel comprising a cross section of private citizens hears alleged "dangerous" dog evidence and has been given the authority to declare a dog "dangerous" if deemed appropriate. Any declaration by a hearing panel, judge, or justice is subject to judicial review.

A judge, justice, or hearing panel may promulgate orders directing an animal control officer to seize and hold an alleged "dangerous" dog pending judicial review. If a dog is determined to be "dangerous" by a judge, justice, or hearing panel, the owner of that dog is usually required to register the dog with the appropriate health department or animal control facility. The judicial process may also require the owner to follow other rigid requirements, including but not limited to permanent identification of offending dogs, training and assessment of dogs and owners, and having offending dogs spayed or neutered.

Because the judicial branch is such an integral part of any enforcement action, the judiciary must assist during formulation of "dangerous" dog laws. If the judiciary is involved, its members will be aware of the process that must be followed to declare a dog "dangerous." In addition, they will be aware of steps that have already been completed and the options available when a particular case reaches the courts.

**Bite Data Reporting** 

Accurate and complete reporting of dog bites is an essential element of a bite prevention program. These reports are vital not only for case management and judicial review but for planning, implementing, and evaluating the status of the problem. Major goals of comprehensive dog bite data reporting include:

 accurately defining victim demographics to identify populations at greatest risk for bites and allow

targeting of educational efforts

 defining dog and owner characteristics associated with higher risk so that an actuarial approach to the dog bite problem is possible (this facilitates effective program planning and proper targeting of control measures)

 defining high risk geographic areas at city, county, or neighborhood levels so that limited resources for animal control and public education can be

appropriately deployed

 establishing baseline data so that the impact of specific elements of the bite prevention program can be assessed

providing an accurate, detailed, unbiased, objective source of information for decision makers, media, and the public interested in the dog bite problem and its prevention

providing critical information for proper manage-

ment of dog bite cases

What should be reported?

At a minimum, a dog bite case should be defined as any medically-attended dog bite or any dog bite resulting in a report to an animal control or law enforcement agency. This would presumably cover those instances consuming public resources and would also include cases that may result in litigation.

A number of data elements should be captured on a report form such that it is comprehensive in scope without placing unnecessary burdens on reporting agencies (Appendix 3). Fatal and severe dog attacks on humans have been associated with prior or concurrent attacks on pets or livestock, so it is important that communities also track those incidents. Maintaining records of incidents of menacing behaviors of owned dogs running at large in the community may be found useful in later legal actions.

Who should report?

The goal is to report any medically treated dog bite or any bite resulting in a report to, or response from, an animal control agency, humane society with animal control responsibilities, or law enforcement agency. Therefore, the primary sources of data should be:

animal control or law enforcement agencies

responding to a dog bite complaint

health professionals attending to a bite injury (hospital emergency staff, urgent care facility staff, private physicians, school or camp medical staff, medical staff of other entities such as military bases or reservations, and veterinarians)

Recognizing that many dog bites go unreported, a comprehensive program to assess dog bite incidence

should consider possible secondary sources of data. These may include:

 anonymous surveys of high-risk populations (eg, school-age children) that may clarify the true extent of risk in a community

anonymous surveys of the public (eg. phone surveys) that can help document the extent of bite injuries and provide a basis for estimating the ratio

of unreported to reported bites

reports from professionals including veterinarians, animal behaviorists, dog trainers, groomers, and kennel operators who are informed of a bite incident (mandating that any or all of these professions report bites may be unrealistic given the potential legal consequences of identifying an animal as a biter)

Reporting mandates are often inconsistent between jurisdictions or are poorly enforced. Current local and state reporting regulations should be reviewed, as should directives from health or veterinary officials. If current provisions are adequate, it may be necessary to implement procedures to reeducate professionals concerning their reporting obligations and periodically remind them of these obligations. When a failure to report is uncovered, it may be an opportunity to gain the attention of the professional, because sanctions may be imposed.

Who should receive reports?

Reporting should be coordinated by one agency. Logical agencies to coordinate reports include animal control or the public health department. The coordinating agency, perhaps through the dog bite prevention program coordinator, must assume responsibility for maintaining all information and disseminating that information to other appropriate individuals or agencies (eg, veterinarians, physicians, the dog owner, and those involved in follow-up educational efforts).

To insure consistency and compliance, regulations or procedures should unambiguously state to whom reports should be submitted and within what time

frame the reports should be submitted.

#### Data management, analysis, interpretation, and dissemination

Because multiple sources may report the same case, procedures should be in place to permit combination of data from multiple sources into a single report. Avenues should be developed for electronic submission of reports to assist in rapid response, to streamline reporting to higher levels of government, and to facilitate data analysis. Whereas disposition of individual incidents is the first goal for reporting, there is much to be learned from looking at the overall picture. Keeping information in an electronic database simplifies the latter.

Data should be reviewed at regular intervals (no less than yearly) to determine whether the incidence and severity of dog bites is getting better, worse, or staying the same. Basic analysis consists of studying

the characteristics of incidents, including:

 time—yearly trends, peak months, day of week, time of day. This can help with scheduling animal control services as well as dispatch and response planning.

 place—Tocating every incident on a map with a pin. Are there hot spots? This can help target high risk areas for future control.

 person—victims and animal owners: age, sex, race, size. Can they be targeted for education?

dog—proportion of offenders by sex and breed, proportion running at large, proportion neutered, proportion with prior reported problems, history of rabies vaccinations, licensing history. Have these proportions changed over time?

Successful evaluation and resolution of a community problem and accurate assimilation, evaluation, and use of quality data requires interactive assessment, feedback, and information exchange. City, county, and state public health practitioners, epidemiologists, and representatives of public health organizations (eg, the National Association of State Public Health Veterinarians, the Council of State and Territorial Epidemiologists, the Association of State and Territorial Health Officers, and the National Association of County and City Health Officials) can provide communities with considerable expertise in the acquisition and interpretation of dog bite data. Their participation should be encouraged.

#### Education

Education is key to reducing dog bites within a community. The list of those to be educated and those who may educate includes everyone who regularly comes into contact with dog owners and potential victims (eg, veterinarians, veterinary technicians and assistants, animal control officers, animal behaviorists, dog trainers, humane society personnel, physicians, school nurses, public health officials, teachers, and parents).

The purposes of this section are to educate city officials and community leaders about the role of various professionals in an educational program to reduce dog bites, provide starting references to ensure a core of knowledge for those professionals (Appendix 5), and assist in identification of the educational needs of various constituencies within a community.

Public officials and community leaders

Public officials and community leaders are the people to whom residents look for assistance with social problems. Their influence is important and well recognized. If a community dog bite prevention program is to gain public acceptance and be effective, community leaders must be well-informed about dog-related issues within their community and in general.

#### Professionals

Professionals from many backgrounds need to be involved in bite prevention programs. Their expertise is essential to making realistic decisions about what should and can be done to prevent or follow up on dog bite incidents and in recognizing what is normal or abnormal behavior for a dog. Several of these professionals will likely be members of the advisory commit-

tee, but all should be encouraged to be a part of a community's efforts to decrease the impact of a dog bite problem.

Many professions mentioned in this document are science-based. This means their members are used to making decisions on the basis of peer-reviewed data-supported information rather than gut feelings. This approach to decision making results in improved outcomes. Because the dog bite problem impacts so many different groups, networking between community leaders and professionals is important. The following sections describe ways that various professionals and community leaders can work together toward a common goal.

Veterinarians—Veterinarlans are scientists trained for a minimum of 7 to 8 years and then licensed to diagnose and treat animal problems both medical and behavioral. Although most people think of veterinarians as performing animal vaccinations and surgical neutering, the practice of veterinary medicine includes all subdisciplines typically associated with human medicine. The study of animal behavior both normal and abnormal has become more important within the profession as animals have become more important to their owners. Dogs are now four-legged members of the family, rather than farm animals that help bring cows into the barn at milking time. With this change in the dogs role have come unrealistic owner expectations about what constitutes normal behavior for a dog. Veterinarians can educate dog owners as to what behavior is normal, can help dog owners teach their dogs to respond appropriately in various environments and provide referrals to reputable dog trainers, and can assist owners with behavioral problems, including those that have a medical basis or are responsive to medication.

Until recently, animal behavior was not often taught in veterinary curricula. Many veterinarians have had to acquire their knowledge of normal and abnormal canine behavior from continuing education programs and professional textbooks. For this reason, different veterinarians have different degrees of knowledge about behavior. All veterinarians, however, have access to board-certified veterinary behaviorists for help with behavioral problems beyond their expertise.

Although the time, physical, and emotional demands of veterinary practice can be overwhelming and leave limited time to devote to a formal community prevention program, veterinarians can substantially impact prevention efforts through their professional contact with prospective and current dog owners. This contact should begin before the pet is acquired. Providing unbiased information on pet selection can help prevent inappropriate owner-dog pairings. Prospective dog owners often make spur-of-themoment selections that are based on warm-and-fuzzy feelings and unrealistic expectations. Encouraging prospective dog owners to seek information from their veterinarian about the characteristics and needs of various types of pets and encouraging future dog owners to ask for guarantees from puppy providers can minimize future problems. When owners take their newly

acquired dogs to their veterinarian for an initial examination and immunizations, the veterinarian has a second opportunity to provide these owners with good medical, nutritional, and behavioral advice. Finally, veterinarians can educate owners during their dogs routine examinations (asking appropriate questions can reveal problems an owner may not have recognized) or when their dogs are evaluated for specific problems.

Board-certified veterinary behaviorists—The American College of Veterinary Behaviorists (ACVB), an American Veterinary Medical Association-recognized veterinary specialty organization, certifies graduate veterinarians in the specialty of veterinary behavior. To become certified, a veterinarian must have extensive postgraduate training, sufficient experience, and pass a credential review and examination set by the ACVB. Diplomates of this organization work with problem animals by referral from the animal's regular veterinarian, consult with practitioners on cases, and give continuing education seminars on animal behavior. Although many communities may not have the benefit of a resident board-certified veterinary behaviorist, veterinarians have access to and may consult with their specialist colleagues when necessary.

Veterinary technicians—Veterinary technicians are integral members of the veterinary health care team who have been educated in the care and handling of animals, basic principles of normal and abnormal life processes, and routine laboratory and clinical procedures. They perform many of the same tasks for veterinarians that nurses and others perform for physicians. Veterinary technicians are often frontline people when it comes to educating pet owners, particularly in general veterinary practices; they greet clients and answer initial inquiries, clarify instructions, provide clients with appropriate print, audio, and video educational material, and answer questions. Certainly, they are an important part of the educational team when it comes to dog bite prevention.

Like veterinarians, veterinary technicians have several opportunities to educate clients. Veterinarians may be consulted prior to owners acquiring a new pet, and veterinary technicians can help provide information on appropriate pet selection. Veterinary technicians regularly counsel owners during new puppy appointments, and this is a particularly good opportunity to provide owners with information on bite prevention, including the importance of socialization and training. Routine physical examinations are times when veterinary technicians can reinforce the importance of these early lessons and training, and they can help veterinarians identify potential aggression problems through observation and dialog with owners. Veterinary technicians can also be tapped to educate nonpet-owning children and adults through school or other programs.

Veterinary technology programs do not always offer curricula in animal behavior and, consequently, many technicians do not have formal training in this area when they enter practice. Continuing education that includes basic principles of animal behavior is

essential for veterinary technicians, just as it is for their employers. Maintaining a clinic reference library of appropriate print, audio, and video material for reinforcement and enrichment and for client education is useful.

Behavioral education for veterinary technicians relative to dog bite prevention should include recognition of classic canine behavioral displays and an understanding of the basic types of canine aggression and their prevention. The aim is to assist technicians in conveying dog bite prevention information to owners. Veterinary technicians must not be placed in the role of diagnosing or treating canine aggression.

Animal behaviorists—There are a number of scientists with PhD degrees in academic fields related to animal behavior who can serve as valuable resources for communities attempting to reduce dog bite injuries. Because of their science-based backgrounds, they can be particularly helpful in setting up protocols to determine the extent of the problem within a community and whether ongoing programs are having a substantial impact.

As a note of caution, the terms animal behaviorist or animal psychologist are often used by individuals who do not have strong scientific backgrounds but who want to work with problem dogs. There is no method to evaluate the competence of these individuals, and they may be more harmful than helpful to a community's efforts.

Dog trainers—This is a diverse group of individuals with no uniformly recognized credentialing body or measures of competence. Although there are many good dog trainers, there are also trainers that use inappropriate methods of behavioral modification that can negatively affect a dog's behavior, making the dog more dangerous to the owner and the community. It is important that communities make a concerted effort to work with responsible trainers who interact closely with veterinarians and PhD-degreed animal behaviorists. A qualified responsible dog trainer can be a valuable asset to a community advisory group.

Obedience training by itself does not prevent the development of behavior problems,<sup>22</sup> and animals that are sent to a training facility may not learn how to obey their owners, because the owners do not learn how to give commands. For problem animals, training is only part of the solution.

Physicians and nurses—With a dog residing in 1 of every 3 US homes and approximately 53 million dogs in the United States, 236 exposure of the physician or nurse, their family members, or their patients to dogs during the course of daily life is inevitable. Dogs have become important members of many families, and the presence of a pet in the home can affect an individual's own decisions about care. Most physicians are familiar with at least 1 example of a person refusing hospitalization, because there was no one else in the home to care for their pet.

Because 334,000 Americans are seen in emergency departments for dog bite injuries each year, 466,000 are seen in other medical practice settings, and 6,000

are hospitalized,<sup>6</sup> it behooves human healthcare providers to acquaint themselves with community and personal strategies to prevent dog bites. Furthermore, just as occurrences of infectious diseases such as measles are reported to enable investigation of outbreaks and development of control measures to protect the public, dog bites must be reported so that cause and prevention can be addressed. Communities differ in their requirements for reporting, and practitioners must understand what is required in their area.

Traditionally, when confronted with patients seeking care for dog bites, physicians and nurses have confined their roles to providing medical treatment. With the expanding roles of physicians and nurses, however, disease prevention has become an important issue. In addition to competently treating dog bites and their complications, healthcare providers need to be aware of critical roles they can play in reducing dog bite

injuries.

Advising patients about safe behaviors appears effective in preventing injury.<sup>23-26</sup> Teaching children, parents, and patients who own dogs about proper behavior around dogs and responsible dog ownership is advisable given the frequency of human-canine contact in our society. Physicians can recommend contacting a veterinarian for pet selection information and advice if an individual or family is considering dog ownership, and for information about canine behavior and obedience training if a dog is already part of the family. Pediatricians provide age-appropriate injury prevention counseling during wellness visits.<sup>26</sup> Dog bite prevention should be a part of this counseling. Dog safety tips can also be included in packets of materials routinely sent home with new mothers.

When a patient is being treated for a bite, an opportunity exists to prevent future injury by teaching bite-avoidance strategies. Probing into the circumstances of the current bite may reveal which strategies should be emphasized. Taking advantage of teachable moments should be considered part of curative care. Consulting with a veterinarian may help human health care providers identify subjects they can address dur-

ing postbite sessions.

As witnesses to the health-related outcomes of dog bites, physicians and nurses are particularly credible sources of information and can be effective spokespersons. Pediatricians and nurses should be full partners in community efforts to reduce dog bite injuries.

Animal control personnel—The staff of a well-resourced animal control program often includes an education coordinator who can train teachers, school nurses, and volunteers to become dog bite prevention educators within the community's school system (similar to volunteers in the McGruff crime prevention program presented to primary-school children). For animal control personnel, job-related continuing education is important. Programs are available through the National Animal Control Association.

Humane society/animal shelter/rescue group personnel—Dog bite injuries have negative repercussions for dogs as well as people, and humane society/animal shelter/rescue group personnel must deal with these

issues. Dogs causing severe injuries may be brought to humane facilities for rabies quarantine or euthanasia. Dogs that have threatened to bite or that have nipped may be surrendered to shelters or rescue groups, sometimes without full acknowledgment by their owners.16 Shelter personnel are forced to decide which dogs can be placed in new homes and which are not suitable for adoption. Progressive organizations work with veterinarians and animal control officers to educate their staff about safe dog handling and objective evaluation techniques. Record keeping and follow-up studies expand their knowledge base about what works in their community and what does not. Well-trained and dedicated humane society/animal shelter/rescue group personnel can be valuable community resources for public education as well.

#### Public

Public education is critical to the success of any dog bite prevention program, because half of all bites are inflicted by the family dog.27 Only about 10% of bites are inflicted by dogs unknown to the victim.7.15 A public education effort must target a variety of individuals and age groups, and one individual should be assigned to integrate its components. If a special advisory council or task force is convened, its paid coordinator would be a logical choice to coordinate the public education effort. Alternatively, the public education coordinator could be a member of a municipal group such as the local health department, animal control agency, or board of education, or a member of a stakeholder group such as a humane society or veterinary association. Many educational programs targeted at various audiences exist and are included in the dog bite prevention resource list found on the American Veterinary Medical Association Web (www.avma.org). As new materials become available, they will be added to this resource list.

Children—Children are the most common victims of serious dog bites. Seventy percent of fatal dog attacks and more than half of bite wounds requiring medical attention involve children. In addition, almost half of all children are bitten before 18 years of age. The most vulnerable youngsters are 5- to 9-year-old boys, the most vulnerable youngsters are 5- to 9-year-old boys, but smaller children can also be seriously injured. Dog bite injuries rank third only to bicycle and baseball/softball injuries as a leading cause of emergency admission of children to hospitals. Children's natural behaviors, including running, yelling, grabbing, hitting, quick and darting movements, and maintaining eye contact, put them at risk for dog bite injuries. Proximity of a child's face to the dog also increases the likelihood that facial injuries will occur. 67,29-31

Target group—The first step in a child education effort is determining what population of children to target and when. The logical primary audience is those at greatest risk: children in grades kindergarten through 4. Late winter or early spring appears to be the best time to institute a campaign, because the school year is concluding and, as children spend more time outside, exposure risk increases.<sup>32</sup> It is critical

that school administrators buy into the concept of a dog bite prevention program; therefore, requests to the school district must be made by committed convincing well-organized individuals. Because school curricula are crowded, time blocks for dog bite prevention education should be requested early within the school system's calendar year. If such a block of time is not available, an alternative is to have a veterinarian or physician present a 1-hour lecture or assembly program to the entire student body. Once dog bite prevention education has been included within the curriculum (or has been scheduled to be provided through a special lecture or assembly program), teachers, nurses, and volunteers should consider addressing the school's parent-teacher organization to inform parents of upcoming dog bite prevention training for their children.

Secondary efforts—Secondary targets include children in other settings, such as early education programs (eg, Head Start, day care centers, recreational centers, and camps).

Identifying instructors—Who teaches the material will depend on expertise within the community. For classroom instruction, teachers who have had in-service training, school nursing staff, health educators, or trained volunteers are logical choices. Stakeholder groups (eg, veterinarians, veterinary technicians, animal control officers, physicians, nurses, humane society staff) may provide a ready source of volunteers for classroom instruction and special programs.

Adults—Adult citizens must understand the need for and support a strong dog bite prevention program not only for their own safety but for the safety of others in their community. It is this understanding that gives a prevention program long-term stability. All adults should learn appropriate behaviors around dogs so that they can protect themselves, teach their own children, serve as an example for others, and reinforce appropriate behaviors in other children at every opportunity. Adults also serve as local eyes for animal control so that roaming dogs are controlled.

Educational materials sent home with school children, distributed by pediatricians during well-child visits, inserted in public utility bills, and produced by an enlightened local media are all reasonable approaches. Involving representatives of service organizations and community groups during a prevention program's planning and active stages will strengthen commitment.

Active adults (eg, joggers, bicyclists, golfers) whose outdoor activities provide greater exposure to dogs are most at risk for injury. To reach these individuals, bite prevention information should be provided to local interest groups, recreational facilities, and health clubs.

Target group—Primary adult targets within the community are those who have children and who are active in outdoor activities.

Secondary efforts—Secondary targets include individuals between the ages of 21 and 65 years.

Identifying instructors—Materials can be developed or selected by animal control personnel, veterinarians, veterinary technicians, or other people knowledgeable about dog behavior. Information can be distributed through a number of channels such as those identified above.

The elderly—As people age, they become more susceptible to injury and disease. Thinning skin increases risk of bruising, and a bite producing a simple puncture wound in a younger individual can cause a severe laceration in a senior citizen. Sensory perception decreases so that an elderly person may not see a threatening dog or may not be able to read its behavioral signals accurately. In addition, diminished motor skills mean that the elderly are less able to physically protect themselves or escape.

Another concern for the elderly is that their beloved pet may not be trustworthy around their grandchildren. Dogs not raised around small children or not frequently exposed to them may not be socialized toward them. This increases the likelihood of aggressive behavior being directed toward these children

An educational program for senior citizens can be implemented in various settings. Materials may be provided through community services for the elderly such as church groups, visiting nurse programs, meals-on-wheels, recreational centers, or travel groups. Secondary targets are shopping malls and the media. Trained volunteers, especially from dog-associated professions, are logical sources of information. Human healthcare professionals can be an important source of information for the elderly because of the frequency of their interactions.

Target group—Primary targets are grandparents and people aged 60 years or older who have dogs in their homes.

Secondary efforts—Secondary targets include other individuals who are at least 60 years old.

Identifying instructors—Physicians can interact with these people during clinic visits. Animal control personnel, veterinarians, veterinary technicians, and people knowledgeable about dog behavior can select or produce resource information.

Animal owners—People who own dogs have a wide variety of views about their responsibilities. For some, dog care means providing food and water when the thought occurs to them. At the other end of this spectrum is the person who actively makes sure the pet is appropriately fed, well-trained, licensed, and healthy. Some individuals view dogs as disposable items that can be abandoned at any sign of trouble or expense. Once a community establishes acceptable standards for responsible ownership, dog owners must be informed of these expectations and related ordinances, and rules must be enforced. Owners and future owners must be educated about their unique set of responsibilities, which include appropriate pet selection, providing quality nutrition, housing, and medical care, compliance with confinement and licensing requirements,

appropriate behavioral training, and supervision of interactions between dogs and children. Citizens must understand that pet ownership is an ongoing responsi-

bility, not a passive activity.

Dog owners can be provided with information through various avenues. Veterinarians and their staff are logical educators and distributors. Local dog clubs and trainers provide services to more conscientious owners. Businesses that sell pet foods and supplies should also be encouraged to provide bite prevention materials to their customers. Information can be distributed with utility bills, and animal shelters can provide classes for people who are considering acquiring a pet. Incentives for attendance at bite prevention classes could include reduced fees for licenses and coupons for vaccinations, food, and obedience classes. The most difficult group of dog owners to reach is those with minimal attachment to their pets. Although strong enforcement of local regulations will change some owners into former owners, most will continue to own dogs. Therefore, education should be an integral part of any enforcement program. A good working relationship with the judiciary is critical so that offenders of animal-related ordinances are required to take courses that emphasize responsible ownership.

Target group—Primary targets are adults who already own dogs.

Secondary efforts—Secondary targets are adults who are considering getting a new dog.

Identifying instructors—Information for this target audience can come from various sources, and its distribution should be approached in a number of ways. Animal control officers and members of the legal profession can describe what is expected regarding local regulations and the serious consequences if these regulations are violated. Veterinarians and their staff can educate owners about vaccinations, neutering, restraint, and other health care issues. Dog club members and trainers can assist by providing socialization and training instruction and can help educate owners about being good dog-owning neighbors.

Victims—When someone becomes a dog bite victim, a teachable moment is created. How useful that moment becomes in preventing future incidents depends tremendously on the seriousness of the bite and the fear response of the victim. Scare-producing or threatening events are good times for dog bite prevention information to be conveyed. However, the time surrounding a serious injury is generally too emotionally charged to be of value for dog bite prevention education.

Who provides information to victims depends, in part, on who is contacted about the incident. In addition to medical personnel, animal control's investigative efforts usually require a home visit. Routine visits to a physician should include gathering historical information about the patient's interactions with dogs to identify patients who would benefit from additional education. Media stories that reinforce correct approaches to prevention can also touch many when they are most receptive.

Target group—Individuals who have recently been bitten by a dog seriously enough to require medical attention but not so seriously as to have sustained severe injuries are the primary target.

Secondary efforts—Secondary targets are individuals who have been bitten by a dog in the past.

Identifying instructors—Medical professionals and animal control personnel are the individuals who encounter this group.

Businesses—Community businesses need to address dog bite prevention as well. Certain businesses (eg, veterinary clinics, grooming and boarding facilitles, animal control, pet sitting agencies) revolve around direct contact with dogs, and employee education is critical from a safety and liability standpoint. Employees of other businesses will occasionally encounter dogs in the course of their daily job activities (eg, utility workers, police officers, parcel carriers, and emergency medical technicians). Training conducted by an animal control officer or other knowledgeable professional may provide employees with the tools they need to safely handle contacts with at-large animals, attack/guard dogs, or dogs who simply reside on the premises of those facilities where they do business.

Target group—Primary targets are employees and business owners who will be working with dogs on a daily basis.

Secondary efforts—Employees of companies who are likely to encounter dogs in their daily business activities can be considered secondary targets.

Identifying instructors—Animal control personnel, veterinarians, veterinary technicians, and dog trainers who are experienced at dealing with dogs in a variety of environments. These individuals will need to customize presentations to the type of situations most likely encountered by the target audiences.

#### Media

The local media play an important role in a community's efforts at bite prevention. For this reason, it is suggested that 1 member of the advisory council or task force be a media representative. In addition, the advisory council can be proactive in helping the media convey important and appropriate messages. Sensational events provide an opportunity to convey important messages. Regular features can reinforce principles and keep educational efforts flowing.

#### Know the media

Your key to the public eye and ear is a selective upto-date list of local media contacts who have an interest in animal issues. Such a list can be developed by undertaking a comprehensive media survey. Check the local library for publications that list names, telephone numbers, and short descriptions of your community's media outlets. Call each office or studio to discover which desks or departments should receive your inquiries and press releases. Read local newspapers and listen to local radio and television news and feature programs to identify reporters and hosts who address animal issues. Finding out whether these individuals gather their own news or use wire services will allow you to target press releases and materials to those who are most likely to use them. Contact local freelance writers to see whether they would be willing to feature a bite prevention message in an upcoming piece. Be aware that your media list will be dynamic, and take time to update the names of specific contacts. Once a helpful story is published, or a reporter conveys your message during a broadcast, be sure to acknowledge that effort by sending a thank-you note or making an appreciative telephone call.

A spokesperson

The community should identify a spokesperson who has the expertise to address complicated dog bite-related issues, and this individual should be provided with media training so that he/she becomes an effective communicator with the print and broadcast media. It is the spokesperson's responsibility to convey information clearly, accurately, and promptly. In various situations, this individual can identify when there are not enough animal control officers to prevent dog packs from forming or when a dog has been "sicced" on a person as a weapon. A knowledgeable and effective communicator can turn a publicized bite into a learning opportunity by providing suggestions on how that bite could have been prevented (eg, the dog was not appropriately controlled or confined, or a child was left unsupervised).

Have information readily available

The advisory council or task force should create a 1-page fact sheet for use by the media and the spokesperson. This fact sheet should include the number of dog bite incidents occurring in the community during the past year, the number of dogs in the community, the number of licensed dogs in the community, what local laws govern dog ownership and control, and to whom problems should be reported. A list of community resources should also be available.

Ways to effectively convey information

Because animal stories are popular with the media, there are numerous opportunities to convey bite prevention information. Local broadcast programs and newspapers find regular segments about animals popular with viewers/listeners/readers, and most of those spots have enough time for short lessons. Another approach is to proactively bring animal stories to the media. Examples include a story about a shelter dog that visits nursing homes after being rescued and appropriately trained, a description of a guide or "hero" dog's training, or warm-weather tips for pets. Effective mechanisms for providing information vary with the medium but include:

News releases—Releases may be provided to print, radio, or television outlets. Releases should be double-space typed on stationery that provides the source of the announcement (ie, the advisory council or task force). Include the subject of the news release and contact information in the upper left corner. The

mailing date of the release should be indicated along the right margin. The release should be written in inverted pyramid style, placing the most important information at the beginning. Releases should be limited to 1 page if possible.

Interviews—Interviews may be conducted by print, radio, or television reporters or hosts and, in the case of television and radio, may be live or taped. The individual being interviewed must be an excellent communicator and intimately familiar with dog bite issues and prevention. The interviewee may request a preinterview to get a grasp of the direction of the interview. It is advisable to tell the interviewer which issues you would definitely like to see addressed. Answers should be structured according to the program's time limits.

Talk shows—Most of the principles that apply to interviews also apply to talk shows, but in this situation there usually will be interaction with guests (who often hold opposing views), potentially with an audience, and with the host. Running through mock discussions prior to participation is helpful. Responses to questions or comments from those with opposing views should always be factual, sincere, and polite.

Public affairs programs—Many stations air 2 or 3 programs a week in which the stations news staff or station management interview a newsmaker, a spokesperson from an activist group, or a public relations representative from an industry. Issues in the news are often addressed by such programming. These provide a good opportunity to make your community aware of bite prevention efforts and to elicit support. Access to these programs may be requested by sending a letter to the station manager.

Bulletin board and community announcements— Many local television stations donate air time to announcements of community events. These are often broadcast in calendar format. This is an easy way to publicize educational events and responsible pet ownership classes.

Editorials—Editorials are used by print, radio, and television reporters to present their views on issues of public interest. Prepared statements describing the advisory council's approach to dog bite prevention can be provided to reporters for use in preparing an editorial or may be provided if a reporter presents an opposing viewpoint.

Public service announcements—Many radio and television stations donate time for public service announcements (PSA); however, public service groups cannot specify when your PSA is to be aired. It is acceptable to suggest when you believe airing your PSA will be most effective. Most PSAs run for 30 to 60 seconds, although 10- and 20-second spots are also used. To mitigate the costs associated with production, you may want to contact local stations to see whether they offer sponsored placements, in which local advertisers donate time for specific public service messages. Public service announcements may consist of script only, sight and sound (simple or complex), or 16-mm film or videotape.

\*See www.avma.org for additional and updated information.

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Appendix 1

Groups potentially involved in dog bite prevention

A model program for preventing dog bites begins with assembling a local coalltion. Wide representation of community views on the coalition helps ensure sufficient input and community acceptance of the program. Key players include:

- animal control officials
- attomeys, judges
- business sector (eg, local business leaders, insurance companies, pet stores)
- dog breeders and trainers
- educational system (eq. schools, parent-teacher organizations)
- health departments and public health associations
- human healthcare providers and associations (eg, nurses, pediatricians, community health centers, emergency medical service and ambulance companies, health maintenance organizations, hospitals, managed care organizations, medical associations, medical examiners' and coroners' offices, schools of medicine and public health, trauma centers)
- kennel clubs, dog clubs, assistance dog organizations
- law enforcement agencies
- local government officials
- media
- occupational safety organizations, agencies, and groups (eg, firefighters, meter readers)
- veterinary care providers and associations, allied staff, clinics, schools of veterinary medicine and veterinary technology
- volunteer nonprofit organizations (eg. boy/girl scouts; various "Y"s; 4-H clubs; chapters of the American Red Cross, Safe Kids, National Safety Council, and National Fire Protection Association; foundations; United Way; and civic groups [Kiwanis, Rotary])
- other groups (eg, sports recreation clubs [joggers, bicyclists], automobile clubs, extension offices)

Continued on next page.

#### Appendix 2

#### Model dog and cat control ordinance

Originally produced and published Jointly by the American Veterinary Medical Association, the American Humane Association, the Humane Society of the United States, and the Pet Food Institute in 1976. Modifications have been made from the original version to reflect updated US Public Laws, current titles of other referenced documents, and present favored terminology and definitions concerning "dangerous" animals

Section 1. Definitions

Section 1. Definitely:

As used in this ordinance the following terms mean:

Animal—for the purpose of this ordinance, animal shall mean dog or cat.

Animal—ordinal animal—The person or persons designated to enforce this ordinance.

Animal establishment—Any pet shop, grooming shop, animal auction, performing-animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, ficensed research facilities, facilities operated by government agencies, or ficensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-199, and 101-624.

Animal shelter—Facility designated or recognized by the [jurisdiction]\* for the purpose of inspounding and caring for animals.

At large—A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

under restraint. 
Humane manner—Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feedings habits of the animal's size, species, and breed. 
Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats. 
Ucensing authority—The agency or department of (jurisdiction) or any designated representative thereof charged with administering the Issuance and/or revocation of permits and licenses under the transformer.

under the provisions of this ordinance.

under the provisions of this ordinance.

Livestock guarding dogs—Dogs kept for the primary purpose of protecting livestock from predatury attacks.

Neuterad—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat shall be considered a muisance if it damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and property disposed of by the owner; causes unsanitary, "dangerous," or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner—A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

that person.

Person—Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop—An establishment engaged in the business of buying or selling, at retall, dogs or cats or other animals for profit-making purposes.

Restraint—A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

"Dangerous" dog or cat—A dog or cat that without justification attacks a person of domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one (1) or more persons or domestic animals.

- Section 2. Licensing and rabies vaccination
  a. Except as provided in Section 3, no person shall own, keep, or harbor any dog or cat over four (4) months of age within [jurisdiction] unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a ficensed research facility or held in a veterinary medical facility or government operated or licensed arrival challer.
- animal shelter.

  All dogs and cats shall be vaccinated against rables by a ficensed veterinarian, in accordance with the latest "Compendium of Animal Rables Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

  A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium, Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

  Application for a license must be made within thirty (30) days after obtaining a dog or cat over 4 months of age, except that this requirement will not apply to a nonresident keeping a dog or cat with the [Jursdiction] for no longer than sixty (60) days.

  Written application for a dog or cat ficense shall be made to the [Bicensing authority] and shall include the mane and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants also shall pay the prescribed ficensing fee and provide proof of current rables vaccination.

or the bug of car. Applicants also stem pay our presument and present processing period shall be for \$\frac{1}{2}\$ year(s). License renewal may be applied for within sixty (50) days for to the expiration date. New residents must apply for a ficense within thirty (50) days of establishing residence.

A license shall be issued after payment of a fee of \$\frac{1}{2}\$ for each unmeutered dog or cat and \$\frac{1}{2}\$ for each neutered dog or cat \$\frac{1}{2}\$ for each unmeutered dog or cat and \$\frac{1}{2}\$ for each meutered dog or cat \$\frac{1}{2}\$ for each meutered dog or cat shall be waited for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply. Upon acceptance of the license application and fee, the [licensing authority] shall issue a durable (cense tag including antidentifying number, year of issuance, city, county, and state. Both rabies and ficense tags must be attached to the collar of the dog or cat. If Tags must be worn at all times and are not transferable. [Licensing authority] shall maintain a record of all ficenses issued, and such records shall be available to the [animal control authority].

- No person shall operate an animal establishment without first obtaining a pennit in compilance with this section.
- ance with this section
  The permit period shall begin with the first day of the fiscal year and shall run for one (1) year.
  Renewel applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

  Annual permits shall be issued upon payment of the applicable fee:

  i. For each kennel authorized to house less than six (6) dogs or cats

  ii. For each kennel authorized to house six (6) but not more than
  forty-nine (49) dogs or cats

  iii. For each kennel authorized to house sifty (50) or more dogs and cats
  iii. For each het shop

iv. For each pet shop v. For other animal establishments

A person who maintains a kennel of six (6) or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to licerse individual dogs or cats as provided under

tion 4. Issuance and revocation of permits and licenses

- The [appropriate authority] may revoke any permit or ficense if the person holding the permit or ficense refuses or fails to cortigly with this ordinance, the regulations promulgated by the (appropriate authority) or any other law governing the protection and keeping of animats, if an applicant is shown to have withheld or flastified any material information on the application, the (licensing authority) may refuse to issue or may revoke a permit or ficense. It shall be a condition of issuance of any permit for an animal establishment that the [appropriate authority] shall be permitted to inspect any and all animals and the premises where such animels are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the [appropriate authority] shall have power of entry on the premises and fint oil all areas where animals are being kept. A person denied a permit may not reapply for a period of at feast thirty (30) days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a \$\limes\_{\text{companied}}\$.

Any dog or cat found running at large shall be impounded by the [animal control authority] in an animal sheker and confined in a humane manner. Immediately upon impounding a dog or cat, the fanimal control authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regalated. Dogs and cats not claimed by their owners within a period of (five 6) full days) in which the shelter is open to the public shall become the property of the [unividiction]. When a dog or cat is found running at large and its ownership is verified by the [animal control authority], the authority may exercise the option of serving the owner with a notice of violation in fleu of impounding the animal.

In the event that the [appropriate authority] finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's express or to eutheratize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

Disposal of an animal by any method specified here in thes not relieve the avenue of linking.

Disposal of an animal by any method specified here in does not relieve the owner of liability for violations and any accrued charges.

Section 7. Redemptig.

a. Any animal impounded may be redeemed by the owner thereof within five (5) days upon payment of an impoundment fee of \$ \_\_\_\_ provided that if any such animal has been previously knowneded, the impoundment fees shall be \$ \_\_\_\_ Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

b. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of \$ \_\_\_\_ considered to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

An adoption fee of \$\_\_\_shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.

No person shall interfere with, hinder, or molest any agent of the [animal control authority] in the nd person subarangers wan, nanwa, or nanes any agent of the period of a control of the performance of any duty as herein provided.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a line of not less than \$\_\_\_\_ or more than \$\_\_\_\_.

Section 10. Repeals (conflicting ordinances)
All other ordinances of the [jurisdiction] that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 11. Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 12. Applicability
This ordinance shall be in full force and effect upon the expiration of days after its passage and publication.

Section 13. Safety clause
The [jurisdiction] hereby finds, determines, and declares that this ordinance is necessary for the 
immediate preservation of the public health, safety, and welfare of the [jurisdiction] and the inhab-

\*For all occurrences of [], communities should insert their applicable agency. The organizations developing this model ordinance recommended that ficersing tags show, in addition to the ficense number, the city or county and state in which the animal is registered. This helps to alleviate the problem of an animal being left unidentified or unclaimed because it has been transported from one state to another and has no reference to the issuing city or county on the ficerse tag. Whitere blanks are found without insertions, communities should insert applicable fees or conditions. Splifferential license fees for neutrered animals serve as an incentive for responsible pet ownership. ItBreakaway calliars are recommended when tags are effixed to collust worm by cats, if it is required that holding periods will be determined to some degree by availability of facilities; however, it is important to ensure a reasonable opportunity for owners to reclaim their dog or cat.

Appendix 3
Recommended data elements for reports of dog bites

Data element	Comment	Data element	Comment
Netifications of dog attacks on hu	mans A card or telephone report to be submitted by those providing	Dog Information Name	h di na bandan da da da da da da da da da da da da da
	care to the human victim	Breed	
Name of victim		1	(eg, owner report, animal control
Address of victim	1		officer, law enforcement officer).
Telephone (home and work)	Control of the Contro		This is important if breed data are
Parent contact Information		Ţ	to be interpreted.
(if a minor)		Sex	
Incident date and time	,	Age	
Reported to whom		Weight	•
Date and time of report	· ·	Reproductive status	
•	inels. A part or talophore copart to be	Name of veterinarian	
vouncations or bog attacks on an	imals A card or telephone report to be	Rabies vaccination date	e
	submitted by those providing	Rabies tag number	
	care to the animal victim	License number	
Owner of victim		Microchip number	
Type of victim		Degree of confinement	t
Address of owner		at time of bite	confinement (eg, chaining,
Telephone (home and work		De anie ai piec	tethering, electronic fence) is
Incident date and time	•	1	Important if risk associated with
Name and address of owner	er -	l	these practices is to be assessed.
or custodian of attacking	dog		ulese practices is to be assessed.
Reported to whom		Dates (meldente	
Date and time of report	•	Prior incidents	
•		Obedience training	
For animal control investigations		Circumstances of the bi	ite
Agency information		Victim account	
Case number		Owner's account	
Report date and time		Witness account	
incident date and time		(contact Information)	
Who reported the case	•	Number of dogs involv	red Attacks by multiple dogs may
Report received by			account for 20 to 30% of incidents.
Location of incident			Forms for these animals could be
Victim information			given case numbers with a special
Name		•	designation (eg, 123A, 123B).
Breed (if animal)			designation (og. 12074 1205)
Age and date of birth		Injury information	
Sex		Location of injury	•
Address		Nature of injury	•
Telephone (home and wo	ris)	Severity of injury	
Parent contact information			
		Animal disposition	•
Rabies immunization stat	as in original	Quarantine location	
Owner information		Date of quarantine	
Name		Date to be released	r en en en en en en en en en en en en en
Age and date of birth		Quarantined by	
Sex		Euthanatized	
Address		1	
Telephone (home and wo	rV)		

Continued on next page.

- Actions allowed by authorized persons prior to hearing

  1. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfulfy be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
  - A police officer or peace officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such
- B. Definitions
  - "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be con-sidered in determining whether or not it is "dangerous," Further,
- No dog may be deciared "dangerous"

  If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
  - If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog:
  - If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted
  - If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
  - If the dog was responding to pain or injury, or protecting itself, its kennels or its ofispring;

    If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
  - ٧İ.
  - vii. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
    "Attack" means aggressive physical contact initiated by the dog.

  - "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
  - or costnetic surgery.

    "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.
- Hearing procedure
  - Any procedure

    Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a police officer or peace officer of the appropriate municipality. Such officers shall immediately inform the complainant of his right to commence a proceeding provided for in Paragraph 2, immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.
  - proceeding himself.

    Any person may, and any police officer, or peace officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an allege dangerous" dog as that term is defined herein to any municipal judge or justice. Thereupon, the judge or justice, or hearing panel subject to judicial review, shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer or peace officer pursuant to his statutory duties or animal control officer directing such officer to immediately selze such dog and hold same pending judicial determination as herein provided. Whether or not the judge or justice, or hearing panel subject to judicial review, finds there is probable cause for such seizure, he shall, within five (5) days and upon written notice of not less than three (3) days to the owner of the dog, hold a hearing on the complaint.
- Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be "dangerous," the judge or justice, or hearing panel subject to judicial review, shall require the owner of said animal to register such animal (with the appropriate Health Department or animal control

- facility), and to provide prompt notification to (the appropriate Health Department or animal control facility) of any changes in the ownership of the Department or animal control racinity) or any changes in the ownership or the animal; names, addressess and telephone numbers of new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; the death of the animal. In addition, the judge or justice, or hearing panel subject to judicial review, may require any or all of the following, but items 5, 6 and 11, or any one of them, may only be imposed where there has been sently injury to a present
- Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. (Provisions for the dog to be outdoors must also be made.)
- Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.
- When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
- When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.

- age or order.

  When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

  Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:

  a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one half (2.5) times the length of the dog, and shall protect the dog from the elements.

  b. Fencing materials shall not have one gings with a diameter of more
  - Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.
  - Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.
  - The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
- Placement of a sign or signs of a description and in places directed by the judge or justice, advising the public of the presence and tendencies of said animal.
- Attendance by the dog and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
- Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
- That the dog be permanently identified by tattooing or by injecting an identification inference, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the (appropriate health department or animal control facility) as indicated above.
- The procurement of liability insurance in an amount to be determined by the judge or justice, but in no case in an amount of less than fifty thousand dollars (\$50,000), covering the medical and or veterinary costs resulting from future actions of the dog (a determination of liability shall be made in accordance with the laws of the jurisdiction). This condition may not be imposed if it is shown that no such insurance is available for
- 12. If any of the above conditions ordered by a judge or justice, or hearing panel subject to judicial review, are not complied with, the owner shall be subject to a fine of not more than ten thousand dollars (\$10,000).
- If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the judge or justice, or hearing panel subject to judicial review, may impose or reimpose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

#### Appendix 5

Suggested reading for professionals (numbers correspond to cited references)

Group	Reference numbers
Public officials and community leaders	4, 6, 8-9, 10, 12, 14-16, 18, 20, 27-28, 30, 32-47
Veterinarians	1, 4-10, 12, 14-16, 27-28, 30, 32, 35-36, 39, 41-73
Veterinary technicians	7, 12, 16, 28, 43-45, 47, 50-57, 59,61, 63-64, 66-69, 74
Physicians and nurses	4-6, 8-10, 12, 14-15, 27-28, 30, 32, 35-36, 41, 43, 45-48, 60, 70-71, 73, 75-76
Humane society/animal shelter/ rescue personnel	4-6, 10, 12, 14-15, 27-28, 30, 35-36, 41-43, 51-55, 61, 66, 69, 7

### Animal bite epidemiology and surveillance for rabies postexposure prophylaxis

Dale A. Moore, DVM, PhD; William M. Sischo, DVM, PhD; Allison Hunter, BS; Toni Miles, MD, PhD

Objectives—To understand the epidemiology of animai bites and exposure, evaluate the animal exposure reporting system for surveillance of rables postexposure prophylaxis (PEP), and identify opportunities to reduce PEP.

Design—Period prevalence survey.

Study Population—Pennsylvania residents in 1995.

Procedure—Data from animal bite reports from Pennsylvania county health offices were summarized for 1995. Animal bite incidences for the state, counties, various age groups, and various population den-sities were calculated. Animal species, treatment, location of wounds, and PEP recommendations were evaluated for exposures.

Results---More than 16,000 animal-related potential rables exposures were reported from 65 of 67 counties in Pennsylvania. The highest incidence was in children less than 5 years old (324/100,000). Of the 75% of victims requiring wound treatment, 50% received antimicrobials, 29% received a tetanus toxoid, and 19% had wounds sutured, were admitted to hospitals, or were referred for plastic surgery. Although 75% of exposures were to dogs, victims exposed to cats were 6 times as likely to receive PEP (relative risk, 6.1; 95% confidence interval, 5.1 to 7.4). Thirty percent of 556 PEP were given for exposures to dogs, 44% for cats, 7% for recoons, 4% for bats, 2.5% for squirrels, 2.1% for groundhogs, 2% for foxes, and 8% for exposures to other species. Fiftynine percent of owned dogs were up-to-date on rables vaccinations compared with 41% of owned

Conclusion—Interventions, such as dog bite prevention education, vaccination of pets against rables, appropriate use of PEP, and reduction of feral cat populations, should be instituted, enhanced, or better enforced in communities. (J Am Vet Med Assoc 2000;217:190-194}

Jeterinarians are an important source of information for the public. The roles that private practi-

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The authors thank Pennsylvania county health officers and Marshall Deasy Jennifer George, Jennifer Cree, Dominic Dallago, Halleck Wrigley, Daniel Meers, Travis Edwards, Natalic Courson, Evelyn Potochny, Judy Dickey, and Seth Reidenbach for technical assistioners have in public health and prevention of zoonoses have been described.'

Veterinarians and animal owners should be aware of the risks of, and consequences for, animals that bite. Despite decades of animal bite surveillance by public health agencies, animal bites remain an important community health problem. An estimated 1 of every 2 Americans is birten by an animal at some time during his or her life, and bite wounds account for approximately 0.5 to 1% of all visits to hospital emergency rooms.2 Two to 30% of all animal bite wounds become infected; however, up to 50% of cat bites may become infected.3 Although bites are common, they are severely underreported.

In a raccoon rabies endemic state, such as Pennsylvania, animal bite reporting is the first step in identifying the need for rables postexposure prophylaxis (PEP). Raccoon rables was first reported in Pennsylvania in 1982 as part of the mid-Arlantic states' epidemic and spread to all but 2 counties by 1995.3 Raccoon rabies incidence remains high and has resulted in a higher incidence of rabies in other animal species in the state, making rabies an important concem after an animal bite.

Postexposure prophylaxis is given in response to a perceived need for rabies prophylaxis in the event of a bite, scratch, or other human exposure to a potentially or definitively rabid animal. Often, PEP is administered without confirmation of rabies exposure (to err on the side of caution) even though guidelines for treatment exist. 47 Rabies PEP is expensive and not without potential adverse effects.3 Local reactions at the injection site or systemic problems, such as muscle aches, fever, or vomiting, may develop.

The United States Public Health Service set a Healthy People 2000 goal for the nation to reduce PEP for rables by one-half by the year 2000." For states to reach this goal, baseline information on the current rate of PEP is required. Animal bite or exposure reports may be one source of information about PEP.

The primary reason for reporting animal bites to local health departments is the immediate need to follow up on possible rabies exposure. In Pennsylvania, animal bites treated by health care providers must be reported to the state or local health departments. The need for PEP is determined by obtaining an accurate history, and decisions to administer PEP often are made in counsel with a rabies exposure expert. Although individual case follow up is of primary importance, animal bite surveillance data can also help local health departments to allocate resources for prevention efforts, track animal bite statistics to develop more effective programs for animal control and injury prevention, and monitor the administration of PEP. Surveillance data are important for "identifying condi-



tions that require further investigation and for providing sensible solutions from imperfect data to facilitate public health action."10

The purposes of the study reported here were to understand the epidemiology of animal bites and exposure in a raccoon rabies endemic area, evaluate the animal bite reporting system for surveillance of PEP, and identify opportunities to reduce PEP.

#### Materials and Methods

The Division of Epidemiology, Pennsylvania Department of Health, solicited copies of animal bite reports from local public health centers in 67 counties of Pennsylvania for 1995. Because animal saliva exposures were not always differentiated from bites, "animal exposure" was used to identify any potential rabies exposure or animal exposure leading to medical follow up. Copies of paper animal exposure reports were reviewed for 60 counties, and fields common to most reports were entered into a computerized database.' Additional reports from 5 counties were summarized from computerized records. Two county health offices did not provide records. One office was in a major urban county, and one was in a low population density county. Duplicate records were eliminated, using date of exposure and personal identifiers. The surveillance system was evaluated, using the Centers for Disease Control and Prevention's guidelines for evaluating surveillance systems."

victim information was entered into a computerized database and included residence, age, location of bite wounds, wound treatment given, and postexposure treatment. Only the 60-county paper report data set was used to compile this information. The 5 counties submitting computerized reports used different reporting forms and different methods of data entry. One county was located in a major urban area, 2 were suburban counties of a major urban center, and the remaining counties had moderate to low population densities (< 350,000 people). Incidences (numbers of new cases/population at risk) of animal exposures were calculated, using 1994 estimated populations and assuming a steady-state population." Data were analyzed, using a statistical software program. County incldences of animal exposures were compared with historical and current rabies-positive sample submissions to the Pennsylvania Department of Agriculture and Department of Health laboratories to identify reasons for high and low incidence of animal exposure reporting. Animal exposure report data were aggregated by 4 county human population density ranges: < 90, 91 to 200, 201 to 400, or > 400 people/mile'.

Animal information summarized included species, breed, whether the animal responsible was owned, stray, or feral, rabies vaccination status, and tables test status. Rabies vaccination status was based on the date of the animal's last rabies vaccination and duration of conferred immunity.

#### Results

Animal exposure reports were collected from 65 of 67 counties in Pennsylvania. Sixteen thousand four hundred sixteen animal exposures among residents were reported for an incidence of 137.2 exposures/100,000 person-years. Incidences by county ranged from 24.2 to 414.5 exposures/100,000 person-years (median, 153.5 exposures/100,000 person-years). From laboratory data, all but 2 counties had at least 1 case of rabies in 1995. However, county-specific animal exposure incidence was not associated with either the 1994 or 1995 annual county-specific percentage of rabies-positive submissions to the states rabies testing laboratories (R<sup>2</sup> < 0.01).

Animal exposure incidences were 218.4. 172.8, 163.8, and 108.0/100,000 person-years for human population density categories of < 90, 91 to 200, 201 to 400, and > 400 people/mile, respectively. There was a significant trend toward higher incidence for counties with low population densities (x for trend, 34.7, P < 0.01). Animal exposure report rate was 2 times higher in counties with low population densities compared with the most densely populated counties (risk ratio, 2.02; 95% confidence interval [CI], 1.93 to 2.12).

Most animal exposure reports indicated species or type of animal. More than 75% were dogs, 17.2% cats, 1.3% small rodents, 1% squirrels and chipmunks, 0.7% raccoons, 0.4% bats, 1.6% unknown, and 1.9% other species. The incidence of dog exposures was 104.0/100,000 person-years and the incidence of cat exposures was 23.6/100,000 person-years. Owned dogs (owner identified on the report) were responsible for 92.6% of dog exposures, 0f 9,057 owned dogs identified in paper reports, 5,369 (59.3%) were reported to be up-to-date on tables vaccinations. Sixty-two percent of cats were pets. Of these, 41.4% had up-to-date rables vaccinations.

More than 100 dog breeds or their crossbreeds were represented in the reports. However, breed identification was absent in almost one-third of the reports implicating dogs. Because of this and because breed prevalence information does not exist for Pennsylvania, animal exposure rates by breed could not be calculated. For reports in which dog breed was identified, German Shepherd Dogs and their crossbreeds were implicated in 10%. The next most commend breeds reported were unidentified crossbreeds (7.1%), Labrador Retriever (6.8%), Rottweiler (4.3%), Cocker Spaniel and Cocker Spaniel crossbreeds (3.2%), pit bull-type dogs (2.9%), Siberian Husky (2.8%), and Chow Chow (2.4%).

Age-specific rates for animal exposures were also calculated (Table 1). Adjusting for the population size of each age group, children < 5 years old were 3.13 times more likely to be victims compared with people > 14 years old (Cl, 2.51 to 3.90). Most victims were bitten on the arm, hand, or finger (47%); 21.4% were bitten on the head, neck, or face; 18.8% on the leg, foot, or toe; and

Table 1—Age-specific rates of reported animal exposures. Data from 60 counties in Pennsylvania, 1985\*

Aga group (years)	exhibering Number of	1994 Papulation estimatof	Person-years	
<u>√</u> 5	2,232	688,921	324.9	
	1,828	700,544	260.9	
5-9	1,386	703,174	197.1	
10-14	884	659,381	103.7	
15-19	596	689.285	88,5	
20-24		693,096	95,4	
25-29	668	785,488	79.3	
30-34	824	B31,327	76.1	
35-39	633		80.7	
4044	B12	758,135	71.4	
45-49	461	645,909	62.0	
50-54	322	519,341	6Q.5	
55-59	269	444,628	111.7	
> 59	1,008	902,458		
Total	11,323	9,020.587	125.5*	

<sup>&#</sup>x27; Age missing on 1,557 of 12,880 total reports. TUS Bureau of Consus 1994 estimates: #Represents mean rate.

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Table 2—Frequency of animal exposure by wound location and victim age. Data from 60 counties in Pennsylvania, 1995\*

	Number of injuries (%)							
Age group (years)	Head, facc. or neck	Trunk, back, pr bultocke	Arm, hend, or linger	Leg, foot. or toe				
< 5	909 (40.7%)	69 (2.1%)	636 (28,5%)	189 (8.5%				
5-8	663 (38.3%)	147 (8.0%)	583 (32.4%)	2B3 {15.5%				
10-14	298 (21.5%)	104 (7.5%)	555 (40,0%)	325 (23.4%				
15-19	111 (16.2%)	37 (5,4%)	332 (48.5%)	163 (23.8%				
20-24	86 (14.4%)	24 (4,0%)	320 (53,7%)	134 (22.5%				
25-29	76 (11.4%)	30 (4.5%)	391 (58.5%)	147 (22.0%				
30-34	54 (8.6%)	20 (3.2%)	379 (60.7%)	144 (23.1%				
3539	53 (8,4%)	18 (2.9%)	368 (58.1%)	184 (25,5%				
40-44	47 (7.7%)	18 (3.1%)	365 (59.6%)	149 (24.4%				
45-49	27 (8.0%)	14 (3.0%)	279 (60.5%)	103 (4.89				
50-54	20 (5.4%)	7 (1.9%)	251 (67.5%)	74 (19.89				
5559	11 (4.1%)	7 (2.6%)	176 (85.4%)	60 (22.39				
> 59	38 (4.0%)	25 (2.6%)	675 (70,0%)	223 (23.0%				
Maan %	14.4%	4.0%	54.1%	19.91				

4.5% on the trunk, back, or buttocks. Eight percent of reports lacked information on wound or exposure location. Children < 10 years old were more likely to be bitten on the head, neck, or face compared with people > 19 years old (P < 0.01, Table 2).

\*2,477 of 12,880 total reports for 60 counties were missing age or wound

The primary location of bite wounds varied with biting species. Almost 40% of dog bites resulted in wounds to the arm or hand, and 26% involved the head, neck, or face. Cat bites were predominantly on the arm or hand (72%) and leg or foot (11%). Dog bites were 3.5 times more likely to have been on the head, neck, or face compared with cat bites (CI, 3.0 to 4.1). More than 48% of children < 5 years old who were bitten by dogs had head or neck wounds.

Almost 75% of reports indicated some form of wound treatment. Of 10,021 reports in which wound treatments were recorded, 29.3% of victims had wounds cleaned, lavaged, or dressed. About 50% received antimicrobials, 29% received a tetanus toxoid, and 19% had wounds sutured, were admitted to a hospital, or were referred to a plastic surgeon. Twenty percent of children < 10 years old had their wounds sutured, were hospitalized, or were referred for plastic surgery compared with 10.9% of people > 19 years old. The kind of treatment given differed depending on wound location. Eighty-one percent of plastic surgery referrals were for wounds on the head, neck, or face. Fifty-three percent of victims whose wounds were sutured, but who did not undergo plastic surgery, had head and neck wounds sutured, and 33% had hand or arm wounds sutured. Hospital admissions were primarily for head and neck (41.8%) and hand and arm (40.6%) wounds.

Thirty-five percent (4,538) of reports from 60 counties lacked complete follow-up information for PEP. More than 60% (7.786) of reports indicated that PEP was not given. More than 4% (556) of victims received PEP as a result of an animal bite, scratch, or other exposure from various animal species. Using this number, as a minimum, the state's total PEP inci-4.6/100,000 person-years. dence rate W25 Administration of PEP was reported for exposures to 23 different types of animals. Thirty percent of the 556 PEP given resulted from exposures to dogs, 44% to cats, 7.2% to raccoons, 4.1% to bats, 2.5% to squirrels, 2.1% to groundhogs, 2.0% to foxes, 1.4% to skunks, and 6.7% to other animal species (ferret, cow, horse, mouse, rat, chipmunk, beaver, sheep, coyote, mink, opossum, and weasel). Victims received PEP following exposure to 5 dogs and 1 cat that were reported to be up-to-date on rabies vaccinations (Table 3). Victims exposed to cats were 6 times more likely to have received PEP compared with victims exposed to dogs (relative risk, 6.1; Cl. 5.1 to 7.4). Of 556 known administrations of PEP, 123 (22%) were given for exposures to pet (owned) animals (Table 3). Of 228 victims given PEP who were exposed to cats, 82% were exposed to a feral, stray, or unowned car.

Population rates of known PEP were highest in younger age groups; 15.7/100,000 person-years in children < 5 years old. The rate was 8.7/100,000 personyears for 5 to 9 year olds, 7.7/100,000 person-years for 10 to 14 year olds, 7.1/100,000 person-years for 20 to 24 year olds, and 6.2/100,000 person-years for 15 to 19 year olds. Almost one-third of PEP was administered to victims < 10 years old.

A complete follow-up report for PEP was considered to include a written recommendation for PEP or information on the vaccination or rables test status of the animal from which a recommendation for PEP could be derived. Rabies testing involved submission of the animal to the laboratory for fluorescent antibody testing and histopathologic examination of brain rissue. Complete reporting of written PEP recommendations and follow-up information on animal exposure reports differed by county, ranging from 0 to 90%, with a median of 20%. In addition, rables test status of animals was missing from 1,569 of the 12,880 reports. Many animals (4,417) were reported to have not been tested, and

Table 3—Ownership and rables vaccination status of dogs and cats for which postexposure prophylaxis was administered to bitten or exposed human victims, Pennsylvania, 1995

			Rabies vecci	nation slatus		Total
Species	Ownership status	Current	Not	Not vaccinated	Unknown*	
Dogs	Owned (pet)	5	8	18	. 39	70
DORO	Stray/wild	ñ	. 1	0.	37	38
	Unknown	ñ	n	1	5B	59
Cata	Owned (pot)	ì	Ā	7Ĥ	11	42
CSIP		'n	è	4	175	186
	Stray/wild Unknown	1	Ď	ō	18	17

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4,770 had no testing status recorded. Of 373 animals reported to have been tested for rabies, results for 41, (11%) were positive, tesults for 189 (30.7%) were negative, and 143 reports (38.3%) did not indicate the results of testing. Of the 41 animals for which rabies tests were positive, 35 victims were reported to have received PEP. Seventeen victims were given PEP despite negative test results, although it was not clear whether PEP had been discontinued once negative results were available (ie. they may have only received a portion of the complete PEP). Forty-four (11.8%) animals whose test results were positive for rabies were reported to be up-to-date on rabies vaccinations.

#### Discussion

Animal bites are an important community health problem. More than 1 person in 100 was bitten by, or adversely exposed to, animals in Pennsylvania in 1995 and required medical follow-up. Serious injuries, particularly to children, and the need for rabies PEP are major consequences. Because of the combined efforts of local and state health departments, animal control offices, and the veterinary community, rabies in humans is rare" and results primarily from sporadic exposures to the bat strain of rabies. Continued surveillance and rabies control is still necessary to protect public health, but new issues such as the relative costs and benefits associated with various control measures have emerged.

In Healthy People 2000, the US Public Health Service specified a goal of reducing rabies PEP to no more than 9,000 administrations/year (a reduction of one-half from an annual 18,000 estimated treatments in 1987). To evaluate their progress, most states need to obtain a baseline estimate of their current rate of administration. One way to determine this rate is to summarize animal bite surveillance data. Analyzing surveillance data can also help identify ways to reduce the need for rabies PEP and prevent its inappropriate administration. Although many 1995 Pennsylvania animal bite reports contained incomplete information regarding recommendations for rabies PEP, the data did indicate some important target areas for reducing its administration.

Reducing the need for PEP includes reducing rabies in wild animal populations through such methods as bait vaccination of raccoons. Rabies in raccoons is the most important reservoir for human and domestic animal exposure in Pennsylvania, and raccoon exposures resulted in at least 40 PEP treatments in 1995. In addition, control of feral cat populations should be considered, because our study results indicate that 82% of PEP given for exposures to cats were a result of contact with stray or feral cats. Means by which the number of feral cats and rabies in feral cats may be reduced include euthanasia; trapping and relocation; or trapping, testing, neutering, and vaccination of feral cats.

Another way to reduce the need for rabies PEP is to increase vaccination rates for pet (owned) animals. Our study revealed that only 59% of pet dogs and 41% of pet cats were up-to-date on rabies vaccinations. One way to improve vaccination rates is to mandate rabies vaccination before licensing dogs. Although Pennsylvania law requires that all dogs be licensed, obtaining a license does not require that the dog be vaccinations.

ed against rabies A survey of health districts in Ohio's revealed that 83% of dogs that bit from districts that required rabies vaccination for licensing were vaccinated, whereas only 62% of dogs that bit from districts requiring rabies vaccination but not linking this to licensing were vaccinated. Only 54% of dogs that bit were vaccinated in districts with no mandatory vaccination requirement. Therefore, linking the ability to obtain a dog license with a requirement for rabies vaccination would likely improve the rate of rabies immunization of dogs and reduce the need for administration of rabies PEP to dog bite victims.

A final way to reduce the need for PEP is by educating children and adults about bite prevention. Dogs were responsible for most reported bites in our study. Other studies indicate that most victims are bitten by dogs that are owned by, or are familiar to, the victim. Is.19 In a study of peoples' judgments of the likelihood that a given dog would bite, Moss and Wright found that subjects actually moved closer to a dog displaying dominant signals than to one displaying submissive signals. These results indicate that health education should include information on dog behavior in a casecontrol study, biting dogs, compared with nonbiting, neighborhood-matched control dogs, were more likely to be German Shepherd Dogs or Chow Chows, unneutered males, reside in a household with 1 or more children, be chained while in the yard, not be licensed or vaccinated for rabies during the past year, and have a low obedience score.20 The care and management of dogs and the interface between dogs and people appear to be major issues, especially for households with or near children,

Reducing rabies PEP also includes minimizing unnecessary administration of PEP. The species of animal responsible for an exposure is one consideration. Twenty of 556 reported PEP resulted from exposures to mice, rats, squirrels, or chipmunks. Although 3 squirrels had positive results of rables testing in Pennsylvania between 1982 and 1996, no results for submissions of mice, rats, or chipmunks were positive. Rabies exposure consultants must weigh the risk of rables with the costs and benefits of PEP At the time of this study, 1991 recommendations for rabies prevention were in use. When dealing with exposures to livestock, rodents, and lagomorphs, physicians were asked to consult public health officials and reminded that "bites from squirrels, hamsters, guinea pigs, gerbils, chipmunks, rats, mice, other rodents, rabbits and hares almost never require anti-rables treatment.100 Similar recommendations are given in the newest rables prevention guidelines.7

Administration of PEP to victims bitten by animals currently vaccinated against rabies is not recommended. Although the Pennsylvania data seem to indicate sporadic administration in such cases, it was not clear from the reports if some PEP series may have been initiated and then discontinued once the vaccination status of the animal was determined. It also appeared that PEP may have been given to victims of animals having negative test results for rabies, but it was not clear if these PEP series were completed. In addition, animal quarantine information was not available from these



# Dr. Cornelia Wagner

### Are certain dog breeds more dangerous than others?

Whether or not certain dog breeds are more dangerous than others has been the subject of considerable discussion among ethnologists and veterinarians, especially with regard to the usefulness of breed-specific legislation to protect a community's citizens from dog attacks/bites. Such legislation is based on the assumption that there are genetic differences among breeds with regard to their dangerousness/aggressiveness. However, most veterinarians and ethnologists oppose breed-specific legislation, arguing that the genetic make-up of an individual animal is only one of many components that may enhance its aggressiveness.

Factors that may influence the specific danger of a dog bite/attack imposed by an individual dog include the temperament and body characteristics of a dog, the individual personality of the dog owner, the specific circumstances involved in a bite incident, and the individual personality of the victim (Stur, 2000). Breed-Specific legislation is based on the assumption that the first two criteria, characteristics of the animal itself, are the most important influence on the danger imposed by dogs. But if this were true, comprehensible differences in temperament and/or body characteristics among breeds would be expected. For example, we would expect that all pit bulls differ significantly in their temperament from other breeds.

Just operationalizing the notion of temperament is complex. The temperament of a dog is defined as the sum of all its inherited and acquired physical and psychological traits, characteristics and abilities, which determine, shape and regulate the dog's responses to its environment (Seiferle, 1972). The fact that the environment, a variable difficult to control and standardize, is part of its definition makes the experimental investigation of temperament differences among breeds extremely difficult, since such experiments must be based on the objective temperament evaluation. This is also true for the investigation of the defined temperament trait of aggressiveness (Stur, 2000).

Aggressive behavior in dogs is a species-specific trait which is firmly established genetically, because it has been highly influenced by natural selection during evolution as well as by artificial selection through man (e.g., selecting for intraspecific aggression in most guarding breeds and so-called fighting dogs) (Lockwood, 1995). However, the fact itself that the aggression level of members

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of certain breeds may be increased (or decreased) through artificial selection does not prove that aggressiveness itself is a highly hereditary trait. In most cases, dogs that are selected for higher levels of aggression are raised in a very aggression-stimulating environment, which then in turn imposes the wrong impression of a genetically based hyper-aggression (Stur, 2000). In situations such as this, environmental factors are ignored and blame for aggressiveness is placed on certain body characteristics are also often blamed as an indicator of the dangerousness of a particular breed. These physical characteristics include measures such as body weight and height, power, jaw strength, pain threshold, as well as age and sex of the dog, and are generally easier to evaluate than temperament characteristics.

Body weight, height and length are measurable parameters which do vary immensely among breeds. Power and speed which are influenced by body characteristics also vary among breeds. However, the power of a dog is not only based on the dog's genetic make-up but on the training condition of the dog. Jaw strength is another measurable parameter. Although certain breeds such as Rottweiler or American Pit Bull Terrier have the reputation of stronger jaws than others, valuable scientific studies showing significant differences in jaw strength among breeds does not exist (Stur, 2000). It is obvious that a larger and more powerful dog can potentially do more harm than a smaller, weaker dog. Even a friendly greeting behavior such as jumping up on a person can become a potential dangerous situation based on the size of the dog. However, it is a fallacy to assume that all members of large breeds are generally more dangerous than members of small breeds, because it is certain circumstances that make a situation more dangerous than others.

The sex of the dog is another body characteristic that plays an important factor in aggressive behavior. For instance, it has been shown that a majority of dog bites is inflicted by un-neutered young males (e.g., Wright, 1985). Hence male dogs are, independently from their breed, potentially more dangerous than females.

Pain threshold is also a body characteristic which plays an important role in aggressive behavior. However, currently no valuable scientific method to evaluate the tolerance to pain is available (Stur, 2000). Other body characteristics such as the animal's age and overall health are additional biological factors that can influence dogs the tendency toward aggression (Lockwood, 1995). However, health conditions that elicit aggressive behavior can occur in all breeds and do not justify indiscrimination of certain breeds.

In summary, "the classification of dog breeds with respect to their relative danger to humans makes no sense, as both, the complex ancedent conditions in which aggressive behavior occurs, and its ramifying consequences in the individual dog's ecological and social environment are not considered" (Fedderson-Peterson, 2001).

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October 18, 2001

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# ID of Dog Breeds

Is it possible to identify individual dogs as members of a specific breed?

For many of us the companionship of "man's best friend" is a daily source of joy, providing a connection to nature that helps us to appreciate the more simple things in life. However, dogs can also be a public nuisance, especially when bad behaved or aggressive. Every year throughout the world millions of dogs are euthanized by veterinarians because of behavioral problems, such as aggression towards people and/or other animals. In searching for reasons for these aggressive behaviors the blame is often put on certain dog breeds, which then receive the reputation as being vicious. Which breeds are affected varies not only from country to country, state to state or city to city, but even from one decade to another. For example, breeds that have been labeled as vicious in the U.S. over the past 70 years include the Bloodhound, Doberman Pinscher, Chow Chow, German Shepherd Dog, and more recently the Pit Bull. Dog breeds with the reputation of being dangerous have been and continue to be the target of local banning campaigns in an attempt to legislate against ownership of the breed(s) in question. In the last decade breed bans in European countries like Great Britain included mainly pit bulltype breeds (e.g. American Pit Bull Terrier). In 2000, local breed-specific legislation reached its climax in the German state of Nordrhine-Westphalia where 42 dog breeds were either banned or their ownership restricted, after fatal dog attacks on people.

While public policy has moved toward the banning of certain breeds in an attempt to protect the public from vicious dogs, many ethologists, veterinarians and veterinary organizations (e.g., the American Veterinary Medical Association) oppose breed specific legislation. Reasons for such opposition are that such legislation does not improve the control of vicious dogs but rather discriminates against owners of breeds that have a reputation of being dangerous. What is more, legislation against so-called "dangerous" dog breeds poses another serious problem: enforcement. How do animal control officers determine whether a dog is a member of a breed in question?

To understand the problem of determining an individual dog's breed we first must look at the history of the domestic dog and the development of modern breeds. Archeological evidence indicates that the dog was the first animal domesticated by hunters, gatherers and foragers of the last Ice Age about 14,000 years ago (Clutton-Brock, 1995). According to the most wide-spread and accepted theory, the domestic dog "likely originated from a large genetically diverse population possibly derived from wolf populations existing in different places and at different times" (Vilà et al., 1999). Although dogs are taxonomically considered a separate species (Canis familiaris), from a geneticist's point of view they are not a true species. In fact,

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researchers have recently shown that there is less genetic difference between dogs, wolves and coyotes than there is between the ethnic groups of the human species (Coppinger and Schneider, 1995).

So what exactly is a breed? Per definition, breeds are groups of related animals, which are sufficiently similar in their genetic make-up and physical appearance to produce physically similar offspring when mated with each other (Blood and Studdert, 1999). For example, the mating of two members of the Golden Retriever breed will produce offspring with physical characteristics that resemble those of Golden Retrievers (i.e., golden coat color, dark-brown eyes, floppy ears etc.). Most of the modern dog breeds have a recent origin, with many breeds having been developed only within the past 150 years (Dennis-Bryan and Clutton-Brock, 1988). The development of breeds is based on artificial selection by humans, a process where dogs are selected for certain physical characteristics (e.g., coat color) or behavioral traits (e.g., guarding). During this process dogs have become a morphologically diverse species that is unique among mammals (just think about the differences in size and conformation between a Great Dane and a Chihuahua). Such morphological diversity has been maintained and perpetuated through breeding controlled by breed societies. Each dog breed is managed by a national breed society (e.g., the American Kennel Club), which is organized under an international umbrella organization, the Fédération Cynologique Internationale. The breed society maintains a register of the animals that are members of the breed and sets the standards for physical appearance that must be attained.

Because of this focus on a high degree of phenotypic uniformity (coherent physical appearance) many breeds became closed gene pools during their development. Therefore, low levels of genetic variability within a breed and the occurrence of breed-specific genes or haplotypes (DNA sequences) would be expected within most dog breeds. The identification of genes or haplotypes that are specific for a certain breed would enable us to determine a dog's breed scientifically. However, comparison of DNA sequences among members of different dog breeds revealed that there are high levels of genetic variability within breeds (Vilà et al. 1999). At least two reasons have been proposed for this finding. First, the founding stock of our modern dog breeds was likely drawn from a large and genetically diverse pool of dogs (Dennis-Bryan and Clutton-Brock, 1988). Many of our modern dog breeds were created by crossbreeding, e.g., Golden Retrievers are believed to originate from the mating of a Flatcoated Retriever with a Tweed Water Spaniel and interbreeding of the offspring with Irish Setter, Labrador Retriever and Bloodhound (Alderton, 1993). Second, dog breeds were actually not as highly inbred during the development of our modern breeds as it was assumed. Although the goal of high phenotypic uniformity within a breed led to closed gene pools at some point during the development of modern breeds, dog breeders occasionally outcrossed their purebred dogs to avoid negative effects of inbreeding on health and behavior (Ubbink et al., 1992). Thus, the introduction of foreign haplotypes due to genetic exchange between breeds and the short history of our modern dog breeds hindered the accumulation of breed specific genes (Vilà et al., 1999). In fact, genetic differences among breeds are so minute that we cannot currently identify an individual dog's breed based on DNA analysis (Templeton, 1990).

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In summary, a dog's breed cannot currently be determined by using scientific methods such as DNA analysis. Identification of an individual dog's breed based on papers from a kennel club relies on the integrity of the breeder and does not guarantee pure genetic ancestry. "Breed-specific ordinances imply that there is an objective method of determining the breed of a particular dog, when in fact, there is not at this time" (Canine Aggression Task Force, 2001). Thus, the usefulness of such legislation is highly questionable.

# Dr. Cornelia Wagner, DVM, MS September 9, 2002

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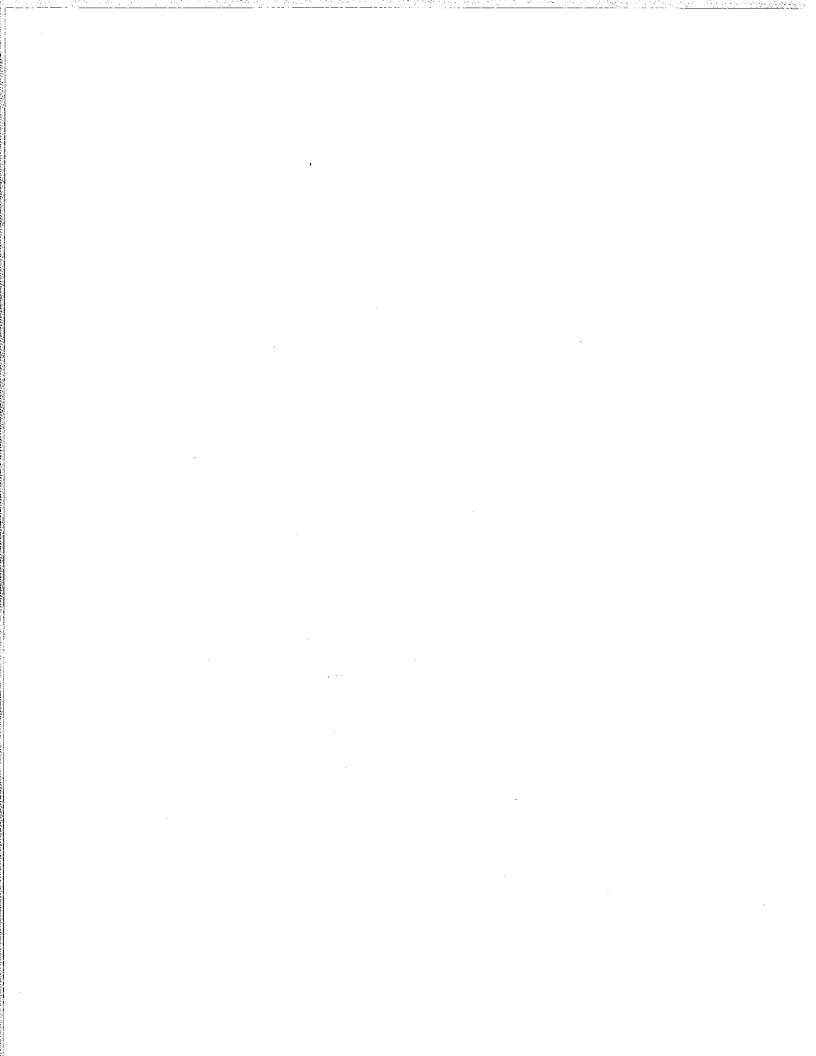
#### **DIVISION 1. DEFINITIONS.**

#### Sec. 3-101. Definitions.

- \_\_\_(a) As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:
- (1) **Abandon** shall mean to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of adequate care as defined herein.
- (2) Adequate care shall mean the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
- (3) Adequate exercise shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.
- (4) Adequate feed shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.
- (5) Adequate shelter shall mean provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition, shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
  - (6) Adequate space shall mean sufficient space to allow each animal to:
- (A) Easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and,
  - (B) Interact safely with other animals in the enclosure.
- (7) Adequate water shall mean the provision of, and access to, clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and normally at all times. However, when special circumstances dictate, water must be provided at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.



- (8) Administrator of animal control or Administrator shall mean that person designated by the Director of the Department of Environmental Resources to administer the operations of the animal control program or his designee.
- (9) Adoption shall mean the transfer of ownership of an animal from a releasing agency to an individual for placement.
  - (10) Agricultural animal shall mean all livestock and poultry.
- (11) Animal shall mean every nonhuman species of animal, both domesticated and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.
- (12) Animal at large shall mean an animal not under restraint and off the premises of its owner.
- (13) Animal Control program shall mean that unit within the Department of Environmental Resources designated by the Director and authorized by this Subtitle to administer and enforce the provisions of this Subtitle under the direction of the Administrator of Animal Control.
- (14) Animal Control Facility shall mean any facility operated by or under contract with Prince George's County, Maryland, for the care, confinement, detention, or euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.
- (15) Animal Control Officer shall mean any person designated as such by the Administrator of Animal Control or his authorized representative for the purpose of enforcing this Subtitle.
- (16) Animal exposed to rabies shall mean any animal that is known or is suspected to have had bite or nonbite contact with another animal that is known or suspected to be infected with rabies. The determination whether an animal has been exposed to rabies shall be made by the Health Officer for Prince George's County and the Maryland Department of Health and Mental Hygiene.
- (17) Animal Holding Facility shall mean any commercial facility for the care, boarding, training, holding, harboring, or housing of any animal or animals; and shall also include the following:
  - (A) A kennel, as defined in Section 3-101(51);
  - (B) A pet shop or pet store as defined in Section 3-101(60);
  - (C) A cattery as defined in Section 3-101(28);
  - (D) A petting zoo as defined in Section 3-101(61);
  - (E) A riding school or stable as defined in Section 3-101(70);
  - (F) A commercial pet distribution facility as defined in Section 3-166(b);
  - (G) A grooming establishment as defined in Section 3-101(47);
  - (H) A guard dog facility as described in Section 3-161; or
  - (I) Any one or more of the above or a combination thereof.
- (18) Animal hospital shall mean any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention, and treatment of diseases and injuries of animals.
- (19) Animal shelter shall mean a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, government operated animal control facility, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.



- (20) Animal under restraint shall mean an animal secured by a leash or lead and under the control of a responsible person or confined within a vehicle or within the boundaries of its owner's real property.
- (21) **Appointing authority** shall mean the Director of the Department of Environmental Resources.
- (22) Appropriate tethering shall mean a tether that is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is deemed appropriate tethering.
  - (23) Attack dog shall mean a dog trained to attack on command.
- (24) Anti-climbers shall mean a device consisting of angled metal braces and heavy gauge wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire shall have at least three strands, separated evenly, the furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from perpendicular.
  - (25) Bite contact shall mean penetration of the skin by the teeth of an animal.
- (26) Cage shall mean any enclosure of limited space, enclosed on the bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed for any purpose, including confinement or display.
- (27) Cat shall mean domesticated felines. The term "cat" shall not include wild or exotic felines.
- (28) Cattery shall mean an establishment wherein a person engages in the business of boarding, breeding, buying, grooming, or selling cats.
- (29) Collar shall mean a well-fitted humane device, appropriate to the age and size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the animal.
- (30) Commercial establishment shall mean any trade or business the primary function of which is the sale of any goods or service.
- (31) **Commission** shall mean the Commission for Animal Control established in Division 3 of this Subtitle.
- (32) Commission administrator shall mean that person designated by the Director of the Department of Environmental Resources (DER) to administer the operations of the Commission for Animal Control (CAC) or the administrator's designee.
- (33) Companion animal shall mean any domestic or feral dog, domestic or feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, wild or game species native to Maryland, or any animal regulated under federal law as research animals shall not be considered companion animals.

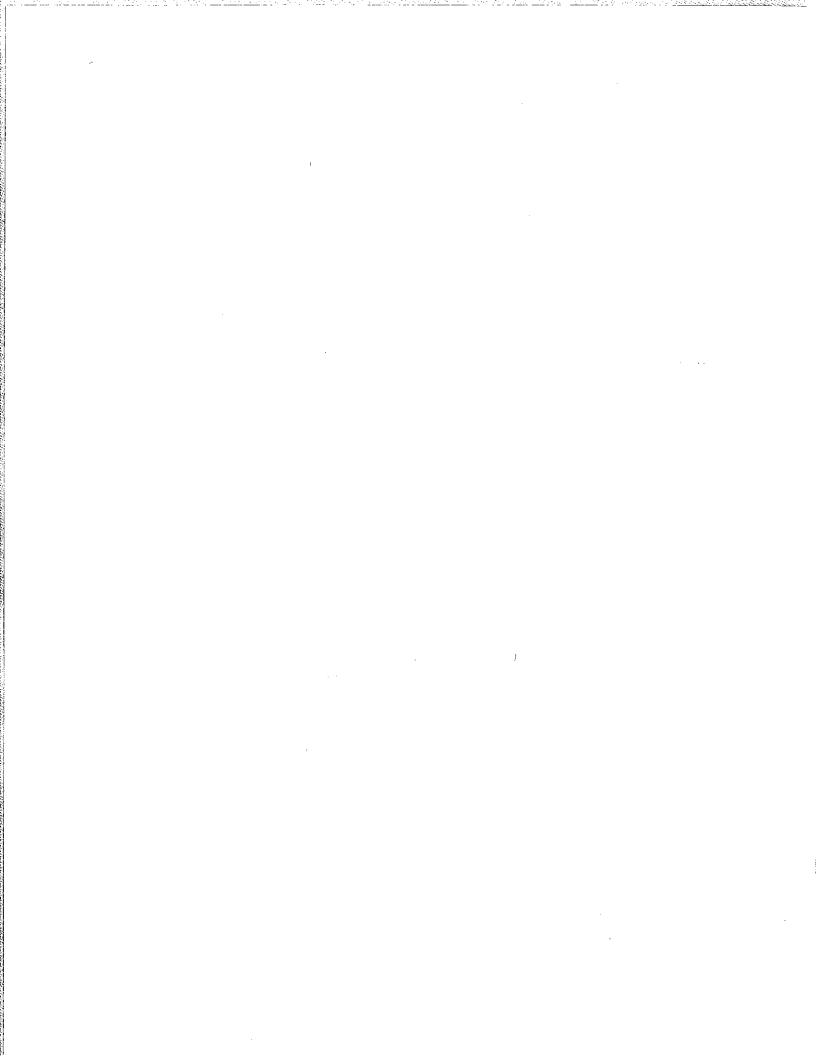
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- (34) Confinement for animal quarantine for human bite and nonbite contact sha mean an animal confined to a house, garage, or escape-proof enclosure or building. An animal kept outside on a chain and/or fenced yard is not considered properly confined.
- (35) Cruelty shall mean any act of commission or omission whereby unjustifiab physical harm or pain, suffering, or death is caused or permitted, including failure to provic proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutrition food in sufficient quantities, with respect to an animal. In the case of an activity in whice physical pain is necessarily caused, such as food processing, hunting, experimentation, or per elimination, cruelty shall mean the failure to employ the most reasonable humane method available under the circumstances.
- (36) **Director** shall mean the Director of the Department of Environmental Resource or the Director's authorized representative.
- (37) **Disposition** shall mean the adoption or placement as a pet in an approved hom humane administration of euthanasia, or, in the case of a wild animal, release into a suitab habitat.
  - (38) Dog shall mean any member of the domesticated canine species, male or female.
- (39) **Domesticated animal** means an animal of a species that has been bred, raise and is accustomed to live in or about the habitation of man, and is dependent on man for food a shelter.
- (40) **Euthanasia** shall mean the humane destruction of an animal accomplished by method that involves instantaneous unconsciousness and immediate death or by a method th involves anesthesia, produced by an agent which causes painless loss of consciousness, ar death during such loss of consciousness.
- (41) Exotic animal shall mean any animal of a species that is not indigenous to the State of Maryland and is not a domesticated animal and shall include any hybrid animal which part exotic animal.
- (42) Farm Animal shall mean any domesticated species of animal commonly kept proximity to, but not ordinarily housed in the immediate domicile or household of, humans, ar used for agricultural or riding purposes. Farm animals shall include, but not be limited t horses, cattle, sheep, and swine. Dogs and cats are not farm animals.
  - (43) Feral shall mean animals existing in the wild or untamed state, i.e., wild.
- (44) Foster shall mean the temporary holding, care, and treatment of a companic animal by an authorized group or individual pending adoption to a permanent home, or the temporary custody of an animal not normally placed for adoption authorized by the Administrator of the Animal Control Facility.
- (45) Foster home, group, or organization shall mean a group, organization, individual recognized by the County to be capable of holding animals on a temporary basis.
- (46) Fowl shall mean any and all birds, domesticated and wild, which are used f food.
- (47) Grooming establishment shall mean any commercial establishment which provides a service of grooming and cleaning animals.
- (48) Guard dog shall mean a dog that is continuously maintained at a commerci establishment for the purpose of securing that area.
- (49) **Humane society** shall mean any chartered, nonprofit organization incorporate under the law and organized for the purpose of preventing cruelty to animals and promotion humane care and treatment of animals.



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- (50) **Keeping or harboring** shall mean the act of, or the permitting or sufferance by, an owner or occupant of real property either of feeding or sheltering any domesticated animal on the premises of the occupant or owner thereof.
- (51) **Kennel** shall mean an establishment or a private individual engaged in the breeding of dogs or cats, or the boarding, buying, grooming, letting for hire, training for a fee, or selling of dogs or cats. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a commercial kennel, except to the extent that it engages in the boarding of well dogs or cats. The ownership of dogs or cats which are part of a household or are maintained adjoining a private residence and are kept for hunting, practice tracking, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of no more than one (1) litter per year shall not constitute the operation of a kennel. Obedience training of dogs or cats wherein the dogs or cats are not housed, boarded, or kenneled overnight shall not be considered a kennel if the operation is limited to the hours of 8:00 A.M. to 12:00 Midnight. The term "kennel" shall include a facility maintained solely for the keeping of foxhounds used for fox chasing. (See Cattery)
- (52) Livestock shall include all domestic or domesticated bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the genus Lama, ratites, and enclosed domesticated rabbits or hares raised for human food or fiber, except companion animals.
  - (53) Neglect shall mean failure to provide adequate care.
- (54) Nonbite contact shall mean a scratch or contamination of an abrasion, open wound, or mucous membrane with saliva or other potentially infectious material.
- (55) **Obedience training** shall mean the concurrent training of a dog and its owner to prepare the dog as a companion to humankind and to prepare the dog's master for responsible control of the dog.
- (56) **Owned animal** shall mean an animal for which an owner has been identified; or that is surrendered to Prince George's County by a person proving ownership; or one that is impounded by proper authority and held at the Animal Control Facility pending disposition of its case; or, one for which there are indications that the animal has an owner. Such indicators include an animal license tag, tattoo, microchip implant, ear tag, normally acceptable livestock identification, or other condition that would lead a person to reasonably believe that the animal has a current owner and may be lost.
  - (57) Owner shall mean any person who:
    - (A) Has a right of property in an animal;
    - (B) Keeps or harbors an animal;
    - (C) Has an animal in his or her care;
    - (D) Acts as a temporary or permanent custodian of an animal;
    - (E) Exercises control over a particular animal on a regular basis; or
- (F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of an animal owned or in the possession and control of the minor child for purposes of this Subtitle and shall be liable for all damages caused by the animal.
- (58) **Permit** shall mean, when used as a verb, human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent, or negligent.
- (59) **Pet** shall mean a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, reptiles, and other animals, which, by habit or training, live in association with man.



- (60) **Pet shop** shall mean an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.
- (61) **Petting zoo** shall mean any commercial establishment, activity, or facility a substantial purpose of which is to permit persons to come into physical contact with animals maintained within or upon such establishment, activity, or facility.
  - (62) Pit Bull Terrier shall mean any and all of the following dogs:
    - (A) Staffordshire Bull Terrier breed of dogs;
    - (B) American Staffordshire Terrier breed of dogs;
    - (C) American Pit Bull Terrier breed of dogs;
- (D) Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull Terrier more than of any other breed of dog;
  - (E) Dogs which have been registered at any time as a Pit Bull Terrier.
- (63) **Poultry** shall mean all fowl and game birds raised in captivity used for human consumption or other products.
- (64) **Properly cleaned** shall mean that debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animal's contact with the above-mentioned contaminants, except for carcasses which are subject to immediate removal; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.
- (65) **Properly lighted** shall mean sufficient illumination to permit routine inspections, maintenance, cleaning, housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facility; and to promote the well-being of the animals.
- (66) Public nuisance animal shall mean any animal which unreasonably (1) annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense to human senses; or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal which:
  - (A) Is repeatedly found at large; or
  - (B) Damages the property of anyone other than its owner; or
  - (C) Molests or intimidates pedestrians or passersby, or
  - (D) Chases vehicles; or
- (E) Excessively makes disturbing noises (including, but not limited to, continued and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
- (F) Causes fouling of the air by odor and causing thereby unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
- (G) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- (H) By virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety, or welfare; or

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- (I) Attacks other domestic animals; or
- (J) Has been found by the Commission for Animal Control, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
- (67) **Public nuisance condition** shall mean an unsanitary, dangerous, or offensive condition occurring on any premises or animal holding facility caused by the size, number, or types of animals maintained, kept, or harbored, or due to the inadequacy of the facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or training animals. A public nuisance condition shall be deemed to exist on any premises or animal holding facility in which any animal is maintained, kept, or harbored under conditions which constitute cruelty to such animals, or where the animal maintained, kept, or harbored is a public nuisance animal.
- (68) Rescue/breed rescue organization community adoption partners shall mean a group or individual, recognized by the County as capable of meeting standards for fostering animals, authorized to receive and place animals from the Animal Control Facility which would otherwise by euthanized or which require special attention.
- (69) Research facility shall mean any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.
- (70) Riding school or stable shall mean any place at which horses are boarded or displayed; or which has horses available for hire or riding instruction or pony rides; or which regularly buys, sells, trains, or trades horses, ponies, donkeys, mules, or burros, including any thoroughbred racetrack, trotting track, or rodeo.
- (71) Sanitary shall mean a condition of good order and cleanliness which minimizes the probability of transmission of disease.
- (72) Stray shall mean any animal found roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. This includes an animal apprehended by an Animal Control Officer and/or surrendered to the County by a person who attests to, or willingly signs, a document stating that the animal is stray or that its owner is unknown.
- (73) **Strict isolation** shall mean the owner of an animal under an order for strict isolation assures that:
  - (A) The animal is confined in a double-door, escape-proof enclosure;
  - (B) The animal is not removed from the enclosure at any time;
- (C) Human contact with the animal is restricted to one (1) adult caring for the animal or is not allowed at all; and
- (D) The enclosure is constructed in a manner to ensure that contact with other animals is not possible.
- (74) Vaccination shall mean an antirabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.
- (75) **Veterinarian** shall mean a person currently licensed to practice veterinary medicine in the State of Maryland.
- (76) Vicious animal shall mean any animal which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. An animal which has on one or more occasions caused significant injury to person or domesticated animals may be deemed to be a vicious animal.

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(77) Wild animal means any animal which is not included in the definition of "domesticated animal" and shall include any hybrid animal which is part wild animal. (CB-36-1985; CB-119-1987; CB-100-1991; CB-63-1994; CB-106-1996; CB-109-1997; CB-26-2001)

### DIVISION 2. ANIMAL CONTROL PROGRAM.

### Sec. 3-102. Animal Control Program.

- (a) The County Executive is authorized to establish an Animal Control program. The appointing authority shall designate a person to perform the duties of Administrator of Animal Control.
- (b) The County Executive is authorized to establish an Animal Control Facility. The Administrator shall operate the Animal Control Facility for the detention, confinement, and disposition of animals in accordance with this Subtitle.
- (c) The Administrator of Animal Control shall enforce the provisions of this Subtitle including, but not limited to, programs for animal control, animal licensing, vaccination, spaying and neutering, public education, cruelty prevention, euthanasia, and other duties and programs prescribed in this Subtitle.

  (CB-36-1985; CB-26-2001)

# Sec. 3-103. Administrator of Animal Control; duties and responsibilities.

The Administrator of Animal Control shall have operational responsibility for carrying out the duties prescribed in this Subtitle and for enforcing the provisions of this Subtitle. The Administrator shall be the Chief Animal Control Officer and Supervisor of the Animal Control Facility.

(CB-36-1985; CB-26-2001)

# Sec. 3-104. Personnel of Animal Control Program; duties.

- (a) The Director, subject to the provisions of the Personnel Law and Labor Code, may appoint such numbers of persons as are authorized in the approved current expense budget to fill positions as he shall deem necessary.
  - (b) Animal Control Officers are authorized and empowered as follows:
- (1) To enforce the Animal Control provisions of the Subtitle by impounding animals found at large, or animals injured, or found to be diseased, and by issuing notices of violations to the owners of such animals;
  - (1.1) To enforce licensing and rabies inoculation requirements under the County Code;
- (2) To enforce the cruelty and neglect prevention provisions of this Subtitle by removing and impounding mistreated animals and by issuing notices of violations to the person or persons inflicting cruelty and neglect upon animals;
- (3) To administer emergency assistance or first aid to injured animals which come into the custody of the County, without the consent of the owner or owners of such animals. For this purpose, neither the individual Animal Control Officer administering such emergency assistance or first aid, or Prince George's County, Maryland, or any of its employees or agents

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shall be liable for acts committed or omitted in the course of rendering such emergency assistance or first aid;

- (4) To conduct public education, adoption, spaying and neutering, and vaccination programs as directed by the Administrator;
- (5) To conduct inspections of animal holding facilities as directed by the Administrator; and
- (6) To enforce programs as directed by the Administrator. (CB-36-1985; CB-26-2001)

### Sec. 3-105. Animal Control Facility; operations.

- (a) The Director shall promulgate comprehensive regulations prescribing standards for the operation of the Animal Control Facility, including, but not limited to, the housing, feeding, care, veterinary treatment, adoption, and humane destruction of animals in the facility.
- (b) In general, the operations of the Animal Control Facility, including the administration of euthanasia, shall be open to members of the general public. The Administrator may, however, restrict access to the Animal Control Facility by a person or persons when, in the judgment of the Administrator, the presence of such person or persons may adversely affect the safety or welfare of any person or may disrupt the efficient operation of the facility.
- (c) The Administrator, to the extent provided for in the approved current expense budget, shall provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the County. Such veterinary care may be rendered without first obtaining the consent of the owner of the animal receiving such care. Veterinary care shall be rendered by a doctor of veterinary medicine licensed to practice in the State of Maryland except that members of the staff of the Animal Control program, including employees of contractors authorized by the Administrator to do so, may administer medication and veterinary nursing care as prescribed by a veterinarian; provided, however, that nothing in this Subsection shall be construed to affect or diminish the immunity granted by Section 3-104(b)(3). Any veterinarian, or program staff member, or contractors' employee who renders veterinary care, veterinary nursing care, or prescribes or administers medication as authorized by the Administrator shall not be liable, and Prince George's County, Maryland, and its employees and agents shall not be liable, for acts committed or omitted in rendering such care or in administering such medication.
- (d) The Administrator, in accordance with the provisions of this Subtitle, may dispose of animals in custody by euthanasia. The regulations to be promulgated by the Director shall provide for the humane destruction of animals in custody. The regulations shall provide standards for the training of personnel for administering euthanasia, acceptable methods of euthanasia, and appropriate disposition of carcasses. The County Executive or his designee is authorized to make contracts for the disposition of animal carcasses upon such terms as, in the judgment of the County Executive, are most advantageous to the County.
- (e) The Administrator shall not cause or knowingly permit any live animal in custody to be sold or given up for any experimental purposes. Pets may not be sold or given up for commercial or experimental purposes. (CB-36-1985)

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### Sec. 3-106. Fees for boarding and care of animals; security.

- (a) The Director, from time to time and after consultation with the Director of the Budget and the Director of Finance, shall establish schedules or tariffs of charges for the housing, feeding, care, and veterinary treatment of animals which come into the custody of the Administrator. Such schedules and tariffs may be published or posted in a conspicuous place at the Animal Control Facility.
- (b) Where the Administrator has ascertained the identity of the owner or custodian of an animal, the Administrator shall, as a precondition of the release of the animal, require the payment in advance by the owner or custodian of all charges for the care, feeding, housing, and veterinary treatment of the animal accrued through the date of redemption, and shall, as a further precondition of the release of the animal, also collect from the owner or custodian the unpaid license fees and fines provided for in this Subtitle. Where a security bond has been posted, the owner or custodian shall be entitled to a refund from Treasury for the amount remaining after charges for the care, feeding, housing, unpaid license fees and fines and veterinary treatment have been satisfied.
- (c) Where the Administrator has ascertained the identity of the owner or custodian of an animal, and has duly notified said owner or custodian of the animal's impoundment, and said owner or custodian fails to redeem the animal from the custody of the County, the fees and fines as prescribed by this Subtitle shall be due and payable within 10 days of the animal becoming the property of the County.
- (d) The Director, from time to time and after consultation with the Director of the Budget and the Director of Finance, shall establish charges for the adoption of animals which come into the custody of the Administrator. The Administrator shall also require the person adopting the animal to pay any license fees prescribed by this Subtitle and to prepay any spay or neutering fee.
- (e) (1) A person claiming a proprietary interest in any animal confined pursuant to Sections 3-122, 3-123, 3-131 through 3-138, 3-140, 3-141, 3-175, 3-176, 3-180, or Division 7 of this Subtitle may prevent disposition of the animal after the required holding period, pending a Commission for Animal Control hearing, by posting a bond, cash or corporate surety, with the Administrator prior to the expiration of the required holding period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least thirty (30) days; provided, however, that such bond, cash or corporate surety, shall not prevent the Administrator from disposing of such animal at the end of the thirty (30) day period covered by the bond, cash or corporate surety, unless the person claiming an interest posts an additional bond, cash or corporate surety, with the Administrator to secure payment of reasonable expenses for an additional thirty (30) days, and does so prior to the expiration of the first 30-day period. Additional thirty (30) day extensions may be granted provided additional bond, cash or corporate surety, is posted prior to the extension of the previous posting. The amount of the bond shall be determined by the Administrator based on the current rate for board and on the condition of the animal after examination of the animal by a licensed veterinarian. At the conclusion of the case, the bond shall be forfeited to the County, except that the person claiming interest shall be entitled to a refund of the amount remaining after settlement of any reasonable expenses, fees, including veterinary fees, and fines.
- (2) A person seeking judicial review of an order or action of the Commission for Animal Control, pursuant to Title 7 of the Maryland Rules, shall post a bond, cash or corporate

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surety\_sufficient to cover charges incurred to date for the care, feeding, housing and veterinary fees, or Five Hundred Dollars (\$500.00), whichever is greater.

(3) In the event said charges listed in Subsection (e)(2), above, exceed the amount posted with the court, the person claiming an interest in the animal shall be required to pay the additional fees.

(CB-36-1985; CB-100-1991; CB-63-1994; CB-26-2001)

### DIVISION 3. COMMISSION FOR ANIMAL CONTROL.

### Sec. 3-107. Commission for Animal Control; membership.

- (a) There is created as an integral part of the government of the County a Commission for Animal Control, consisting of the Health Officer (or his representative), the Chief of Police (or his representative), the President of the Prince George's County Veterinarian's Association (or his representative), and six (6) citizen members, including a representative of a local humane organization, a kennel owner, and a representative of the pet industry. All citizen members shall be appointed for terms of two (2) years each. All appointments to the Commission for Animal Control shall be made by the County Executive, subject to confirmation by the Council.
- (b) All members of said Commission shall continue to serve, without regard to the expiration date of their appointed term, until such time as their successors have been duly appointed and confirmed. Citizen Commission members may serve consecutive terms of office. All appointments to the Commission for Animal Control shall be made in accordance with the Charter.

(CB-36-1985; CB-63-1994)

### Sec. 3-108. Chairman of the Commission; secretary; staff.

- (a) The Chairman and Vice Chairman shall be citizen members elected annually by the total voting membership of the Commission. The Chairman and Vice Chairman may be elected to serve for consecutive terms of office.
- (b) The County Executive is authorized, to the extent provided in the approved current expense budget, to provide for the Commission such office space, supplies, equipment, and support personnel as may be required. (CB-36-1985)

#### Sec. 3-109. Powers and duties of Commission.

- (a) The Commission may meet at the call of the Chairman to do the following:
- (1) Recommend to the County Executive and to the Director rules and regulations concerning the following:
  - (A) The operation of the Animal Control Facility;
- (B) Standards for the collection, care, custody and disposal of animals at large, and public nuisance animals; and
- (C) Standards for the maintenance of holding facilities, pet shops, petting zoos, and other matters related to the treatment and maintenance of animals in Prince George's County.
- (2) Prepare and present the Commission budget in accordance with County budget procedures.

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- (3) Review and make recommendations on the budget of the Animal Control Program.
- (4) Upon a written complaint or a request from a person receiving a violation notice, conduct a public hearing after due notice to determine whether violations of the provisions of this Subtitle have occurred, whether a public nuisance animal or condition exists, and/or whether a person subject to an order of the Commission has complied with that order.
- (5) Upon determination after notice and hearing that violations of this Subtitle have occurred and that a public nuisance animal or condition exists, require the payment of civil penalties and the taking of other affirmative action as prescribed in this Subtitle.
- (6) After notice and hearing on violations of this Subtitle, require the remission of assessed penalties where appropriate.
- (7) Recommend to the County Executive changes in the law regarding the control of animals in Prince George's County.
- (8) To issue process, in forms approved by the County Executive, to compel the attendance of witnesses and the production of documents at hearings of the Commission, which process shall be enforceable by the Circuit Court, upon application by the Office of Law on behalf of the Commission.

  (CB-36-1985)

### Sec. 3-110. Hearing procedures; findings and orders.

- (a) The Commission may conduct public hearings when:
- (1) A written complaint that a person has violated or permitted his animal to violate the provisions of this Subtitle is filed with the Commission; or
- (2) A written complaint that a person has failed to comply with an outstanding order of the Commission is filed with the Commission.
- (b) The Commission shall conduct a public hearing when a person who has been served with a citation or violation notice charging him with a violation of the provisions of this Subtitle requests a hearing before the Commission in writing.
- (c) The Commission shall give notice in writing by regular mail to the complainant, the person charged or the appellant of a violation notice, of the time and place of a public hearing. The Commission shall also send notice by personal delivery, or by certified mail, return receipt requested, to the person charged. If the notice sent by regular mail is not returned and if the personal delivery or certified mail receipt indicates that the person charged is at the address given, it shall be presumed that the person has received notice of the hearing.
- (d) At the public hearing, the proceeding shall be conducted in an informal manner. The strict rules of evidence shall not apply. The Commission may hear any evidence which is relevant and probative of the matters set forth in the complaint, but shall not be required to hear irrelevant or merely cumulative evidence.
- (e) The Commission may require the attendance of the charging officer or the complainant and the person charged with the violation or noncompliance with a Commission order.
- (f) The Commission is authorized and empowered to issue its process or summonses, upon forms approved by the County Executive, compelling the attendance of witnesses to testify and to produce documents at hearings of the Commission. The Commission may make service of a summons by personal delivery or by registered or certified mail. Upon the failure of a person summoned to appear, the Office of Law may apply to the Circuit Court for an order compelling

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compliance with the summons. Failure to comply with the Court's order shall constitute contempt and shall be punishable in accordance with the Maryland Rules of Procedure.

- (g) At the close of all the evidence, the Commission shall deliberate and shall issue written findings of fact, and conclusions, and an appropriate order. If the Commission finds that a violation did not occur, it shall dismiss the complaint or citation. If the Commission finds that a violation has occurred, or that an animal is a public nuisance animal, or that a public nuisance condition exists, it may impose civil penalties pursuant to Section 3-116. In lieu of or in addition to imposing civil penalties, it may require appropriate affirmative action, including but not limited to:
- (1) The mandatory restriction or confinement of the animal under such conditions as the Commission may require in its discretion;
- (2) The mandatory destruction or other disposition of the animal as the Commission may direct in its discretion;
- (3) The correction of conditions or methods of animal care, keeping, maintenance, housing, or veterinary treatment as the Commission may require in its discretion;
- (4) A recommendation to the Director that licenses issued under this Subtitle be suspended or revoked; or
- (5) A recommendation to the State's Attorney for criminal prosecution of violations of this Subtitle or of other laws.
- (h) The Administrator may request the Commission to convene immediately for the purpose of investigating situations of acute emergency. In such case, good faith efforts shall be made to serve notice of the expedited hearings upon the person charged. The Commission may make such findings and orders as are appropriate to deal with the emergency situation. Such orders shall have effect for periods not to exceed fifteen (15) days, and the Commission shall schedule and hold a hearing in the ordinary course to consider further action. For the purposes of this Subsection, two voting members of the Commission shall constitute a quorum sufficient to act on behalf of the Commission.

(CB-36-1985; CB-26-2001)

# Sec. 3-111. Appeals from Commission orders.

Any party, including Prince George's County, Maryland, aggrieved by a final order of the Commission in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal that order to the Circuit Court for Prince George's County, within fifteen (15) days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to administrative appeals. The decision of the Circuit Court in all appeals from decisions of the Commission shall be final. (CB-36-1985; CB-26-2001)

# Sec. 3-112. Compensation.

Each member of the Commission shall be compensated in accordance with the provisions of Subtitle 2, Division 24, of this Code. (CB-36-1985)

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# DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

# SUBDIVISION 1. ENFORCEMENT AND VIOLATION NOTICES.

#### Sec. 3-113. Duties of Administrator.

- (a) The Administrator shall enforce the provisions of this Subtitle with respect to animal control, prevention of cruelty to animals, and minimum standards for animal holding facilities of all types. The Administrator shall conduct the following programs:
- (1) A program of regular patrols and response to citizen complaints for the purpose of taking into custody, issuing violation notices or resolving problems found to be in violation of this Subtitle;
- (2) A program of regular inspection of all animal holding facilities required to be licensed under the provisions of this Subtitle; and
- (3) A program for the investigation of complaints of cruelty to animals, and the enforcement of the cruelty prevention provisions of this Subtitle and of State law. (CB-36-1985)

# Sec. 3-114. Records to be kept.

It shall be the duty of the Administrator to keep accurate and detailed records of all licenses issued; impoundments, care, feeding, and veterinary treatment rendered; dispositions of animal; enforcement actions; and other activities relating to animals and animal control undertaken for a period of three (3) years after each such activity. The Director shall promulgate regulations prescribing the records to be kept by the Administrator and the manner and method of their maintenance. (CB-36-1985)

# Sec. 3-115. Violation notices.

- (a) Whenever in this Subtitle any act or condition is prohibited or is made or declared to be unlawful or an offense, or whenever in this Subtitle the doing of any act or the maintenance of any condition is required or the failure to do any act or the maintenance of any condition is declared to be unlawful, the violation of any such provision of this Subtitle may be evidenced and notice thereof may be given by the issuance by an Animal Control Officer or a police officer of a uniform notice of violation or uniform citation, on a form to be designated and approved by the County Executive. A police officer or a duly authorized Animal Control Officer witnessing a violation shall be authorized to issue such uniform notice of violation or uniform citation.
  - (b) the notice of violation shall contain and specify:
- (1) The violation with which such person is charged, with reference to the Section of this Subtitle which applies to the violation;
  - (2) The addresses of the offices of the Commission and of the Administrator; and
- (3) A notice that the person charged may apply to the Commission for a hearing to consider the charges or may pay the civil penalty assessed;
- (4) A place in which a person may endorse the notice by signing his name and stating his address, indicating his receipt thereof and willingness to appear before the Commission if the violation is contested.

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- (c) The uniform notice of violation or uniform citation may be issued to both residents and nonresidents when found within the County's geographical boundaries.
- (d) The person serving notice shall make proof of his service to the Commission promptly and, in any event, within the time during which the person served must request a hearing before the Commission. Failure to make proof of service to the Commission, however, shall not affect the validity of the violation notice or citation.
- (e) The person served with a violation notice or uniform citation may, in lieu of requesting a hearing before the Commission, pay to Prince George's County, Maryland, through the Administrator, the amount of the civil penalty stated upon the face of the uniform violation notice or uniform citation, which amount shall be as set forth in Section 3-116, below.
- (f) Notwithstanding the provisions of Subsection (e), above, the Commission, in its discretion, may review any violation notice or citation filed, and treat the same as any written complaint of a violation of this Subtitle. If the Commission determines that there is reason to believe that action other than or in addition to a civil penalty is required, it may give notice of a public hearing to investigate the matter and require the attendance of the person charged at such hearing upon due notice to appear before the Commission at the hearing.
- (g) Any person failing to comply with an order issued by the Animal Control Commission shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or imprisonment not to exceed ninety (90) days. (CB-36-1985; CB-26-2001)

# Sec. 3-116. Civil penalties; subsequent violations.

- (a) Any person found to have violated any provision of this Subtitle shall be subject to the following civil penalties:
- (1) For violation of Sections 3-133, 3-134, 3-135, 3-138, 3-139, 3-144, 3-145, 3-148, and 3-184, the fines shall be Fifty Dollars (\$50.00) for the first violation, One Hundred Dollars (\$100.00) for the second offense, and Two Hundred Fifty Dollars (\$250.00) for each subsequent violation.
- (2) For violation of Sections 3-125, 3-132, 3-148.03, 3-149, 3-158, 3-159, 3-160 through 3-174, 3-177, 3-183, 3-186, 3-188, and 3-190, the civil penalty for each violation shall be One Hundred Dollars (\$100.00) for the first violation, Five Hundred Dollars (\$500.00) for the second violation, and One Thousand Dollars (\$1,000.00) for each subsequent violation.
- (3) For violation of Sections 3-137, 3-175, 3-176, 3-189, 3-191, 3-195, and 3-196, the civil penalty for the first violation shall be One Hundred Dollars (\$100.00), One Thousand Dollars (\$1,000.00) for the second offense, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.
- (4) For violation of Sections 3-141 and 3-142, the civil penalty shall be Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1,000.00) for the second violation, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.
- (5) For violation of any other Section of this Subtitle not separately specified in this Section, the civil penalty shall be Twenty-five Dollars (\$25.00) for the first violation, Fifty Dollars (\$50.00) for the second violation occurring within a twenty-four (24) month period, and One Hundred Dollars (\$100.00) for each subsequent violation occurring within a twenty-four (24) month period.

(CB-36-1985; CB-119-1987; CB-63-1994; CB-26-2001)

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# Sec. 3-116.01. Criminal penalties; violations.

(a) Any person found to have violated any provision of Section 3-185.01 shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

(b) A Pit Bull that causes injury to or kills a human being or a domestic animal without provocation shall be humanely destroyed, and the owner of such dog shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

(c) For violation of Section 3-115(g), the criminal penalty shall be up to One Thousand Dollars (\$1,000.00) and/or imprisonment for up to ninety (90) days.

(d) For violation of Section 3-135, the criminal penalty shall be up to Five Hundred Dollars (\$500.00) and/or imprisonment for up to ninety (90) days.

(e) For violation of Section 3-180(b)(4) or Section 3-180(c), the criminal penalty shall be One Thousand Dollars (\$1,000.00) and/or imprisonment for up to six (6) months. (CB-106-1996; CB-26-2001)

# Sec. 3-117. Options available to person receiving citation.

- (a) A person receiving an Animal Control violation notice or citation must select one of the following:
- (1) To pay the fine provided for in the citation to the Administrator within ten (10) days of receipt of the violation notice or citation; or
- (2) Within ten (10) days of receipt of the citation, submit a written request for a hearing and for dismissal of the citation by the Commission; and to pay the fine should the Commission fail to dismiss the citation.
- (b) The failure of the person charged to note a timely appeal to the Commission or to pay the amount of the civil penalty within the time for appeal shall constitute an admission of liability for the amount of the civil penalty. (CB-36-1985; CB-26-2001)

# Sec. 3-118. Duty of charging officer.

- (a) Each police officer or Animal Control Officer who issues a violation notice or citation to an alleged violator shall:
  - (1) Promptly file the original copy with the Administrator; and
- (2) Appear for the hearing of such citation should it proceed to hearing. (CB-36-1985; CB-26-2001)

# Sec. 3-119. Duty of the Administrator upon receiving violation notice.

- (a) Upon receiving the original copy of a violation notice or citation issued to a person alleged to have violated this Subtitle, the Administrator shall:
- (1) Promptly give notice of receipt of the violation notice or citation to the Commission; and
  - (2) Maintain a record of the violation notice or citation; and
- (3) Notify the Commission of payment of the fine if the fine is received within the period for appeal to the Commission; and

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(4) Notify the Commission of an election to appeal to the Commission. Upon receipt of notification of an appeal, the Commission shall schedule and give notice of a hearing. (CB-36-1985)

# Sec. 3-120. Recovery of Civil Penalties.

All civil penalties assessed by police officers or Animal Control Officers, or imposed by the Commission pursuant to this Subtitle, shall be due and payable immediately, unless the person charged shall note a timely appeal to the Commission or a court of proper jurisdiction. In the event that any penalty ordered to be paid by the Commission or forfeited by failure to appeal or to attend a hearing is not paid within thirty (30) days of the violation notice or the Commission's order, whichever is later, the Commission shall refer the matter to the Office of Law. The Office of Law shall institute appropriate civil proceedings to recover the amount of the penalty. All penalties recovered pursuant to this Subtitle in a civil proceeding brought by the Office of Law shall be paid to, and become the property of, Prince George's County, Maryland. (CB-36-1985; CB-26-2001)

# SUBDIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS.

#### Sec. 3-121. Notice of violation.

In addition to or in lieu of impounding an animal found at large, an Animal Control Officer or police officer or other duly appointed law enforcement officer may issue to a known owner of such animal a notice of violation as provided for in Section 3-115 herein. (CB-36-1985; CB-26-2001)

# Sec. 3-122. Impounding animals; procedure.

- (a) A dog found at large with a license tag, rabies tag, tattoo, microchip, or other indications of ownership shall, except as otherwise provided in this Subtitle, be impounded and taken to the Animal Control Facility and there confined in a humane manner for a period of not less than five (5) workdays, unless sooner claimed and redeemed by its owner.
- (b) A dog found at large without a license tag or other indications of ownership shall be impounded as above. However, such stray dogs will be confined in a humane manner for a period of not less than three (3) workdays.
- (c) In the event an impounded animal shows signs of disease, injury, or severe behavioral maladjustment, the Administrator has discretion to send the animal to be euthanized rather than holding it for three (3) workdays, providing he has checked the records to see if the animal has been reported missing, the animal appears to be unlicensed, and, in the case of disease or injury, he has consulted with a veterinarian. The behavioral maladjustment must be of such a nature as to pose a threat to the animal's welfare while confined at the Animal Control Facility, or pose an unreasonable threat to the safety of personnel caring for the animal.
- (d) Domesticated animals other than dogs may be impounded when found at large or abandoned, and disposed of in accordance with procedures established pursuant to regulations promulgated by the Director.

(CB-36-1985; CB-89-1988; CB-26-2001)

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# Sec. 3-123. Impounding by private persons.

Any person may take up any animal found running at large within the County. Any animal picked up running at large shall be turned over to an Animal Control Officer or delivered to the Animal Control Facility.

(CB-36-1985; CB-26-2001)

# Sec. 3-124. Notice of impoundment; manner of service.

Upon impounding an animal, the Administrator shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner. A notice under this Division may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known residence, or at the address given on the animal's collar, or obtained by means of a tattoo, forwarding it by mail to that person at his usual or last known residence or the address given on the collar. When convenient, the notice may be given by telephone to the owner. All found animals will, at a minimum, be duly advertised in one major local newspaper. (CB-36-1985)

# Sec. 3-125. Interference with impounding of animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Subtitle by an Animal Control Officer or police officer, nor shall any person take or attempt to take any animal out of the Animal Control Facility without the consent of the Administrator, nor shall any person knowingly impound or attempt to impound any animal not legally liable to impoundment. Any violation of this Section is a misdemeanor punishable pursuant to Section 1-123 of this Code. (CB-36-1985; CB-26-2001)

# Sec. 3-126. Records of impounded animals.

- (a) The Administrator shall keep complete and accurate records of the breed, color, sex, condition, and location where found of any animal impounded in the Animal Control Facility, and shall record whether or not the animal is licensed, tattooed, microchipped, or has a rabies tag.
- (b) If an animal impounded in the Animal Control Facility is licensed or vaccinated, the Administrator shall record the name and address of the owner and the number of the license or rabies tag.
- (c) The Administrator shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded in the Animal Control Facility. (CB-36-1985; CB-26-2001)

# Sec. 3-127. Injured animals; prompt euthanasia.

When a seriously injured, diseased or suffering animal is taken into custody by an Animal Control Officer, and the owner cannot be promptly identified or contacted, a veterinarian shall be consulted and the animal may be taken to a veterinarian for an examination. The cost of any veterinary examination or consultation shall be an obligation of the owner of the animal. If, after

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consultation with the veterinarian, the Administrator determines that the animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, the Administrator may promptly authorize euthanasia or other humane destruction of the animal without regard to any time limitations established in this Division. For the purpose of this Section, neither the Administrator, nor his designee, nor Prince George's County, Maryland, nor any of its employees or agents shall be liable for acts committed or omitted with regard to a veterinarian consultation and/or euthanizing an animal.

(CB-36-1985; CB-26-2001)

# Sec. 3-128. Redemption; fees and costs.

- (a) The owner of an impounded animal shall be entitled to redeem such animal, except as provided in this Division, upon compliance with the license provisions of this Subtitle, payment of redemption fees, payment of costs accrued with respect to the animal to be redeemed, and presentation of satisfactory proof of ownership.
  - (b) Redemption fees shall be as follows:
- (1) A redemption charge of Fifteen Dollars (\$15.00) for the first impoundment for altered animals and Sixty Dollars (\$60.00) for the first impoundment for unaltered animals and One Hundred Dollars (\$100.00) for any animal per each subsequent impoundment in a twelve (12) month period.
- (c) The owner of an impounded animal also shall be liable to Prince George's County, Maryland, for the shelter fees and the costs of any required veterinary services in accordance with the schedule or tariff of charges promulgated by the Director pursuant to Section 3-106 herein.

(CB-36-1985; CB-109-1997; CB-26-2001)

#### Sec. 3-129. Property in impounded or surrendered animals.

Any domesticated animal which is impounded and not reclaimed by its owner as prescribed in Section 3-123 shall be deemed abandoned and shall become the property of Prince George's County, Maryland. Any animal surrendered by its owners to the Animal Control Facility shall immediately become the property of Prince George's County, Maryland, for final disposition. The Administrator may dispose of abandoned animals by adoption, euthanasia, or other disposition as may be most advantageous to the County and the public interest subject to Section 3-105(e).

(CB-36-1985; CB-26-2001)

#### Sec. 3-130. Euthanasia,

At the end of the minimum periods provided for in this Subdivision, unredeemed and unadopted animals which have become the property of Prince George's County, Maryland, may be disposed of by euthanasia. Euthanasia shall be administered in accordance with regulations promulgated by the Director pursuant to Section 3-105 herein. (CB-36-1985)

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# SUBDIVISION 3. ANIMAL CONTROL REGULATIONS.

# Sec. 3-131. Manner of keeping animals; prohibition of nuisances.

- (a) Each owner or custodian shall provide the following for each of his or her companion animals:
  - (1) Adequate feed;
  - (2) Adequate water;
  - (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending on its size, species, and weight;
  - (5) Adequate exercise;
  - (6) Adequate care, proper and appropriate treatment, and proper transportation; and
- (7) Adequate veterinary care and veterinary care when needed to prevent suffering or disease transmission.
- (b) The provisions of this Section shall also apply to every animal shelter, impoundment facility, foster home, and holding facility whether temporary or permanent.
- (c) No person shall keep or maintain any animal in Prince George's County in such manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance condition. No person shall keep or maintain any animal in the County in such manner as to disturb the peace, comfort, or health of any person residing within the County. (CB-36-1985; CB-26-2001)

# Sec. 3-132. Public nuisance conditions and animals; procedures; appeals.

- (a) No owner or custodian of an animal or operator of any animal holding facility shall fail to abate a nuisance caused by any animal owned by him or under his control nor shall any person fail to abate a public nuisance condition found to exist upon the premises owned or controlled by him, after having been notified by an Animal Control Officer or other law enforcement officer, in accordance with Section 3-115 herein, or after having been ordered to abate the nuisance by the Commission as provided herein.
- (b) Any animal having been declared to be a public nuisance animal shall, when required by the Commission and upon demand by the Administrator, be delivered by his owner to the custody of the County. No owner of a public nuisance animal shall refuse to surrender such animal to the County. A public nuisance animal which has been impounded by the County may be redeemed by the owner only upon those conditions established by the Commission for that particular animal. In addition to any special conditions imposed by the Commission, the owner of a public nuisance animal shall comply with the provisions of Section 3-128 herein.
- (c) Any animal found to be unredeemable shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal. No animal may be destroyed or otherwise disposed of pending the outcome of any appeal from an order of the Commission pursuant to Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the expense of the care, feeding, and any necessary veterinary care for the animal shall be charged to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the provisions of Section 3-106 herein.

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(d) As an alternative, if any person shall fail to abate a public nuisance animal or public nuisance condition after the Commission has ordered him to do so, the Administrator or the Commission may refer the matter to the Office of Law for appropriate legal action. The Office of Law, without limitation, and in addition to and not in lieu of any other available remedies, may seek ex parte, temporary and permanent injunctive relief and other relief in a court of competent jurisdiction to abate any nuisance or to correct any condition whereby the actions of an animal, or the actions or inactions of its owner or custodian, cause or threaten any substantial and immediate danger to any person or property or to the public health and safety. (CB-36-1985; CB-26-2001)

### Sec. 3-133. Sanitary conditions for care and maintenance of animals.

- (a) All persons keeping or raising fowl or animals within the County, whether for commercial purposes or otherwise, shall keep the same at all times in a clean and sanitary condition and free from obnoxious odors.
- (b) The premises upon which are kept any fowl or animals (including, but not limited to, rodents, cattle, horses, sheep, swine, or goats) shall be subject to inspection by Animal Control Officers. Such premises shall be subject to the regulations contained in Section 3-131(a) of this Subtitle with respect to the maintenance of sanitary conditions, care and feeding of animals and their young, provision of veterinary care, and other matters as may be promulgated by the Director, pursuant to recommendations from the Commission. (CB-36-1985; CB-26-2001)

# Sec. 3-134. Excessive noise by an animal prohibited.

- (a) No person who owns, keeps, or has in his possession any animal of any kind whatsoever shall permit such animal to disturb the quiet of any person or neighborhood. Permitting an animal to disturb the quiet of any person or neighborhood, or failure to keep any animal from causing frequent or long continued noise, to the disturbance of the comfort or repose of any person or neighborhood, is declared to be a public nuisance and detrimental to the public health and welfare.
- (b) Any person disturbed by a noisy animal shall first advise the owner or custodian who keeps such animal of the fact that the animal, by causing frequent or long continued noise, is disturbing the complainant and the neighborhood.
- (c) No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of his animal after having been notified in accordance with this Section. (CB-36-1985)

# Sec. 3-135. Animals at large prohibited.

- (a) It shall be unlawful for the owner or custodian of any animal (including, but not limited to, any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, dog, cat, or other animal) to permit the animal to run at large or be at large as defined in Section 3-101(12) within Prince George's County, Maryland. At large shall also include:
- (1) The confinement or securing of an animal by any person at a location other than on the premises of its owner, custodian, or authorized agent;
  - (2) Herding such animal or tying it for grazing in any street or other public place; or

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- (3) The fastening of any horse or other animal on public property to any hydrant, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.
- (b) Any animal found at large or running at large is declared to be a nuisance and dangerous to the public health, safety, and welfare.
- (c) The owner of any animal running at large shall be held strictly liable for a violation of this statute, except as provided in paragraphs (f) and (g) of this Section, and for any damages caused by said animal.
- (d) Any person who is aware of an animal running at large within the County shall report the condition by telephone. The identity of an informant under this Section shall not be disclosed except to employees of the Animal Control program and duly authorized law enforcement officers.
- (e) Any Animal Control Officer, police officer, or other agent authorized or empowered to perform any duty under this Subtitle may pursue any animal at large or running at large and may go upon any premises for impounding the animal at large or running at large. If the animal returns to the premises of its owner, the Animal Control Officer may pursue the animal upon the unenclosed exterior premises of the owner. If the owner or custodian takes the animal within the enclosed interior portion of his premises, the Animal Control Officer or police officer shall direct the owner or custodian to surrender the animal for impoundment. No person, after having been directed by an Animal Control Officer or law enforcement officer to surrender an animal for impoundment, shall fail to surrender the animal immediately. Failure to surrender an animal for impoundment upon demand by an Animal Control Officer or law enforcement officer is a misdemeanor and, upon conviction thereof, the violator may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed ninety (90) days in the County Detention Center, or both. In addition to the criminal penalty hereby imposed, the Commission may impose civil penalties pursuant to Section 3-110 and Section 3-116 herein.
- (f) This Section shall not apply to an animal under the control of its owner, custodian, or an authorized agent of the owner by a leash or lead, or to an animal undergoing obedience training or while actually engaged in the sport of hunting in authorized areas while supervised by a competent person.
- (g) No animal running at large by accident with a person in immediate pursuit of it shall be deemed to be at large, running at large or a stray. (CB-36-1985; CB-26-2001)

#### Sec. 3-136. Vicious animals.

- (a) Any dog or other animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals is defined to be a vicious animal for the purpose of this Subtitle. No animal shall be found to be dangerous or vicious if the threat, injury, or damage was sustained by a person who was:
- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
- (2) Committing, at the time, a tort upon the premises occupied by the animal's owner or custodian; or
  - (3) Provoking, tormenting, or physically abusing the animal.

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- (b) It shall be the duty of the Police Department to receive and document complaints concerning vicious animals. It shall be the duty of the Administrator to receive and investigate complaints concerning vicious animals. Whenever an animal complained against shall be reasonably deemed by a police officer or the Administrator to be a vicious animal, the police officer or Administrator shall report the fact to the Commission in the form of a written complaint and shall be authorized and empowered to impound the animal pending a hearing if he reasonably believes that the owner of the animal is not capable of restraining the animal from attacking, biting, or injuring any human being or other animal pending a full hearing on whether the animal is vicious. Notwithstanding the above, whenever an animal causes severe injury to any human being, the police officer or Administrator shall impound the animal pending a hearing by the Commission. In this Section, severe injury means any physical injury from single or multiple bite(s) resulting in broken bones, serious disfigurement, serious impairment of health, serious impairment of a bodily function, or requiring multiple sutures or cosmetic surgery.
- (c) Whenever an animal has been impounded pursuant to this Section, the owner shall be notified within forty-eight (48) hours of the impoundment of a right to a preliminary hearing. The preliminary hearing shall be scheduled within seventy-two (72) hours of a written request by the owner. This hearing may be conducted by a hearing officer designated by the Commission and shall be for the sole purpose of determining whether the owner of the animal is capable of restraining the animal from attacking, biting or injuring any human being or other animal until it can be determined at a full hearing conducted by the Animal Control Commission whether the animal is vicious.
- (d) If it is determined that the animal may be returned to the custody of the owner, the Commission may impose such requirements of conditions as are deemed necessary to restrain the animal and the owner shall be required to pay the costs and maintenance expenses incurred during the time that the animal was impounded.
- (e) If the Commission determines that continuing impoundment is necessary, the owner, shall be responsible for all costs and maintenance expenses incurred.
- (f) Any person who alleges that an animal is vicious may file a verified complaint with the Animal Control Commission that states in clear language why the animal is vicious. This verified complaint shall identify where the animal is located and describe the animal which is the subject of the complaint. The Administrator shall investigate the complaint and may impound the animal in accordance with Subsections (b) through (d) of this Section.
- (g) The Commission shall conduct a public hearing upon the question of whether the animal is a vicious animal in accordance with the provisions of Section 3-110 of this Subtitle.
- (h) If the Commission, upon the evidence before it, finds that the animal complained of is in fact a vicious animal, as defined in Subsection (a), above, and Section 3-101(75), the Commission may direct the owner or custodian of the vicious animal to confine the animal and to abate its danger to the public in accordance with Section 3-137 herein, or require the owner or custodian of the vicious animal to surrender the animal to the County and authorize the Administrator to destroy the animal.
- (i) The Administrator shall maintain a record of all known vicious animals in Prince George's County.

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(j) If any animal shall be found at large or running at large by an Animal Control Officer or police officer and, in the judgement of the Animal Control Officer or police officer, such animal is dangerous, fierce, or vicious and cannot be taken up or tranquilized and impounded, such animal may be slain by the Animal Control Officer or police officer. (CB-36-1985; CB-119-1987; CB-104-1996; CB-26-2001)

#### Sec. 3-137. Vicious animals; restrictions.

- (a) A vicious animal shall be confined by the owner or custodian within a building or secure enclosure and shall not be taken out of such building or secure enclosure unless securely restrained.
- (b) A vicious animal shall not be upon any street or public place, except while securely restrained, humanely muzzled if appropriate to the species, and in the charge of a responsible adult.
- (c) A vicious animal not confined as required by this Subsection is hereby declared a public nuisance, detrimental to the public health, safety and welfare. The owner of the animal shall be held strictly liable for any violation of this Section and for any damages caused hereby.
- (d) The owner of a vicious animal shall, at his or her own expense, have the identification number assigned to the vicious animal by the Administrator tattooed or microchipped upon the animal by a licensed veterinarian. The Administrator may designate the location of the tattoo or microchip.
- (e) The owner of a vicious animal shall display a conspicuous sign, on the premises where the animal is permanently maintained, that a vicious animal is located on those premises. The form and location of the sign shall be subject to the approval of the Administrator.
- (f) The owner of a vicious animal shall consent to periodic inspections by the Administrator.
- (g) The owner of a vicious animal shall report the status of the animal to the Administrator every three (3) months and shall notify the Administrator immediately prior to the removal of the animal from the approved premises.
- (h) The owner of a vicious animal shall not sell, give away or dispose of the animal without the consent of the Administrator.
- (i) The owner of a vicious animal shall comply with any other requirements or conditions imposed by the Commission. (CB-36-1985; CB-119-1987; CB-26-2001)

#### Sec. 3-138. Confinement of animal in heat.

When a female dog or cat is in estrus or in a condition commonly known as "in heat," its owner or custodian shall prevent its contact with another dog or cat, or the attraction of dogs or cats to the premises in which the female dog or cat is kept. Every female cat or dog in heat shall be confined in a building or secure enclosure in such manner that the female dog or cat cannot come into contact with a male dog or cat, except for intentional breeding purposes. (CB-36-1985)

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# Sec. 3-139. Defecation; Removal of excrement.

- (a) No person owning, keeping, or having custody of a dog or cat, except a seeing eye dog, shall allow or permit excrement of such animal to remain on:
  - (1) Public property, including streets as defined in Section 1-102(a)(34); or
  - (2) Private property without the consent of the owner or occupant thereof.
- (b) The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal. (CB-36-1985; CB-3-1987)

### Sec. 3-140. Strays and unwanted animals.

- (a) Stray dogs, cats, and other animals for which ownership cannot readily be established shall automatically become the property of Prince George's County, Maryland, and shall fall subject to the provisions of Section 3-129 herein.
- (b) Any stray animal found by any individual shall forthwith be delivered to the Animal Control Facility or to an Animal Control Officer.
- (c) All-unwanted animals received by the Animal Control Facility shall be processed under and shall be subject to the provisions of Section 3-122 of this Subtitle.
- (d) No person shall harbor or hold for reward or procure a license for a dog or other animal which has strayed upon his premises or which has been taken into custody on a public street, highway, or other public place unaccompanied by its owner or custodian or which has been stolen from its owner. Nothing in this Subsection shall be construed to prohibit any person from taking custody of a stray animal for purposes of delivering it to the Animal Control Facility. (CB-36-1985; CB-26-2001)

#### Sec. 3-141. Theft of animals.

- (a) No person except an Animal Control Officer or law enforcement officer acting in the course of his duties shall intentionally entice, take, or carry away any dog, cat, or other pet or animal without the owner's consent.
- (b) Except as provided in Section 3-123, any person who steals, entices, takes, or carries away any animal, the property of another, without the owner's consent and with the intent to deprive the owner permanently of his or her property in such animal shall be guilty of the crime of theft. Upon conviction, he or she may be punished in the same manner and to the same extent as if the animal were the personal goods of the owner.
- (c) Every person convicted of a violation of Subsection (b) shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and to a term of imprisonment not to exceed ninety (90) days, or both. One-half of any such fine shall be remitted to the owner of such animal. (CB-36-1985; CB-26-2001)

# Sec. 3-142. Injuring or poisoning of animals.

(a) Any person who accidentally or otherwise strikes an animal with any motor vehicle and injures or kills the animal shall immediately notify the Police Department or the Administrator of the location of the accident.

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(b) No person may willfully poison any animal, except that any person may use poison in a careful and humane manner to destroy vermin, including, but not limited to rats, mice, and insect pests.

(CB-36-1985)

# Sec. 3-143. Liability for injury to or destruction of an animal at large.

Any person who subdues or takes custody of or destroys any animal shall not be liable for any damages if the animal is found to be at large or running at large at the time of destruction and is in the act of pursuing, attacking, or wounding a human or another animal, whether or not such other animal is properly licensed as required by this Subtitle. (CB-36-1985)

# Sec. 3-144. Disposal of animal carcasses.

- (a) The owner or custodian of an animal may not deposit or leave such animal upon its death on public property or the property of another person. If a dog, cat, or ferret has a history of a bite or nonbite exposure to a human within ten (10) days prior to its death, it must be tested for rabies. All other dead animals shall be promptly disposed of by cremation, burial, or other sanitary means so long as there has been no human bite or nonbite exposure.
- (b) The Administrator, upon request of any person, shall pick up dead dogs, cats, and other small domestic animals for disposal for a fee not to exceed the actual cost of such pickup and disposal.
- (c) In addition to other assigned duties, Animal Control Officers shall collect all dead animals found on County-owned property or highways and the Administrator shall dispose of such carcasses.

(CB-36-1985; CB-26-2001)

### DIVISION 5. LICENSES AND STANDARDS.

#### SUBDIVISION 1. PET LICENSES.

# Sec. 3-145. Ferret, dog, and cat licenses.

- (a) A ferret, dog, or cat which is four (4) months of age or older shall be licensed by the owner as herein provided.
- (b) The licensing requirement of this Subdivision shall not apply to any animal belonging to a nonresident of the County and kept within the boundaries of the County for not longer than thirty (30) days. All such animals shall at the time of entry into the County be properly vaccinated against rabies and, while kept within the County, shall meet all requirements of this Subtitle.

(CB-36-1985; CB-26-2001)

# Sec. 3-146. License application; fees; exemption and notice conditions.

(a) Application for license shall be made to the Department. The annual license fee shall be Twenty-five Dollars (\$25.00) for all ferrets, dogs, and cats. The license fee shall be reduced

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to Five Dollars (\$5.00) where there is proof that the animal has been spayed or neutered or where the Administrator, in the Administrator's sole discretion, has determined that the animal cannot be spayed or neutered because of size, age, or other physical condition.

- (b) Assistance dogs (guide, hearing, service, seizure alert, etc.) and dogs in police canine units shall be provided licenses without charge.
- (c) The application for a ferret, dog, or cat license shall state the name and address of the owner, and the name, breed, color, age, and sex of the animal and rabies vaccination information.
- (d) A valid certificate of rabies inoculation or other evidence of vaccination issued by a licensed veterinarian or antirabies clinic recognized by the Administrator shall accompany the application.
- (e) The requirement of a rabies certificate being presented with the application may be postponed ten (10) days from the recovery of the ferret, dog, or cat from an illness or injury if the application is accompanied by the certificate of a licensed veterinarian stating that the condition of the ferret, dog, or cat is such that inoculation would be detrimental to its health. During the period of postponement, the ferret, dog, or cat shall be confined within a building or secure enclosure.
- (f) Whenever it comes to the attention of the Administrator that a ferret, dog, or cat is unlicensed, the Administrator may contact the owner of the animal and require the owner to make application for a license and require the owner to pay the required license fee. If the owner refuses to obtain a license or procure immunization for his animal, the Administrator may make demand upon the owner to surrender the animal for humane disposition. If the owner refuses to surrender the animal, the Administrator shall refer the matter to the Office of Law. The Office of Law may seek equitable relief in an appropriate court, including, but not limited to, a mandatory injunction requiring the owner of the animal either to have his animal immunized and obtain the required pet license or to surrender the animal for humane disposition. (CB-36-1985; CB-100-1991; CB-109-1997; CB-26-2001)

# Sec. 3-147. Same: Time to apply; renewal; penalty.

- (a) An owner shall apply for a license within ten (10) days after a ferret, dog, or cat becomes four (4) months of age.
- (b) Any person moving into, and establishing a residence in, the County with a ferret, dog, or cat must apply for licenses for each ferret, dog, or cat within thirty (30) days of establishing residence.
- (c) All ferret, dog, and cat licenses shall expire one (1) year from the last day of the month in which the license was issued.
- (d) Notwithstanding any other provision of this Division, the Director may, in the Director's discretion, establish a systematic method for administering the renewal of licenses under this Division, including, but not limited to, establishing staggered renewal dates for existing licenses and prorating license fees based on such renewal dates. In no event shall the Director:
- (1) Restrict the right of a licensee, under any initial license issued in accordance with the provisions of this Division, to an initial term of less than one (1) year from the date of issuance:
  - (2) Issue any initial license for a period to exceed eighteen (18) calendar months; or
- (3) Renew any license for a period of less than seven (7) calendar months, or for a period of more than eighteen (18) calendar months.

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(e) Failure to make timely application for an initial license as stated in Subsections (a) and (b), above, or for renewal of a license shall result in the assessment of a penalty of Three Dollars and fifty cents (\$3.50).

(CB-36-1985; CB-89-1988; CB-26-2001)

# Sec. 3-148. Same; Licenses and Tags.

- (a) Upon payment of a ferret, dog, or cat license fee, a numbered license tag shall be issued to the owner, which shall bear the name of the County and the year of issuance.
- (b) The license tag shall be securely fastened to each dog's collar or harness, which shall be worn by the dog at all times unless the dog is engaged in supervised hunting, exhibition, or other sport where a collar would endanger the dog's safety or adversely affect its hunting, exhibition, or sport purpose.
- (c) Any dog not wearing a license tag of the current year of issue shall prima facie be deemed to be unlicensed. Under this Subtitle the burden of proof of the fact that such dog has been licensed or is not required to wear a tag shall be on the owner or custodian of the dog.
- (d) A replacement metal license tag to replace a lost tag shall be issued to the owner of the ferret, dog, or cat upon application to the Department and the payment of a fee of One Dollar (\$1.00).

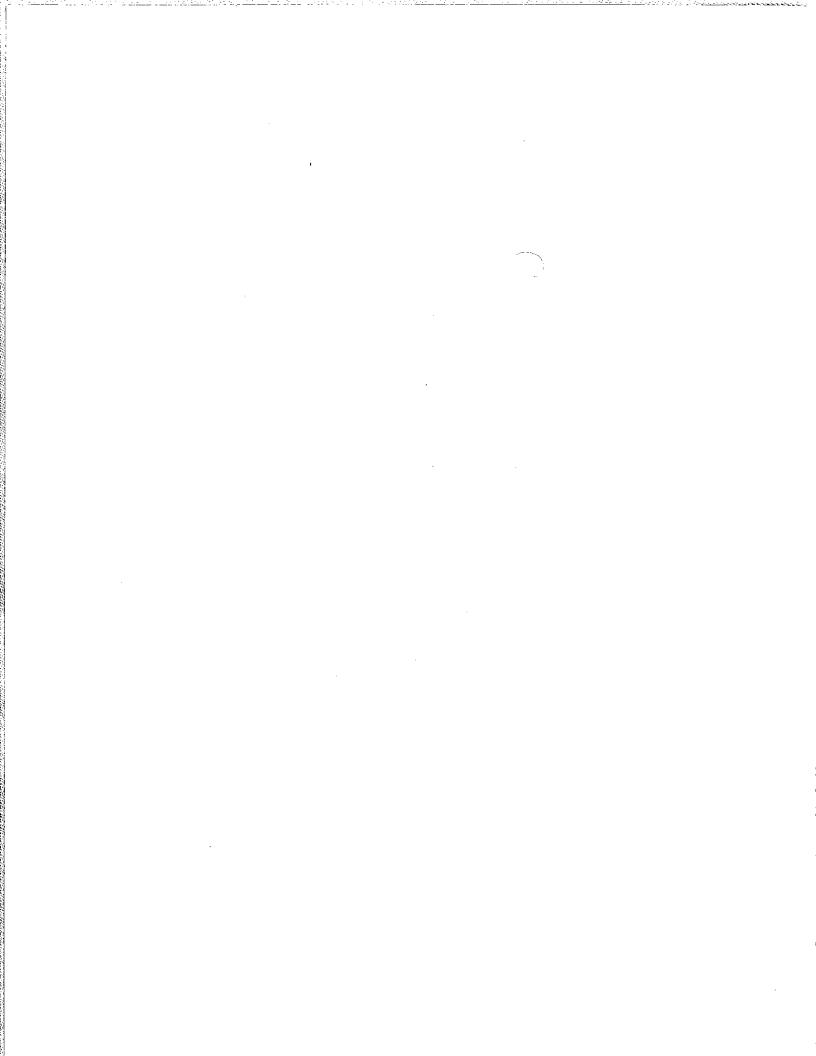
(CB-36-1985; CB-89-1988; CB-109-1997)

#### Sec. 3-148.01. Animal hobby permit.

- (a) No person may keep or harbor five (5) or more animals larger than a guinea pig or over the age of four months, without first obtaining an animal hobby permit as provided herein. Except as provided herein, no household may keep, harbor, or foster five (5) companion animals, with a limit of ten (10), over the age of four (4) months without first obtaining a hobby permit as set forth in Section 3-148.02.
- (b) Any household keeping, harboring, or fostering more than ten (10) animals prior to the effective date of this law may continue to harbor, foster, or keep such animals as are in existence. Said household cannot replace existing animals beyond the number allowed in Subsection (a), above.
- (c) This Section shall not apply to a licensed animal holding facility, a licensed veterinary hospital, a circus or travelling exhibition, or the keeping of farm animals, fish, or birds. (CB-100-1991; CB-26-2001)

# Sec. 3-148.02. Animal hobby permit application; fees; term and standards.

- (a) Application for an animal hobby permit shall be made to the Department on forms prescribed by the Director. The annual fee shall be Five Dollars (\$5.00).
- (b) The permit shall be valid for one year from the date of issue. Application for a permit must be made within thirty (30) days of acquiring five (5) or more animals as set forth in Section 3-148.01, or within thirty (30) days of establishing a residence in the County with five (5) or more animals as set forth in Section 3-148.01.
  - (c) No permit shall be issued unless:
    - (1) Each ferret, dog, or cat has a valid County license;
    - (2) There exists an adequate and safe means of confinement for each animal;



- (3) Each animal is provided adequate protection from the weather;
- (4) Evidence exists that each animal has been provided adequate and proper veterinary care;
- (5) No objectionable odors or noises exist that might disturb the neighborhood or otherwise cause a public nuisance condition to exist;
- (6) All animals on the property are kept in compliance with any and all Federal, State, and local laws and regulations as pertain to animals.
- (d) An Animal Control Officer shall inspect for compliance with Subsection 3-148.02(c), above, before any animal hobby permit shall be issued.
- (e) The permit shall be issued for the address and owner listed on the application and shall not be transferable to any other address or owner. (CB-100-1991; CB-109-1997)

#### Sec. 3-148.03. Animal Foster Care Permit.

- (a) Any person, group, or organization which provides temporary holding, care, and treatment for a companion animal pending permanent adoption may apply for a foster animal care permit. The requirements are:
- (1) The organization or group must be approved and registered with the Animal Management Division of the Prince George's County Department of Environmental Resources. Requirements for the organizations or groups are:
  - (A) Federal registration as a nonprofit or not-for-profit organization;
- (B) Proof of incorporation in the state in which they do business, as well as proof of good standing; and
- (C) Compliance with all Federal, State, and local laws in keeping animals and record maintenance for the animals and the organization.
- (2) Each individual location holding animals must be registered with the Animal Management Division. The custodian must be associated with a group or organization registered with the Prince George's County Animal Management Division.
- (3) Each location is limited to ten (10) animals including animals owned by the care taker or other residents of the location. Any location housing more than ten (10) animals must apply for an Animal Holding Facility permit.
- (4) Each location must be inspected on an annual basis upon renewal of the permit. In addition, the Animal Management Division may inspect the location for compliance with requirements for the care and maintenance of each animal.
- (5) Each animal owned by custodians, residents, or caregivers at each location must be legally registered with Prince George's County and must be up-to-date on rabies inoculations and other required preventative care requirements.
- (6) Animals being held for temporary foster care may be kept for ninety (90) days without being licensed by Prince George's County. An extension of no more than sixty (60) days may be applied for, and may be granted by, the Associate Director of the Animal Management Division. After that time, the animals will be considered owned animals and must be registered with the County. The Animal Management Division must be notified when a new animal is accepted for temporary foster care and when an animal is adopted from the foster location. The Animal Management Division will maintain and keep current a list of animals at each location.
- (7) With the exception of the animal licensing requirement, each location must meet the requirements set forth for an animal hobby permit. In addition to the penalties set forth for

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failure to obtain or maintain an animal foster care permit, the custodian is also subject to fines for failure to obtain an animal license for each animal held in custody. (CB-26-2001)

### Sec. 3-148.04. Penalties, denial; revocation.

- (a) Failure to obtain an animal hobby or foster care permit as required in Sections 3-148.01 and 3-148.03 shall result in a fine of One Hundred Dollars (\$100.00) for the first offense, Five Hundred Dollars (\$500.00) for the second offense, and One Thousand Dollars (\$1,000.00) for each subsequent offense in a two (2) year period.
- (b) The Department shall deny any application for an animal hobby or foster care permit if the Administrator determines that the applicant is in violation of the standards herein.
- (c) The Director may revoke the animal hobby or foster care permit if the Director determines that the owner or custodian is in violation of the standards herein.
- (d) The Director shall give written notice of denial or revocation of an animal hobby or foster care permit to the applicant or permittee at the address shown on the permit application. The notice shall set forth the reasons for the denial or revocation.
  - (e) The denial or revocation shall be effective on the date set forth therein.
- (f) The decision to deny or revoke an animal hobby or foster care permit may be appealed to the Commission for Animal Control within ten (10) days of the date of the letter of denial or revocation. Any such appeal shall be governed by Sections 3-110 and 3-111 of this Subtitle.
- (g) Any animals found to be maintained in violation of the standards set forth herein may be subject to impoundment by the County. (CB-100-1991; CB-26-2001)

#### SUBDIVISION 2. ANIMAL HOLDING FACILITY LICENSES.

### PART 1. DEFINITIONS AND GENERAL PROVISIONS.

#### Sec. 3-149. Animal holding facility license.

No person may own or operate an animal holding facility in the County without an appropriate animal holding facility license for each location where the facility is in operation. (CB-36-1985)

# Sec. 3-150. Animal holding facility license defined.

Animal holding facility license shall mean and refer to the license required to be obtained and held by any animal holding facility under this Subdivision, without regard to the type or types of facility licensed. The Department, subject to the provisions of this Subdivision, shall issue animal holding facility licenses which shall be denominated according to the type of facility licensed. (CB-36-1985)

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## Sec. 3-151. Application for animal holding facility license.

- (a) Every person required to obtain and hold an animal holding facility license shall make application for an animal holding facility license to the Department upon forms prescribed by the Director. The application shall be accompanied by an annual license fee as prescribed herein. A Use and Occupancy permit is required.
- (b) The applicant for an animal holding facility license shall make his application to the Department upon a form prescribed by the Director. The application shall be signed by the proprietor, if an individual, or by the president or vice president, if a corporation, or by a general partner, if a partnership. The application shall state the name and address of the individual applicant; name, location, and the business address of the animal holding facility; the name and home and business address of the manager or operator of the facility; the name and regular business address of the applicant; and the species and number of animals to be housed in the animal holding facility. The application shall also specify the type or types of animal holding facility for which a license is sought. The Administrator may promulgate regulations requiring additional information in the application.
- (c) A combined license may be obtained when a person desires to operate more than one type of animal holding facility at the same location. The applicant for a combined license shall be required to meet the standards for each type of facility and shall pay a combined fee which shall be:
  - (1) The highest single license fee for the animal holding facilities to be operated; and
- (2) One-half of each remaining license fee. (CB-36-1985; CB-26-2001)

# Sec. 3-152. Inspection of Facility.

- (a) The Administrator shall inspect the applicant's establishment. The Administrator shall determine whether the establishment is in satisfactory condition and properly operated under the provisions of this Subtitle. The Administrator shall determine the species which may be housed or held in the facility. The Administrator shall issue regulations setting forth standards and criteria for determining the maximum number of animals of different type or species to be maintained in an animal holding facility.
- (b) The Administrator shall conduct additional unannounced inspections of animal holding facilities in the County during regular business hours to insure compliance by the facilities with the requirements of this Subtitle and the regulations promulgated by the Administrator.
- (c) The Administrator shall request the assistance of the Health Officer in making determinations when appropriate.
- (d) If reinspection is required due to the applicant's failure to comply with the above referenced requirements or regulations, the applicant shall be charged Ten Dollars (\$10.00) upon the first reinspection and Twenty-five Dollars (\$25.00) for any subsequent reinspection. (CB-36-1985; CB-60-1992; CB-109-1997; CB-26-2001)

## Sec. 3-153. Issuance of animal holding facility license.

If the Administrator and/or the Health Officer determine that the establishment is in satisfactory condition and properly operated under the provisions of this Subtitle, the Department shall issue to the applicant an animal holding facility license upon a form of certificate

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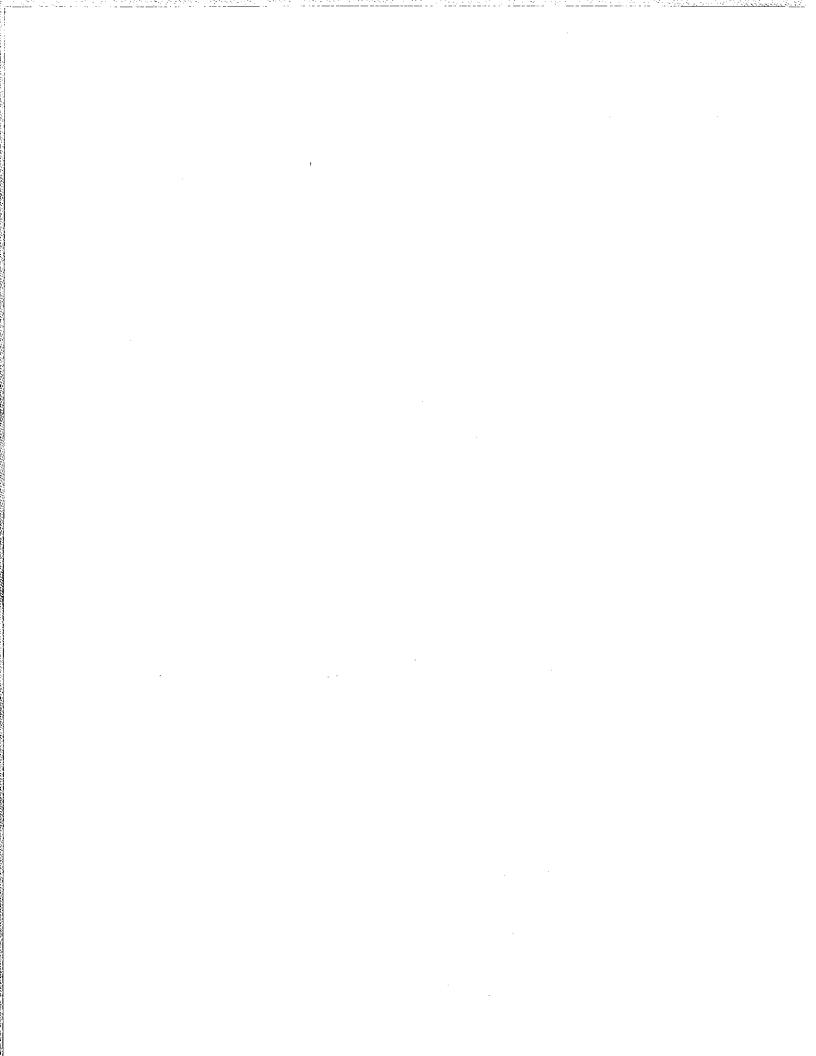
prescribed by the Director. The license certificates shall be consecutively numbered, shall state the year of issuance and period of effectiveness, and shall state the location of the animal holding facility licensed, the type of animal holding facility or facilities licensed, the type or species, and maximum number of animals to be maintained therein. The license shall be conspicuously placed for public viewing. (CB-36-1985; CB-26-2001)

# Sec. 3-154. License transferability.

- (a) Animal holding facility licenses are not transferable. The new owner or operator of the animal holding facility shall make application to the Department pursuant to Sections 3-151, 3-152, and 3-153.
- (b) The Director may issue a temporary license to the new owner or operator of an existing animal holding facility to permit its continuing operation pending the Director's decision on the license application required in Subsection (a).
  - (c) The temporary license may be issued, provided:
- (1) The application by the new owner or operator for the regular animal holding facility license has been filed with the Department; and
- (2) The facility is not the subject of a pending Animal Control violation or citation upon which final action has not been completed.
- (d) The temporary license shall be valid until the Director's decision on the application for the regular license. Issuance of the temporary license does not bar a decision by the Department to deny the application pursuant to Section 3-155(a). (CB-36-1985; CB-97-1987)

# Sec. 3-155. Denial, suspension, or revocation of animal holding facility license.

- (a) The Department shall deny any application for an animal holding facility license if the Administrator or the Health Officer determines that the applicant's establishment is in violation of the general standards or specific standards prescribed herein.
- (b) The Director may suspend or revoke the animal holding facility license of any licensee if he determines that the licensee's establishment is in violation of, or is not operated in accordance with, the general standards prescribed below or the specific standards applicable to the licensee's animal holding facility.
- (c) The Director shall give written notice of the denial, suspension, or revocation of an animal holding facility to the licensee at the address shown upon the animal holding facility license certificate. The notice shall specify in detail the facts from which the Director determines that the licensee's establishment is in violation of this Subtitle.
- (d) The denial, suspension, or revocation of an animal holding facility license shall be effective on the date set forth therein, which effective date shall be not sooner than fifteen (15) days after the date of the written notice to the licensee.
- (e) The decision of the Director to deny, suspend, or revoke an animal holding facility license shall be final, except as provided in Section 3-156. (CB-36-1985)



# Sec. 3-156. Appeal from decision to deny, suspend, or revoke an animal holding facility license.

- (a) The decision of the Director to deny, suspend, or revoke an animal holding facility license may be appealed by the applicant or licensee to the Board of Administrative Appeals.
- (b) The applicant or licensee must give written notice of its appeal to the Board of Administrative Appeals within thirty (30) days from the date of the written notice of the decision to deny, suspend, or revoke the license.
- (c) The filing of an appeal shall not negate the effectiveness of the Director's decision unless and until the Director's disposition is reversed on appeal.
- (d) An appeal of a decision to suspend or deny the renewal of or to revoke a license shall suspend the operation of that decision.
- (e) The Board of Appeals shall conduct a public hearing. In appeals from a denial of a license, the applicant shall have the burden of proof to establish his entitlement to a license. In an appeal from the suspension, revocation, or denial of renewal of a license, the Department shall have the burden of proof to establish by preponderance of the evidence that the suspension, revocation, or denial of renewal was correct. The Board of Administrative Appeals shall decide only whether the action of the Director was supported by substantial evidence. The applicant or licensee shall have the opportunity to present evidence, to cross-examine witnesses for the Department, and may be represented by an attorney at any hearing. Failure on the part of the applicant or the licensee to appear at the place set for the hearing shall be deemed a waiver of the right to a hearing.

(CB-36-1985; CB-26-2001)

# Sec. 3-157. Term of animal holding facility license; renewal.

Animal holding facility licenses shall be valid from the date of issuance for a period of one calendar year. The licensee must apply to the Department for renewal. Application for renewal, accompanied by the annual animal holding facility license fee, shall be made not less than thirty (30) days before the expiration date without penalty. Failure to make timely application for an initial license or for renewal of a license shall result in the assessment by the Department of a penalty of fifty percent (50%) in addition to the full annual license fee. The Director, upon receipt of an application for renewal of a license, shall conduct an inspection of the licensed establishment and shall determine whether it continues to comply with the provisions of this Subtitle.

(CB-36-1985)

#### PART 2. GENERAL STANDARDS FOR ANIMAL HOLDING FACILITIES.

#### Sec. 3-158. Environmental health.

- (a) All holding facilities shall provide for healthy and comfortable temperatures suitable for every species of animal of every age housed or kept in the facility.
- (b) An animal holding facility shall provide food which is palatable and of sufficient quantity and quality and frequency to meet the normal nutritional requirements of the type, condition and size of every animal housed or held in the facility, which food shall be free of

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contamination. Where practical, food shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in the dish.

- (c) An animal holding facility shall provide fresh water for each animal housed or held in the facility. Water shall be available in a removable vessel secured to prevent tipping. Water containers are to be cleaned and disinfected daily. Sipper tub type water bottles, if used shall be kept clean, free of dirt, debris, and algae, and sanitized.
- (d) An animal holding facility shall maintain all cages and enclosures in a sanitary condition. The cages shall be of sufficient size to provide adequate rest. Indoor cages or enclosures, excluding runs, shall be made of nonporous material, which shall be of sufficient size to allow each animal to stand up, turn around and stretch out to its full length. Animal feces and urine shall be removed as often as necessary, and under no circumstances less than daily, to keep cages and enclosures in a sanitary condition. Litter boxes shall be provided for cats. (CB-36-1985)

# Sec. 3-159. Animal health and veterinary care.

- (a) Any animal in an animal holding facility which is injured or which shows signs of illness or symptoms of contagious disease shall be immediately isolated in such manner as to prevent the spread of such illness or disease to other animals or to prevent the exacerbation of any injury.
- (b) All sick, diseased, or injured animals in an animal holding facility shall be provided immediate veterinary care by a doctor of veterinary medicine licensed to practice in the State of Maryland or under the supervision of such licensed veterinarian.
- (c) Cages, enclosures, or other areas in which animals have been housed or held shall be decontaminated before being used by another animal.
- (d) No animal that is ill or diseased, shows visible evidence of any current illness or disease, or is injured in any way may be sold, exhibited in a petting zoo, used as a guard dog or for guard dog training, or used or exhibited for equestrian training or show. (CB-36-1985; CB-26-2001)

#### PART 3. PARTICULAR LICENSES AND STANDARDS.

#### Sec. 3-160. Kennel licenses.

(a) No person may operate a kennel without first obtaining a kennel license. Research facilities wherein bona fide medical or other scientific research (including, but not limited to, dental, pharmaceutical and biological research) is being conducted and other animal holding establishments which are licensed by Federal law or operated by agencies or contractors of the United States, the State of Maryland or of any Maryland local government are excluded from the kennel licensing requirements of this Subtitle.

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(b) The applicant shall pay an annual kennel license fee as follows:

(1)	Authorized to house less than ten (10) animals	\$75.00
(2)	Authorized to house ten (10) but less than fifty (50) animals	\$125.00
	Authorized to house fifty (50) but less than one hundred (100 animals	\$175.00
(4)	Authorized to house one hundred (100) or more animals	\$250.00

(c) The holder of a commercial kennel license shall make and retain for one year written records of the names and addresses of persons who board, buy, or otherwise receive dogs from the kennel.

(CB-36-1985; CB-63-1994; CB-26-2001)

## Sec. 3-161. Guard dog facility; license required.

- (a) No person shall train, own or keep any dog to be used as a guard dog without obtaining a guard dog license for each location where a guard dog is kept. This Section shall not apply to governmental agencies.
  - (b) The application for the guard dog license shall state:
    - (1) The name and address of the owner, the trainer, and/or the handler;
    - (2) The location of the guard dog facility; and
    - (3) The maximum number of dogs to be housed in the facility.
- (c) The fee for a guard dog license shall be Fifty Dollars (\$50.00) per year. The license fee shall be in addition to any kennel license fee required under this Subtitle. (CB-36-1985)

# Sec. 3-162. Pet shop licenses.

- (a) No person may operate a pet shop without first obtaining a pet shop license as provided herein.
- (b) The holder of a pet shop license shall make and retain for one year written records of the names and addresses of persons who buy or otherwise receive ferrets, dogs, or cats from the pet shop.
- (c) The annual license fee for a pet shop shall be Three Hundred Dollars (\$300.00). (CB-36-1985; CB-26-2001)

#### Sec. 3-163. Petting zoo licenses.

- (a) A person may not operate a petting zoo without first obtaining a petting zoo license as provided herein.
- (b) The application for a petting zoo license shall be accompanied by a site plan of the petting zoo, showing all cages, enclosures, security fences and other arrangements for public security and animal care and feeding.

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(c) The petting zoo license fee shall be One Hundred Fifty Dollars (\$150.00). The petting zoo license shall be valid for the time stated in the application but in no event shall a petting zoo license be valid for a period in excess of one calendar year. (CB-36-1985)

# Sec. 3-164. Cattery license.

- (a) No person may operate a cattery without first obtaining a cattery license as provided herein.
  - (b) The annual fee for a cattery license shall be as follows:

(1)	Cattery authorized to house less than ten (10) cats	\$75.00
(2)	Cattery authorized to house ten (10) but less than fifty	\$125.00
	(50) cats	
(3)	Cattery authorized to house fifty (50) but less than one hundred (100) cats	\$175.00
(4)	Authorized to house one hundred (100) or more cats	\$250.00

(CB-36-1985; CB-26-2001)

# Sec. 3-165. Riding school and stable license.

- (a) No person may operate a riding school or commercial stable without first having obtained a riding school and stable license as provided herein.
- (b) This Section shall not apply to any private stable wherein the owner houses or stables only his own horses.
  - (c) The annual fee for a riding school and stable license shall be as follows:

(1)	School or stable authorized to house or display less than ten (10) horses	\$50.00
1,688611762762	School or stable authorized to house or display ten (10) but less than twenty (20) horses	\$100.00
XXXX:0500000	School or stable authorized to house or display twenty (20) or more horses	\$150.00

(CB-36-1985; CB-63-1994; CB-26-2001)

# Sec. 3-166. Commercial pet distribution facility license.

- (a) No person may operate a commercial pet distribution facility, without first obtaining a commercial pet distribution facility license.
- (b) Commercial pet distribution facility means a commercial establishment where animals are held for sale at wholesale or for distribution to other commercial establishments or users, sellers, or consumers of animals other than private pet owners or to zoological parks, aviaries, or aquariums.

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(c) The annual fee for a commercial pet distribution facility license shall be as follows:

	Facility authorized to house less than one hundred (100) animals	\$100.00
(2)	Facility authorized to house one hundred (100) but less than two hundred fifty (250) animals	\$150.00
	Facility authorized to house two hundred fifty (250) or more animals	\$200.00

(CB-36-1985; CB-26-2001)

# Sec. 3-167. Grooming establishment license.

- (a) No person may operate a grooming establishment without first obtaining a grooming establishment license as provided herein.
- (b) The annual fee for a grooming establishment license shall be Fifty Dollars (\$50.00) and the establishment is authorized to hold up to fifty (50) animals for the day (12 hour period). (CB-36-1985; CB-26-2001)

# Sec. 3-168. Standards for kennel or cattery.

- (a) All kennels and catteries shall provide for each dog or cat:
- (1) A cage or run of sufficient size to allow its occupant to stand up, lie down, and turn around without touching the sides or top. Cage floors shall be made of nonporous, impervious material and, unless radiantly heated, shall be equipped with a resting board or other bedding. Appropriate drainage is required between cages and runs to prevent cross-contamination from waste materials or cleaning water. If animals are housed in two (2) or more levels, no waste or other matter from the upper levels is permitted to contaminate other levels.
- (2) Animals may be permitted to have access to outside areas on a temporary basis, provided the exercise area is of sufficient size with secure fencing and a secure latched gate. The outside area must be capable of being properly cleaned. In the event of weather extremes, an animal permitted outside must have access to inside runs or other appropriate shelter. Animals in kennels or catteries may not be permanently kept outside.
- (3) Enclosures, cages, and exercise areas which shall be kept clean, dry, and in a sanitary condition, and which shall provide adequate ventilation, a healthful temperature, and protection against extremes of weather.
- (b) Where the holder of a kennel or cattery license is engaged in breeding of more than two (2) litters per year and/or the buying and selling of dogs and/or cats, the standards for pet shops and commercial pet distribution facilities, as prescribed in Section 3-170, shall apply to those animals being bred or held for sale, exchange, or purchase. (CB-36-1985; CB-63-1994; CB-26-2001)

## Sec. 3-169. Standards for Guard Dog Facilities.

(a) All owners or trainers of guard dogs shall, in addition to the requirements provided in Section 3-168, comply with the standards of this Section whenever any dog is to be trained or used as a guard dog, except for dogs kept as pets. Failure to comply with these standards shall be grounds for denial or revocation of the license.

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- (b) Dogs being trained or used as guard dogs must be able to demonstrate obedience training, but they shall not be subjected to cruel or inhumane treatment prohibited by State law or this Subtitle.
- (c) Guard dogs must be under the control of a responsible adult handler when they are being trained or utilized.
- (d) Kennel, training, and work site areas for guard dogs must meet the following requirements;
- (1) Runs must have at least six foot (6') fences completely surrounding them to which anticlimbers are added at the top or the top is completely covered.
- (2) All gates and entrances to the runs, kennel, training or work site area must be kept locked so that the public is unable to enter.
- (3) The kennel, training, or work site area must be enclosed within a building to which the public does not have access or by fences at least eight feet (8') high to which anticlimbers are added. Fences must be kept escape proof.
- (e) Guard dogs may not be allowed in any area to which the public has access unless they are securely restrained, humanely muzzled, and under the control of an adult handler. (CB-36-1985; CB-26-2001)

# Sec. 3-170. Standards for pet shops and commercial pet distribution facilities.

- (a) A pet shop or commercial pet distribution facility receiving animals from a common carrier shall take delivery and physical possession of those animals within four (4) hours after notification by the carrier that the animal has arrived at the carrier's point of delivery.
- (b) No sick animals may be sold or further transferred in the course of commercial distribution until transfer is approved by a veterinarian. All animals and birds received by a pet shop or commercial pet distribution facility shall be isolated until they can be examined. The examination shall be conducted in an area separate and apart from the housing or display area provided for other animals. Any bird or animal exhibiting illness, disease, or a present crippling deformity must be provided with immediate and adequate care by a veterinarian.
- (c) Animals with only present crippling deformities or noncontagious health problems may be placed in an area with healthy animals or returned to the breeder, broker, or shipper. Animals with noncontagious diseases or present crippling deformities may be given away as pets if the recipient signs a written release indicating that the recipient is aware of the deformity or noncontagious disease and agrees to spay or neuter the animal at the appropriate age and releases the pet shop from responsibility for that condition. Animals with present crippling deformities or known noncontagious diseases may not be sold or displayed.
- (d) A pet shop or commercial pet distribution facility shall maintain healthy animals in an area separate and apart from diseased animals. Healthy animals shall be provided with a ventilation system designed and operated to prevent air from housing areas for diseased animals from reaching areas in which healthy animals are housed. The ventilation system shall provide a reasonably healthy method of air entry, circulation, and filtration, and the system shall condition the air to eliminate noxious substances and objectionable odors.
- (e) A pet shop or commercial pet distribution facility shall maintain under normal conditions a minimum temperature of 65 degrees F and maximum temperature of 75 degrees F on the premises, except for those animals which require higher temperatures. There shall be a visible working thermometer in the display window where animals are shown and any area where animals are being kept.

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- (f) A pet shop or commercial pet distribution facility shall have all canines and felines on the premises examined by a veterinarian every fourteen (14) days for compliance with Section 3-159 and appropriate records signed by the attending veterinarian. All animals shall be checked daily for signs of illness.
- (g) In every pet shop or commercial pet distribution facility, all canines shall have received distemper, parvovirus, hepatitis, and leptospirosis inoculations as required by applicable law or regulation prior to shipping, or prior to display upon receipt by the pet or commercial distribution facility after consultation with the attending veterinarian. Felines shall have received vaccine inoculations with FVRCP as required by applicable law or regulation prior to shipping, or prior to display upon receipt by the pet or commercial distribution facility after consultation with the attending veterinarian. The pet shop or distribution facility shall have canines checked for worms on a routine basis and wormed if necessary. This Subsection does not permit a pet shop or commercial pet distribution facility to accept, sell, or display a dog or cat younger than eight (8) weeks of age.
- (h) All ill animals, maimed animals, and animals with present crippling deformities shall be under the care of a veterinarian at the expense of the pet shop or distribution facility until they are permanently cured, humanely destroyed, or properly given away. Any animal certified by a veterinarian to be healthy may be transferred or sold.
- (i) (1) It shall be a violation for any pet dealer to sell a dog or cat without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, or the dealer's agent or employee, and shall contain the following information:
  - (A) The animal's breed, sex, age, color, and birth date;
- (B) The name and address of the person from whom the pet dealer purchased the animal;
  - (C) The breeder's name and address;
- (D) The date on which the animal was examined by a veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
- (E) A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, the name and address of such veterinarian, and a brief statement of all findings.
- (2) The information contained in the pet dealer's animal history certificate required in paragraph (1), above, shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless the dealer knows or has reason to know that such information is erroneous. A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.
- (3) It shall be a violation for a pet dealer to include in the pet dealer's animal history certificate provided for in paragraphs (1) and (2), above, any false or misleading statement regarding the information to be contained therein.
- (4) If, at any time within ten (10) days following receipt of an animal by a consumer, a veterinarian certifies such animal to have been unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease, the pet dealer shall afford the consumer the right to choose one of the following options:
- (A) The right to return the animal and receive a refund of the purchase price including sales tax; or



- (B) The right to return the animal and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer.
- (5) The refund required in paragraph (4), above, shall be made by the pet dealer not later than ten (10) business days following receipt of a signed veterinary certificate as hereinafter provided. A pet dealer shall give notice hereinafter set forth in writing to a consumer prior to the delivery of an animal. Such notice shall be embodied in either a written contract, the pet dealer's animal history certificate, or a separate document and shall state in at least ten point (10 pt.) bold face type the following:

#### NOTICE

The sale of animals is subject to the provisions of Section 3-170(i). In the event that a veterinarian certifies your animal to have been unfit for purchase within ten (10) business days following receipt of your animal, you may choose:

(1) To return your animal and receive a refund of the purchase price; or
 (2) To return the animal and receive an exchange animal of your

choice of equivalent value.

In order to exercise these rights, you must present a written veterinary certification, indicating that the animal was unfit for purchase, to the pet dealer within three (3) business days after receiving such certification.

- (6) If the consumer agrees, the pet shop may provide to the animal purchaser free veterinary treatment for any illness or condition existing at the time of sale that is diagnosed by a veterinarian within ten (10) days of the date of sale. The initial examination fee, office visit fee, vaccine cost, and inoculation fee are to be the pet owner's responsibility. The pet shop shall choose the veterinarian who is to provide treatment for the illness or condition.
- (j) The pet shop shall maintain an accurate individual history and health record for each dog or cat and lot records for birds. The records shall contain the name of the pet shop; a full description of the animal; the name and address of the person from whom the animal was obtained and the federal dealer identification number, if available; the date of the animal's entry into the State of Maryland; the animal's date of birth; the name and address of the breeder; the name and address of the broker; the name and address of the shipper; a record of all vaccines administered to the animal and the date of administration; a record of any disease of the animal observed while in the possession of the pet shop, including, but not limited to, symptoms of illness, diagnosed illness, treatment, medication, and prognosis, if known; and the date of sale or other disposition.
- (k) The pet shop shall maintain a record of sale for each bird in conformance with the requirements of the Department of Health.
  - (l) All cages must meet the following requirements:
- (1) All cages are to be constructed of nonabsorbent, nonporous, and impervious material.
- (2) The floors of the primary enclosure shall be constructed so as to protect the animals' feet and legs from injury. Primary enclosures for animals, except cats, may have wire or grid flooring provided that the gauge of the wire or grid material is of adequate size to support the animal(s) and to prevent sagging under the weight of the animal and provided that the mesh openings are of a suitable size for the age and species of the animal. Wire or grid flooring for small animals (quadrupeds), shall have mesh openings of such size as to prevent the animals' feet from passing through the openings.

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- (3) Each primary enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit, or lie in a comfortable position. Containing a dog by means of tying or chaining shall not be permitted, except that a dog may be restrained when grooming if the chain is placed or attached to a well-fitted collar. The area of confinement for cats shall be large enough to permit adequate exercise for the animals.
- (4) A primary enclosure for a cat shall have a litter pan made from nonabsorbent material, or disposable pans containing sufficient clean litter to contain the excreta.
- (5) There shall be available for cleaning and sanitation a sufficient supply of hot running water and an effective chemical sanitizing agent.
- (6) If a cage is made of material which can be scratched, they shall be steam cleaned or cleaned with an effective disinfectant every fourteen (14) days and before the introduction of another animal. Cage walls and ceiling shall have a smooth, washable surface and shall be finished in a light color and kept in a clean, safe, and sanitary condition.
- (m) All areas of confinement, display, storage, and sales shall be maintained in a rodent-free, vermin-free, and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant. All cages shall be cleaned and disinfected daily. Feed and water dishes shall be emptied and sanitized at least once daily. No animal is permitted to be maintained in an area being cleaned until this process is completed and the area is dry. Sipper tube water bottles, if used, shall be kept clean and sanitized regularly and kept free of dirt, debris, and algae.
- (n) At least one (1) sink or tub equipped with both hot and cold running water shall be provided within the building in a location easily accessible to the areas where animals are housed. All wastes or sewage shall be discharged to a Health Department approved waste disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and sanitary condition. Where flooding or steaming methods are employed for cleaning floors, adequate means shall be provided for removal of waste water. Water shall not be permitted to pool under equipment, partitions, animal enclosures, or other places within the building. Any animal enclosure which is subject to waste water runoff after cleaning or subject to the influence of weather shall be connected to an approved waste water disposal system.
- (o) A pet shop may not confine or display animals of different species in the same cage or enclosure, except that fish, birds, and nonpoisonous reptiles of different but compatible species may be displayed or confined in the same tank or cage.
- (p) A pet shop shall not display any animal in a manner that is detrimental to the health or well-being of that animal. The management of the pet shop shall give proper instruction on the handling of an animal.
- (q) No more than one (1) adult dog or cat may be confined in the same cage. Young animals may not be confined or displayed in the same cage with adult animals. Pugnacious or vicious animals shall be isolated from other animals. Dogs shall be taken from cages and allowed to exercise at least twice daily, including Sundays and holidays. Dogs and cats under the age of eight (8) weeks may not be displayed or offered for sale.
- (r) The water temperature in a fish tank shall be maintained at a constant level appropriate for the fish confined therein. If necessary for purposes of health or sanitation, the fish tank shall be equipped with an efficient circulating pump, filter, thermometer, and light for the emission of heat. Fish tanks shall be kept in a sanitary condition at all times.
- (s) Each bird cage housing small-sized birds up to and including doves, cockatiels, and love birds shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein; and one-third (1/3) of the perch space is to be vacant at all times. If

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a perch is detrimental to the health of a particular species, then the perch is to be omitted from the cage in which that species is confined. In addition to bird seed and water, each bird cage shall contain an amount of fresh gravel, where appropriate and needed for digestion, sufficient for the number of birds confined therein. Parrots and other large bird species shall have sufficient cage space or sufficient T-stand perch space. They shall not be confined or displayed in a cage with smaller birds.

(t) Hand washing facilities for the public shall be provided. (CB-36-1985; CB-126-1986; CB-26-2001)

# Sec. 3-171. Standards for petting zoo.

- (a) Cages and enclosures shall be of sufficient size to allow each animal to move around with ease. Cages and enclosures shall be maintained at all times in a sanitary condition, with sufficient clean and dry bedding to prevent offensive odors.
  - (b) Animals shall be provided adequate water at all times.
  - (c) Animals shall be provided with adequate food.
- (d) Animals shall be provided with adequate ventilation and healthful temperatures for every species. Access to a comfortable weather-proof shelter must be available at all times.
- (e) An adequate number of attendants shall be on the premises during the hours the zoo is open to the public in order to provide adequate supervision.
- (f) Hand washing facilities for the public shall be provided. (CB-36-1985; CB-26-2001)

### Sec. 3-172. Standards for catteries.

All catteries shall comply with the standards for commercial kennels set forth in Section 3-168, above. (CB-36-1985)

# Sec. 3-173. Standards for riding schools and stables.

- (a) All riding schools and stables shall comply with the minimum standards of this Section.
- (b) All animals shall be provided with daily food and water which shall be wholesome, palatable and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animal. The food shall be free of any contamination.
- (c) All horses, ponies, donkeys, mules, and other livestock shall have an enclosure with at least three (3) solid walls and a solid roof. All buildings and sheds used for the stabling of animals shall be well lighted and ventilated and provide protection from extremes of weather.
- (d) All buildings and sheds used for stabling animals shall be kept clean and in good repair at all times and manure shall be removed therefrom daily.
- (e) Stacked manure piles shall not be allowed to stand for a period in excess of four (4) days except when conditions of ice and/or snow prohibit its removal, and in all instances must be kept at least fifty (50) feet from a building or shed housing animals.
- (f) Any enclosure where animals are kept shall be graded and drained to prevent pooling of water. No garbage, fecal matter, or other similar matter shall be placed or allowed to remain in any stable or enclosure. No open drain is permitted to run through any stable or enclosure.

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(g) The owner and operator of the stable shall be responsible for taking steps to suppress internal parasites, flies, and other insects attracted to the stable site. (CB-36-1985; CB-26-2001)

## Sec. 3-174. Standards for Grooming Establishment.

- (a) Enclosures, cages, and/or exercise areas shall be maintained in a sanitary condition which shall provide adequate ventilation, a healthful temperature, and protection against extreme weather.
- (b) All areas of confinement, display, storage, and sales shall be maintained in a rodent-free, vermin-free, and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant.
- (c) At least one (1) sink or tub equipped with both hot and cold running water shall be provided within the building in a location easily accessible to the areas where animals are housed. All wastes or sewage shall be discharged to a Health Department approved waste disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and sanitary condition. Where flooding or steaming methods are employed for cleaning floors, adequate means shall be provided for removal of waste water. Water shall not be permitted to pool under equipment, partitions, animal enclosures, or other places within the building. Any animal enclosure which is subject to waste water runoff after cleaning or subject to the influence of weather shall be connected to an approved waste water disposal system.
- (d) No animal may be held for more than one (1) hour without having access to water in a secured container.
- (e) No animal may be retained overnight in a grooming establishment unless the facility is also licensed as a kennel.

(CB-36-1985; CB-26-2001)

# DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS.

### Sec. 3-175. Attack dogs.

No person, other than the military or government law enforcement agencies, shall own, keep, harbor, or train attack dogs in this County. Attack dogs shall not be owned by commercial establishments or used for any commercial purpose. (CB-36-1985)

## Sec. 3-176. Keeping wild or exotic animals.

- (a) No person shall keep or permit to be kept on his premises any unlicensed wild or exotic, vicious, or dangerous animal either as a pet, for breeding, for sale, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.
- (b) No person shall keep or permit to be kept on his premises any poisonous snake, poisonous reptile, or other poisonous or venomous animal either as a pet, for breeding, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.
- (c) No person shall keep or permit to be kept on his premises any ground hog, skunk, raccoon, opossum, fox, bear, wolf, other native wildlife, or member of the cat family other than

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the domestic cat either as a pet, for breeding purposes, for sale, or for display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.

- (d) The Director shall prescribe regulations to insure the safe penning or caging of wild or exotic animals or reptiles in order to prevent threats to the public health or the creation of public nuisances.
- (e) The Director shall issue a permit for the keeping or displaying of any exotic or wild animal upon inspection and under the conditions established by the Administrator. Denial of the permit may be appealed to the Commission.
- (f) The license fee for a wild and exotic animal display license shall be Two Hundred Dollars (\$200.00).

(CB-36-1985; CB-26-2001)

## Sec. 3-177. Spaying and neutering.

All animals adopted from the Animal Control Facility must be spayed or neutered not later than thirty (30) days after the date of adoption. A certificate, signed by a licensed veterinarian, that spaying or neutering has been accomplished must be provided to the Administrator within fifteen (15) days of the date of spaying or neutering. Any extension of time must be requested in writing to the Administrator, stating the reason spaying or neutering has not been accomplished and the date upon which said action will be accomplished. The Administrator, in his discretion, may approve or deny the request for an extension. If the request is denied, then upon the expiration of forty-five (45) days from the date of adoption the adopted animal must be immediately returned to the Animal Control Facility.

(CB-36-1985; CB-26-2001)

#### Sec. 3-178. Adoption contract.

- (a) The Administrator shall prepare an adoption contract to be used in connection with the adoption of any animal by any person from the County. The adoption contract shall set forth the obligations of an adopter for the proper care, including veterinary care and neutering or spaying, feeding, maintenance, and disposition of any adopted animal.
- (b) The Administrator shall permit the adoption of an animal in its custody only upon the following conditions:
  - The proposed adopter must first complete and execute all adoption forms.
- (2) The Administrator may visit the residence of the proposed adopter to determine the suitability of the adopter and the residence for the animal to be adopted. The Administrator may determine whether the proposed adopter and the residence are suitable.
- (3) The proposed adopter shall pay all required fees and make any deposit required by the adoption contract to secure the adopter's obligations to have the animal inoculated, or spayed or neutered.
- (c) The adopter, if permitted to adopt an animal, shall have the right to possess the animal subject to the requirements of the adoption contract and of this Subtitle. If at any time after the adoption of the animal the Administrator finds that the adopter has violated the provisions of the adoption contract or of this Subtitle with respect to the adopted animal, the adopter may be counseled in an effort to secure compliance, or, in the discretion of the Administrator, required to surrender the animal to the custody of the County.



- (d) No person who adopts an animal from the County shall sell, make a gift of, transfer, destroy, or otherwise dispose of the animal without the prior written permission of the Administrator.
- (e) The Office of Law may bring legal or equitable actions, including actions for mandatory or prohibitive injunctions, to enforce any adoption contract. (CB-36-1985; CB-26-2001)

# Sec. 3-179. Compliance with Zoning Ordinance.

The use of any land or building in Prince George's County, Maryland, for any purpose described in this Subtitle must comply with the provisions of Subtitle 27, Zoning, Prince George's County Code, as the same is amended from time to time. The grant of a license for the operation of any animal holding facility under this Subtitle shall not constitute permission to operate an animal holding facility in violation of Subtitle 27, Prince George's County Code. (CB-36-1985)

# Sec. 3-180. Cruelty and Neglect.

- (a) No animal is exempt from protection against cruelty or neglect as defined in Sections 3-101(35) and 3-101(53) of this Subtitle. No animal shall be overdriven, overloaded, deprived of necessary sustenance, tortured, tormented, mutilated, cruelly beaten, or otherwise physically abused or cruelly killed. Any person who causes, procures, or authorizes these acts; or who, having the charge or custody of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the animal; or who unnecessarily fails to provide the animal with nutritious food, water, air, space, shelter, or protection from the weather shall be charged in accordance with the provisions of Subsection (b), below. Any person who fails to employ the most humane method possible for activities such as processing, pest elimination, hunting, and animal training shall be charged in accordance with the provisions of Subsection (b), below.
- (b) Whenever it becomes necessary to protect an animal from cruelty or neglect, any police officer or Animal Control Officer may take possession of it. If an animal is impounded, yarded, or confined and continues without necessary food, water, or proper attention, or is cruelly treated or neglected, any police officer or Animal Control Officer may enter into and upon anyplace in which the animal is impounded, yarded, or confined and supply it with necessary food, water, and attention as long as it remains there; or, if necessary for the health of the animal, the officer may remove the animal and not be liable to any action for that entry or for taking possession of the animal. In all cases, the owner or custodian of the animal shall be notified, by the person taking possession of the animal, of the officer's action and of any administrative remedies which may be available. The owner or custodian may file, within ten (10) days of receiving notice, a petition in writing with the Commission for Animal Control (CAC) for the return of the animal. If the owner or custodian is notified and fails to file the petition within the prescribed time period, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty (20) days, the animal shall be deemed a stray and handled accordingly. Nothing in this Section shall be construed to permit the entry into a private dwelling or to permit the taking of a farm animal without first having obtained the recommendation of a veterinarian. When a violation under this Section has occurred, the police officer or Animal Control Officer shall employ one of the following:
  - (1) A one-time written warning shall be issued by an Animal Control Officer, who

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shall also provide detailed educational guidance specific to the violation for first-time offenders of less extreme cases of cruelty or neglect. "Less extreme cruelty or neglect" is defined as any unintentional act of cruelty or neglect, which has no permanent effect on the animal, and the aforementioned behavior of the owner or custodian is subsequently corrected through education.

- (2) (A) Second offenses of unintentional acts of cruelty or neglect, which are not a recurrence of the conduct prohibited in this Subsection, shall result in the removal of the animal(s). Said animal(s) shall be housed, for a period not to exceed ten (10) days, at the Animal Control Facility. The owner or custodian shall pay for the board and care of the animal(s) at the Animal Control Facility during the ten (10) days allowed for taking corrective measures. Such animals shall be designated as a "humane hold" until corrective measures ensuring the safety and well-being of the animal(s) have been taken by the owner or custodian. These corrective measures shall be confirmed through inspection by an Animal Control Officer. Animals on humane hold shall not be adopted or euthanized. If appropriate corrective measures have not been taken by the close of the ten (10) day period, the animal(s) shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal(s).
- (B) Second offenses that are a recurrence of the conduct prohibited in this Subsection shall result in the removal of the animal(s). The owner or custodian shall be fined One Hundred Dollars (\$100.00) per animal and pay for board and care of the animal(s) at the Animal Control Facility during the ten (10) day period provided for the taking of corrective measures.
- (3) Deliberate violations of this Section, as well as any third offense, shall result in a charge of cruelty, and the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) and a fine of One Hundred Dollars (\$100.00) per animal.
- (4) Extreme or egregious violations of this Section (including, but not limited to, torture, torment, mutilation, or cruel beatings), or in the case of a subsequent offender under Subsection (b)(3) of this Section, shall result in a criminal charge of cruelty. A conviction under this charge shall be punishable by a criminal fine of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.
- (c) Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.
- (d) Any person charged under Subsections (b)(3), (b)(4), or (c) of this Section shall immediately surrender all animals in ownership or custodianship to the Animal Management Division of the Prince George's County Department of Environmental Resources. If an appeal is filed, the animal(s) shall either be maintained or euthanized at the owner or custodian's expense by the Animal Management Division. It shall be unlawful for any person found guilty of cruelty under this Section to have ownership or custodianship of any animal for a period of five (5) years from the date of determination. Upon a finding of guilt and/or the exhaustion of all appeals, the surrendered animal(s) shall become the property of Prince George's County and may be disposed of by adoption or euthanasia.
- (e) Any police officer shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, make arrests or apply for a charging document permitting the arrest of

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offenders believed to have violated the ordinance of this County regarding cruelty to animals. Any Animal Control Officer or other person shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals. (CB-36-1985; CB-119-1987; CB-26-2001)

Sec. 3-181. Reserved.

Sec. 3-182. Reserved.

# Sec. 3-183. Selling, giving away, dyeing, or coloring baby fowl or mammals; exception.

- (a) No person shall sell, offer for sale, raffle, barter, or give away baby chickens or ducklings or other fowl under four (4) weeks of age in lots of less than one dozen, or rabbits under six (6) weeks of age, or any unweaned mammalian companion animals; or color, dye, stain, or change the natural color of baby chickens, ducklings, other fowl, or rabbits; or bring or transport the same into the County. This Section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities that comply with rules of the Health Officer by breeders and those selling for commercial breeding and raising purposes.
- (b) Stores, shops, vendors, and others offering chicks, ducklings, or other fowl for sale in lots of twelve (12) or more, or displaying chicks, ducklings, or other fowl to the public shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or fowl in good health, and shall keep adequate food and water available to the birds at all times.
  - (c) No person shall give away any live animal, fish, or bird as:
- (1) A premium, novelty, toy, or prize, or as an inducement to enter any contest, game, or other competition;
  - (2) An instrument to enter a place of amusement;
- (3) An incentive to enter into any business agreement where the offer was for the purpose of attracting trade.
- (d) Any person who violates the provisions of this Section is subject to the fine set forth in Section 3-116 of this Code, as well as confiscation of the animal(s) involved.
- (e) The provisions of this Section with regard to the giving away of animals do not apply to animals given away for agricultural purposes. (CB-36-1985; CB-63-1994)

# Sec. 3-184. Sales of turtles prohibited; presumption.

- (a) No persons shall sell or offer for sale pet turtles.
- (b) The sale or offer for sale of any turtle shall be presumed to be for purposes of a pet unless offered for sale or sold to food processors, zoos, or person having a known use of turtles other than for pets.

  (CB-36-1985)

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# Sec. 3-185. Pigeons as a nuisance.

Where a complaint is filed with the Commission and the Commission finds that a private or public nuisance exists with respect to the keeping of pigeons, the Commission may direct or authorize the Administrator or any party of interest to the complaint to take appropriate actions consistent with State law. Similarly, the Health Officer may, upon a finding that a pigeon or pigeons are causing a public health hazard, direct or cause appropriate corrective action to be taken to abate such hazard consistent with State law. (CB-36-1985)

#### Sec. 3-185.01. Pit Bull Terriers.

- (a) Except as provided below, no person shall own, keep, or harbor a Pit Bull Terrier within the County.
- (b) Any person owning a Pit Bull Terrier prior to November 1, 1996, may continue to harbor the animal on his premises under the following conditions:
- (1) The animal shall be registered by the Administrator of Animal Control, and must at all times wear a tag provided by the Administrator which will readily identify it as a registered Pit Bull Terrier.
- (2) The owner shall pay an annual fee of \$50.00 to the Administrator of Animal Control to maintain such animals and support enforcement.
- (3) The owner shall maintain the dog within a building or a secure kennel at all times. Whenever the dog is removed from the building or kennel it shall be secured by an unbreakable or unseverable leash and maintained under the control of an adult.
- (c) A person may temporarily hold a Pit Bull Terrier in the County for the purpose of showing the dog in a place of public exhibition, contest, or show sponsored by a dog club, association, or similar organization. The sponsor of the exhibition or show must obtain written permission from the Director and must provide protective measures adequate to prevent the dog from escaping or injuring the public. The dog shall at all times during the transportation to and from the show or exhibition be confined in a secure temporary enclosure.
- (d) Any dog employed or owned by the County or licensed security services and trained to perform official police, correctional, security, fire and/or search and rescue service shall be exempt from the provisions of this Act. (CB-106-1996)

#### DIVISION 7. RABIES CONTROL.

# Sec. 3-186. Vaccination of ferrets, dogs, and cats.

- (a) No person shall own or harbor a ferret, dog, or cat over the age of four (4) months in the County without a valid rabies vaccination.
- (b) Persons bringing ferrets, dogs, and/or cats into the County shall have readily available, as proof of vaccination, a valid rabies certificate signed by a licensed veterinarian or issued by an approved governmental agency. Animals which do not qualify shall either be immediately removed from the County or be vaccinated by a licensed veterinarian. (CB-36-1985; CB-109-1997)

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# Sec. 3-187. Antirabies clinics; vaccination certificates; coordination with pet licensing requirements.

- (a) Antirabies clinics will be operated by the Health Department. The Health Department is authorized to charge such reasonable fees as may be necessary to defray the actual costs of such service.
- (b) Any person administering rabies vaccination shall complete a Health Department vaccination certificate of rabies immunization on all animals immunized and shall furnish copies of the certificate to the Administrator of Animal Control within sixty (60) days of the vaccination.
- (c) When a dog, cat, or ferret is presented to the Health Department for immunization at an antirabies clinic, personnel of the Animal Control program shall ascertain whether the animal is licensed under this Subtitle. If the animal is unlicensed, the Administrator shall provide the owner with an application for the appropriate license. (CB-36-1985; CB-26-2001)

# Sec. 3-188. Report of person(s) having bite contact or nonbite contact with animal(s).

- (a) A report of the circumstances of a person having a bite contact or nonbite contact with an animal(s) shall be made promptly to the Police Department, the Health Department, or the Health Department's designee by anyone having personal knowledge of the incident. The police shall within twenty-four (24) hours notify the Administrator and the Health Officer of the details of the incident.
- (b) It shall be the duty of every physician, medical practitioner, or hospital attendant to report to the Police Department the names and addresses of persons treated for bite contact or nonbite contact with animals, together with such information as will be helpful in rabies control. (CB-36-1985; CB-26-2001)

# Sec. 3-189. Confinement for quarantine of animal(s) following a bite or nonbite contact with a human(s).

- (a) The Administrator shall confine any animal following a bite or nonbite contact with a human(s) for clinical observation for a period of ten (10) consecutive calendar days. At the discretion of the Administrator and with the approval of the Health Officer, the confinement may occur on the premises of the animal's owner. The Administrator may issue such written orders to the owner with respect to the confinement of the animal as he finds necessary for the public safety. In the alternative, the animal may be confined at any animal shelter, veterinary hospital, or humane shelter at the owner's option and expense, subject to the approval of the Health Officer and the Administrator.
- (b) No person shall allow a confined animal to escape or be released from confinement. No person shall sell, give away, or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period until the animal is examined by a licensed veterinarian or observed by the Administrator or the Administrator's designee. Nor shall any person remove said animal from Prince George's County during the confinement period without the Health Officer's written approval.

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- (c) If the animal does not have a current valid rabies vaccination at the time of exposure, the owner must have the ferret, dog, or cat examined by a licensed veterinarian and vaccinated against rabies, at the owner's expense, immediately after the ten (10) day quarantine period.
- (d) If the animal has a current, valid rabies vaccination at the time of exposure, the owner must have the animal examined by a licensed veterinarian at the owner's expense or taken to the Prince George's County Division of Animal Control immediately after the ten (10) day quarantine period, to verify that the animal is in good health. Proof of valid rabies vaccination must be shown at the time of postquarantine visit.
- (e) The owner of a quarantined animal must pay an examination fee of Ten Dollars (\$10.00) upon the completion of a home visit by an Animal Control Officer. (CB-36-1985; CB-63-1994; CB-109-1997; CB-26-2001)

# Sec. 3-190. Report of suspected rabies.

It shall be the duty of every licensed veterinarian to report to the Administrator and the Health Officer any animal considered by the licensed veterinarian to be rabid or to be a rabies suspect.

(CB-36-1985; CB-26-2001)

# Sec. 3-191. Confinement of animal suspected of having rabies.

- (a) Upon demand by the Administrator or the Health Officer, the owner of any animal which has had bite or nonbite contact with a human, or which is suspected of having been exposed to rabies, shall surrender such animal for supervised confinement. The expense of such confinement shall be borne by the owner. Payment of boarding fees and compliance with the licensing provisions of this Subtitle shall be prerequisites to the release of a confined animal to the owner.
- (b) If the owner of an animal which has had bite or nonbite contact with a human or which is suspected of having been exposed to rabies refuses to surrender the animal upon demand by the Administrator or the Health Officer, the County Attorney may petition a court for ex parte temporary and permanent mandatory injunctive relief to require the owner to surrender the animal for quarantine and observation. (CB-36-1985; CB-26-2001)

#### Sec. 3-192. Notice of rabies infections.

When rabies has been diagnosed in an animal confined for clinical observation or when rabies is suspected by a veterinarian, physician or the Administrator and that animal dies, then the Administrator shall immediately have the body sent to a laboratory recognized by the State Department of Health and Mental Hygiene for pathological examination. Such laboratory shall, within twenty-four (24) hours, if the laboratory findings indicate a presence of rabies, notify the State Public Health Veterinarian, the State Department of Agriculture, the Administrator, and the Health Officer of such finding and reported human and animal contacts with the infected animal. (CB-36-1985)

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## Sec. 3-193. Quarantine procedure.

- (a) When a rabies examination report indicates a positive diagnosis of rabies, either the State Secretary of Agriculture, the State Public Health Veterinarian or the Health Officer may impose a quarantine within any area of the County for a period of not less than sixty (60) days and for as long a period as deemed necessary.
- (b) When such a quarantine is effected, no domesticated animal shall be taken from confinement or be permitted in the streets or other public areas of the quarantine area, unless properly leashed and accompanied by an adult.
- (c) During such quarantine, any farm animal suspected of having been exposed to rabies may be quarantined by the State Public Health Veterinarian or the State Secretary of Agriculture. No quarantined farm animal may be removed from its place of residence without the written permission of the State Secretary of Agriculture or the State Public Health Veterinarian.
- (d) No unclaimed animal which has been impounded by reason of its being at large will be adopted from any animal shelter during the period of quarantine, except by special authorization of the State Public health Veterinarian or Health Officer.
- (e) If there are additional cases of rabies during the period of quarantine, the quarantine period may be extended for additional periods as established by the State Department of Health and Mental Hygiene or the Health Officer.
- (f) Notwithstanding the provisions in Section 3-191, no quarantine release fee shall be charged for animals taken to a veterinarian or to the facility for examination for release from quarantine.

(CB-36-1985; CB-109-1997)

# Sec. 3-194. Disposition of an animal exposed to a rabid animal or to an animal suspected of having rabies.

- (a) If the owner or custodian of a ferret, dog, cat, cow, horse, sheep, or goat exposed to a rabid or suspected rabid animal can provide proof of a currently valid rabies vaccination as determined by the State Public Health Veterinarian, the Health Officer, or the Health Officer's designee, the animal shall be revaccinated and kept under restraint for forty-five (45) days or for such time as specified by the Public Health Veterinarian, the Health Officer, or the Health Officer's designee. 'Under restraint' means confined to a house, garage, escape-proof enclosure or building. An animal kept outside on a chain and/or in a fenced yard shall not constitute 'under restraint'.
- (b) If the owner or custodian of any animal cannot provide proof of current vaccination against rabies, the animal shall be either humanely destroyed or immediately surrendered to the Animal Management Division of the Prince George's County Department of Environmental Resources which will hold the animal for up to fifteen (15) days while quarantine arrangements are being made. Said animal must be held in strict isolation in a facility and in a manner approved by the State Public Health Veterinarian, the Health Officer, or the Health Officer's designee for a total of six (6) months following the exposure. The animal must be vaccinated one (1) month prior to release from isolation. All costs relating to this holding or isolation shall be borne by the owner or custodian of the animal. If the owner requests that the animal be held in strict isolation, then the Health Officer, the Health Officer's designee, or State Public Health Veterinarian may make inspections deemed necessary to assure that the animal is in strict isolation. If the isolation agreement is violated, the animal shall be humanely destroyed and

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tested for rabies unless an exception is made by the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian based on special circumstances.

(c) No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required in this Division when demand is made by the Administrator, the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian. (CB-36-1985; CB-109-1997; CB-26-2001)

#### Sec. 3-195. Destruction of rabid animal restricted.

- (a) Except under the direction and supervision of the Health Officer or the Health Officer's designee, no person shall kill, or cause to be killed, any rabid animal, any animal which has had bite or nonbite contact with a human or any animal suspected of having been exposed to rabies.
- (b) No person shall remove such animal from the jurisdiction of the County without written permission from the State Public Health Veterinarian.
- (c) If there is a possibility of an animal's escape or of further bite or nonbite contact with the animal, the animal may be humanely destroyed and the Administrator shall be notified immediately.

(CB-36-1985; CB-26-2001)

## Sec. 3-196. Disposal of rabid or suspected rabid animal's carcass.

- (a) The carcass of any dead animal exposed to rabies or suspected of being exposed to rabies shall, upon demand, be surrendered to the Administrator, the Health Officer, or the State Public Health Veterinarian.
- (b) The Administrator shall supervise the disposition of the carcass of any animal in his possession found to be infected with rabies or of any dead animal which he deems to be a health menace or a hazard to the public health and welfare. (CB-36-1985; CB-26-2001)

## Sec. 3-197. Surrender of animal for quarantine.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this Division when demand is made by the Administrator, the Health Officer or the State Public Health Veterinarian. (CB-36-1985)

