

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-29-2004

Chapter No. _____

Proposed and Presented by Council Member Hendershot

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Vicious Animals

3 For the purpose of amending the provisions pertaining to potentially dangerous dogs, providing
4 criminal penalties for violations, and repealing breed-specific prohibitions concerning pit bull
5 terriers.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 3. ANIMAL CONTROL.

8 Sections 3-101 and 3-116.01,

9 The Prince George's County Code

10 (1999 Edition, 2002 Supplement).

11 BY adding:

12 SUBTITLE 3. ANIMAL CONTROL.

13 Sections 3-138.01, 3-138.02, 3-138.03,

14 3-138.04, 3-138.05, and 3-138-06,

15 The Prince George's County Code

16 (1999 Edition, 2002 Supplement).

17 BY repealing:

18 SUBTITLE 3. ANIMAL CONTROL.

19 Section 3-185.01,

20 The Prince George's County Code

21 (1999 Edition, 2002 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 3-101 and 3-116.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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:

* * * * *

(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.

(49.01) **Impound** shall mean taken into custody of the Animal Management Division.

(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.

* * * * *

(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.]

Potentially dangerous dog shall mean a dog that poses a threat to public safety as demonstrated by any of the following behaviors:

1 (A) Causing an injury to a person or domestic animal that is less severe than a
 2 serious injury;

3 (B) Without provocation, chasing or menacing a person or domestic animal in an
 4 aggressive manner;

5 (C) Running at large and impounded by the Animal Management Division two
 6 (2) or more times within any 12-month period.

7 (63) **Poultry** shall mean all fowl and game birds raised in captivity used for human
 8 consumption or other products.

9 (63.01) **Proper enclosure** shall mean secure confinement indoors or secure
 10 confinement in a locked pen or fenced yard with secure sides, which provides protection from
 11 the elements for the dog, is suitable to prevent the entry of young children, and is designed to
 12 prevent the animal from escaping while on the owner's property.

13 (64) **Properly cleaned** shall mean that debris, food waste, and excrement are removed
 14 from the primary enclosure with sufficient frequency to minimize the animal's contact with the
 15 above-mentioned contaminants, except for carcasses which are subject to immediate removal;
 16 the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of
 17 disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from
 18 being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to
 19 hazardous chemicals or disinfectants.

20 * * * * * * * * *
 21 (71.01) **Serious injury** shall mean any physical injury from single or multiple bite(s)
 22 resulting in broken bones, serious disfigurement, serious impairment of health, serious
 23 impairment of a bodily function, or requiring multiple sutures or cosmetic surgery.

24 * * * * * * * * *

25 **DIVISION 4. ANIMAL CONTROL ENFORCEMENT.**

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

27 **Sec. 3-116.01. Criminal penalties; violations.**

28 (a) Any person found to have violated any provision of Section 3-185.01 shall be fined up
 29 to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

30 (b) [A Pit Bull that causes injury to or kills a human being or a domestic animal without
 31 provocation shall be humanely destroyed, and the owner of such dog shall be fined up to
 32 \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.] An owner of

1 a potentially dangerous dog who violates the provisions of Section 3-138.04 shall be guilty of a
 2 misdemeanor, and upon conviction, shall be punished by a fine not to exceed \$250 or
 3 imprisonment not to exceed 30 days, or both, for a first offense, and not more than \$500 or
 4 imprisonment not to exceed 60 days, or both, for a second offense.

5 (c) For violation of Section 3-115(g), the criminal penalty shall be up to One Thousand
 6 Dollars (\$1,000.00) and/or imprisonment for up to ninety (90) days.

7 (d) For violation of Section 3-135, the criminal penalty shall be up to Five Hundred
 8 Dollars (\$500.00) and/or imprisonment for up to ninety (90) days.

9 (e) For violation of Section 3-180(b)(4) or Section 3-180(c), the criminal penalty shall be
 10 One Thousand Dollars (\$1,000.00) and/or imprisonment for up to six (6) months.

11 SECTION 2. BE IT FURTHER that Sections 3-138.01, 3-138.02, 3-138.03, 3-138.04,
 12 3-138.05, and 3-138-06 of the Prince George's County Code be and the same are hereby added:

13 **SUBTITLE ANIMAL CONTROL.**

14 **DIVISION 4. ANIMAL CONTROL ENFORCEMENT.**

15 **Subdivision 3. Animal Control Regulations.**

16 **Sec. 3-138.01. Determination of potentially dangerous dog.**

17 (a) After an investigation which must be initiated within four business days after the
 18 situation becomes known to the Animal Management Division, the Administrator is authorized
 19 to make a determination whether a dog is potentially dangerous based on the factors listed in
 20 Section 3-101, and shall notify the owner of the dog in writing of that status within five days
 21 after the completion of the investigation.

22 (b) Following notice to the owner, if the Administrator has probable cause to believe that a
 23 dog is a potentially dangerous dog and may pose a threat to public safety, the Administrator may
 24 impound the dog pending disposition of the case. The owner of the dog shall be liable to this
 25 jurisdiction for the costs and expenses of keeping the dog.

26 (c) The owner, within 5 business days after a determination that a dog is a potentially
 27 dangerous dog, may appeal this determination to the Commission for Animal Control seeking
 28 review of the determination. A decision by the Commission overturning the Administrator's
 29 determination shall not affect the Administrator's right to later declare that dog to be a potentially
 30 dangerous dog or to determine that the dog poses a threat to public safety, for the dog's
 31 subsequent behavior.

Sec. 3-138.02. Exceptions.

(a) No dog shall be declared a potentially dangerous dog if:

(1) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(2) The threat, injury or damage was sustained by a person:

(A) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(B) 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

(C) Who was committing or attempting to commit a crime; or

(3) The dog was:

(A) Responding to pain or injury, or was protecting itself, its offspring; or

(B) Protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(4) No dog shall be found to be dangerous or vicious or regulated solely because it is of a particular breed.

Sec. 3-138.03. Consequences of a potentially dangerous dog determination.

(a) If the Administrator determines that a dog is a potentially dangerous dog, the owner shall comply with the provisions of Sections 3-138.04 and 3-138.05, 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.

Sec. 3-138.04. 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;

(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.

(b) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in Section 3-101 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, that same dog may again be declared a potentially dangerous dog if it again exhibits any of the specified behaviors.

Sec. 3-138.05. Potentially dangerous dog owner responsibility.

(a) It shall be unlawful to:

(1) Keep a potentially dangerous dog without a valid certificate of registration issued under Section 3-138.04;

(2) 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;

(3) 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;

(4) 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

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

Sec. 3-138.06. 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.

1 SECTION 3. BE IT FURTHER that Section 3-185.01 of the Prince George's County Code
2 be and the same is hereby repealed:

3 **SUBTITLE 3. ANIMAL CONTROL.**

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

5 **[Sec. 3-185.01. Pit Bull Terriers.]**

6 (a) Except as provided below, no person shall own, keep, or harbor a Pit Bull Terrier
7 within the County.

8 (b) Any person owning a Pit Bull Terrier prior to November 1, 1996, may continue to
9 harbor the animal on his premises under the following conditions:

10 (1) The animal shall be registered by the Administrator of Animal Control, and must
11 at all times wear a tag provided by the Administrator which will readily identify it as a registered
12 Pit Bull Terrier.

13 (2) The owner shall pay an annual fee of \$50.00 to the Administrator of Animal
14 Control to maintain such animals and support enforcement.

15 (3) The owner shall maintain the dog within a building or a secure kennel at all times.
16 Whenever the dog is removed from the building or kennel it shall be secured by an unbreakable
17 or unseverable leash and maintained under the control of an adult.

18 (c) A person may temporarily hold a Pit Bull Terrier in the County for the purpose of
19 showing the dog in a place of public exhibition, contest, or show sponsored by a dog club,
20 association, or similar organization. The sponsor of the exhibition or show must obtain written
21 permission from the Director and must provide protective measures adequate to prevent the dog
22 from escaping or injuring the public. The dog shall at all times during the transportation to and
23 from the show or exhibition be confined in a secure temporary enclosure.

24 (d) Any dog employed or owned by the County or licensed security services and trained to
25 perform official police, correctional, security, fire and/or search and rescue service shall be
26 exempt from the provisions of this Act.]

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

Adopted this _____ day of _____, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.