

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

Bill No. CB-26-2001
 Chapter No. 36
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Members Bailey and Hendershot
 Co-Sponsors _____
 Date of Introduction June 19, 2001

BILL

1 AN ACT concerning

2 Animal Control Ordinance

3 For the purpose of amending the Animal Control Ordinance and generally relating to animal
 4 control.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 3. ANIMAL CONTROL.

7 Sections 3-101, 3-102, 3-103, 3-104, 3-106, 3-110, 3-111, 3-115,
 8 3-116, 3-116.01, 3-117, 3-118, 3-120, 3-121, 3-122, 3-123, 3-125,
 9 3-126, 3-127, 3-128, 3-129, 3-131, 3-132, 3-133, 3-135, 3-136, 3-137,
 10 3-140, 3-141, 3-144, 3-145, 3-146, 3-147, 3-148.01, 3-148.03,
 11 3-148.04, 3-151, 3-152, 3-153, 3-156, 3-159, 3-160, 3-162, 3-164,
 12 3-165, 3-166, 3-167, 3-168, 3-169, 3-170, 3-171, 3-173, 3-174, 3-176,
 13 3-177, 3-178, 3-180, 3-187, 3-188, 3-189, 3-190, 3-191, 3-194, 3-195,
 14 and 3-196,

15 The Prince George's County Code
 16 (1999 Edition, 2000 Supplement).

17 BY repealing:

18 SUBTITLE 3. ANIMAL CONTROL.

19 Sections 3-181 and 3-182,
 20 The Prince George's County Code
 21 (1999 Edition, 2000 Supplement).

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3-188, 3-189, 3-190, 3-191, 3-194, 3-195, and 3-196 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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 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.

[(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.

1 [(3)] (12) **Animal at large** shall mean an animal not under restraint and off the
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 a 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

1 treatment of diseases and injuries of animals.

2 (19) **Animal shelter** shall mean a facility which is used to house or contain animals
 3 and which is owned, operated, or maintained by a duly incorporated humane society, animal
 4 welfare society, society for the prevention of cruelty to animals, government operated animal
 5 control facility, or other nonprofit organization devoted to the welfare, protection, and humane
 6 treatment of animals.

7 [(10)] (20) **Animal under restraint** shall mean an animal secured by a leash or lead
 8 and under the control of a responsible person or confined within a vehicle or within the
 9 boundaries of its owner's real property.

10 (21) **Appointing authority** shall mean the Director of the Department of
 11 Environmental Resources.

12 (22) **Appropriate tethering** shall mean a tether that is appropriate to the age and size
 13 of the animal; is attached to the animal by a properly applied collar, halter, or harness configured
 14 so as to protect the animal from injury and prevent the animal or tether from becoming entangled
 15 with other objects or animals, or from extending over an object or edge that could result in the
 16 strangulation or injury of the animal; and is at least five (5) times the length of the animal, as
 17 measured from the tip of its nose to the base of its tail, except when the animal is walked on a
 18 leash or is attached by a tether to a lead line. When freedom of movement would endanger the
 19 animal, temporarily and appropriately restricting movement of the animal according to
 20 professionally accepted standards for the species is deemed appropriate tethering.

21 [(11)] (23) **Attack dog** shall mean a dog trained to attack on command.

22 [(12)] (24) **Anti-climbers** shall mean a device consisting of angled metal braces and
 23 heavy gauge wire, which wire is stretched between each angled metal brace, all of which is
 24 attached to the top of a fence. The wire shall have at least three strands, separated evenly, the
 25 furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards
 26 at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from
 27 perpendicular.

28 (25) **Bite contact** shall mean penetration of the skin by the teeth of an animal.

29 [(13)] (26) **Cage** shall mean any enclosure of limited space, enclosed on the bottom,
 30 top, and all sides by a wall or otherwise, in which animals or other creatures are placed for any
 31 purpose, including confinement or display.

1 [(14)] (27) **Cat** shall mean domesticated felines. The term "cat" shall not include wild
2 or exotic felines.

3 [(15)] (28) **Cattery** shall mean an establishment wherein a person engages in the
4 business of boarding, breeding, buying, grooming, or selling cats.

5 (29) **Collar** shall mean a well-fitted humane device, appropriate to the age and size of
6 the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the
7 animal.

8 [(16)] (30) **Commercial establishment** shall mean any trade or business the primary
9 function of which is the sale of any goods or service.

10 [(17)] (31) **[Commission for Animal Control or] Commission** shall mean the
11 Commission for Animal Control established [pursuant to this Subtitle] in Division 3 of this
12 Subtitle.

13 (32) **Commission administrator** shall mean that person designated by the Director of
14 the Department of Environmental Resources (DER) to administer the operations of the
15 Commission for Animal Control (CAC) or the administrator's designee.

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

23 (34) **Confinement for animal quarantine for human bite and nonbite contact** shall
24 mean an animal confined to a house, garage, or escape-proof enclosure or building. An animal
25 kept outside on a chain and/or fenced yard is not considered properly confined.

26 [(18)] (35) **Cruelty** shall mean any act of commission or omission whereby
27 unjustifiable physical harm or pain, suffering, or death is caused or permitted, including failure
28 to provide proper drink, air, space, shelter, or protection from the elements, veterinary care, or
29 nutritious food in sufficient quantities, with respect to an animal. In the case of an activity in
30 which physical pain is necessarily caused, such as food processing, hunting, experimentation, or
31 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.

1 [(25)] (47) **Grooming establishment** shall mean any commercial establishment which
2 provides a service of grooming and cleaning animals.

3 [(26)] (48) **Guard dog** shall mean [a dog who will detect and warn its handlers that an
4 intruder is present and/or near an area that is being secured, except that it shall not include a pet
5 as defined in Section 3-101(32)] a dog that is continuously maintained at a commercial
6 establishment for the purpose of securing that area.

7 (49) **Humane society** shall mean any chartered, nonprofit organization incorporated
8 under the law and organized for the purpose of preventing cruelty to animals and promoting
9 humane care and treatment of animals.

10 [(27)] (50) **Keeping or harboring** shall mean the act of, or the permitting or
11 sufferance by, an owner or occupant of real property either of feeding or sheltering any
12 domesticated animal on the premises of the occupant or owner thereof.

13 [(28)] (51) **Kennel** shall mean an establishment or a private individual engaged in the
14 breeding of dogs or cats, or the boarding, buying, grooming, letting for hire, training for a fee, or
15 selling of dogs or cats. An animal hospital maintained by a licensed veterinarian as part of the
16 practice of veterinary medicine for the treatment of animals shall not be considered a commercial
17 kennel, except to the extent that it engages in the boarding of well dogs or cats. The ownership
18 of dogs or cats which are part of a household or are maintained adjoining a private residence and
19 are kept for hunting, practice tracking, or for exhibiting in dog or cat shows or field or obedience
20 trials, and the sale of no more than [two (2) litters] one (1) litter per year shall not constitute the
21 operation of a kennel. Obedience training of dogs or cats wherein the dogs or cats are not
22 housed, boarded, or kenneled overnight shall not be considered a kennel if the operation is
23 limited to the hours of 8:00 A.M. to 12:00 Midnight. The term "kennel" shall include a facility
24 maintained solely for the keeping of foxhounds used for fox chasing. (See Cattery)

25 (52) **Livestock** shall include all domestic or domesticated bovine animals, equine
26 animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the
27 genus Lama, ratites, and enclosed domesticated rabbits or hares raised for human food or fiber,
28 except companion animals.

29 (53) **Neglect** shall mean failure to provide adequate care.

30 (54) **Nonbite contact** shall mean a scratch or contamination of an abrasion, open
31 wound, or mucous membrane with saliva or other potentially infectious material.

1 [(29)] **(55) Obedience training** shall mean the concurrent training of a dog and its
 2 owner to prepare the dog as a companion to humankind and to prepare the dog's master for
 3 responsible control of the dog.

4 (56) **Owned animal** shall mean an animal for which an owner has been identified; or
 5 that is surrendered to Prince George's County by a person proving ownership; or one that is
 6 impounded by proper authority and held at the Animal Control Facility pending disposition of its
 7 case; or, one for which there are indications that the animal has an owner. Such indicators
 8 include an animal license tag, tattoo, microchip implant, ear tag, normally acceptable livestock
 9 identification, or other condition that would lead a person to reasonably believe that the animal
 10 has a current owner and may be lost.

11 [(30)] **(57) Owner** shall mean any person who [keeps, has temporary or permanent
 12 custody, possesses, harbors, exercises control over, or has a property right in any animal,
 13 livestock, or fowl, provided that veterinary hospitals, kennels, and pet shops and their employees
 14 shall not be considered to be owners to the extent hereinafter provided.]:

15 (A) Has a right of property in an animal;

16 (B) Keeps or harbors an animal;

17 (C) Has an animal in his or her care;

18 (D) Acts as a temporary or permanent custodian of an animal;

19 (E) Exercises control over a particular animal on a regular basis; or

20 (F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of
 21 an animal owned or in the possession and control of the minor child for purposes of this Subtitle
 22 and shall be liable for all damages caused by the animal.

23 [(31)] **(58) Permit** shall mean, when used as a verb, human conduct in relation to an
 24 owned animal which is intentional, deliberate, careless, inadvertent, or negligent.

25 [(32)] **(59) Pet** shall mean a domesticated animal kept for pleasure rather than utility.
 26 Pets include, but are not limited to, dogs, cats, birds, fish, reptiles, and other animals, which, by
 27 habit or training, live in association with man.

28 [(33)] **(60) Pet shop** shall mean [any separate commercial establishment, activity, or
 29 facility, which, or which in connection with another commercial enterprise, offers to sell or sells
 30 any species of live animal with the intent that they be kept as pets] an establishment where

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

3 [(34)] (61) **Petting zoo** shall mean any commercial establishment, activity, or facility a
 4 substantial purpose of which is to permit persons to come into physical contact with animals
 5 maintained within or upon such establishment, activity, or facility.

6 [(34.1)] (62) **Pit Bull Terrier** shall mean any and all of the following dogs:

7 (A) Staffordshire Bull Terrier breed of dogs;

8 (B) American Staffordshire Terrier breed of dogs;

9 (C) American Pit Bull Terrier breed of dogs;

10 (D) Dogs which have the appearance of being predominantly of the breed of
 11 dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull
 12 Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull
 13 Terrier more than of any other breed of dog;

14 (E) Dogs which have been registered at any time as a Pit Bull Terrier.

15 [(35)] (63) **Poultry** shall mean [domestic fowl] all fowl and game birds raised in
 16 captivity used for human consumption or other products.

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

24 (65) **Properly lighted** shall mean sufficient illumination to permit routine inspections,
 25 maintenance, cleaning, housekeeping of the shelter, and observation of the animal; to provide
 26 regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout
 27 the animal facility; and to promote the well-being of the animals.

28 [(36)] (66) **Public nuisance animal** shall mean any animal which unreasonably
 29 annoys humans, endangers the life or health of other animals or persons, or gives offense to
 30 human senses; or which substantially interferes with the rights of the citizens, other than its
 31 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

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.

[(38)] (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.

[(39)] (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.

[(40)] (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.

[(41)] (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

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

3 [(42)] (77) **Wild animal** means any animal which is not included in the definition
4 of "domesticated animal" and shall include any hybrid animal which is part wild animal.

5 **DIVISION 2. ANIMAL CONTROL PROGRAM.**

6 **Sec. 3-102. Animal Control Program.**

7 (a) The County Executive is authorized to establish an Animal Control program. The
8 appointing authority shall designate a person to perform the duties of Administrator of Animal
9 Control.

10 (b) [The Administrator of Animal Control shall enforce the provisions of this Subtitle
11 including, but not limited to, programs for animal control, animal licensing, vaccination, spaying
12 and neutering, public education, cruelty prevention, euthanasia, and other duties and programs
13 prescribed in this Subtitle.] The County Executive is authorized to establish an Animal Control
14 Facility. The Administrator shall operate the Animal Control Facility for the detention,
15 confinement, and disposition of animals in accordance with this Subtitle.

16 (c) [The County Executive is authorized to establish an Animal Control Facility. The
17 Administrator shall operate the Animal Control Facility for the detention, confinement, and
18 disposition of animals in accordance with this Subtitle.] The Administrator of Animal Control
19 shall enforce the provisions of this Subtitle including, but not limited to, programs for animal
20 control, animal licensing, vaccination, spaying and neutering, public education, cruelty
21 prevention, euthanasia, and other duties and programs prescribed in this Subtitle.

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

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

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

28 (a) The Director, subject to the provisions of the Personnel Law and Labor Code, may
29 appoint such numbers of persons as are authorized in the approved current expense budget to fill
30 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 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 [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

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 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.

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 Thousand 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 police officer or Animal Control [Warden] 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.

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, 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.

* * * * *

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.

* * * * *

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).

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.

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

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

3 (1) Committing, at the time, a crime upon the premises occupied by the animal's
 4 owner or custodian;

5 (2) Committing, at the time, a tort upon the premises occupied by the animal's owner
 6 or custodian; or

7 (3) Provoking, tormenting, or physically abusing the animal.

8 (b) It shall be the duty of the Police Department [and of the Administrator] to receive and
 9 [investigate] document complaints concerning vicious animals. It shall be the duty of the
 10 Administrator to receive and investigate complaints concerning vicious animals. Whenever an
 11 animal complained against shall be reasonably deemed by a police officer or the Administrator to
 12 be a vicious animal, the police officer or Administrator shall report the fact to the Commission in
 13 the form of a written complaint and shall be authorized and empowered to impound the animal
 14 pending a hearing if he reasonably believes that the owner of the animal is not capable of
 15 restraining the animal from attacking, biting, or injuring any human being or other animal
 16 pending a full hearing on whether the animal is vicious. Notwithstanding the above, whenever
 17 an animal causes severe injury to any human being, the police officer or Administrator shall
 18 impound the animal pending a hearing by the Commission. In this Section, **severe injury** means
 19 any physical injury [that results in muscle tears or disfiguring lacerations or requires multiple
 20 sutures or corrective or cosmetic surgery] from single or multiple bite(s) resulting in broken
 21 bones, serious disfigurement, serious impairment of health, serious impairment of a bodily
 22 function, or requiring multiple sutures or cosmetic surgery.

23 * * * * *

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

30 * * * * *

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 or microchipped 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 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 [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] 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 [dog, cat or other pet] 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 [dog, cat or other pet] 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 [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 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 [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,] 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 [dog] animal 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 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 [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 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.

* * * * *

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, [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.

1 (2) Each individual location holding animals must be registered with the Animal
 2 Management Division. The custodian must be associated with a group or organization registered
 3 with the Prince George's County Animal Management Division.

4 (3) Each location is limited to ten (10) animals including animals owned by the care
 5 taker or other residents of the location. Any location housing more than ten (10) animals must
 6 apply for an Animal Holding Facility permit.

7 (4) Each location must be inspected on an annual basis upon renewal of the permit.
 8 In addition, the Animal Management Division may inspect the location for compliance with
 9 requirements for the care and maintenance of each animal.

10 (5) Each animal owned by custodians, residents, or caregivers at each location must
 11 be legally registered with Prince George's County and must be up-to-date on rabies inoculations
 12 and other required preventative care requirements.

13 (6) Animals being held for temporary foster care may be kept for ninety (90) days
 14 without being licensed by Prince George's County. An extension of no more than sixty (60) days
 15 may be applied for, and may be granted by, the Associate Director of the Animal Management
 16 Division. After that time, the animals will be considered owned animals and must be registered
 17 with the County. The Animal Management Division must be notified when a new animal is
 18 accepted for temporary foster care and when an animal is adopted from the foster location. The
 19 Animal Management Division will maintain and keep current a list of animals at each location.

20 (7) With the exception of the animal licensing requirement, each location must meet
 21 the requirements set forth for an animal hobby permit. In addition to the penalties set forth for
 22 failure to obtain or maintain an animal foster care permit, the custodian is also subject to fines for
 23 failure to obtain an animal license for each animal held in custody.

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

25 (a) Failure to obtain an animal hobby or foster care permit as required in Sections 3-148.01
 26 and 3-148.03 shall result in a fine of [Twenty-five Dollars (\$25.00)] One Hundred Dollars
 27 (\$100.00) for the first offense, [Fifty Dollars (\$50.00)] Five Hundred Dollars (\$500.00) for the
 28 second offense, and [One Hundred Dollars (\$100.00)] One Thousand Dollars (\$1,000.00) for
 29 each subsequent offense in a two (2) year period.

30 (b) The Department shall deny any application for an animal hobby or foster care permit if
 31 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.

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 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.

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 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 [appropriate] 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 [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 fifty (50) animals	[\$100.00] <u>\$125.00</u>
(3)	Authorized to house fifty (50) [or more] <u>but less than one hundred (100)</u> animals	[\$150.00] <u>\$175.00</u>
(4)	<u>Authorized to house one hundred (100) or more animals</u>	<u>\$250.00</u>

(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).

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

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

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

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] fifty (50) 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

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

3 (b) Dogs being trained or used as guard dogs must be able to demonstrate obedience
4 training, but they shall not be subjected to cruel or inhumane treatment prohibited by State law or
5 this Subtitle.

6 (c) Guard dogs must be under the control of a responsible adult handler when they are
7 being trained or utilized.

8 * * * * *

9 (e) Guard dogs may not be allowed in any area to which the public has access unless they
10 are securely restrained, humanely muzzled, and [in the charge of their handler] under the control
11 of an adult handler.

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

13 * * * * *

14 (b) No sick animals may be sold or further transferred in the course of commercial
15 distribution until transfer is approved by a veterinarian[s]. All [canines and felines] animals and
16 birds received by a pet shop or commercial pet distribution facility shall be isolated until they
17 can be examined. The examination shall be conducted in an area separate and apart from the
18 housing or display area provided for other animals. Any [canine, feline, or] bird or animal
19 exhibiting illness, disease, or a present crippling deformity must be provided with immediate and
20 adequate care by a veterinarian.

21 * * * * *

22 (f) A pet shop or commercial pet distribution facility shall have all canines and felines on
23 the premises examined by a veterinarian every fourteen (14) days for compliance with Section 3-
24 159 and appropriate records signed by the attending veterinarian. All animals shall be checked
25 daily for signs of illness.

26 * * * * *

27 (h) All ill animals, maimed animals, and animals with present crippling deformities shall
28 be under the care of a veterinarian at the expense of the pet shop or distribution facility until they
29 are permanently cured, humanely destroyed, or properly given away. Any animal [considered
30 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 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) [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 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 [his] 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[,] [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[,] and the date of administration[,]

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

4 (k) The pet shop shall maintain a record of sale for each bird in conformance with the
 5 requirements of the Department of Health.

6 (l) All cages must meet the following requirements:

7 (1) All cages are to be constructed of nonabsorbent, nonporous, and impervious
 8 material.

9 (2) The floors of the primary enclosure shall be constructed so as to protect the
 10 animals' feet and legs from injury. Primary enclosures for animals, except cats, may have wire
 11 or grid flooring provided that the gauge of the wire or grid material is of adequate size to support
 12 the animal(s) and to prevent sagging under the weight of the animal and provided that the mesh
 13 openings are of a suitable size for the age and species of the animal. Wire or grid flooring for
 14 small animals (quadrupeds), shall have mesh openings of such size as to prevent the animals' feet
 15 from passing through the openings.

16 (3) Each primary enclosure shall be constructed and maintained so as to provide
 17 sufficient space to allow each animal to turn about freely and to easily stand, sit, or lie in a
 18 comfortable position. Containing a dog by means of tying or chaining shall not be permitted,
 19 except that a dog may be restrained when grooming if the chain is placed or attached to a well-
 20 fitted collar. The area of confinement for cats shall be large enough to permit adequate exercise
 21 for the animals.

22 (4) A primary enclosure for a cat shall have a litter pan made from nonabsorbent
 23 material, or disposable pans containing sufficient clean litter to contain the excreta.

24 (5) There shall be available for cleaning and sanitation a sufficient supply of hot
 25 running water and an effective chemical sanitizing agent.

26 (6) If a cage is made of material which can be scratched, they shall be steam cleaned
 27 or cleaned with an effective disinfectant every [14] fourteen (14) days and before the
 28 introduction of another animal. Cage walls and ceiling shall have a smooth, washable surface
 29 and shall be finished in a light color and kept in a clean, safe, and sanitary condition.

30 (m) All areas of confinement, display, storage, and sales shall be maintained in a rodent
 31 [proof]-free, vermin [proof]-free, and sanitary condition. These areas shall be cleaned and

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

6 (n) At least one (1) sink or tub equipped with both hot and cold running water shall be
 7 provided within the building in a location easily accessible to the areas where animals are
 8 housed. All wastes or sewage shall be discharged to a Health Department approved waste
 9 disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and
 10 sanitary condition. Where flooding or steaming methods are employed for cleaning floors,
 11 adequate means shall be provided for removal of waste water. Water shall not be permitted to
 12 [pond] pool under equipment, partitions, animal enclosures, or other places within the building.
 13 Any animal enclosure which is subject to waste water runoff after cleaning or subject to the
 14 influence of weather shall be connected to an approved waste water disposal system.

15 * * * * *

16 (q) No more than one (1) adult dog or cat may be confined in the same cage. Young
 17 animals may not be confined or displayed in the same cage with adult animals. Pugnacious or
 18 vicious animals shall be isolated from other animals. Dogs shall be taken from cages and
 19 allowed to exercise at least twice daily, including Sundays and holidays. Dogs and cats under
 20 the age of eight (8) weeks may not be displayed or offered for sale.

21 (r) The water temperature in a fish tank shall be maintained at a constant level appropriate
 22 for the fish confined therein. If necessary for purposes of health or sanitation, the fish tank shall
 23 be equipped with an efficient circulating pump, filter, thermometer, and light for the emission of
 24 heat. Fish tanks shall be kept in a sanitary condition at all times.

25 (s) Each bird cage housing small-sized birds up to and including doves, cockatiels, and
 26 love birds shall contain at least two (2) horizontal perches and provide sufficient perch space for
 27 every bird confined therein; and [1/3] one-third (1/3) of the perch space is to be vacant at all
 28 times. If a perch is detrimental to the health of a particular species, then the perch is to be
 29 omitted from the cage in which that species is confined. In addition to bird seed and water, each
 30 bird cage shall contain an amount of fresh gravel, where appropriate and needed for digestion,
 31 sufficient for the number of birds confined therein. Parrots and other large bird species shall

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

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

4 **Sec. 3-171. Standards for petting zoo.**

5 (a) Cages and enclosures shall be of sufficient size to allow each animal to move around
6 with ease. Cages and enclosures shall be maintained at all times in a sanitary condition, with
7 sufficient clean and dry bedding to prevent offensive odors.

8 (b) [The petting zoo shall make available fresh water for zoo animals at all times.]

9 Animals shall be provided adequate water at all times.

10 (c) [The petting zoo shall provide food for each animal which is palatable and of sufficient
11 quantity and quality to meet the normal nutritional needs for the type, species, condition, and size
12 of the animal.] Animals shall be provided with adequate food.

13 (d) [The petting zoo shall provide] Animals shall be provided with adequate ventilation
14 and healthful temperatures for every species [of animal shown in the zoo]. Access to a
15 comfortable weather-proof shelter must be available at all times.

16 (e) An [attendant] adequate number of attendants shall be on the premises during the hours
17 the zoo is open to the public in order to provide adequate supervision.

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

19 **Sec. 3-173. Standards for riding schools and stables.**

20 (a) All riding schools and stables shall comply with the minimum standards of this
21 Section.

22 (b) All animals shall be provided with daily food and water which shall be wholesome,
23 palatable and of sufficient quantity and nutritional value to meet the normal daily requirements
24 for the condition and size of the animal. The food shall be free of any contamination.

25 (c) All horses [and] , ponies , donkeys, mules, and other livestock shall have an enclosure
26 with at least three (3) solid walls and a solid roof. All buildings and sheds used for the stabling
27 of animals shall be well lighted and ventilated and provide protection from extremes of weather.

28 (d) All buildings and sheds used for stabling animals shall be kept clean and in good repair
29 at all times and manure shall be removed therefrom daily.

30 (e) [Manure piles shall not be allowed to stand for a period in excess of thirty (30) days
31 during the period from October 15 through April 15 or for four (4) days during any period from

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

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

8 * * * * *

9 **Sec. 3-174. Standards for Grooming Establishment.**

10 (a) Enclosures, cages, and/or exercise areas shall be maintained in a sanitary condition
 11 which shall provide adequate ventilation, a healthful temperature, and protection against extreme
 12 weather.

13 (b) All areas of confinement, display, storage, and sales shall be maintained in a rodent-
 14 [proof] free, vermin-[proof] free, and sanitary condition. These areas shall be cleaned and
 15 disinfected regularly as conditions warrant.

16 (c) At least one (1) sink or tub equipped with both hot and cold running water shall be
 17 provided within the building in a location easily accessible to the areas where animals are
 18 housed. All wastes or sewage shall be discharged to a Health Department approved waste
 19 disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and
 20 sanitary condition. Where flooding or steaming methods are employed for cleaning floors,
 21 adequate means shall be provided for removal of waste water. Water shall not be permitted to
 22 [pond] pool under equipment, partitions, animal enclosures, or other places within the building.
 23 Any animal enclosure which is subject to waste water runoff after cleaning or subject to the
 24 influence of weather shall be connected to an approved waste water disposal system.

25 (d) No animal may be held for more than one (1) hour without having access to water in a
 26 secured container.

27 (e) No animal may be retained overnight in a grooming establishment unless the facility is
 28 also licensed as a kennel.

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

30 **Sec. 3-176. Keeping wild or exotic animals.**

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

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

3 (b) No person shall keep or permit to be kept on his premises any poisonous snake,
4 poisonous reptile, or other poisonous or venomous animal either as a pet, [or] for breeding, or for
5 display or exhibition purposes, whether gratuitously or for a fee, except as otherwise provided
6 herein.

7 (c) No person[s] shall keep or permit to be kept on his premises any ground hog, skunk,
8 raccoon, opossum, fox, bear, wolf, other native wildlife, or member of the cat family other than
9 the domestic cat either as a pet, for breeding purposes, for sale, or for display or exhibition
10 purposes, whether gratuitously or for a fee, except as otherwise provided herein.

11 (d) The Director shall prescribe regulations to insure the safe penning or caging of wild or
12 exotic animals or reptiles [, with a view to preventing] in order to prevent threats to the public
13 health or the creation of public nuisances.

14 (e) The Director shall [not issue a permit for the keeping or displaying of any exotic or
15 wild animal except upon the approval and under the conditions established by the Commission.]
16 issue a permit for the keeping or displaying of any exotic or wild animal upon inspection and
17 under the conditions established by the Administrator. Denial of the permit may be appealed to
18 the Commission.

19 * * * * *

20 **Sec. 3-177. Spaying and neutering.**

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

31 **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.

* * * * *

(d) No person who adopts 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;

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

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

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

9 (1) A one-time written warning shall be issued by an Animal Control Officer, who
10 shall also provide detailed educational guidance specific to the violation for first-time offenders
11 of less extreme cases of cruelty or neglect. "Less extreme cruelty or neglect" is defined as any
12 unintentional act of cruelty or neglect, which has no permanent effect on the animal, and the
13 aforementioned behavior of the owner or custodian is subsequently corrected through education.

14 (2) (A) Second offenses of unintentional acts of cruelty or neglect, which are not a
15 recurrence of the conduct prohibited in this Subsection, shall result in the removal of the
16 animal(s). Said animal(s) shall be housed, for a period not to exceed ten (10) days, at the Animal
17 Control Facility. The owner or custodian shall pay for the board and care of the animal(s) at the
18 Animal Control Facility during the ten (10) days allowed for taking corrective measures. Such
19 animals shall be designated as a "humane hold" until corrective measures ensuring the safety and
20 well-being of the animal(s) have been taken by the owner or custodian. These corrective
21 measures shall be confirmed through inspection by an Animal Control Officer. Animals on
22 humane hold shall not be adopted or euthanized. If appropriate corrective measures have not
23 been taken by the close of the ten (10) day period, the animal(s) shall become the property of
24 Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as
25 may be advantageous to the County and to the animal(s).

26 (B) Second offenses that are a recurrence of the conduct prohibited in this
27 Subsection shall result in the removal of the animal(s). The owner or custodian shall be fined
28 One Hundred Dollars (\$100.00) per animal and pay for board and care of the animal(s) at the
29 Animal Control Facility during the ten (10) day period provided for the taking of corrective
30 measures.

31 (3) Deliberate violations of this Section, as well as any third offense, shall result in a

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

3 (4) Extreme or egregious violations of this Section (including, but not limited to,
 4 torture, torment, mutilation, or cruel beatings), or in the case of a subsequent offender under
 5 Subsection (b)(3) of this Section, shall result in a criminal charge of cruelty. A conviction under
 6 this charge shall be punishable by a criminal fine of One Thousand Dollars (\$1,000.00) and/or
 7 imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may
 8 also impose an order requiring a psychological evaluation of the convicted offender.

9 (c) [Any police officer shall upon his own view of any misdemeanor in relation to cruelty
 10 to animals make arrests or apply for a charging document permitting the arrest of offenders
 11 believed to have violated the ordinances of this County in relation to cruelty to animals. Any
 12 Animal Control Warden shall upon his or her own view of any misdemeanor in relation to
 13 cruelty to animals apply for a charging document permitting the arrest of offenders believed to
 14 have violated the ordinances of this County in relation to cruelty to animals.] Any person who
 15 trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or
 16 used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a
 17 spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars
 18 (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6)
 19 months. The Court may also impose an order requiring a psychological evaluation of the
 20 convicted offender.

21 (d) Any person charged under Subsections (b)(3), (b)(4), or (c) of this Section shall
 22 immediately surrender all animals in ownership or custodianship to the Animal Management
 23 Division of the Prince George's County Department of Environmental Resources. If an appeal is
 24 filed, the animal(s) shall either be maintained or euthanized at the owner or custodian's expense
 25 by the Animal Management Division. It shall be unlawful for any person found guilty of cruelty
 26 under this Section to have ownership or custodianship of any animal for a period of five (5) years
 27 from the date of determination. Upon a finding of guilt and/or the exhaustion of all appeals, the
 28 surrendered animal(s) shall become the property of Prince George's County and may be disposed
 29 of by adoption or euthanasia.

30 (e) Any police officer shall, upon his or her own view of any misdemeanor in relation to
 31 cruelty to animals, make arrests or apply for a charging document permitting the arrest of

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

5 **DIVISION 7. RABIES CONTROL.**

6 **Sec. 3-187. Antirabies clinics; vaccination certificates; coordination with pet licensing** 7 **requirements.**

8 (a) Antirabies clinics will be operated by the Health Department. The Health Department
 9 is authorized to charge such reasonable fees as may be necessary to defray the actual costs of
 10 such service.

11 (b) Any person administering rabies vaccination shall complete a Health Department
 12 vaccination certificate of rabies immunization on all animals immunized and shall furnish copies
 13 of the certificate to the Administrator of Animal Control within [thirty (30)] sixty (60) days of
 14 the vaccination.

15 (c) When a dog, cat, or ferret is presented to the Health Department for immunization at an
 16 antirabies clinic, personnel of the Animal Control program shall ascertain whether the [dog]
 17 animal is licensed under this Subtitle. If the animal is unlicensed, the Administrator shall
 18 provide the owner with an application for the appropriate license.

19 **Sec. 3-188. [Report of person bitten by animal] Report of person(s) having bite contact or** 20 **nonbite contact with animal(s).**

21 (a) A report of the circumstances of a person [being bitten] having a bite contact or nonbite
 22 contact [by] with an animal(s) shall be made promptly to the Police Department, the Health
 23 Department, or the Health Department's designee by anyone having personal knowledge of the
 24 incident. The police shall within twenty-four (24) hours notify the Administrator and the Health
 25 Officer of the details of the incident.

26 (b) It shall be the duty of every physician, medical practitioner, or hospital attendant to
 27 report to the Police Department the names and addresses of persons treated for [bites inflicted]
 28 bite contact or nonbite contact [by] with animals, together with such information as will be
 29 helpful in rabies control.

30 **Sec. 3-189. Confinement [of animal biting, scratching, or otherwise exposing a person] for** 31 **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] every licensed veterinarian to report to the Administrator and the Health Officer any animal considered by [him] the licensed veterinarian 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.

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] humanely destroyed or immediately surrendered to the [County] Animal Management [Control]Division of the Prince George's County Department of Environmental Resources [who] which will hold the animal for up to [30 days] 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 [or], 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 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 [killed] humanely destroyed and tested for rabies unless an exception is made by the Health Officer [of], 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.

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

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

3 (b) No person shall remove such animal from the jurisdiction of the County without
4 written permission from the State Public Health Veterinarian.

5 (c) If there is a possibility of an animal's escape or of further [biting] bite or nonbite
6 contact [by] with the animal, the animal may be [killed] humanely destroyed and the
7 Administrator shall be notified immediately.

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

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

12 * * * * *

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

15 **SUBTITLE 3. ANIMAL CONTROL.**

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

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

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

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

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

31 [(b) When the report of such proceedings has been filed, the County Executive shall review

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

9 [(c) If the owner of the dog or dogs doing the damage shall be known, it shall be the duty of
10 the County Executive to notify the owner to have the destroyed. If the owner shall have the dog
11 destroyed after notice, he shall be exempt from all further liability to the County, but in case the
12 owner should refuse or neglect to kill the dog upon notice, the owner shall be liable to the
13 County for the damages to the same extent as he would be liable in case of negligence or
14 malicious destruction of property. The County Executive may, in his discretion, authorize the
15 Administrator to impound and destroy the dog.]
16

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:

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.

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