

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2018 Legislative Session**

Bill No. CB-16-2018

Chapter No. 62

Proposed and Presented by Council Member Lehman

Introduced by Council Members Lehman, Turner, Taveras, Franklin and Patterson

Co-Sponsors \_\_\_\_\_

Date of Introduction September 11, 2018

**BILL**

1 AN ACT concerning

2 Animal Welfare

3 For the purpose of providing for adequate care; providing for adequate shelter; providing for  
 4 cruelty to animals; providing that there is no adequate shelter under certain conditions, during  
 5 certain hours, during certain weather temperatures and weather conditions; providing the  
 6 definition of companion animals; providing for the manner in keeping animals; providing for  
 7 civil and criminal violations and penalties; and generally regarding animal welfare.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 3. ANIMAL CONTROL.

10 Section 3-101, 3-116, 3-116.01, and 3-180,

11 The Prince George's County Code

12 (2015 Edition; 2017 Supplement).

13 BY repealing and reenacting without amendments:

14 SUBTITLE 3. ANIMAL CONTROL.

15 Section 3-131,

16 The Prince George's County Code

17 (2015 Edition; 2017 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 19 Maryland, that Section 3-101, 3-116, 3-116.01, and 3-180, of the Prince George's County Code  
 20 be and the same are hereby repealed and reenacted with the following amendments:

21 **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:

\* \* \* \* \*

[(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.]

(2) Adequate care shall mean humane treatment and responsible attention given to an animal, as appropriate for the age, species, condition, weight, size, and type of animal, in providing proper food, water, shelter, protection from the weather, exercise space, air, light, grooming, transportation, training, handling, confinement, and timely veterinary care and treatment, including euthanasia when necessary. Humane treatment shall include consideration and care for the psychological and emotional well-being of animals.

\* \* \* \* \*

**(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. [The following] For animals confined outside, the foregoing shall not constitute the provision of adequate outdoor shelter when it is conducted (a) between the hours of 10 p.m. and 6 a.m., unless the animal is actively engaged in conduct that is directly related to agricultural activity or farm animal activity on property whose zoning classification, if any, permits such

1 agricultural activity; or (b) when no pet owner is on the property; or (c) when the actual or  
2 effective outdoor temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or  
3 higher; or (d) during a heat advisory issued by a local or State authority; or (e) during the  
4 effective period for a severe weather warning issued for the area by the National Weather  
5 Service, including a hurricane warning, tropical storm warning, or tornado warning.

6 \* \* \* \* \*

7 (33) **Companion animal** shall mean any domestic or feral dog, domestic or feral cat,  
8 ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic  
9 or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care,  
10 custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any  
11 person. Agricultural animals, farm animals, game species, wild or game species native to  
12 Maryland, or any animal regulated under federal law as research animals shall not be considered  
13 companion animals.

14 \* \* \* \* \*

15 (35) **Cruelty** shall mean any act of commission or omission whereby unjustifiable  
16 physical harm or pain, suffering, or death is caused or permitted, including failure to provide  
17 proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutritious  
18 food in sufficient quantities, with respect to an animal including providing for adequate shelter  
19 when the actual or effective outdoor temperature is 32 degrees Fahrenheit or lower, or 85  
20 degrees Fahrenheit or higher; In the case of an activity in which physical pain is necessarily  
21 caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall  
22 mean the failure to employ the most reasonable humane method available under the  
23 circumstances.

24 \* \* \* \* \*

25 **Sec. 3-116. Civil penalties; subsequent violations.**

26 (a) Any person found to have violated any provision of this Subtitle shall be subject  
27 to the following civil penalties:

28 (1) For violation of Sections 3-133, 3-134, 3-135, 3-138, 3-139, 3-144, 3-145,  
29 3-148, and 3-184, the fines shall be Fifty Dollars (\$50.00) for the first violation, One Hundred  
30 Dollars (\$100.00) for the second offense, and Two Hundred Fifty Dollars (\$250.00) for each  
31 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 3-131, 3-141, [and] 3-142, and 3-180, 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.

**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 3-131, 3-180(a), 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.

\* \* \* \* \*

1 **Sec. 3-180. Animal Cruelty and Neglect; prohibited.** (a) No animal is exempt from  
 2 protection against cruelty or neglect as defined in Sections 3-101(35) and 3-101(53) of this  
 3 Subtitle. No animal shall be overdriven, overloaded, deprived of necessary sustenance,  
 4 tortured, tormented, mutilated, cruelly beaten, or otherwise physically abused or cruelly killed.  
 5 Any person who causes, procures, or authorizes these acts; or who, having the charge or  
 6 custody of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the  
 7 animal; or who unnecessarily fails to provide the animal with nutritious food, water, air, space,  
 8 shelter, or protection from the weather shall be charged in accordance with the provisions of  
 9 Subsection (b), below. In addition, this includes providing for adequate shelter when the actual  
 10 or effective outdoor temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or  
 11 higher. Any person who fails to employ the most humane method possible for activities such as  
 12 processing, pest elimination, hunting, and animal training shall be charged in accordance with  
 13 the provisions of Subsection (b), below.

14 \* \* \* \* \*

15 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,  
 16 Maryland, that Section 3-131 of the Prince George's County Code be and the same is  
 17 hereby repealed and reenacted without amendments:

18 **SUBTITLE 3. ANIMAL CONTROL.**

19 **DIVISION 4. ANIMAL CONTROL ENFORCEMENT.**

20 **SUBDIVISION 3. ANIMAL CONTROL REGULATIONS.**

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

22 (a) Each owner or custodian shall provide the following for each of his or her companion  
 23 animals:

- 24 (1) Adequate feed;
- 25 (2) Adequate water;
- 26 (3) Adequate shelter that is properly cleaned;
- 27 (4) Adequate space in the primary enclosure for the particular type of animal  
 28 depending on its size, species, and weight;
- 29 (5) Adequate exercise;
- 30 (6) Adequate care, proper and appropriate treatment, and proper transportation; and

1           (7) Adequate veterinary care and veterinary care when needed to prevent suffering or  
2           disease transmission.

3           (b) The provisions of this Section shall also apply to every animal shelter, impoundment  
4           facility, foster home, and holding facility whether temporary or permanent.

5           (c) No person shall keep or maintain any animal in Prince George's County in such  
6           manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal  
7           to cause a public nuisance condition. No person shall keep or maintain any animal in the County  
8           in such manner as to disturb the peace, comfort, or health of any person residing within the  
9           County.

10           SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
11           declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
12           sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
13           competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
14           words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
15           Act, since the same would have been enacted without the incorporation in this Act of any such  
16           invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
17           or section.

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

Adopted this 9<sup>th</sup> day of October , 2018.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dannielle M. Glaros  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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.