

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**Bill No. CB-109-1997Chapter No. 82Proposed and Presented by The Chairman (by request - County Executive)Introduced by Council Member Bailey

Co-Sponsors

Date of Introduction October 28, 1997**BILL**

AN ACT concerning

Animals

For the purpose of amending certain definitions; increasing the fines and fees relating to the redemption of animals, animal licenses, animal holding facility licenses and rabies control; including ferrets in the categories of animal for which a license is required; amending procedures relating to licensing and impoundment; and amending procedures concerning rabies control.

BY repealing and reenacting with amendments:

SUBTITLE 3. ANIMAL CONTROL.

Sections 3-101, 3-128, 3-146, 3-148, 3-148.02,

3-152, 3-186, 3-189, 3-193, and 3-194

The

Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 3-101, 3-128, 3-146, 3-148, 3-148.02, 3-152, 3-186, 3-189, 3-193, and 3-194 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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:

* * * *

(2) **Animal** shall mean every nonhuman species of animal, both domesticated and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.

* * * *

(8) **Animal exposed to rabies** shall mean any animal [which has been bitten by an animal which either has rabies or has been in proximity or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which has rabies] that is known or is suspected to have had bite or non-bite contact with another animal that is known or suspected to be infected with rabies. The determination whether an animal [is infected with] has been exposed to rabies shall be made by the Health Officer for Prince George's County and the Maryland Department of Health and Mental Hygiene.

DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

Subdivision 2. Impoundment and Disposition of Animals.

Sec. 3-128. Redemption; fees and costs.

(a) The owner of an impounded animal shall be entitled to redeem such animal, except as provided in this division, upon compliance with the license provisions of this 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 [Five Dollars (\$5.00)] Fifteen Dollars (\$15.00) for the first impoundment for altered animals and Sixty Dollars (\$60.00) for the first impoundment for unaltered animals [in the twelve (12) months ending on the date of the most recent impoundment], and [Fifteen Dollars (\$15.00)] Seventy-five Dollars (\$75.00) for any animal per each subsequent impoundment [in the same period] in a twelve (12) month period.

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

Maryland, for the shelter fees and the costs of any required veterinary services in accordance with the schedule or tariff of charges promulgated by the Director pursuant to Section 3-106 herein.

DIVISION 5. LICENSES AND STANDARDS.

Subdivision 1. Pet licenses.

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 [Twelve Dollars (\$12.00)]Twenty-five Dollars 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, 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 and rabies vaccination information.

(d) A valid certificate of rabies inoculation or other evidence of vaccination issued by a licensed veterinarian or antirabies clinic recognized by the Administrator shall accompany the application.

(e) The requirement of a rabies certificate being presented with the application may be postponed ten (10) days from the recovery of the ferret, dog or cat from an illness or injury if the application is accompanied by the certificate of a licensed veterinarian stating that the condition of the ferret, dog or cat is such that inoculation would be detrimental to its health. During the period of postponement, the ferret, dog or cat shall be confined within a building or secure enclosure.

(f) Whenever it comes to the attention of the Administrator that a ferret, dog or cat is unlicensed, the Administrator may contact the owner of the animal and require the owner to make application for a [dog or cat] license and require the owner to pay the required license

fee. If the owner refuses to obtain a license or procure immunization for his animal, the Administrator may make demand upon the owner to surrender the animal for humane disposition. If the owner refuses to surrender the animal, the Administrator shall refer the matter to the Office of Law. The Office of Law may seek equitable relief in an appropriate court, including, but not limited to, a mandatory injunction requiring the owner of the animal either to have his animal immunized and obtain the required pet license or to surrender the animal for humane disposition.

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

(a) Upon payment of a ferret, dog or cat license fee, a numbered license tag shall be issued to the owner, which shall bear the name of the County and the year of issuance.

(b) The license tag shall be securely fastened to each dog's collar or harness, which shall be worn by the dog at all times unless the dog is engaged in supervised hunting, exhibition, or other sport where a collar would endanger the dog's safety or adversely affect its hunting, exhibition, or sport purpose.

(c) Any dog not wearing a license tag of the current year of issue shall prima facie be deemed to be unlicensed. Under this Subtitle the burden of proof of the fact that such dog has been licensed or is not required to wear a tag shall be on the owner or custodian of the dog.

(d) A replacement metal license tag to replace a lost tag shall be issued to the owner of the ferret, dog['s] or cat['s owner] upon application to the Department and the payment of a fee of One Dollar (\$1.00).

Sec. 3-148.02. Animal hobby permit application; fees; term and standards.

(a) Application for an animal hobby permit shall be made to the Department on forms prescribed by the Director. The annual fee shall be Five Dollars (\$5.00).

(b) The permit shall be valid for one year from the date of issue. Application for a permit must be made within thirty (30) days of acquiring five (5) or more animals as set forth in Section 3-148.01, or within thirty (30) days of establishing a residence in the County with five (5) or more animals as set forth in Section 3-148.01.

(c) No permit shall be issued unless:

- (1) Each ferret, dog or cat has a valid County license;
 - (2) There exists an adequate and safe means of confinement for each animal;
 - (3) Each animal is provided adequate protection from the weather;
 - (4) Evidence exists that each animal has been provided adequate and proper veterinary care;
 - (5) No objectionable odors or noises exist that might disturb the neighborhood or otherwise cause a public nuisance condition to exist;
 - (6) All animals on the property are kept in compliance with any and all Federal, State, and local laws and regulations as pertain to animals.
- (d) An Animal Control Officer shall inspect for compliance with Subsection 3-148.02(c), above, before any animal hobby permit shall be issued.
- (e) The permit shall be issued for the address and owner listed on the application and shall not be transferable to any other address or owner.

Subdivision 2. Animal Holding Facility Licenses.

Part 1. Definitions and General Provisions.

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 to insure compliance by the facilities with the requirements of this Subtitle and the regulations promulgated by the Administrator.
- (c) 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.

DIVISION 7. RABIES CONTROL.

Sec. 3-186. Vaccination of ferrets, dogs and cats.

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

(b) Persons bringing ferrets, dogs and/or cats into the County shall have readily available, as proof of vaccination, a valid rabies certificate signed by a licensed veterinarian or issued by an approved governmental agency. Animals which do not qualify shall either be immediately removed from the County or be vaccinated by a licensed veterinarian.

Sec. 3-189. Confinement of animal biting scratching or otherwise exposing a person.

(a) The Administrator shall confine any animal biting, scratching or otherwise exposing any person 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. No person shall sell, give away, or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period. Nor shall any person remove said animal from Prince George's County during the observation period, without the Health Officer's written approval.

(c) If the animal [is not vaccinated against rabies] does not have a current valid rabies vaccination at the time of exposure, [the animal will be required to receive a rabies vaccination from a licensed veterinarian] the owner must have the ferret, dog or cat examined by a licensed veterinarian and vaccinated against rabies, at the owner's expense, immediately after the ten (10) day quarantine period.

(d) If the animal has [proof of] a current, valid rabies vaccination at the time of exposure, the owner must have the animal [will be] examined by a licensed veterinarian at the

owner's expense or [observed by] taken to the Prince George's County Division of Animal Control immediately after the ten (10) day quarantine period, to verify that the animal is in good health. Proof of valid rabies vaccination must be shown at the time of postquarantine visit.

(e) The owner of a quarantined animal must pay an examination fee of Ten Dollars (\$10.00) upon the completion of a home visit by an Animal Control Officer.

Sec. 3-193. Quarantine procedure.

(a) When a rabies examination report indicates a positive diagnosis of rabies, either the State Secretary of Agriculture, the State Public Health Veterinarian or the Health Officer may impose a quarantine within any area of the County for a period of not less than sixty (60) days and for as long a period as deemed necessary.

(b) When such a quarantine is effected, no domesticated animal shall be taken from confinement or be permitted in the streets or other public areas of the quarantine area, unless properly leashed and accompanied by an adult.

(c) During such quarantine, any farm animal suspected of having been exposed to rabies may be quarantined by the State Public Health Veterinarian or the State Secretary of Agriculture. No quarantined farm animal may be removed from its place of residence without the written permission of the State Secretary of Agriculture or the State Public Health Veterinarian.

(d) No unclaimed [dog] animal which has been impounded by reason of its being at large will be adopted from any animal shelter during the period of quarantine, except by special authorization of the State Public Health Veterinarian or Health Officer.

(e) If there are additional cases of rabies during the period of quarantine, the quarantine period may be extended for additional periods as established by the State Department of Health and Mental Hygiene or the Health Officer.

(f) Notwithstanding the provisions in Section 3-191, no quarantine release fee shall be charged for animals taken to a veterinarian or to the Facility for examination for release from quarantine.

Sec. 3-194. Disposition of [bitten pets] animals exposed to 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 Health Officer, the animal shall be revaccinated and kept under restraint for [ninety (90)] forty-five (45) days or for such time as specified by the public health veterinarian or Health Officer.

(b) If the owner or custodian of any animal cannot [meet State Department of Health and Mental Hygiene rabies vaccination requirements, the animals shall, at the option of the owner, be either killed or held in strict isolation for a minimum of six (6) months in a facility and manner approved by the Public Health Veterinarian or Health Officer.] provide proof of current vaccination against rabies, the animal shall be either killed or immediately surrendered to the County Animal Control Division who will hold the animal for up to 30 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 for a total of six (6) months following the exposure. All costs relating to this holding or isolation shall be borne by the owner or custodian of the animal. If the owner request the animal be held in strict isolation, then the Health Officer 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 and tested for rabies unless an exception is made by the Health Officer of State Public Health Veterinarian based on special circumstances.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November , 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

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