

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

AN ACT concerning

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of Prince George's County, Maryland, that Section 3-136 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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 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 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.

Adopted this 19th 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:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

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