

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1997 Legislative Session**

Bill No. \_\_\_\_\_ CB-10-1997

Chapter No.

Proposed and Presented by \_\_\_\_\_ Council Member MacKinnon

Introduced by

Co-Sponsors

Date of Introduction

**BILL**

AN ACT concerning

Animals

For the purpose of increasing the fines and fees relating to dog and cat licenses and certain violations, providing for an unaltered animal permit, prohibiting the keeping of unlicensed dogs or cats which have not been altered or for which an unaltered animal permit has not been obtained, amending procedures relating to licensing, impoundment and vaccination, prohibiting certain advertisement, and making changes in style.

BY repealing and reenacting with amendments:

SUBTITLE 3. ANIMAL CONTROL.

Sections 3-101, 3-116, 3-128, 3-129, 3-130,  
3-140, 3-145, 3-146, 3-147, 3-148, 3-186,  
and 3-187,

The Prince George's County Code

(1995 Edition, as amended by CB-104-1996 and CB-106-1996).

BY adding:

SUBTITLE 3. ANIMAL CONTROL.

Section 3-177.1,

The Prince George's County Code

(1995 Edition, as amended by CB-104-1996 and CB-106-1996).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

Maryland, that Sections 3-101, 3-116, 3-128, 3-129, 3-130, 3-140, 3-145, 3-146, 3-147, 3-148, 3-186, and 3-187 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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:

\* \* \* \* \*

(28) **Kennel** shall mean an establishment or a private individual engaged in the breeding of dogs, or the boarding, buying, grooming, letting for hire, training for a fee, or selling of dogs. 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. The ownership of dogs 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 shows or field or obedience trials, and the sale of no more than two (2) litters per year shall not constitute the operation of a kennel except as set forth below. Obedience training of dogs wherein the dogs 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. Anyone who maintains ten (10) or more animals of the same breed, adjoining a private residence, for purposes of participation or exhibition in dog shows or field or obedience trials recognized by a statewide or national organization may apply for a kennel license.

#### **DIVISION 4. ANIMAL CONTROL AND ENFORCEMENT.**

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

##### **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 3-158 through 3-174, inclusive, the fines shall be Fifty Dollars (\$50.00) for the first violation and One Hundred Dollars (\$100.00) for each subsequent violation.

(2) For violation of Sections 3-175 and 3-176, relating to the keeping of attack dogs or wild animals, or of Section 3-132(b), relating to the surrender of public nuisance animals, or Section 3-149, relating to obtaining an animal holding facility license, or Section 3-186, relating to the vaccination of dogs and cats, the civil penalty for each violation shall be One Hundred Dollars (\$100.00) for the first violation, Two Hundred Fifty Dollars (\$250.00) for the second violation, and Five Hundred Dollars (\$500.00) for each subsequent violation.

(3) For violation of Section 3-137, relating to the confinement of vicious animals, the civil penalty for the first violation shall be Five Hundred Dollars (\$500.00) and One Thousand Dollars (\$1,000.00) for each subsequent violation.

(4) For violation of Section 3-181, relating to cockfighting and dogfighting, the civil penalty for the first violation shall be One Thousand Dollars (\$1,000.00) and Two Thousand Dollars (\$2,000.00) for each subsequent violation.

(5) For any violation of Section 3-135 involving an unaltered dog or cat only, or any violation of Section 3-177, the civil penalty shall be One Hundred Dollars (\$100.00) for the first violation, Two Hundred Fifty Dollars (\$250.00) for the second violation, and Five Hundred Dollars (\$500.00) for each subsequent violation, provided, however, that if the owner of the unaltered animal is able to provide satisfactory proof of altering to the Administrator within thirty (30) days after the date of the citation, the fine shall be reduced to Twenty-Five Dollars (\$25.00) for the first violation, or One Hundred Dollars (\$100.00) for a second or subsequent violation.

(6) 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.

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

### **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 and unaltered animal provisions of this subtitle, payment of redemption fees, payment of costs accrued with respect to the animal to be redeemed, including boarding fees, and presentation of satisfactory proof of ownership.

(b) Redemption fees shall be as follows:

(1) [A] For an animal which has been altered, a redemption charge of [Five Dollars (\$5.00)] ~~Ten Dollars (\$10.00)~~ for the first impoundment [in the twelve (12) months ending on the date of the most recent impoundment,] and [Fifteen Dollars (\$15.00)] ~~Thirty Dollars (\$30.00)~~ per each subsequent impoundment [in the same period].

(2) For an animal which has not been altered, a redemption charge of Thirty-five Dollars (\$35.00) for the first impoundment and Fifty-five Dollars (\$55.00) per each subsequent impoundment.

(c) The owner of an impounded animal also shall be liable to [Prince George's County, Maryland,] the County 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].

(d) Prior to redemption, the owner shall comply with the unaltered animal provisions of this Subtitle and either pay the unaltered animal permit fee, or arrange for the sterilization of the dog or cat being redeemed.

### **Sec. 3-129. Property in impounded animals.**

Any domesticated animal which is impounded and not reclaimed by its owner as prescribed in Section [3-123] 3-128 shall be deemed abandoned and shall become the property of [Prince George's County, Maryland] the County. 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)].

**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,] the County may be disposed of by euthanasia. Euthanasia shall be administered in accordance with regulations promulgated by the Director pursuant to Section 3-105 [herein].

**Subdivision 3. Animal Control Regulations.**

**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,] the County 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.

(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.

**DIVISION 5. LICENSES AND STANDARDS.**

**Subdivision 1. Pet Licenses.**

**Sec. 3-145. Dog and cat licenses; unaltered animal permit.**

(a) [A dog or cat which is four (4) months of age or older shall be licensed by the owner as herein provided.] No person shall own, harbor or keep a dog or cat over the age of six (6) months unless such dog or cat is licensed and permitted as required under the provisions of

this Subdivision.

(b) The licensing and permitting requirements of this Subdivision shall not apply to any dog or cat 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 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.

(c) No person shall own, harbor or keep a dog or cat over the age of six (6) months unless such dog or cat has been sterilized, or, an unaltered animal permit has been obtained. In the event the Administrator, in the Administrator's discretion in consultation with a licensed veterinarian, has determined that the animal cannot be spayed or neutered because of size, age, or other physical condition, this requirement may be waived until or unless the condition preventing the sterilization is alleviated. At that time, the animal must be sterilized or an unaltered animal permit must be purchased. Such waiver must be applied for and granted in writing.

(d) This Section shall not apply to animals receiving medical treatment from a veterinarian.

(e) No exemptions to any provision of this Subtitle will be granted to any dog or cat brought into the County for the purposes of breeding or bearing litters.

(f) Nothing in this Subtitle shall preclude the sterilization of a sexually immature dog or cat upon the agreement of the veterinarian and the owner.

(g) The requirement for an unaltered animal permit shall not apply to animals regularly maintained in a licensed animal holding facility. All other provisions of this Section do apply to such animals.

**Sec. 3-146. License application; fees; exemption and notice conditions; unaltered animal permit required.**

(a) [Application for license shall be made to the Department. The annual license fee shall be Twelve Dollars (\$12.00) for all 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.] A license may be obtained by submitting application to the Department, accompanied by the license fee, evidence of current rabies vaccination effective for the licensing period and proof of sterilization, if appropriate. It shall be unlawful for any person to make any false statement in or present any false evidence with an application submitted under this Section in order to obtain a license. The annual license fee for all dogs and cats shall be Five Dollars (\$5.00). Where there is proof that the animal has been altered, 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 an additional unaltered animal permit shall not be required.

(b) Dogs trained to assist the physically handicapped, and dogs in police canine units shall be provided licenses without charge. Unaltered animal permits are not required for dogs currently active in police canine units.

(c) The application for a dog or cat license shall state the name and current address of the owner, and the name, species, breed, color, age, and sex of the dog or cat and rabies vaccination information.

(d) A valid certificate of current rabies inoculation or other evidence of vaccination issued by a licensed veterinarian or anti-rabies 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 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 dog or cat is such that inoculation would be detrimental to its health. During the period of postponement, the dog or cat shall be confined within a building or secure enclosure.

(f) Application for an unaltered animal permit shall be made to the Department and shall include the name and current address of the owner, species, breed, name, age, color, sex

and license number of the dog or cat, along with an annual unaltered animal permit fee of Twenty Dollars (\$20.00).

[(f)] (g) Whenever it comes to the attention of the Administrator that a dog or cat is unlicensed or does not have an unaltered animal permit if required, the Administrator [may] shall contact the owner of the animal and require the owner to make application for a dog or cat license and unaltered animal permit if required and require the owner to pay the required license and permit fee. If the owner refuses to obtain a license and permit if required, or procure immunization for [his] the animal or animals, 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, sterilized if appropriate, and obtain the required pet license or permit, or to surrender the animal for humane disposition.

(h) The Director may designate such agents of the Department for purposes of issuing licenses and unaltered animal permits as the Director may deem appropriate. The Director shall promulgate regulations concerning such agents including the establishment of administrative fees which may be collected by such agents.

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

\* \* \* \* \*

(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)] Five Dollars.

**Sec. 3-148. Same; Licenses and Tags.**

\* \* \* \* \*

(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 is hunting,



exhibition, or sport purpose, or where the dog has a skin condition which would be exacerbated by the wearing of a collar.

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

### **Sec. 3-186. Vaccination of dogs and cats.**

(a) No person shall own or harbor a dog or cat over the age of four (4) months in the County without a valid rabies vaccination.

(b) Persons bringing a dog[s and/]or cat[s] 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.

(c) When an animal is presented for rabies immunization, the licensed veterinarian shall ascertain whether the animal is licensed and permitted, if appropriate, under this Subtitle. If the animal is unlicensed or without an unaltered animal permit, if appropriate, the licensed veterinarian shall provide the owner with an application for the appropriate license and permit.

### **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] licensed veterinarian 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) days of the vaccination].

[(c) When a dog is presented to the Health Department for immunization at an Antirabies Clinic, personnel of the Animal Control Program shall ascertain whether the dog is licensed under this Subtitle. If the Animal is unlicensed, the Administrator shall provide the owner

with an application for the appropriate license.]

SECTION 2. BE IT FURTHER ENACTED that a new Section 3-177.1 of the Prince George's County Code is hereby added:

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

**Sec. 3-177.1. Sale of puppies or kittens.**

(a) No person may sell, give away or offer or advertise to sell or give away any puppy or kitten born to an animal required to be licensed and permitted in the County under the provisions of Section 3-145 unless such advertisement, sales agreement or transfer of ownership includes the unaltered animal permit number of the bitch/queen, and of the sire if the sire is known.

SECTION 3. BE IT FURTHER ENACTED that the Director is authorized to issue regulations which would exempt from certain fines and redemption fees animals involved in events sponsored by recognized statewide or national hunting or field trial organizations.

SECTION 4. BE IT FURTHER ENACTED if an owner is unable to pay for sterilization of the animal or animals, the Department of Environmental Resources shall provide information as to sources of financial assistance.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45) calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 1997.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey  
Chair

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.