

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-46-2019

Chapter No. _____

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Turner, Franklin, Ivey, Harrison, Anderson-Walker,
Davis, Streeter, Glaros, Taveras and Hawkins

Date of Introduction October 22, 2019

BILL

1 AN ACT concerning

2 Prince George's County Animal Control Ordinance

3 For the purpose of amending provisions of the County Code regulating animal care and control,
4 amending certain definitions; and generally relating to the requirements for comprehensive
5 animal management.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 3. ANIMAL CONTROL.

8 Sections 3-101, 3-102, 3-103, 3-104, 3-105, 3-106, 3-
9 107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115,
10 3-116.01, 3-122, 3-123, 3-124, 3-125, 3-126, 3-128, 3-
11 129, 3-131, 3-132, 3-135, 3-136, 3-137, 3-139, 3-140,
12 3-141, 3-142, 3-144, 3-145, 3-146, 3-147, 3-148, 3-
13 148.01, 3-148.02, 3-148.03, 3-151, 3-152, 3-154, 3-
14 155, 3-156, 3-158, 3-159, 3-160, 3-162, 3-163, 3-168 ,
15 3-169, 3-170, 3-171, 3-174, 3-176, 3-177, 3-180, 3-
16 183, 3-185.01, 3-187, 3-188, 3-189, 3-194, and 3-197

17 The Prince George's County Code
18 (2015 Edition; 2018 Supplement).

19 BY adding:

20 SUBTITLE 3. ANIMAL CONTROL.

21 Sections 3-115.1, 3-180.1, 3-180.2, 3-180.3, 3-180.4,

3-180.5, 3-180.6, 3-181, and 3-182

The Prince George's County Code

(2015 Edition; 2018 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, 3-105, 3-106, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116.01, 3-122, 3-123, 3-124, 3-125, 3-126, 3-128, 3-129, 3-131, 3-132, 3-135, 3-136, 3-137, 3-139, 3-140, 3-141, 3-142, 3-144, 3-145, 3-146, 3-147, 3-148, 3-148.01, 3-148.02, 3-148.03, 3-151, 3-152, 3-154, 3-155, 3-156, 3-158, 3-159, 3-160, 3-162, 3-163, 3-168, 3-169, 3-170, 3-171, 3-174, 3-176, 3-177, 3-180, 3-183, 3-185.01, 3-187, 3-188, 3-189, 3-194, and 3-197 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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] proper care as defined herein.

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

[(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

1 contamination by excrement and pests; and is provided at suitable intervals for the species, age,
 2 and condition of the animal, but at least once daily, except as prescribed by a licensed
 3 veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the
 4 species.]

5 [(5) **Adequate shelter** shall mean provision of, and access to, shelter that is suitable
 6 for the species, age, condition, size, and type of each animal; provides adequate space for each
 7 animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the
 8 adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted;
 9 is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and
 10 for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar
 11 device that is large enough for the animal to lie on in a normal manner and can be maintained in
 12 a sanitary manner. Under this definition, shelters whose wire, grid, or slat floors permit the
 13 animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not
 14 protect the animals' feet or toes from injury are not adequate shelter. or animals confined outside,
 15 the foregoing shall not constitute the provision of adequate outdoor shelter when it is conducted
 16 (a) between the hours of 10 p.m. and 6 a.m., unless the animal is actively engaged in conduct that
 17 is directly related to agricultural activity or farm animal activity on property whose zoning
 18 classification, if any, permits such agricultural activity; or (b) when no pet owner is on the
 19 property; or (c) when the actual or effective outdoor temperature is 32 degrees Fahrenheit or
 20 lower, or 85 degrees Fahrenheit or higher; or (d) during a heat advisory issued by a local or State
 21 authority; or (e) during the effective period for a severe weather warning issued for the area by
 22 the National Weather Service, including a hurricane warning, tropical storm warning, or tornado
 23 warning.]

24 [(6) **Adequate space** shall mean sufficient space to allow each animal to:

25 (A) Easily stand, sit, lie, turn about, and make all other normal body movements
 26 in a comfortable, normal position for the animal; and,

27 (B) Interact safely with other animals in the enclosure.]

28 [(7) **Adequate water** shall mean the provision of, and access to, clean, fresh, potable
 29 water of a drinkable temperature which is provided in a suitable manner, in sufficient volume,
 30 and normally at all times. However, when special circumstances dictate, water must be provided
 31 at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the

1 age, species, condition, size, and type of each animal, except as prescribed by a licensed
 2 veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the
 3 species; and is provided in clean, durable receptacles which are accessible to each animal and are
 4 placed so as to minimize contamination of the water by excrement and pests or an alternative
 5 source of hydration consistent with generally accepted husbandry practices.]

6 (2) [(8)] **Administrator of [a]Animal [c]Control or Administrator** shall mean that
 7 person designated by the Director of the Department of the Environment to administer the
 8 operations of the [a]Animal [c]Control [p]Program or his designee.

9 (3) [(9)] **Adoption** shall mean the transfer of ownership of an animal from a releasing
 10 agency to an individual for placement.

11 (4) “Aggravated Animal Cruelty or Neglect” is any act by an owner, custodian, or
 12 other person who tortures, torments, mutilates, cruelly beats, or kills an animal under
 13 circumstances demonstrating malice aforethought; or fails to provide proper care to an animal
 14 and the failure results in the death of the animal.

15 (5) [(10)] **Agricultural animal** shall mean all livestock and poultry.

16 (6) [(11)] **Animal** shall mean every nonhuman species of animal, both domesticated
 17 and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.

18 (7) [(12)] **Animal at large** shall mean an animal not under restraint and off the
 19 premises of its owner.

20 (8) [(13)] **Animal Control [p]Program** shall mean that unit within the Department
 21 of the Environment designated by the Director [and authorized by this Subtitle] to administer and
 22 enforce the provisions of this Subtitle under the direction of the Administrator of Animal
 23 Control.

24 [(14) **Animal Control [Facility] Center** shall mean any [facility] center operated by or
 25 under contract with Prince George's County, Maryland, for the care, confinement, detention, or
 26 euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.]

27 (9) [(15)] **Animal Control Officer** shall mean any person designated as such by the
 28 Administrator [of Animal Control] or [his] the authorized [representative] designee for the
 29 purpose of [enforcing] investigating reports of cruelty and neglect of animals and enforcing such
 30 laws as authorized by this Subtitle.

31 (10) [(16)] **Animal exposed to rabies** shall mean any animal that is known or is

1 suspected to have had bite or nonbite contact with another animal that is known or suspected to
 2 be infected with rabies. The determination whether an animal has been exposed to rabies shall
 3 be made by the Health Officer for Prince George's County and the Maryland Department of
 4 Health and Mental Hygiene.

5 (11) [(17)] **Animal Holding [Facility] Center** shall mean any commercial [facility]
 6 center for the care, boarding, training, holding, harboring, or housing of any animal or animals;
 7 and shall also include the following:

8 (A) A kennel, as defined in Section 3-101[(51)](50);

9 (B) A pet shop or pet store as defined in Section 3-101(60);

10 (C) A cattery as defined in Section 3-101[(28)](24);

11 (D) A petting zoo as defined in Section 3-101(61);

12 (E) A riding school or stable as defined in Section 3-101[(70)](82);

13 (F) A commercial pet distribution [facility] center as defined in Section 3-
 14 166(b);

15 (G) A grooming establishment as defined in Section 3-101[(47)](46);

16 (H) A guard dog [facility] center as described in Section 3-161; or

17 (I) Any one or more of the above or a combination thereof.

18 (12) [(18)] **Animal hospital** shall mean any establishment maintained or operated by a
 19 licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention, and
 20 treatment of diseases and injuries of animals.

21 (13) **Animal Services [Facility] and Adoption Center** shall mean any [facility]
 22 center operated by or under contract with Prince George's County, Maryland, for the care,
 23 confinement, detention, euthanasia or other disposition of animals pursuant to the provisions of
 24 this Subtitle.

25 (14) [(19)] **Animal shelter** shall mean a [facility] center which is used to house or
 26 contain animals and which is owned, operated, or maintained by a duly incorporated humane
 27 society, animal welfare society, society for the prevention of cruelty to animals, government
 28 operated animal control or services [facility] center, or other nonprofit organization devoted to
 29 the welfare, protection, and humane treatment of animals.

30 (15) [(20)] **Animal under restraint** shall mean an animal secured by a leash or lead
 31 and under the control of a responsible person [or confined within a vehicle] or within the

1 boundaries of its owner's real property.

2 (16) [(21)] **Appointing authority** shall mean the Director of the Department of the
3 Environment.

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

13 (17) [(23)] **Attack [dog] animal** shall mean [a dog] an animal trained, ordered,
14 signaled, or otherwise allowed to attack [on command].

15 (18) [(24)] **Anti-climbers** shall mean a device consisting of angled metal braces and
16 heavy gauge wire, which wire is stretched between each angled metal brace, all of which is
17 attached to the top of a fence. The wire shall have at least three strands, separated evenly, the
18 furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards
19 at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from
20 perpendicular.

21 (19) **Anti-diggers** shall mean a device or material installed in the ground to a level of
22 nine (9) inches below grade continuously.

23 (20) [(25)] **Bite contact** shall mean penetration of the skin by the teeth of an animal.

24 (21) [(26)] **Cage/crate** shall mean any enclosure of limited space, enclosed on the
25 bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed
26 for any purpose, including confinement or display, which complies with the requirements for
27 proper space as defined herein.

28 (22) **Carcass** shall mean any dead animal in whole or in part, i.e. bones or viscera.

29 (23) [(27)] **Cat** shall mean domesticated feline[s] species commonly kept as a pet,
30 male or female. [The term "cat" shall not include wild or exotic felines.]

31 (24) [(28)] **Cattery** shall mean an establishment wherein a person engages in the

1 business of boarding, breeding, buying, grooming, or selling cats.

2 (25) [(29)] **Collar** shall mean a well-fitted humane device, appropriate to the age and
3 size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury
4 to the animal.

5 (26) [(30)] **Commercial establishment** shall mean any trade or business the primary
6 function of which is the sale of any goods or service.

7 (27) [(31)] **Commission** shall mean the Commission for Animal Control established in
8 Division 3 of this Subtitle.

9 (28) [(32)] **Commission [a]Administrator** shall mean that person designated by the
10 Director of the Department of the Environment (DoE) to administer the operations of the
11 Commission for Animal Control (CAC) or the administrator's designee.

12 (29) [(33)] **Companion animal** shall mean any domestic or feral dog, domestic or
13 feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or
14 fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal
15 under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or
16 bartered by any person. Agricultural animals, farm animals, game species, wild or game species
17 native to Maryland, or any animal regulated under federal law as research animals shall not be
18 considered companion animals.

19 (30) [(34)] **Confinement for animal quarantine for human bite and nonbite**
20 **contact** shall mean an animal confined to a house, garage, or escape-proof enclosure or building.
21 An animal kept [outside on a chain and/or] in a fenced yard is not considered properly confined.

22 (31) [(35)] **Cruelty** shall mean any act of commission or omission whereby
23 [unjustifiable] excessive psychological, emotional, physical harm, [or] pain, suffering, or death is
24 caused or permitted [, including failure to provide proper drink, air, space, shelter, or protection
25 from the elements, veterinary care, or nutritious food in sufficient quantities, with respect to an
26 animal] including providing for adequate shelter when the [actual or] effective outdoor
27 [temperature of] wind chill index is 32 degrees Fahrenheit or lower, or the heat index is [85] 90
28 degrees Fahrenheit or higher, as determined by the National Weather Service. In the case of an
29 activity in which physical pain is necessarily caused, such as food processing, hunting,
30 experimentation, or pest elimination, cruelty shall mean the failure to employ the most
31 reasonable humane method available under the circumstances.

1 (32) **Custodian** shall mean the same as **owner** as defined in Section 3-101(57).

2 (33) **Dangerous animal** shall mean any animal that without provocation (a) inflicts
3 injury on a human on public or private property; (b) kills a domesticate animal or human; or (c)
4 has been previously found to be potentially dangerous because of injury inflicted on a human or
5 an animal, the owner having received notice of such and the animal again aggressively bites,
6 attacks, or endangers public safety.

7 (34) [(36)] **Director** shall mean the Director of the Department of the Environment or
8 the Director's authorized representative.

9 (35) [(37)] **Disposition** shall mean the adoption or placement as a pet in an approved
10 home, humane administration of euthanasia, or, in the case of a wild animal, release into a
11 suitable habitat.

12 (36) [(38)] **Dog** shall mean any member of the domesticated canine species, commonly
13 kept as a pet, male or female.

14 (37) [(39)] **Domesticated animal** means an animal of a species that has been bred,
15 raised, and is accustomed to live in or about the habitation of man, and is dependent on man for
16 food, water and/or shelter.

17 (37.1) [(39.1)] **Ear Tipped Cat** shall mean a cat that has had a straight line cutting ¼
18 inch off of the tip of the left ear while the cat is anesthetized. A cat who has been ear tipped
19 indicates that it has been neutered and vaccinated.

20 (38) [(40)] **Euthanasia** shall mean the humane destruction of an animal accomplished
21 by a method that involves instantaneous unconsciousness and immediate death, or by a method
22 that involves anesthesia, produced by an agent which causes painless loss of consciousness, and
23 death during such loss of consciousness.

24 (39) [(41)] **Exotic animal** shall mean any animal of a species that is not indigenous to
25 the State of Maryland and is not a domesticated animal, is not commonly kept as a pet, and shall
26 include any hybrid animal which is part exotic animal.

27 (40) [(42)] **Farm Animal** shall mean any domesticated species of animal commonly
28 kept in proximity to, but not ordinarily housed in the immediate domicile or household of,
29 humans, and used for agricultural or riding purposes. Farm animals shall include, but not be
30 limited to, horses, cattle, domesticated fowl, sheep, and swine. Dogs and cats are not farm
31 animals.

1 (41) [(43)] **Feral** shall mean a domesticated animal[s] commonly kept and/or cared for
2 as a pet existing in [the wild or untamed] an unsocialized state [, i.e., wild].

3 (42) [(44)] **Foster** shall mean the temporary holding, care, and treatment of a
4 companion animal by an authorized group or individual pending adoption to a permanent home,
5 or the temporary custody of an animal not normally placed for adoption authorized by the
6 Administrator of the Animal [Control] Services [Facility] and Adoption Center [Facility].

7 (43) [(45)] **Foster home, group, or organization** shall mean a group, organization, or
8 individual recognized by the County to be capable of holding animals on a temporary basis.

9 (44) [(46)] **Fowl** shall mean any and all birds, domesticated and wild, which are used
10 for food.

11 (45) **Free-roaming cat** shall mean a cat that may be cared for by one or more residents
12 of the immediate area; a free-roaming cat may or may not be feral. A free-roaming cat is not an
13 owned animal and a person who feeds or shelters a free-roaming cat is not an owner. A free-
14 roaming cat is not an animal at large.

15 (46) [(47)] **Grooming establishment** shall mean any commercial establishment,
16 mobile or stationary, self service or service oriented, which provides a service of grooming and
17 cleaning animals.

18 (47) [(48)] **Guard dog** shall mean a dog that is [continuously] maintained at a
19 commercial establishment for the purpose of securing that area. A person's pet on the property
20 of the commercial establishment may be considered a guard dog.

21 (48) [(49)] **Humane society** shall mean any chartered, nonprofit organization
22 incorporated under the law and organized for the purpose of preventing cruelty or neglect to
23 animals and promoting humane care and treatment of animals.

24 (49) [(50)] **Keeping or harboring** shall mean the act of, [or the permitting or
25 sufferance by, an owner or occupant of real property either of feeding or sheltering any
26 domesticated animal] or the permitting by an owner or occupant of real property, either by
27 feeding or sheltering any animal in or about the habitation of man, on [the] public or private
28 premises [of the occupant or owner thereof].

29 (50) [(51)] **Kennel** shall mean an establishment or a private individual engaged in the
30 breeding of dogs or cats, or the boarding, providing day care services for a fee, buying,
31 grooming, letting for hire, training for a fee, or selling of dogs or cats. An animal hospital

1 maintained by a licensed veterinarian as part of the practice of veterinary medicine for the
 2 treatment of animals shall not be considered a commercial kennel, except to the extent that it
 3 engages in the boarding of well dogs or cats. The ownership of dogs or cats which are part of a
 4 household or are maintained adjoining a private residence and are kept for hunting, practice
 5 tracking, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of no
 6 more than one (1) litter per year shall not constitute the operation of a kennel. Obedience
 7 training of dogs or cats wherein the dogs or cats are not housed, boarded, or [kenned] kept
 8 overnight shall not be considered a kennel if the operation is limited to the hours of 8:00 A.M. to
 9 12:00 Midnight. The term "kennel" shall also include a [facility] center maintained solely for the
 10 keeping of foxhounds used for fox chasing. [(See Cattery)]

11 (51) "Less serious cruelty or neglect" is any act of cruelty or neglect, which has no
 12 permanent effect on the animal.

13 (52) **Livestock** shall include all domestic or domesticated bovine animals, equine
 14 animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the
 15 genus Lama, ratites, and enclosed domesticated rabbits or hares raised for human food or fiber.
 16 Companion animals are not livestock.

17 (53) **Neglect** shall mean failure to provide [adequate] proper care to an animal.

18 (54) **Nonbite contact** shall mean an injury caused by the teeth of an animal that does
 19 not penetrate the skin, a scratch or contamination of an abrasion, open wound, or mucous
 20 membrane with saliva or other potentially infectious material.

21 (55) **Obedience training** shall mean the concurrent training of a dog and its owner to
 22 prepare the dog as a companion to humankind and to prepare the dog's master for responsible
 23 control of the dog.

24 (56) **Owned animal** shall mean an animal for which an owner has been identified; or
 25 that is surrendered to Prince George's County by a person proving ownership; or one that is
 26 impounded by proper authority and held at the Animal [Control] Services and Adoption Center
 27 [Facility] pending disposition of its case; or, one for which there are indications that the animal
 28 has an owner. Such indicators include an animal license tag, tattoo, microchip implant, ear tag,
 29 normally acceptable livestock identification, or other condition that would lead a person to
 30 reasonably believe that the animal has a current owner and may be lost.

31 (57) **Owner** shall mean any person who:

- 1 (A) Has a right of property in an animal;
- 2 (B) Keeps or harbors an animal;
- 3 (C) Has an animal in his or her care;
- 4 (D) Acts as a temporary or permanent custodian of an animal;
- 5 (E) Exercises control over a particular animal on a regular basis; or
- 6 (F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of

7 an animal owned or in the possession and control of the minor child for purposes of this Subtitle
 8 and shall be liable for all damages cause by the animal.

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

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

14 (60) **Pet shop** shall mean an establishment where companion animals are bought, sold,
 15 exchanged, or offered for sale or exchange to the general public.

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

19 (62) **Pit Bull Terrier** shall mean any and all of the following dogs:

- 20 (A) Staffordshire Bull Terrier breed of dogs;
- 21 (B) American Staffordshire Terrier breed of dogs;
- 22 (C) American Pit Bull Terrier breed of dogs;
- 23 (D) Dogs which have the appearance of being predominantly of the breed of

24 dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull
 25 Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull
 26 Terrier more than [of] any other breed of dog;

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

28 (63) **Potentially dangerous animal** shall mean (a) any animal when unprovoked:
 29 demonstrates the potential to inflict bites on humans or an animal, whether on public or private
 30 property, by chasing or approaching a person in a menacing fashion or apparent attitude of
 31 attack; or any animal with a known propensity, tendency, or disposition to attack unprovoked, to

1 cause injury, or to otherwise threaten the safety of humans or animals; or is running-at-large and
 2 has been impounded by law enforcement two (2) or more times within any twelve (12) month
 3 period. The term “potentially dangerous animal” shall not include dogs used by law enforcement
 4 officials when the dog is being used for legitimate law enforcement purposes.

5 (64) [(63)] **Poultry** shall mean all fowl and game birds raised in captivity used for
 6 human consumption or other products.

7 (65) **Proper air** shall mean the provision of air that is properly ventilated, fresh,
 8 healthful and free flowing and provided to an animal in his/her environment; and that is free of
 9 the smell or stench of the contamination of urine, feces, rotting garbage, and/or filth.

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

16 (67) [64] [**Properly cleaned**] **Proper cleaning** shall mean that debris, food waste,
 17 urine and excrement are removed from the primary enclosure with sufficient frequency to
 18 minimize or eliminate the animal's contact with the above-mentioned contaminants, except for
 19 carcasses which are subject to immediate removal; the primary enclosure is sanitized with
 20 sufficient frequency to minimize or eliminate odors and the hazards of disease; and the primary
 21 enclosure is cleaned so as to prevent the animals confined therein from being directly or
 22 indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous
 23 chemicals or disinfectants.

24 (68) **Proper exercise** shall mean the opportunity for the animal to move sufficiently to
 25 maintain normal muscle tone and mass for the age, species, weight, size, type and condition of
 26 the animal.

27 (69) **Proper food** shall mean access to, and the provision of, food which is of
 28 sufficient quantity and nutritive value to maintain each animal in good health; is accessible to
 29 each animal; is prepared so as to permit ease of consumption for the age, species, weight, size,
 30 type and condition of each animal; is provided in a clean and sanitary manner; is placed so as to
 31 minimize or eliminate contamination by urine, excrement and pests; and is provided at suitable

1 intervals for the age, species, weight, size, type and condition of each animal, but at least once
2 daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states
3 of hibernation or fasting normal for the species.

4 (70) **Proper grooming** shall mean the humane care and maintenance of an animal's
5 skin, fur, hair, scales, or feathers by bathing, drying, brushing, trimming hair and nails; removing
6 dirt, debris and parasites from the animal's body; removing hair from and cleaning ear canals;
7 expressing anal glands and any other such care and maintenance as necessary for the comfort and
8 well-being of the species of animal.

9 (71) **Proper light** shall mean the provision of the illumination by natural and/or
10 artificial light for a duration appropriate for the species, except as directed by hibernation,
11 veterinarian advice or professionally accepted practices for the safety and well-being of the
12 animal. Animals shall be protected from excessive illumination of either natural and/or artificial
13 light that is not appropriate for the species.

14 (72) [(65)] **Properly lighted** shall mean sufficient illumination to permit routine
15 inspections, maintenance, cleaning, housekeeping of the animal [facility] center, and observation
16 of the animal; to provide regular diurnal lighting cycles of either natural and/or artificial light,
17 uniformly diffused throughout the animal [facility] center; and to promote the well-being of the
18 animals.

19 (73) **Proper shelter** and protection from the weather shall mean the provision of, and
20 access to, shelter that is suitable for the species, age, condition, weight, size, and type of each
21 animal; provides proper space for each animal; is safe and protects each animal from injury,
22 physical suffering, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, and
23 impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean
24 and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface,
25 resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a
26 normal manner and can be maintained in a sanitary manner. Under this definition, a shelter
27 whose wire, grid, or slat floors permit the animal's feet to pass through the openings, sag under
28 the animal's weight, or otherwise do not protect the animal's feet or toes from injury is not a
29 proper shelter. For animals confined outside, the foregoing shall not constitute the provision of
30 adequate outdoor shelter when it is conducted (a) between the hours of 10 p.m. and 6 a.m., unless
31 the animal is actively engaged in conduct that is directly related to agricultural activity or farm

1 animal activity on property whose zoning classification, if any, permits such agricultural activity;
 2 or (b) when no pet owner is on the property; or (c) when the effective outdoor wind chill index is
 3 32 degrees Fahrenheit or lower, or the heat index is 90 degrees Fahrenheit or higher as
 4 determined by the National Weather Service; or (d) during a heat advisory issued by a local or
 5 State authority; or (e) during the effective period for a severe weather warning issued for the area
 6 by the National Weather Service, including a hurricane warning, tropical storm warning, or
 7 tornado warning.

8 (74) **Proper space** shall mean sufficient space to allow each animal to:

9 (A) Easily stand, sit, lie, turn around, and make all other normal body
 10 movements in a comfortable, normal position for the animal; and,

11 (B) Interact safely with other animals based on the needs of the species.

12 (75) **Proper transportation** shall mean to carry an animal from one place to another,
 13 usually, but not limited to, a vehicle in such a manner that protects the animal's health and
 14 safety; prevents the animal from sliding around, jumping out, being thrown out of or falling from
 15 the vehicle; protects the animal from road debris and exposure to the sun and heat, wind, rain,
 16 and such other elements of weather, including extreme cold.

17 (76) **Proper veterinary care** shall mean the care and treatment of disease, illness,
 18 and/or injury provided by a licensed veterinarian which is obtained in a timely manner to prevent
 19 unnecessary pain and suffering of an animal, and vaccinations for the prevention of disease and
 20 illness.

21 (77) **Proper water** shall mean the provision of, and access to, clean, fresh, potable
 22 water of a drinkable temperature which is provided in a suitable manner, in sufficient volume,
 23 and normally at all times. However, when special circumstances dictate, water must be provided
 24 at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the
 25 age, species, condition, size, weight and type of each animal, except as prescribed by a licensed
 26 veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the
 27 species; and is provided in clean, durable receptacles which are accessible to each animal and are
 28 placed so as to minimize or eliminate contamination of the water by urine, excrement and pests
 29 or an alternative source of hydration consistent with generally accepted husbandry practices.

30 (78) [(66)] **Public nuisance animal** shall mean any animal which unreasonably (1)
 31 annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense

1 to human senses; or which substantially interferes with the rights of the citizens, other than its
 2 owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and
 3 include, but is not limited to, any animal which:

4 (A) Is repeatedly found at large; or

5 (B) Damages the property of anyone other than its owner; or

6 (C) Molests or intimidates pedestrians or passersby; or

7 (D) Chases vehicles; or

8 (E) Excessively makes disturbing noises (including, but not limited to, continued
 9 and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance,
 10 disturbance, or discomfort to neighbors or others in close proximity to the premises where the
 11 animal is kept or harbored; or

12 (F) Causes fouling of the air by odor and causing thereby unreasonable
 13 annoyance or discomfort to neighbors or others in close proximity to the premises where the
 14 animal is kept or harbored; or

15 (G) Causes unsanitary conditions in enclosures or surroundings where the animal
 16 is kept or harbored; or

17 (H) By virtue of the number or types of animals maintained, is offensive or
 18 dangerous to the public health, safety, or welfare; or

19 (I) Attacks other domestic animals; or

20 (J) Has been found by the Commission for Animal Control, after notice to its
 21 owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public
 22 health, welfare, or safety.

23 (79) [(67)] **Public nuisance condition** shall mean an unsanitary, dangerous, or
 24 offensive condition occurring on any premises or animal holding [facility] center caused by the
 25 size, number, or types of animals maintained, kept, or harbored, or due to the inadequacy of the
 26 facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or
 27 training animals. A public nuisance condition shall be deemed to exist on any premises or
 28 animal holding [facility] center in which any animal is maintained, kept, or harbored under
 29 conditions which constitute cruelty to such animals, or where [the animal maintained, kept, or
 30 harbored is] a public nuisance animal is maintained, kept or harbored.

31 (80) [(68)] **Rescue/breed rescue organization community adoption partners** shall

1 mean a group or individual, recognized by the County as capable of meeting standards for
 2 fostering animals, authorized to receive and place animals from the Animal [Control] Services
 3 [Facility] and Adoption Center which would otherwise [by] be euthanized or which require
 4 special attention.

5 (81) [(69)] **Research [facility] center** shall mean any place, laboratory, or institution
 6 licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or
 7 investigations involving the use of living animals are carried out, conducted, or attempted.

8 (82) [(70)] **Riding school or stable** shall mean any place at which horses are boarded
 9 or displayed; or which has horses available for hire or riding instruction or pony rides; or which
 10 regularly buys, sells, trains, or trades horses, ponies, donkeys, mules, or burros, including any
 11 thoroughbred racetrack, trotting track, or rodeo.

12 (83) [(71)] **Sanitary** shall mean [a condition of good order and cleanliness which
 13 minimizes the probability of transmission of disease] an environment free of, including but not
 14 limited to, contamination, urine, feces, trash, debris, vermin, carcasses, parasites, and hazardous
 15 materials. This shall include hazardous surface and subsurface conditions, i.e., mud, standing
 16 water, or any material that may endanger the health and/or safety of an animal.

17 (84) **“Serious cruelty or neglect”** is as any act by an owner, custodian or other person
 18 which causes physical trauma, impairment of condition, and/or unnecessary pain and suffering
 19 and the cruelty or neglect results in physical injury to, and/or creates a substantial risk of death,
 20 or causes the death of an animal.

21 (85)[(72)] **Stray** shall mean any animal found roaming, running, or self-hunting off the
 22 property of its owner or custodian and not under its owner's or custodian's immediate control.
 23 This includes an animal apprehended by an Animal Control Officer and/or surrendered to the
 24 County by a person who attests to, or willingly signs, a document stating that the animal is stray
 25 or that its owner is unknown.

26 (86) [(73)] **Strict isolation** shall mean the owner of an animal under an order for strict
 27 isolation assures that:

28 (A) The animal is confined in a double-door, escape-proof enclosure;

29 (B) The animal is not removed from the enclosure at any time during the
 30 isolation period;

31 (C) Human contact with the animal is restricted to one (1) adult caring for the

1 animal or [is not allowed at all] if no contact is allowed, care will be provided as ordered; and

2 (D) The enclosure is constructed in a manner to ensure that contact with other
3 animals is not possible.

4 (87) **Trap-Neuter-Return** shall mean the nonlethal process of humanely trapping,
5 sterilizing, vaccinating for rabies, ear-tipping and returning a free-roaming cat to its original
6 location.

7 (88) [(74)] **Vaccination** shall mean an antirabies vaccination using a vaccine type
8 approved by the Maryland State Department of Health and Mental Hygiene or the Maryland
9 Public Health Veterinarian.

10 (89) [(75)] **Veterinarian** shall mean a person currently licensed to practice veterinary
11 medicine in the State of Maryland.

12 [(76)] [**Vicious animal** shall mean any animal which attacks, bites, or injures human
13 beings or domesticated animals without adequate provocation, or which, because of
14 temperament, conditioning, or training, has a known propensity to attack, bite, or injure human
15 beings or domesticated animals. An animal which has on one or more occasions caused
16 significant injury to person or domesticated animals may be deemed to be a vicious animal.]

17 (90) [(77)] **Wild animal** means any animal [which is not included in the definition of
18 "domesticated animal" and] not commonly kept as a pet that generally is found living in a natural
19 habitat and that is not tamed, domesticated or socialized in any manner. This shall include any
20 hybrid animal which is part wild animal such as a mix of a dog/wolf breed.

21 **DIVISION 2. ANIMAL CONTROL PROGRAM.**

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

23 (a) The County Executive is authorized to establish an Animal Control [p] Program. The
24 appointing authority shall designate a person to perform the duties of Administrator of Animal
25 Control.

26 (b) The County Executive is authorized to establish an Animal [Control] Services Facility
27 and Adoption Center [Facility]. The Administrator shall operate the Animal [Control] Services
28 [Facility] and Adoption Center [Facility] for the detention, confinement, and disposition of
29 animals in accordance with this Subtitle.

30 * * * * *

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

1 The Administrator of Animal Control shall have operational responsibility for carrying out
2 the duties prescribed in this Subtitle and for enforcing the provisions of this Subtitle. The
3 Administrator shall be the Chief Animal Control Officer and Supervisor of the Animal [Control]
4 Services [Facility] and Adoption Center [Facility].

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

6 * * * * *

7 (b) Animal Control Officers are authorized and empowered as follows:

8 * * * * *

9 (4) To conduct public education on proper and humane care, adoption, spaying and
10 neutering, and vaccination programs as directed by the Administrator;

11 * * * * *

12 **Sec. 3-105. Animal [Control] Services [Facility] and Adoption Center [Facility];**
13 **operations.**

14 (a) The Director shall promulgate comprehensive regulations prescribing standards for the
15 operation of the Animal [Control] Services [Facility] and Adoption Center [Facility], including,
16 but not limited to, the housing, feeding, care, veterinary treatment, adoption, and humane
17 destruction of animals in the [facility] center.

18 (b) In general, the operations of the Animal [Control] Services [Facility] and Adoption
19 Center [Facility], including the administration of euthanasia, shall be open to members of the
20 general public. The Administrator may, however, restrict access to the Animal [Control]
21 Services [Facility] and Adoption Center [Facility] by a person or persons when, in the judgment
22 of the Administrator, the presence of such person or persons may adversely affect the safety or
23 welfare of any person or may disrupt the efficient operation of the [facility] center.

24 * * * * *

25 (e) The Administrator shall not cause or knowingly permit any live animal in custody to be
26 sold or given up for any experimental purposes. [Pets may] Companion animals shall not be sold
27 or given up for commercial or experimental purposes.

28 **Sec. 3-106. Fees for boarding and care of animals; security.**

29 (a) The Director, from time to time and after consultation with the Director of [the]
30 Management and Budget and the Director of Finance, shall establish schedules or tariffs of
31 charges for the housing, feeding, care, and veterinary treatment of animals which come into the

1 custody of the Administrator. Such schedules and tariffs may be published or posted in a
2 conspicuous place at the Animal [Control] Services [Facility] and Adoption Center [Facility].

3 * * * * *

4 (d) The Director, from time to time and after consultation with the Director of [the]
5 Management and Budget and the Director of Finance, shall establish charges for the adoption of
6 animals which come into the custody of the Administrator. The Administrator shall also require
7 the person adopting the animal to pay any license fees prescribed by this Subtitle and to prepay
8 any spay or neutering fee.

9 * * * * *

10 **DIVISION 3. COMMISSION FOR ANIMAL CONTROL.**

11 **Sec. 3-107. Commission for Animal Control; membership.**

12 (a) There is created as an integral part of the government of the County a Commission for
13 Animal Control, consisting of the Health Officer (or his/her representative), the Chief
14 of Police (or his/her representative),[the President of the Prince George's County
15 Veterinarian's Association (or his representative)] a licensed veterinarian or his/her
16 representative practicing in Prince George's County, and six (6) citizen members,
17 [including] which may include a representative of a local humane organization, a
18 kennel owner, and a representative of the pet industry. [All citizen members shall be
19 appointed for terms of two (2) years each. All appointments to the Commission for
20 Animal Control shall be made by the County Executive, subject to confirmation by the
21 Council.]

22 (b) All citizen members shall be appointed for terms of two (2) years each. The terms of
23 office for members of the Commission shall be staggered terms as follows: Initially
24 three (3) members appointed for two (2) years and three (3) members appointed for one
25 (1) year. Subsequent appointments shall be made for two (2) years, allowing for the
26 continuation of staggered terms. All appointments to the Commission for Animal
27 Control shall be made by the County Executive, subject to confirmation by the
28 Council. All appointments shall be made in accordance with the Charter.

29 (c) [(b)] All members of said Commission shall continue to serve, without regard to the
30 expiration date of their appointment term, until such time as their successors have been duly
31 appointed and confirmed. Citizen Commission members may serve consecutive terms of office.

1 [All appointments to the commission for Animal Control shall be made in accordance with the
2 Charter.]

3 **Sec. 3-108. Chairman of the Commission; secretary; staff.**

4 (a) The Commission shall elect from its members a Chairman and a Vice Chairman. The
5 Chairman and Vice Chairman [shall] may be citizen members elected annually by the total
6 voting membership of the Commission. The Chairman and Vice Chairman may be elected to
7 serve for consecutive terms of office.

8 * * * * *

9 **Sec. 3-109. Powers and duties of Commission.**

10 (a) The Commission may meet at the call of the Chairman to do the following:

11 (1) Recommend to the County Executive and to the Director rules and regulations
12 concerning the following:

13 (A) The operation of the Animal [Control] Services [Facility] and Adoption
14 Center;

15 (B) Standards for the collection, care, custody and disposal of animals at large,
16 and public nuisance animals; and

17 (C) Standards for the maintenance of holding facilities, pet shops, petting zoos,
18 and other matters related to the treatment and maintenance of animals in Prince George's County.

19 (2) Prepare and present the Commission budget in accordance with County budget
20 procedures.

21 (3) Review and make recommendations on the budget of the Animal Control
22 Program.

23 (4) Review and make recommendations on the standards and operation of the Animal
24 Services [Facility] and Adoption Center.

25 (5) [(4)] Upon a written complaint, petition, appeal, or [a] request from a person
26 receiving a violation notice, after a determination of probable cause by an Animal Control
27 Officer that a violation of this subtitle has occurred, conduct a public hearing after due notice to
28 determine whether violations of the provisions of this Subtitle have occurred, whether a public
29 nuisance animal or condition exists, and/or whether a person subject to an order of the
30 Commission has complied with that order.

31 (6) [(5)] Upon determination after notice and hearing that violations of this Subtitle

1 have occurred and that a public nuisance animal or condition exists, and/or if a person subject to
 2 an order of the Commission has not complied with the order, require the payment of civil
 3 penalties and the taking of other affirmative action as prescribed in this Subtitle.

4 (7) [(6)] After notice and hearing on violations of this Subtitle, require the remission
 5 of assessed penalties [where] as appropriate.

6 (8) [(7)] Recommend to the County Executive changes in the law regarding the
 7 control of animals in Prince George's County.

8 (9) [(8)] To issue process, in forms approved by the County Executive, to compel the
 9 attendance of witnesses and the production of documents at hearings of the Commission, which
 10 process shall be enforceable by the Circuit Court, upon application by the Office of Law on
 11 behalf of the Commission.

12 **Sec. 3-110. Hearing procedures; findings and orders.**

13 (a) The Commission may conduct public hearings when:

14 (1) A written complaint that a person has violated or permitted his animal to violate
 15 the provisions of this Subtitle is filed with the Commission; or

16 (2) A written complaint that a person has failed to comply with an outstanding order
 17 of the Commission is filed with the Commission.

18 (b) The Commission shall conduct a public hearing when a person who has been served
 19 with a citation or violation notice charging him with a violation of the provisions of this Subtitle
 20 requests a hearing before the Commission in writing.

21 (c) The Commission may convene a panel of three members to hear and issue a proposed
 22 or final decision on a complaint, petition or appeal as provided in this subtitle.

23 (d) The Director may delegate to a hearing officer the authority to hear and issue a proposed
 24 or final decision on a complaint, petition or appeal as provided in this subtitle.

25 (e) [(c)] The Commission shall give notice in writing by regular mail to the complainant,
 26 the person charged or the appellant of a violation notice or citation, of the time and place of a
 27 public hearing. The Commission shall also send notice by personal delivery, or by certified mail,
 28 return receipt requested, to the person charged. If the notice sent by regular mail is not returned
 29 [and] or if the personal delivery or certified mail receipt indicates that the person charged is at
 30 the address given, it shall be presumed that the person has received notice of the hearing.

31 (f) [(d)] At the public hearing, the proceeding shall be conducted in an informal manner.

1 The strict rules of evidence shall not apply. The Commission may hear any evidence which is
 2 relevant and probative of the matters set forth in the complaint, but shall not be required to hear
 3 irrelevant or merely cumulative evidence.

4 (g)[(e)] The Commission may require the attendance of the charging officer or the
 5 complainant and the person charged with the violation, citation or noncompliance with a
 6 Commission order.

7 (h)[(f)] The Commission is authorized and empowered to issue its process or summonses,
 8 upon forms approved by the County Executive, compelling the attendance of witnesses to testify
 9 and to produce documents at hearings of the Commission. The Commission [may] shall make
 10 service of a summons by personal delivery or by registered or certified mail. Upon the failure of
 11 a person summoned to appear, the Office of Law may apply to the Circuit Court for an order
 12 compelling compliance with the summons. Failure to comply with the Court's order shall
 13 constitute contempt and shall be punishable in accordance with the Maryland Rules of
 14 Procedure.

15 (i)[(g)] At the close of all the evidence, the Commission shall deliberate and shall issue
 16 written findings of fact, [and] conclusions, and an appropriate order. If the Commission finds
 17 that a violation did not occur, it shall dismiss the complaint or citation. If the Commission finds
 18 that a violation has occurred, or that an animal is a public nuisance animal, or that a public
 19 nuisance condition exists, it may impose civil penalties pursuant to Section 3-116. In lieu of or
 20 in addition to imposing civil penalties, it may require appropriate affirmative action, including
 21 but not limited to:

22 (1) The mandatory restriction or confinement of the animal under such conditions as
 23 the Commission may [require] direct in its discretion;

24 (2) The mandatory destruction or other disposition of the animal as the Commission
 25 may direct in its discretion;

26 (3) The correction of conditions or methods of animal care, keeping, maintenance,
 27 housing, or veterinary treatment as the Commission may [require] direct in its discretion to
 28 include spaying and neutering;

29 (4) A recommendation to the Director that licenses issued under this Subtitle be
 30 suspended or revoked; [or]

31 (5) A restriction of animal ownership for a period up to five (5) years from the date of

1 determination subject to the right to petition the Board for a waiver based on good cause shown;

2 (6) [(5)] A recommendation to the State's Attorney for criminal prosecution of
 3 violations of this Subtitle or of other laws.

4 (j) [(h)] The Administrator may request the Commission to convene immediately for the
 5 purpose of investigating situations of acute emergency. In such case, good faith efforts shall be
 6 made to serve notice of the expedited hearings upon the person charged. The Commission may
 7 make such findings and orders as are appropriate to deal with the emergency situation. Such
 8 orders shall have effect for periods not to exceed fifteen (15) business days, and the Commission
 9 shall schedule and hold a hearing in the ordinary course to consider further action. For the
 10 purposes of this Subsection, two voting members of the Commission shall constitute a quorum
 11 sufficient to act on behalf of the Commission.

12 **Sec. 3-111. Appeals from Commission orders.**

13 Any party, including Prince George's County, Maryland, aggrieved by a final order of the
 14 Commission in a contested case, whether such decision is affirmative or negative in form, is
 15 entitled to appeal that order to the Circuit Court for Prince George's County, within fifteen (15)
 16 business days of the date of the order. Such appeal shall be governed by the provisions of the
 17 Maryland Rules pertaining to administrative appeals. The decision of the Circuit Court in all
 18 appeals from decisions of the Commission shall be final.

19 * * * * *

20 **DIVISION 4. ANIMAL CONTROL ENFORCEMENT.**

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

22 **Sec. 3-113. Duties of Administrator.**

23 (a) The Administrator shall enforce the provisions of this Subtitle with respect to animal
 24 control, prevention of cruelty to animals, and minimum standards for animal holding facilities of
 25 all types. The Administrator shall conduct the following programs:

26 (1) A program of regular patrols and response to citizen complaints for the purpose of
 27 taking into custody, issuing violation notices and citations or resolving problems found to be in
 28 violation of this Subtitle;

29 (2) A program of regular inspection of all animal holding facilities required to be
 30 licensed under the provisions of this Subtitle; and

31 (3) A program for the investigation of complaints of cruelty or neglect to animals,

1 and the enforcement of the cruelty and neglect prevention provisions of this Subtitle and of State
2 law.

3 **Sec. 3-114. Records to be kept.**

4 It shall be the duty of the Administrator to keep accurate and detailed records of all licenses
5 issued; impoundments, care, feeding, and veterinary treatment rendered; disposition[s] of
6 animals; enforcement actions; and other activities relating to animals and animal control
7 undertaken for a period of three (3) years after each such activity. The Director shall promulgate
8 regulations prescribing the records to be kept by the Administrator and the manner and method
9 of their maintenance.

10 **Sec. 3-115. Violation notices; Citations.**

11 (a) Whenever in this Subtitle any act or condition is prohibited or is made or declared to be
12 unlawful or an offense, or whenever in this Subtitle the doing of any act or the maintenance of
13 any condition is required or the failure to do any act or the maintenance of any condition is
14 declared to be unlawful, the violation of any such provision of this Subtitle may be evidenced
15 and notice thereof may be given [by the issuance] by an Animal Control Officer or a police
16 officer by the issuance of a [uniform] notice of violation or [uniform] citation, on a form to be
17 designated and approved by the County Executive. A police officer or [a duly authorized]
18 Animal Control Officer witnessing a violation shall be authorized to issue such [uniform] notice
19 of violation or [uniform] citation.

20 (b) [t]The notice of violation or citation shall contain and specify:

21 (1) The violation with which such person is charged, with reference to the applicable
22 Section of this Subtitle [which applies to the violation];

23 (2) The addresses of the offices of the Commission and of the Administrator; and

24 (3) A notice that the person charged may apply to the Commission for a hearing to
25 consider the charges or may pay the civil penalty assessed;

26 (4) A place in which a person may endorse the notice by signing his name and stating
27 his address, indicating his receipt thereof and willingness to appear before the Commission if the
28 violation or citation is contested.

29 (c) The [uniform] notice of violation or [uniform] citation may be issued to both residents
30 and nonresidents when found within the County's geographical boundaries.

1 (d) The person serving notice shall make proof of his service to the Commission promptly
 2 and, in any event, within the time during which the person served must request a hearing before
 3 the Commission. Failure to make proof of service to the Commission, however, shall not affect
 4 the validity of the violation notice or citation.

5 (e) The person served with a violation notice or [uniform] citation may, in lieu of
 6 requesting a hearing before the Commission, pay to Prince George's County, Maryland, through
 7 the Administrator, the amount of the civil penalty stated upon the face of the [uniform] violation
 8 notice or [uniform] citation, which amount shall be as set forth in Section 3-116, below.

9 (f) Notwithstanding the provisions of Subsection (e), above, the Commission, in its
 10 discretion, may review any violation notice or citation filed, and treat the same as any written
 11 complaint of a violation of this Subtitle. If the Commission determines that there is reason to
 12 believe that action other than or in addition to a civil penalty is required, it may give notice of a
 13 [public] hearing to investigate the matter and require the attendance of the person charged [at
 14 such hearing upon due notice] to appear before the Commission at the hearing.

15 (g) Any person failing to comply with an order issued by the Animal Control Commission
 16 shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or imprisonment
 17 not to exceed ninety (90) days.

18 * * * * *

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

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

22 (b) A Pit Bull that causes injury to or kills a human being or a domestic animal without
 23 provocation shall be humanely destroyed, and the owner of such dog shall be fined up to
 24 \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

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

27 (d) For violation of Section 3-135, the criminal penalty shall be up to Five Hundred Dollars
 28 (\$500.00) and/or imprisonment for up to ninety (90) days.

29 (e) For violation of Section 3-131, 3-180(a), 3-180(b)(4) or Section 3-180(c), the criminal
 30 penalty shall be One Thousand Dollars (\$1,000.00) and/or imprisonment for up to six (6)
 31 months.

1 (f) For any violation of Section 3-136, upon conviction, the criminal penalty shall be
2 \$500.00 nor more than \$1,000.00, and/or imprisonment for up to 180 days.

3
4 **Subdivision 2. Impoundment and Disposition of Animals.**

5 * * * * * * * *

6 **Sec. 3-122. Impounding animals; procedure.**

7 (a) [A dog] Animals found at large with a license tag, rabies tag, tattoo, microchip, or
8 other indications of ownership shall, except as otherwise provided in this Subtitle, be impounded
9 and taken to the Animal [Control] Services [Facility] and Adoption Center and there confined in
10 a humane manner for a period of not less than five (5) [workdays] business days, unless sooner
11 claimed and redeemed by its owner.

12 (b) [A dog] Animals found at large without a license tag or other indications of ownership
13 shall be impounded as above. However, such stray [dogs] animals will be confined in a humane
14 manner for a period of not less than three (3) [workdays] business days.

15 (c) In the event an impounded animal shows signs of disease, injury, or severe behavioral
16 maladjustment, the Administrator has discretion to send the animal to be euthanized rather than
17 holding it for three (3) [workdays] business days, providing he has checked the records to see if
18 the animal has been reported missing, the animal appears to be unlicensed, and, in the case of
19 disease or injury, he has consulted with a veterinarian. The behavioral maladjustment must be of
20 such a nature as to pose a threat to the animal's welfare while confined at the Animal [Control]
21 Services [Facility] and Adoption Center [Facility] or pose an unreasonable threat to the safety of
22 personnel caring for the animal.

23 (d) Domesticated animals [other than dogs] may be impounded when found at large or
24 abandoned, and disposed of in accordance with procedures established pursuant to regulations
25 promulgated by the Director.

26 (e) An ear tipped cat shall be handled according to this subsection, and for ear tipped cats,
27 this subsection shall supersede subsections (c) and (d) of this Section, and Sections 3-132, 3-135,
28 and 3-140 of this Subtitle. An Animal Control Officer who has trapped or responds to a trapped
29 ear tipped cat in the field, shall immediately release the ear tipped cat at the location where it was
30 trapped, unless the ear tipped cat show signs of disease, or injury, or unless the Animal Control
31 Officer has probable cause that the specific cat is the subject of a pending nuisance complaint.

1 An Animal Control Officer shall not trap an ear tipped cat for being at large or, if the ear tipped
2 cat has no owner, for not being under restraint. An ear tipped cat transported to or deposited at
3 the Animal Services [Facility] and Adoption Center shall be held by the Administrator for at
4 least three (3) working days, unless the cat is suffering from disease or injury. The
5 Administrator shall use all due diligence to provide electronic notification about all ear tipped
6 cats held at the Animal Services [Facility] and Adoption Center to all local animal rescue
7 organizations and all animal care organizations who have notified the Administrator of their
8 experience with ear tipped cats and shall allow three (3) working days from the time of the
9 electronic notification for an organization to rescue the ear tipped cat at no charge to the
10 organization. An animal care or animal rescue organization shall not return an ear tipped cat to
11 the area where it was trapped if that specific ear tipped cat has been impounded three times to the
12 Animal Services [Facility] and Adoption Center. If an ear tipped cat is trapped in or brought to
13 the Animal Services [Facility] and Adoption Center from a municipality located within Prince
14 George's County with a municipal animal control department, the Administrator shall provide
15 the municipality with the same notification and opportunity for rescue. If the Administrator has
16 used all due diligence to notify animal rescue organizations, animal care organizations, and
17 where appropriate, a municipality about an ear tipped cat, and if the ear tipped cat is not retrieved
18 by an organization or municipality within the designated time period, the ear tipped cat shall be
19 treated the same as an impounded cat to the processes of Subtitle 3 of the Prince George's
20 County Code.

21 (f) The Administrator shall make and keep records of individual ear tipped cats handled
22 under this subsection (e), including; the date and location where the ear tipped cat was trapped or
23 captured; the date the ear tipped cat entered the Animal Services [Facility] and Adoption Center;
24 whether the ear tipped cat suffered from a disease or injury, and the nature of any such disease or
25 injury; whether the ear tipped cat was the subject of nuisance complaint, and the facts and legal
26 basis for any such complaint, all notifications, and notification attempts, to animal rescue or
27 animal care organizations, or to a municipality; and the date and ultimate disposition of the ear
28 tipped cat. The Administrator shall make these records available for public inspection and shall
29 report these records to the Director of [Environmental Resources] the Department of the
30 Environment.

31 (g) The Administrator shall, annually review by December 31st, with consultation with the

1 Director and County Council, the effectiveness of the ear tipped cat program under Section 3-
2 122 of this Subdivision.

3 (h) (1) Prince George's County promotes the responsible practice of trap-neuter-return to
4 include vaccination against rabies and other diseases as an effective method for humanely
5 reducing the population of free-roaming cats.

6 (2) Free-roaming cats shall not be impounded as a public nuisance animal solely for
7 being at large or unlicensed. The Administrator may impound a free-roaming cat if complaints to
8 the Administrator from residents and businesses remain unresolved.

9 (3) An impounded free-roaming cat that has not been ear-tipped may only be redeemed
10 to an animal care organization having experience with trap-neuter-return that has a written
11 agreement with the County. The agreement shall provide for rabies vaccination, sterilization and
12 ear-tipping before the free-roaming cat may be released to the area from which it was
13 impounded.

14 (4) Feeding, sheltering and/or otherwise caring for free-roaming cats shall not be
15 deemed a public nuisance condition unless it disturbs the peace, comfort, or health of any person
16 residing within the County.

17 **Sec. 3-123. Impounding by private persons.**

18 Any person may [take] pick up any animal found [running] at large within the County. Any
19 animal picked up [running] while at large shall be turned over to an Animal Control Officer or
20 delivered to the Animal [Control] Services [Facility] and Adoption Center. This Section shall not
21 apply to a person trapping a free-roaming cat as part of Trap-Neuter-Return.

22 **Sec. 3-124. Notice of impoundment; manner of service.**

23 Upon impounding an animal, the Administrator shall [cause] make a prompt and reasonable
24 effort [to be made] to locate and notify the animal's owner. A notice under this Division may be
25 served either by delivering it to the [person on whom it is to be served] last known owner, or by
26 leaving it at the person's usual or last known residence, or at the address given on the animal's
27 collar, or obtained by means of a pet license, microchip or tattoo, forwarding it by mail to that
28 person at his usual or last known residence or the address given on the collar. When convenient,
29 the notice may be given by telephone to the owner. [All found animals will, at a minimum, be
30 duly advertised in one major local newspaper.]

31 **Sec. 3-125. Interference with impounding of animals.**

1 No person shall willfully prevent or obstruct the impounding of any animal in violation of
2 any of the provisions of this Subtitle by an Animal Control Officer or police officer, nor shall
3 any person take or attempt to take any animal out of the Animal [Control] Services [Facility] and
4 Adoption Center without the consent of the Administrator, nor shall any person knowingly
5 impound or attempt to impound any animal not legally liable to impoundment. Any violation of
6 this Section is a misdemeanor punishable pursuant to Section 1-123 of this Code.

7 **Sec. 3-126. Records of impounded animals.**

8 (a) The Administrator shall keep complete and accurate records of the breed, color, sex,
9 condition, and location where found of any animal impounded in the Animal [Control] Services
10 [Facility] and Adoption Center [Facility], and shall record whether or not the animal is licensed,
11 tattooed, microchipped, or has a rabies tag.

12 (b) If an animal impounded in the Animal [Control] Services [Facility] and Adoption
13 Center [Facility] is licensed or vaccinated, the Administrator shall record the name and address
14 of the owner and the number of the license or rabies tag.

15 (c) The Administrator shall keep complete and accurate records of the care, feeding,
16 veterinary treatment, and disposition of all animals impounded in the Animal [Control] Services
17 Facility and Adoption Center [Facility].

18 * * * * *

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

20 (a) The owner of an impounded animal shall be entitled to redeem such animal, except as
21 otherwise provided in this [Division] Subtitle, upon compliance with the license provisions of
22 this Subtitle, payment of redemption fees, payment of costs accrued with respect to the animal to
23 be redeemed, and presentation of satisfactory proof of ownership.

24 (b) Redemption fees shall be as follows:

25 (1) A redemption charge of Fifteen Dollars (\$15.00) for the first impoundment for
26 altered animals and Sixty Dollars (\$60.00) for the first impoundment for unaltered animals and
27 One Hundred Dollars (\$100.00) for any animal per each subsequent impoundment in a twelve
28 (12) month period.

29 (c) The owner of an impounded animal also shall be liable to Prince George's County,
30 Maryland, for the shelter fees to include the fee for mandatory microchipping if the animal is not
31 already microchipped and the costs of any required veterinary services in accordance with the

1 schedule or tariff of charges promulgated by the Director pursuant to Section 3-106 herein. In
2 addition, when the animal is impounded, it will be mandatory that it is spayed or neutered prior
3 to leaving the Animal Services [Facility] and Adoption Center. The cost shall be included in the
4 payment of redemption fees not exceed the actual cost of the procedure.

5 (d) Exemptions and Waivers

6 (1) The mandatory spay/neuter requirement may be waived when the owner is able to
7 provide proof that altering subject animal would create a financial loss and/or materially alter the
8 economic value of the animal. (2) Livestock and/or Farm Animals shall be exempt from the
9 provisions of this Section. (3) Any animals employed or owned by the County and/or Federal or
10 State agencies shall be exempt from the provisions of this Section (4) Medical Exceptions
11 outlined in accordance with Section 3-177.

12 **Sec. 3-129. Property [in] of impounded or surrendered animals.**

13 Any domesticated animal which is impounded and not reclaimed by its owner as prescribed
14 in Section [3-123] 3-122 shall be deemed abandoned and shall become the property of Prince
15 George's County, Maryland. Any animal surrendered by its owners to the Animal [Control]
16 Services [Facility] and Adoption Center shall immediately become the property of Prince
17 George's County, Maryland, for final disposition. The Administrator may dispose of abandoned
18 animals by adoption, euthanasia, or other disposition as may be most advantageous to the County
19 and the public interest subject to Section 3-105[(e)].

20 * * * * *

21 **Subdivision 3. Animal Control Regulations.**

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

23 (a) Each owner or custodian shall provide the following in consideration of the species, age,
24 condition, weight, and size, for each [of his or her companion] animal[s] in his or her care:

- 25 (1) [Adequate feed] Proper food;
- 26 (2) [Adequate] Proper water;
- 27 (3) [Adequate] Proper shelter and protection from the weather [that is properly
28 cleaned];
- 29 (4) [Adequate] Proper space [in the primary enclosure for the particular type of
30 animal depending on its size, species, and weight];
- 31 (5) [Adequate] Proper exercise;

1 (6) [Adequate] Proper care [proper and appropriate treatment, and proper
2 transportation; and];

3 (7) [Adequate] Proper veterinary care [and veterinary care when needed to prevent
4 suffering or disease transmission.];

5 (8) Proper grooming;

6 (9) Proper light;

7 (10) Proper transportation;

8 (11) Proper air; and

9 (12) Proper cleaning.

10 * * * * *

11 **Sec. 3-132. Public nuisance conditions and animals; procedures; appeals.**

12 (a) It shall be the duty of every owner or custodian of an animal to take all necessary steps
13 and precautions to protect other people, animals, and property from injury or damage resulting
14 from such animal's behavior, including, but not limited to, chasing, biting, or otherwise
15 jeopardizing the safety, health or welfare of the public.

16 (b) [(a)] No owner or custodian of an animal or operator of any animal holding [facility]
17 center shall fail to abate a nuisance caused by any animal owned by him or under his control nor
18 shall any person fail to abate a public nuisance condition found to exist upon the premises owned
19 or controlled by him, after having been notified by an Animal Control Officer or other law
20 enforcement officer, in accordance with Section 3-115 herein, or after having been ordered to
21 abate the nuisance by the Commission as provided herein.

22 (c) [(b)] Any animal having been declared to be a public nuisance animal shall, when
23 required by the Commission and upon demand by the Administrator, be delivered by his owner
24 to the custody of the County. No owner of a public nuisance animal shall refuse to surrender
25 such animal to the County. A public nuisance animal which has been impounded by the County
26 may be redeemed by the owner only upon those conditions established by the Commission for
27 that particular animal. In addition to any special conditions imposed by the Commission, the
28 owner of a public nuisance animal shall comply with the provisions of Section 3-128 herein.

29 (d) [(c)] Any animal found to be unredeemable shall become the property of Prince
30 George's County and may be disposed of by adoption, euthanasia, or other disposition as may be
31 advantageous to the County and to the animal. No animal may be destroyed or otherwise

1 disposed of pending the outcome of any appeal from an order of the Commission pursuant to
 2 Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the
 3 expense of the care, feeding, and any necessary veterinary care for the animal shall be charged
 4 to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the
 5 provisions of Section 3-106 herein.

6 (e) [(d)] As an alternative, if any person shall fail to abate a public nuisance animal or
 7 public nuisance condition after the Commission has ordered him to do so, the Administrator or
 8 the Commission may refer the matter to the Office of Law for appropriate legal action. The
 9 Office of Law, without limitation, and in addition to and not in lieu of any other available
 10 remedies, may seek ex parte, temporary and permanent injunctive relief and other relief in a
 11 court of competent jurisdiction to abate any nuisance or to correct any condition whereby the
 12 actions of an animal, or the actions or inactions of its owner or custodian, cause or threaten any
 13 substantial and immediate danger to any person or property or to the public health and safety.

14 * * * * *

15 **Sec. 3-135. Animals at large prohibited.**

16 (a) It shall be unlawful for the owner or custodian of any animal (including, but not limited
 17 to, any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, dog, cat, or other animal)
 18 to permit the animal to run at large or be at large as defined in Section 3-101[(12)] (7) within
 19 Prince George's County, Maryland. **At large** shall also include:

- 20 (1) The confinement or securing of an animal by any person at a location other than
- 21 on the premises of its owner, custodian, or authorized agent;
- 22 (2) Herding such animal or tying it for grazing in any street or other public place; or
- 23 (3) The fastening or tethering of any horse or other animal on public property [to any]
- 24 affixed to any standard (i.e., rail, post, fence), hydrant, shade tree, or to any box or case around
- 25 such tree, or to any public ornamental tree on any street or public ground.

26 (b) Any animal found at large or running at large is declared to be a nuisance and
 27 dangerous to the public health, safety, and welfare.

28 (c) The owner of any animal running at large shall be held strictly liable for a violation of
 29 this statute, except as provided in paragraphs (f) and (g) of this Section, and for any damages
 30 caused by said animal.

31 (d) Any person who is aware of an animal running at large within the County shall report

1 the condition by telephone. The identity of an informant under this Section shall not be disclosed
 2 except to employees of the Animal Control program and duly authorized law enforcement
 3 officers.

4 (e) Any Animal Control Officer, police officer, or other agent authorized or empowered to
 5 perform any duty under this Subtitle may pursue any animal at large or running at large and may
 6 go upon any premises for impounding the animal at large or running at large. If the animal
 7 returns to the premises of its owner, the Animal Control Officer may pursue the animal upon the
 8 unenclosed exterior premises of the owner. If the owner or custodian takes the animal within the
 9 enclosed interior portion of his premises, the Animal Control Officer or police officer shall direct
 10 the owner or custodian to surrender the animal for impoundment. No person, after having been
 11 directed by an Animal Control Officer or law enforcement officer to surrender an animal for
 12 impoundment, shall fail to surrender the animal immediately. Failure to surrender an animal for
 13 impoundment upon demand by an Animal Control Officer or law enforcement officer is a
 14 misdemeanor and, upon conviction thereof, the violator may be punished by a fine not to exceed
 15 Five Hundred Dollars (\$500.00) or by imprisonment not to exceed ninety (90) days in the
 16 County Detention Center, or both. In addition to the criminal penalty hereby imposed, the
 17 Commission may impose civil penalties pursuant to Section 3-110 and Section 3-116 herein.

18 (f) [This Section shall not apply to an animal under the control of its owner, custodian, or
 19 an authorized agent of the owner by a leash or lead, or to an animal undergoing obedience
 20 training or while actually engaged in the sport of hunting in authorized areas while supervised by
 21 a competent person.] Any animal is considered at large if it is outside the owner's premise and
 22 not leashed, unless it is a service animal, is in an animal exercise area, or is participating in an
 23 approved activity such as undergoing obedience training or engaged in the sport of hunting in
 24 authorized areas and supervised by a competent person.

25 (g) No animal running at large by accident with a person in immediate pursuit of it shall be
 26 deemed to be at large, running at large or a stray.

27 **Sec. 3-136. [Vicious] Dangerous animals.**

28 (a) Any [dog or other] animal [which] that without provocation [has attacked, bitten, or
 29 injured any human being, other animal or livestock, or which has a known propensity to attack or
 30 bite human beings or animals] (i) inflicts injury on a human on private or public property; (ii)
 31 kills a domesticated and/or farm animal; or (iii) has been previously found to be potentially

1 dangerous because of injury inflicted on a human or an animal, the owner having received notice
 2 of such and the animal again aggressively bites, attacks, or endangers public safety is defined to
 3 be a [vicious] dangerous animal for the purpose of this Subtitle. No animal shall be found to be
 4 dangerous [or vicious] if the threat, injury, or damage was sustained by a person who was:

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

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

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

10 (b) It shall be the duty of the Police Department to receive and document complaints
 11 concerning [vicious] dangerous animals. It shall be the duty of the Administrator/Animal
 12 Control Officer to receive and investigate complaints concerning [vicious] dangerous animals.

13 Whenever an animal complained against shall be reasonably deemed by a police officer or the
 14 Administrator/Animal Control Officer to be a [vicious] dangerous animal, the police officer or
 15 Administrator/Animal Control Officer shall report the fact to the Commission in the form of a
 16 written complaint and shall be authorized and empowered to impound the animal pending a
 17 hearing if he reasonably believes that the owner of the animal is not capable of restraining the
 18 animal from attacking, biting, or injuring any human being or other animal pending a [full]
 19 hearing on whether the animal is [vicious] dangerous. Notwithstanding the above, whenever an
 20 animal causes severe injury to any human being, the police officer or [Administrator] Animal
 21 Control Officer shall impound the animal pending a hearing by the Commission. In this Section,
 22 **severe injury** means any physical injury from single or multiple bite(s) resulting in broken
 23 bones, serious disfigurement, serious impairment of health, serious impairment of a bodily
 24 function, or requiring multiple sutures or cosmetic surgery.

25 (c) Whenever an animal has been impounded pursuant to this Section, the owner shall be
 26 notified within forty-eight (48) hours of the impoundment of a right to a preliminary hearing.
 27 The preliminary hearing shall be scheduled within seventy-two (72) hours of a written request by
 28 the owner. This preliminary hearing may be conducted by a hearing officer designated by the
 29 Commission and shall be for the sole purpose of determining whether the owner of the animal is
 30 capable of restraining the animal from attacking, biting or injuring any human being or other
 31 animal until it can be determined at a [full] hearing conducted by the Animal Control

1 Commission whether the animal is [vicious] dangerous.

2 (d) If it is determined that the alleged dangerous animal may be returned to the custody of
3 the owner until the scheduled full hearing, the Commission may impose such requirements of
4 conditions as are deemed necessary to restrain the animal and the owner shall be required to pay
5 the costs and maintenance expenses incurred during the time that the animal was impounded.
6 Should the owner not adhere to conditions set forth by the Commission, the alleged dangerous
7 animal shall be immediately impounded and remain in the custody of the County pending the
8 outcome of the full hearing.

9 (e) If the Commission determines that continuing impoundment is necessary, the owner
10 shall be responsible for all costs and maintenance expenses incurred.

11 (f) Any person who alleges that an animal is [vicious] dangerous may file a [verified]
12 complaint with the Animal Control Commission that states in clear language why the animal is
13 [vicious] dangerous. This [verified] complaint shall identify where the animal is located and
14 describe the animal which is the subject of the complaint. The Administrator shall investigate
15 the complaint and may impound the animal in accordance with [Subsections (b) through (d) of]
16 this Section.

17 (g) The Commission shall conduct a public hearing upon the question of whether the
18 animal is a [vicious] dangerous animal in accordance with the provisions of Section 3-110 of this
19 Subtitle.

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

26 (i) The Administrator shall maintain a record of all known [vicious] dangerous animals in
27 Prince George's County.

28 (j) If any animal shall be found at large or running at large by an Animal Control Officer
29 or police officer and, in the judgment of the Animal Control Officer or police officer, such
30 animal is dangerous, [fierce, or vicious] and cannot be taken up or tranquilized and impounded,
31 such animal may be slain by the Animal Control Officer or police officer.

1 **Sec. 3-137. [Vicious] Dangerous animals; restrictions.**

2 (a) One or more of the following shall be required as deemed appropriate under the
 3 circumstances, and as deemed necessary for the protection of the public or other animals for an
 4 animal declared as dangerous:

5 (1) The dangerous animal shall be under the direct supervision of a responsible adult
 6 18 years or older whenever the animal is on public premises.

7 (2) [(a)] [A vicious] The dangerous animal shall be securely confined by the owner or
 8 custodian within a building or secure enclosure and shall not be taken out of such building or
 9 secure enclosure unless securely restrained. The confinement device shall be designed to: (i)
 10 prevent the escape of the animal; (ii) protect the public from unauthorized contact with the
 11 animal; and (iii) to protect the animal from the elements.

12 (3) [(b)] [A vicious] The dangerous animal shall not be upon any street or public place,
 13 except while securely restrained, humanely muzzled if appropriate to the species, and in the
 14 charge of a responsible adult. The muzzle must be appropriate to the species, not to injure or
 15 interfere with the animal's vision or respiration, and be secured in a manner that prevents it from
 16 biting any person or animal.

17 (4) The dangerous animal shall be securely restrained on a leash whenever the animal
 18 is on public premises, under the immediate control of a responsible adult.

19 [(c) A vicious animal not confined as required by this Subsection is hereby declared a
 20 public nuisance, detrimental to the public health, safety, and welfare. The owner of the animal
 21 shall be held strictly liable for any violation of this Section and for any damages caused hereby.]

22 (5) [(d)] The owner of a [vicious] dangerous animal shall, at his or her own expense, have
 23 the identification number assigned to the [vicious] dangerous animal by the Administrator
 24 tattooed or microchipped upon the animal by a licensed veterinarian. The Administrator may
 25 designate the location of the tattoo or microchip.

26 (6) [(e)] The owner of a [vicious] dangerous animal shall display a conspicuous sign, on
 27 the premises where the animal is permanently maintained, that a [vicious] dangerous animal is
 28 located on those premises. The form and location of the sign shall be subject to the approval of
 29 the Administrator.

30 (7) [(f)] The owner of a [vicious] dangerous animal shall consent to periodic inspections,
 31 in addition to annual compliance inspections, by the Administrator.

1 (8) [(g)] The owner of a [vicious] dangerous animal shall report the status of the animal in
 2 writing to the Administrator every three (3) months and shall notify the Administrator
 3 immediately prior to the removal of the animal from the approved premises.

4 (9) [(h)] The owner of a [vicious] dangerous animal shall not sell, give away or dispose of
 5 the animal without the consent of the Administrator.

6 (10) [(i)] The owner of a [vicious] dangerous animal shall comply with any and all other
 7 requirements or conditions imposed by the Commission.

8 (11) The dangerous animal shall be spayed or neutered, at the owner’s expense.

9 (12) The dangerous animal shall be evaluated by a certified animal behaviorist, a
 10 board-certified veterinary behaviorist, and attend an obedience/behavior training course and
 11 provide a certificate of completion. The owner of the animal shall be responsible for all costs
 12 associated with evaluations, training or other treatment ordered under this Section.

13 (b) The owner of the animal shall be held strictly liable for any violation of this Section
 14 and for any damages caused hereby.

15 (c) If after two (2) years of being declared dangerous, there have been no further issues
 16 with the animal, the owner can petition the Commission to have the designation and the
 17 requirements lifted.

18 (d) The dangerous animal as evidenced by aggravating circumstances, or by previous
 19 unjustified attacks on a person or animal sustaining serious injury or death, shall become the
 20 property of Prince George's County.

21 (e) The owner of a dangerous animal may be banned from owning, possessing, or caring
 22 for animals for up to five (5) years subject to the right to petition the Board for a waiver based on
 23 good cause shown.

24 * * * * * * * * *

25 **Sec. 3-139. Defecation; Removal of excrement.**

26 (a) No person owning, keeping, or having custody of [a dog or cat] an animal, except a
 27 [seeing eye dog] service animal, shall allow or permit excrement of such animal to remain on[:]

28 [(1) Public] public property, including streets as defined in Section 1-102(a)(34). [; or]

29 [(2) Private] (b) No person shall allow defecating on private property without the
 30 consent of the owner or occupant thereof.

31 [(b)] (c) The person owning, keeping, or having custody of the animal shall immediately

1 remove the excrement deposited by the animal.

2 **Sec. 3-140. Strays and unwanted animals.**

3 * * * * *

4 (b) Any stray animal found by any individual shall forthwith be delivered to the Animal
5 [Control] Services [Facility] and Adoption Center [Facility] or to an Animal Control Officer.

6 (c) All unwanted animals received by the Animal [Control] Services [Facility] and
7 Adoption Center [Facility] shall be processed under and shall be subject to the provisions of
8 Section 3-122 of this Subtitle.

9 (d) No person shall harbor or hold for reward or procure a license for a dog or other animal
10 which has strayed upon his premises or which has been taken into custody on a public street,
11 highway, or other public place unaccompanied by its owner or custodian or which has been
12 stolen from its owner. Nothing in this Subsection shall be construed to prohibit any person from
13 taking custody of a stray animal for purposes of delivering it to the Animal [Control] Services
14 [Facility] and Adoption Center [Facility].

15 **Sec. 3-141. Theft of animals.**

16 (a) No person except an Animal Control Officer or law enforcement officer acting in the
17 course of his duties shall intentionally entice, take, or carry away any [dog, cat, or other pet]
18 companion animal or other animal without the owner's consent.

19 * * * * *

20 **Sec. 3-142. [Injuring or poisoning of animals] Irresponsible owners.**

21 [(a) Any person who accidentally or otherwise strikes an animal with any motor vehicle
22 and injures or kills the animal shall immediately notify the Police Department or the
23 Administrator of the location of the accident.]

24 [(b) No person may willfully poison any animal, except that any person may use poison in a
25 careful and humane manner to destroy vermin, including, but not limited to rats, mice, and insect
26 pests.]

27 (a) An owner or custodian shall be declared to be an irresponsible owner if:

28 (1) they allow their animal to inflict bites on a human or another domesticated animal
29 either on public or private property;

30 (2) they allow their animal to chase or approach a person in a menacing fashion or
31 apparent attitude of attack, or with a known propensity, tendency, or disposition to attack

1 unprovoked, to cause injury, or otherwise to threaten the safety of humans or animals;

2 (3) they fail to provide proper care and treatment for an animal;

3 (4) they fail to provide humane training for appropriate temperament and response;

4 (5) they fail to take precautions to abate aggressive behavior; prevent an imminent
5 threat, assault or disturbance; or ensure surrounding circumstances and environment do not
6 create or give rise to potentially dangerous situations.

7 (b) An irresponsible owner may be banned from owning, possessing, or caring for animals
8 for up to five (5) years subject to the right to petition the Board for a waiver based on good cause
9 shown.

10 (c) The Commission may mandate dangerous animal restrictions for any violations of this
11 Section.

12 (d) Nothing in this Division shall be construed to exempt any animal owner or custodian
13 from compliance of the requirements for responsible animal ownership. An animal owner or
14 custodian found guilty of provisions of this Division shall be declared to be an irresponsible
15 owner.

16 * * * * *

17 **Sec. 3-144. Disposal of an animal carcass[es].**

18 (a) The owner or custodian of an animal may not deposit or leave such animal upon its
19 death on public or private property [or the property of another person]. If a dog, cat, or ferret has
20 a history of a bite or nonbite exposure to a human within ten (10) days prior to its death, it must
21 be tested for rabies. [All other] Each dead animal[s] shall be promptly disposed of by cremation,
22 in accordance with applicable local, state, and federal regulations, burial, or other sanitary means
23 so long as there has been no human bite or nonbite exposure.

24 * * * * *

25 (c) In addition to other assigned duties, [Animal Control Officers] agents of the
26 Administrator shall collect all dead animals found on County-owned property or highways and
27 the Administrator shall be authorized to dispose of such carcasses.

28 **DIVISION 5. LICENSES AND STANDARDS.**

29 **Subdivision 1. Pet Licenses.**

30 **Sec. 3-145. Ferret, dog, and cat licenses.**

31 (a) A ferret, dog, or cat which is four (4) months of age or older shall be licensed by the

1 owner as herein provided.

2 (b) The licensing requirement of this Subdivision shall not apply to any animal belonging
3 to a nonresident of the County and kept within the boundaries of the County for not longer than
4 thirty (30) days. All such animals shall, at the time of entry into the County, be properly
5 vaccinated against rabies and, while kept within the County, shall meet all other requirements of
6 this Subtitle.

7 **Sec. 3-146. – License application; fee; exemption and notice condition**

8 (a) Application for license shall be made to the Department. The [annual] license fee
9 shall be Twenty-Five Dollars (\$25.00) per year for all ferrets, dogs, and cats. The license fee may
10 be collected for a multi-year period. The license fee shall be reduced to [Five] Ten Dollars
11 [((\$5.00)] (\$10.00) where there is proof that the animal has been spayed or neutered or where the
12 Administrator, in the Administrator's sole discretion, has determined that the animal cannot be
13 spayed or neutered because of size, age, or other physical condition. The license fee shall be
14 reduced to Five Dollars (\$5.00) where there is proof that a dog is under training in a recognized
15 program to provide assistance dog guides, provided that if the dog is removed from training, the
16 license fee shall be Twenty-Five Dollars (\$25.00) per year.

17 (b) (1) Assistance dogs (guide, hearing, service, seizure alert, etc.) and dogs in police
18 canine units shall be provided licenses without charge.

19 (2) Residents showing proof of being age sixty-five (65) or older shall be provided
20 licenses, without charge, for a maximum of two (2) pets providing the resident produces
21 documentation that the pets have been spayed or neutered, and are up to date on rabies shots.

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

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

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

1 enclosure.

2 (f) Whenever it comes to the attention of the Administrator that a ferret, dog, or cat is
3 unlicensed, the Administrator may contact the owner of the animal and require the owner to
4 make application for a license and require the owner to pay the required license fee. If the owner
5 refuses to obtain a license or procure immunization for his animal, the Administrator may make
6 demand upon the owner to surrender the animal for humane disposition. If the owner refuses to
7 surrender the animal, the Administrator shall refer the matter to the Office of Law. The Office of
8 Law may seek equitable relief in an appropriate court, including, but not limited to, a mandatory
9 injunction requiring the owner of the animal either to have his animal immunized and obtain the
10 required pet license or to surrender the animal for humane disposition.

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

12 * * * * *

13 [(c) All ferret, dog, and cat licenses shall expire one (1) year from the last day of the month
14 in which the license was issued.]

15 (d) Notwithstanding any other provision of this Division, the Director may, [in the
16 Director's discretion,] establish a systematic method for administering the renewal of licenses
17 under this Division, including, but not limited to, establishing staggered renewal dates for
18 existing licenses and prorating license fees based on such renewal dates. In no event shall the
19 Director [: (1) R] (r) restrict the right of a licensee, under any initial license issued in
20 accordance with the provisions of this Division, to an initial term of less than one (1) year from
21 the date of issuance;

22 [(2) Issue any initial license for a period to exceed eighteen (18) calendar months; or

23 (3) Renew any license for a period of less than seven (7) calendar months, or for a
24 period of more than eighteen (18) calendar months.]

25 (e) Failure to make timely application for an initial license as stated in Subsections (a) and
26 (b), above, or for renewal of a license shall result in the assessment of a penalty of Three Dollars
27 and fifty cents (\$3.50).

28 * * * * *

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

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

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

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

8 **Sec. 3-148.01. Animal hobby permit.**

9 (a) No person may keep or harbor five (5) or more animals [larger than a guinea pig or]
10 over the age of four (4) months, that require a County license, without first obtaining an animal
11 hobby permit as provided herein. Except as provided herein, no household may keep, harbor, or
12 foster five (5) companion animals, with a limit of ten (10) over the age of four (4) months
13 without first obtaining an animal hobby permit as set forth in Section 3-148.02.

14 * * * * *

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

16 * * * * *

17 (c) No permit shall be issued unless:

- 18 (1) Each ferret, dog, or cat has a valid County license;
- 19 (2) There exists [an adequate] proper space and safe means of confinement for each
20 animal;
- 21 (3) Each animal is provided [adequate] proper care, proper shelter and protection
22 from the weather;
- 23 (4) Evidence exists that each animal has been provided [adequate and] proper
24 veterinary care;
- 25 (5) No objectionable odors or noises exist that might disturb the neighborhood or
26 otherwise cause a public nuisance condition to exist;
- 27 (6) All animals on the property are kept in compliance with any and all Federal, State,
28 and local laws and regulations as pertain to animals.

29 * * * * *

30 **Sec. 3-148.03. Animal Foster Care Permit.**

31 (a) Any [person,] group[,] or organization which provides temporary holding, care, and

1 treatment for a companion animal pending permanent adoption may apply for [a foster] an
2 animal foster care permit. The requirements are:

3 (1) The group or organization [or group] must be approved and registered with the
4 Animal [Management] Services Division of the Prince George's County Department of the
5 Environment [. Requirements for the organizations or groups are] and meet the following
6 requirements:

7 (A) Proof of Federal registration as a nonprofit or not-for-profit organization;

8 (B) Proof of incorporation in the state in which they do business, as well as
9 proof of good standing; and

10 (C) Compliance with all Federal, State, and local laws [in keeping animals and
11 record maintenance for the animals and the organization].

12 (2) Each individual location [holding] fostering animals must be registered with the
13 Animal [Management] Services Division. The custodian must be associated with a group or
14 organization registered with the Prince George's County Animal [Management] Services
15 Division.

16 (3) Each foster location is limited to ten (10) animals including animals owned by the
17 [care taker or other residents of the location] custodians, residents, or caregivers. Any foster
18 location housing more than ten (10) animals must apply for an Animal Holding [Facility] Center
19 permit.

20 (4) Each foster location must be inspected on an annual basis upon renewal of the
21 permit. In addition, the Animal [Management] Services Division may inspect the location for
22 compliance with requirements for the care and maintenance of each animal.

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

26 (6) Animals being held for temporary foster care may be kept for ninety (90) days
27 without being licensed by Prince George's County. An extension of no more than sixty (60) days
28 may be applied for, and may be granted by, the Associate Director of the Animal [Management]
29 Services Division. After that time, the animals will be considered owned animals and must be
30 [registered] licensed with the County. The Animal [Management] Services Division must be
31 notified when a new animal is accepted for temporary foster care and when an animal is adopted

1 from the foster location. The Animal [Management] Services Division will maintain and keep
2 current a list of animals at each foster location.

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

7 * * * * *

8 **Subdivision 2. Animal Holding [Facility] Center Licenses.**

9 **Part 1. Definitions and General Provisions.**

10 * * * * *

11 **Sec. 3-151. Application for animal holding [facility] center license.**

12 (a) Every person required to obtain and hold an animal holding [facility] center license
13 shall make application for an animal holding [facility] center license to the Department upon
14 forms prescribed by the Director. The application shall be accompanied by an annual license fee
15 as prescribed herein. A Use and Occupancy permit is required for each animal holding [facility]
16 center.

17 * * * * *

18 **Sec. 3-152. Inspection of [Facility] Center.**

19 (a) The Administrator shall inspect the applicant's establishment[. The Administrator shall]
20 and determine whether [the establishment] it is in satisfactory condition and properly operated
21 under the provisions of this Subtitle. The Administrator shall determine the species which may
22 be housed or held in the [facility] center. The Administrator shall issue regulations setting forth
23 standards and criteria for determining the maximum number of animals of different type or
24 species to be maintained in an animal holding [facility] center.

25 * * * * *

26 (d) If reinspection is required due to the applicant's failure to comply with [the above
27 referenced requirements or] provisions of this Subtitle or other regulations, the applicant shall be
28 charged Ten Dollars (\$10.00) upon the first reinspection and Twenty-five Dollars (\$25.00) for
29 any subsequent reinspection.

30 * * * * *

1 **Sec. 3-154. License transferability.**

2 (a) Animal holding [facility] center licenses are not transferable. The new owner or
3 operator of the animal holding [facility] center shall make application to the Department
4 pursuant to [Sections 3-151, 3-152, and 3-153] this Subdivision.

5 (b) The Director may issue a temporary license to the new owner or operator of an existing
6 animal holding [facility] center to permit its continuing operation pending the Director's decision
7 on the license application [required in Subsection (a)].

8 * * * * *

9 (d) The temporary license shall be valid until the Director's decision is rendered on the
10 application for the regular license. Issuance of the temporary license does not bar a decision by
11 the [Department] Director to deny the application pursuant to Section 3-155(a).

12 **Sec. 3-155. Denial, suspension, or revocation of animal holding [facility] center license.**

13 (a) The [Department] Director shall deny any application for an animal holding [facility]
14 center license if the Administrator or the Health Officer determines that the applicant's
15 establishment is in violation of the general standards or specific standards prescribed herein.

16 * * * * *

17 **Sec. 3-156. Appeal [from] of decision to deny, suspend, or revoke an animal holding**
18 **[facility] center license.**

19 * * * * *

20 (e) The Board of Administrative Appeals shall conduct a public hearing. In appeals from a
21 denial of a license, the applicant shall have the burden of proof to establish his entitlement to a
22 license. In an appeal from the suspension, revocation, or denial of renewal of a license, the
23 Department shall have the burden of proof to establish by preponderance of the evidence that the
24 suspension, revocation, or denial of renewal was correct. The Board of Administrative Appeals
25 shall decide only whether the action of the Director was supported by substantial evidence. The
26 applicant or licensee shall have the opportunity to present evidence, to cross-examine witnesses
27 for the Department, and may be represented by an attorney at any hearing. Failure on the part of
28 the applicant or the licensee to appear [at the place set] for the hearing shall be deemed a waiver
29 of the right to a hearing.

30 * * * * *

31 **Part 2. General Standards for Animal Holding Facilities.**

1 **Sec. 3-158. Environmental health.**

2 (a) All animal holding facilities shall provide [for healthy and comfortable temperatures
3 suitable for every species of animal of every age housed or kept in the facility.] the following in
4 consideration of the species, age, condition, weight, and size, for each animal housed or kept in
5 the [facility] center:

6 (1) Proper food;

7 (2) Proper water;

8 (3) Proper shelter and protection from the weather;

9 (4) Proper space;

10 (5) Proper exercise;

11 (6) Proper care;

12 (7) Proper veterinary care;

13 (8) Proper grooming;

14 (9) Proper light;

15 (10) Proper transportation;

16 (11) Proper air; and

17 (12) Proper cleaning.

18 [(b) An animal holding [facility] center shall provide food which is palatable and of
19 sufficient quantity and quality and frequency to meet the normal nutritional requirements of the
20 type, condition and size of every animal housed or held in the [facility] center, which food shall
21 be free of contamination. Where practical, food shall be served in a clean dish so mounted that
22 the animal cannot readily tip it over or defecate or urinate in the dish.]

23 [(c) An animal holding [facility] center shall provide fresh water for each animal housed or
24 held in the [facility] center. Water shall be available in a removable vessel secured to prevent
25 tipping. Water containers are to be cleaned and disinfected daily. Sipper tub type water bottles,
26 if used shall be kept clean, free of dirt, debris, and algae, and sanitized.]

27 [(d) An animal holding [facility] center shall maintain all cages and enclosures in a sanitary
28 condition. The cages shall be of sufficient size to provide adequate rest. Indoor cages or
29 enclosures, excluding runs, shall be made of nonporous material, which shall be of sufficient size
30 to allow each animal to stand up, turn around and stretch out to its full length. Animal feces and
31 urine shall be removed as often as necessary, and under no circumstances less than daily, to keep

cages and enclosures in a sanitary condition. Litter boxes shall be provided for cats.]

(b) Animal holding facilities shall also provide for any and all other requirements and standards as specified in this Subdivision for the particular type of [facility] center.

Sec. 3-159. Animal health and veterinary care.

* * * * *

(c) Cages, crates, enclosures, or other areas in which animals have been housed or held shall be decontaminated before being used by another animal.

* * * * *

Part 3. Particular Licenses and Standards.

Sec. 3-160. Kennel license[s].

(a) No person may operate a kennel without first obtaining a kennel license. 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	\$75.00
(2)	Authorized to house ten (10) but less than fifty (50) animals	\$125.00
(3)	Authorized to house fifty (50) but less than one hundred (100) animals	\$175.00
(4)	Authorized to house one hundred (100) or more animals	\$250.00

(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 license[s].

* * * * *

1 (b) The holder of a pet shop license shall make and retain for one year [written] records of
2 the names and addresses of persons who buy or otherwise receive ferrets, dogs, or cats from the
3 pet shop.

4 (c) The annual license fee for a pet shop shall be Three Hundred Dollars (\$300.00).

5 **Sec. 3-163. Petting zoo license[s].**

6 (a) A person may not operate a petting zoo without first obtaining a petting zoo license as
7 provided herein.

8 (b) A petting zoo license must be obtained thirty (30) days prior to the petting zoo
9 operating in the County regardless of the length of time of operation, i.e. for one hour, one day,
10 one week, etc.

11 [(b)] (c) The application for a petting zoo license shall be accompanied by a site plan of
12 the petting zoo, showing all cages/crates, enclosures, security fences and other arrangements for
13 public security and animal care and feeding.

14 [(c)] (d) The petting zoo license fee shall be One Hundred Fifty Dollars (\$150.00). The
15 petting zoo license shall be valid for the time(s) and date(s) stated in the application but in no
16 event shall a petting zoo license be valid for a period in excess of one calendar year.

17 * * * * *

18 **Sec. 3-168. Standards for kennel or cattery.**

19 (a) All kennels and catteries shall provide for each dog or cat:

20 (1) A cage, crate or run of sufficient size to allow its occupant to stand up, lie down,
21 and turn around without touching the sides or top. Cage floors shall be made of nonporous,
22 impervious material and, unless radiantly heated, shall be equipped with a resting board or other
23 bedding. Appropriate drainage is required between cages, crates and runs to prevent cross-
24 contamination from waste materials or cleaning water. If animals are housed in two (2) or more
25 levels, no waste or other matter from the upper levels is permitted to contaminate other levels.

26 (2) [Animals may be permitted to have a] Access to outside areas on a temporary
27 basis, provided the [exercise] outside area is of sufficient size with secure fencing and a secure
28 latched gate. The outside area must be capable of being properly cleaned. In the event of
29 weather extremes, an animal permitted outside must have access to inside runs or other
30 [appropriate] proper shelter. Animals in kennels or catteries may not be permanently kept
31 outside.

1 (3) Enclosures, cages, crates, and exercise areas which shall be kept clean, dry, and in
2 a sanitary condition, and which shall provide [adequate ventilation, a healthful temperature]
3 proper air, a temperature maintained at normal conditions (a minimum of sixty-five (65) degrees
4 Fahrenheit, and a maximum of seventy-five (75) degrees Fahrenheit) on the premises, except for
5 those animals requiring higher temperatures, and proper protection [against extremes of] from
6 the weather.

7 (b) Where the holder of a kennel or cattery license is engaged in breeding of more than
8 [two (2)] one (1) litter[s] per year and/or the buying and selling of dogs and/or cats, the standards
9 for pet shops and commercial pet distribution facilities, as prescribed in Section 3-170, shall
10 apply to those animals being bred or held for sale, exchange, or purchase.

11 **Sec. 3-169. Standards for Guard Dog Facilities.**

12 (a) All owners or trainers of guard dogs shall, in addition to the requirements provided in
13 Section 3-168, comply with, but are not limited to, the standards of this Section whenever any
14 dog is to be trained or used as a guard dog [, except for dogs kept as pets]. Failure to comply
15 with these standards shall be grounds for denial or revocation of the license.

16 * * * * *

17 (d) Kennel, training, and work site areas for guard dogs must meet the following
18 requirements;

19 (1) Runs must have at least six foot (6') fences completely surrounding them to which
20 antclimbers are added at the top or the top is completely covered and anti-diggers at the bottom
21 of the runs.

22 (2) All gates and entrances to the runs, kennel, training or work site area must be kept
23 locked so that the public is unable to enter.

24 (3) The kennel, training, or work site area must be enclosed within a building to
25 which the public does not have access or by fences at least eight feet (8') high to which
26 antclimbers and anti-diggers are added. Fences must be kept escape proof.

27 * * * * *

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

29 * * * * *

30 (b) No sick animals may be sold or further transferred in the course of commercial
31 distribution until transfer is approved by a veterinarian. All animals and birds received by a pet

1 shop or commercial pet distribution [facility] center shall be isolated until they can be examined.
 2 The examination shall be conducted in an area separate and apart from the housing or display
 3 area provided for other animals. Any bird or animal exhibiting illness, disease, or a present
 4 crippling deformity must be provided with immediate and [adequate] proper care and treatment
 5 by a licensed veterinarian.

6 * * * * *

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

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

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

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

23 * * * * *

24 (n) At least one (1) sink or tub equipped with both hot and cold running water shall be
 25 provided within the building in a location easily accessible to the areas where animals are
 26 housed. All wastes or sewage shall be discharged to a Health Department approved waste
 27 disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and
 28 sanitary condition. Where flooding or steaming methods are employed for cleaning floors,
 29 [adequate] proper means shall be provided for removal of waste water. Water shall not be
 30 permitted to pool under equipment, partitions, animal enclosures, or other places within the
 31 building. Any animal enclosure which is subject to waste water runoff after cleaning or subject

1 to the influence of weather shall be connected to an approved waste water disposal system.

2 * * * * *

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

8 * * * * *

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

10 (a) Cages, crates and enclosures shall [be of sufficient size] provide proper space to allow
11 each animal to move around with ease. Cages, crates and enclosures shall be maintained at all
12 times in a sanitary condition, with sufficient clean and dry bedding to prevent offensive odors.

13 (b) Animals shall be provided [adequate] proper water at all times.

14 (c) Animals shall be provided with [adequate] proper food.

15 (d) Animals shall be provided with [adequate ventilation] proper air and healthful
16 temperatures for every species. Access to [a comfortable weather-proof] proper shelter and
17 protection from the weather must be available at all times.

18 (e) A[n adequate] proper number of attendants shall be on the premises during the hours
19 the zoo is open to the public in order to provide [adequate] proper supervision.

20 * * * * *

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

22 (a) Enclosures, cages/crates, and/or exercise areas shall be maintained in a sanitary
23 condition which shall provide [adequate ventilation] proper air, a healthful temperature, and
24 proper shelter and protection against extreme weather.

25 (b) All areas of confinement, display, storage, and sales shall be maintained in a rodent-
26 free, vermin-free, and sanitary condition. These areas shall be cleaned and disinfected regularly
27 as conditions warrant.

28 (c) At least one (1) sink or tub equipped with both hot and cold running water shall be
29 provided within the building in a location easily accessible to the areas where animals are
30 housed. All wastes or sewage shall be discharged to a Health Department approved waste
31 disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and

1 sanitary condition. Where flooding or steaming methods are employed for cleaning floors,
2 [adequate] proper means shall be provided for removal of waste water. Water shall not be
3 permitted to pool under equipment, partitions, animal enclosures, or other places within the
4 building. Any animal enclosure which is subject to waste water runoff after cleaning or subject
5 to the influence of weather shall be connected to an approved waste water disposal system.

6 * * * * *

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

8 * * * * *

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

10 (a) No person shall keep or permit to be kept on his premises any unlicensed wild, [or]
11 exotic, [vicious,] or dangerous animal either as a pet, for breeding, for sale, or for display or
12 exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.

13 * * * * *

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

15 All animals adopted from the Animal [Control] Services [Facility] and Adoption Center
16 must be spayed or neutered prior to leaving the Animal Services [Facility] and Adoption Center,
17 unless prohibited by medical reasons. If medical reasons prohibit spay or neutering prior to
18 leaving the Animal Services [Facility] and Adoption Center, licensed veterinarian must give a
19 date when the procedure can be performed. If subject animal leaves the [facility] center without
20 being spayed or neutered, a certificate, signed by a licensed veterinarian, that spaying or
21 neutering has been accomplished must be provided to the Administrator within fifteen (15) days
22 of the date of spaying or neutering. Any extension of time must be requested in writing to the
23 Administrator, stating the reason spaying or neutering has not been accomplished and the date
24 upon which said action will be accomplished. The Administrator, in his discretion, may approve
25 or deny the request for an extension. If the request is denied, then upon the expiration of forty-
26 five (45) days from the date of adoption the [adopted] animal must be immediately returned to
27 the Animal [Control] Services Facility and Adoption Center [Facility].

28 * * * * *

29 **Sec. 3-180. Animal Cruelty and Neglect prohibited.**

30 (a) [No] All animals [is exempt from protection] are protected against cruelty or neglect as
31 defined in Sections 3-101[(35)] (31) and 3-101(53) of this Subtitle. No animal shall be

1 overdriven, overloaded, deprived of necessary sustenance, tortured, tormented, mutilated, cruelly
2 beaten, or otherwise physically, psychologically, emotionally or sexually abused or cruelly
3 killed. In addition, all domestic animals except livestock are prohibited from being kept
4 outdoors when the effective outdoor wind chill index is 32 degrees Fahrenheit or lower, or the
5 heat index is 90 degrees Fahrenheit or higher, as determined by the National Weather Service.
6 Any person who causes, procures, or authorizes these acts; or who, having the charge or custody
7 of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the animal; or
8 who unnecessarily fails to provide the animal with proper nutritious food, water, air, space,
9 shelter[, or] and protection from the weather, timely and proper veterinary care or any other
10 elements of proper care as defined in Sections 3-101(a)(65) through (a)(77) shall be charged in
11 accordance with the provisions of Subsection (b) below. Any person who fails to employ the
12 most humane method possible for activities such as food processing, pest elimination, hunting,
13 experimentation, and animal training shall be charged in accordance with the provisions of
14 Subsection (b) below. Each act or omission in violation of this Section shall constitute a separate
15 offense.

16 (b) Whenever it becomes necessary to protect an animal from cruelty or neglect, any police
17 officer or Animal Control Officer may take possession of [it] the animal. If an animal is
18 impounded, yarded, or confined and continues without [necessary food, water, or proper
19 attention] the provisions of the elements of proper care, or is cruelly treated or neglected, any
20 police officer or Animal Control Officer may enter into and upon any place in which the animal
21 is impounded, yarded, or confined and supply [it] the animal with [necessary food, water, and
22 attention] proper care as long as [it] the animal remains there; or, if necessary for the health
23 and/or safety of the animal, the officer may remove the animal and not be liable to any action for
24 that entry or for taking possession of the animal. [In all cases, the owner or custodian of the
25 animal shall be notified, by] Upon impoundment, the [person] officer taking possession of the
26 animal[,] must leave written notification of the officer's action and of any administrative
27 remedies which may be available. The notification shall inform the owner or custodian [may] of
28 their right to file, within ten (10) days of receiving notice, a petition in writing with the
29 Commission for Animal Control (CAC) for the return of the animal. If the owner or custodian
30 [is notified and] fails to file the petition within the prescribed time period, or if the owner or
31 custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty

1 (20) days, the animal shall [be deemed a stray and handled accordingly] become the property of
 2 Prince George's County. Nothing in this Section shall be construed to permit the entry into a
 3 private dwelling or to permit the taking of a farm animal without first having obtained the
 4 recommendation of a veterinarian. When a violation under this Section has occurred, the police
 5 officer or Animal Control Officer shall employ one of the following:

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

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

25 (B) Second offenses of less serious acts of cruelty or neglect that are a
 26 recurrence of the conduct prohibited in this Subsection shall result in the removal of the
 27 animal(s). The owner or custodian shall be fined One Hundred Dollars (\$100.00) per animal
 28 [and pay for board and care of the animal(s) at the Animal Services and Adoption Center during
 29 the ten (10) day period provided for the taking of corrective measures.]

30 (C) Animal(s) that have been removed pursuant to Sections (b)(2)(A) and
 31 (b)(2)(B) shall be housed for a period not to exceed seven (7) days, at the Animal Services

1 [Facility] and Adoption Center or a designated approved location. The owner or custodian shall
 2 pay for the board and care of the animal(s) at the Animal Services [Facility] and Adoption Center
 3 or designated location during the seven (7) day period allowed for taking corrective measures.
 4 Such animals shall be designated as a “humane hold” until corrective measures ensuring the
 5 safety and well-being of the animal(s) have been taken by the owner or custodian. These
 6 corrective measures shall be confirmed through inspection by an Animal Control Officer.
 7 Animals on humane hold shall not be adopted or euthanized, however, an animal may be
 8 euthanized upon the recommendation of a licensed veterinarian as necessary to prevent the pain
 9 and suffering of the animal. If appropriate corrective measures have not been taken by the close
 10 of the seven (7) day period, the animal(s) shall become the property of Prince George’s County
 11 and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to
 12 the County and the animal(s).

13 (3) “**Serious cruelty or neglect**” is defined as any act by an owner, custodian or
 14 other person which causes physical trauma, impairment of condition, and/or unnecessary pain
 15 and suffering and the cruelty or neglect results in physical injury to, and/or creates a substantial
 16 risk of death, or causes the death of an animal. [Deliberate] A violation[s] of this Section, as
 17 well as any third offense of less serious cruelty or neglect, shall result in a charge of cruelty, and
 18 the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) and a fine of One
 19 Hundred Dollars (\$100.00) per animal.

20 (4) [Extreme or egregious violations of this Section, (including, but not limited to,
 21 torture, torment, mutilation, or cruel beatings] “**Aggravated Animal Cruelty or Neglect**” is
 22 defined as any act by an owner, custodian, or other person who tortures, torments, mutilates,
 23 cruelly beats, or kills an animal under circumstances demonstrating malice aforethought; or fails
 24 to provide proper care to an animal and the failure results in the death of the animal. Any person
 25 in violation of this Section, or in the case of a subsequent [offender] offense under Subsection
 26 (b)(3) of this Section shall result in a criminal charge of cruelty. A conviction under this charge
 27 shall be punishable by a criminal fine of One Thousand Dollars (\$1,000.00) and/or imprisonment
 28 of not less than ninety (90) days but not more than six (6) months. The Court may also impose
 29 an order requiring a psychological evaluation of the convicted offender. A civil penalty of One
 30 Thousand Dollars (\$1,000.00) shall be imposed as appropriate.

31 (c) Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who

1 permits same to be trained or used for the purpose of fighting; or who arranges or conducts an
 2 animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty
 3 of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but
 4 not more than six (6) months. The Court may also impose an order requiring a psychological
 5 evaluation of the convicted offender.]

6 (5) Animal Fighting/Aggravated Animal Cruelty. It shall be unlawful for any person
 7 to cause, sponsor, arrange, hold, or encourage any dog, bird, fowl, cock, or any other animal to
 8 fight, menace, injure or kill another animal for the purpose of sport, amusement, or financial
 9 gain. For the purposes of this Section, a person encourages an animal to fight, menace, injure or
 10 kill another animal if the person:

11 (A) is present as a spectator, sponsor, guest or otherwise wagers on an
 12 occurrence of fighting;

13 (B) owns, trains, transports, possesses, breeds, sells or equips an animal with the
 14 intent that such animal will engage in fighting;

15 (C) allows animal fighting on the premises of any property owned or controlled
 16 by the person;

17 (D) allows any animal used for fighting to be kept, harbored, boarded, housed,
 18 trained on, or transported in, any property owned or controlled by the person;

19 (E) uses any means of communication for the purpose of promoting animal
 20 fighting;

21 (F) possesses or has in the care or custody, whether owner, custodian or other
 22 person, any animal or any device intended to facilitate breeding for fighting purposes or to
 23 enhance the animal's fighting, menacing, injuring or killing ability.

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

1 Prince George's County and may be disposed of by adoption or euthanasia.

2 (d)[e] Any police officer shall, upon his or her own view of any misdemeanor in relation to
3 cruelty to animals, make arrests or apply for a charging document permitting the arrest of
4 offenders believed to have violated the ordinance of this County regarding cruelty to animals.

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

8 * * * * *

9 **Sec. 3-183. Selling, giving away, dyeing, or coloring baby fowl or mammals; exception.**

10 (a) No person shall sell, offer for sale, raffle, barter, or give away baby chickens (chicks),
11 [or] ducklings or other fowl under four (4) weeks of age in lots of less than one dozen, or rabbits
12 under six (6) weeks of age, or any unweaned mammalian companion animals including said
13 animals under the age of eight (8) weeks as prohibited by State law; or color, dye, stain, or
14 change the natural color of baby chickens, ducklings, other fowl, or rabbits; or bring or transport
15 the same into the County. This Section shall not be construed to prohibit the sale or display of
16 baby chickens, ducklings, other fowl, or rabbits in proper facilities that comply with rules of the
17 Health Officer by breeders and those selling for commercial breeding and raising purposes.

18 (b) Stores, shops, vendors, and others offering chicks, ducklings, or other fowl for sale in
19 lots of twelve (12) or more, or displaying chicks, ducklings, or other fowl to the public shall
20 provide and operate brooders or other heating devices that may be necessary to maintain the
21 chicks, ducklings, or other fowl in good health, and shall keep [adequate] proper food and water
22 available [to the birds] at all times.

23 * * * * *

24 **Sec. 3-185.01. Pit Bull Terriers.**

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

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

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

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

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

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

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

15 **DIVISION 7. RABIES CONTROL.**

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

18 * * * * *

19 (b) Any person administering rabies vaccination shall complete a Health Department
20 vaccination certificate of rabies immunization on all animals immunized and shall furnish copies
21 of the certificate to the Administrator of the Animal [Control] Services Division within sixty (60)
22 days of the vaccination.

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

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

28 (a) A report of the circumstances of a person having a bite contact or nonbite contact with
29 an animal[(s)] shall be made promptly to the Police Department, the Health Department, or the
30 Health Department's designee by anyone having personal knowledge of the incident. The police

1 shall within twenty-four (24) hours notify the Administrator and the Health Officer of the details
2 of the incident.

3 * * * * *

4 **Sec. 3-189. Confinement for quarantine of animal[(s)] following a bite or nonbite contact**
5 **with a human[(s)].**

6 (a) The Administrator shall confine any animal following a bite or nonbite contact with a
7 human[(s)] for clinical observation for a period of ten (10) consecutive calendar days. At the
8 discretion of the Administrator and with the approval of the Health Officer, the confinement may
9 occur on the premises of the animal's owner. The Administrator may issue such written orders to
10 the owner with respect to the confinement of the animal as he finds necessary for the public
11 safety. In the alternative, the animal may be confined at any animal shelter, veterinary hospital,
12 or humane shelter at the owner's option and expense, subject to the approval of the Health
13 Officer and the Administrator.

14 * * * * *

15 (d) If the animal has a current, valid rabies vaccination at the time of exposure, the owner
16 must have the animal examined by a licensed veterinarian at the owner's expense or taken to the
17 Prince George's County [Division of Animal Control] Animal Services Division immediately
18 after the ten (10) day quarantine period, to verify that the animal is in good health. Proof of valid
19 rabies vaccination must be shown at the time of post quarantine visit.

20 (e) The owner of a quarantined animal must pay an examination fee of Ten Dollars
21 (\$10.00) upon the completion of a home visit by an Animal Control Officer.

22 * * * * *

23 **Sec. 3-194. Disposition of an animal exposed to a rabid animal or to an animal suspected of**
24 **having rabies.**

25 (a) If the owner or custodian of a ferret, dog, cat, cow, horse, sheep, or goat exposed to a
26 rabid or suspected rabid animal can provide proof of a currently valid rabies vaccination as
27 determined by the State Public Health Veterinarian, the Health Officer, or the Health Officer's
28 designee, the animal shall be revaccinated and kept under restraint for forty-five (45) days or for
29 such time as specified by the Public Health Veterinarian, the Health Officer, or the Health
30 Officer's designee. 'Under restraint' means confined to a house, garage, escape-proof enclosure
31 or building. An animal kept outside [on a chain and/or] in a fenced yard shall not constitute

1 'under restraint'.

2 * * * * *

3 [(c) No person shall fail or refuse to surrender any animal for quarantine, destruction or
4 disposal as required in this Division when demand is made by the Administrator, the Health
5 Officer, the Health Officer's designee, or the State Public Health Veterinarian.]

6 * * * * *

7 **Sec. 3-197. Surrender of animal for quarantine.**

8 No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal
9 as required in this Division when demand is made by the Administrator, the Health Officer, the
10 Health Officer's designee, or the State Public Health Veterinarian.

11 * * * * *

12 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 3-115.1, 3-180.1, 3-180.2, 3-180.3, 3-180.4, 3-180.5, 3-180.6 and 3-181
14 of the Prince George's County Code be and the same are hereby added:

15 **SUBTITLE 3. ANIMAL CONTROL.**

16 **DIVISION 4. ANIMAL CONTROL ENFORCEMENT.**

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

18 **Sec. 3-115.1. Investigations.**

19 (a) No person shall willfully hinder, prevent, or obstruct the investigation of any animal
20 related violation of any provision in this Subtitle.

21 (b) No person shall falsify a statement to an investigating officer.

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

23 **Sec. 3-180.1. Abandonment of animals.**

24 No person shall leave an animal on a road, on public or private property, or other location
25 without first having secured another owner or custodian for the animal's continued care which
26 shall include the provision of the elements of proper care as defined in Sec. 3-101 (a)(66) of this
27 Code.

28 **Sec. 3-180.2. Poisoning of animals**

29 A person shall not give an animal poison, ground glass, gunpowder, chemicals or any other
30 harmful substance or expose an animal to poison, ground glass, gunpowder, chemicals or any
31 other harmful substance with the intent that the animal ingest it. This will not apply to poison

1 used in a responsible manner to destroy vermin. Care must be taken to protect non-targeted
 2 species.

3 **Sec. 3-180.3. Animals upon a vehicle.**

4 It shall be unlawful to carry an animal upon a vehicle in a manner that permits the animal to
 5 slide around, jump out, be thrown out of or fall from the vehicle; and/or that subjects an animal
 6 to hazards from road debris and/or exposure to the sun and heat, wind, rain, and such other
 7 elements of weather, including extreme cold; or any other condition that jeopardizes the animal's
 8 health and/or safety or causes the animal unnecessary pain and suffering.

9 **Sec. 3-180.4. Animals left unattended in a vehicle prohibited.**

10 No person shall leave an animal unattended in a standing or parked vehicle in such a
 11 manner that subjects the animal to pain and suffering, injury or death from the heat, cold or other
 12 conditions that jeopardize the animal's health and/or safety. A police officer or Animal Control
 13 Officer may use reasonable force to remove an animal left unattended in a vehicle pursuant to
 14 this Section and shall not be held liable for any damages as a result of taking such action to
 15 protect the animal's health and safety. No person shall use force to remove from a vehicle a
 16 police dog on duty, or an animal in the custody of an Animal Control Officer.

17 **Sec. 3-180.5. Sexual assault of an animal.**

18 Any person who touches or contacts, or causes an object or another person to touch or
 19 contact, the mouth, anus, sex organs or other body part of an animal or animal carcass for the
 20 purposes of arousing or gratifying the sexual desire of a person; or causes an animal or animal
 21 carcass to touch or contact, the mouth, anus, sex organs or other body part of an animal or animal
 22 carcass for the purpose of arousing or gratifying the sexual desire of a person shall be guilty of
 23 the crime of Sexual Assault of an Animal.

24 **Sec. 3-180.6. Canned Hunting prohibited.**

25 (a) It shall be unlawful for any person to shoot, wound, or kill animals on a canned hunting
 26 preserve, game ranch or canned shoot, or otherwise to hunt in an artificial manner.

27 (b) No person shall instigate, promote, aid or abet as a principal, agent, employee,
 28 participant or spectator, or participate in the earnings from, or to maintain or allow any place to
 29 be used for the shooting, wounding, or killing with a firearm or any deadly weapon, any animal
 30 that is:

31 (1) confined within artificial boundaries; and/or

1 (2) tethered or chained, staked out, caged/crated or otherwise restrained, regardless of
 2 size.

3 (c) No person shall tranquilize, artificially lure by sound, scent, visual stimuli, feeding,
 4 bait, use other animals of the targeted animal's own species, or another species, or any other
 5 method, within an enclosed area. This Section does not prohibit the natural hunting of native
 6 species as permitted by State law.

7 **Sec. 3-181. Unlawful restraint of dogs.**

8 (a) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other
 9 device to attach a dog to a stationary object or trolley system. This prohibition shall not apply to
 10 temporary restraining for a reasonable amount of time, not to exceed one hour and/or during a
 11 lawful animal event, such as walking on a leash, veterinary treatment, grooming, training, or law
 12 enforcement activity, or if the dog's owner or handler remains with the dog throughout the
 13 period of restraint to ensure that cruel or nuisance conditions do not occur.

14 (b) It shall be unlawful to restrain a dog by a leash that is not attached to a properly fitted
 15 collar or harness worn by the dog.

16 (c) It shall be unlawful to wrap a leash around a dog's neck.

17 (d) It shall be unlawful to restrain a dog with a chain or tether that weighs more than 1/18
 18 of the dog's body weight.

19 (e) It shall be unlawful to use a leash or tether to restrain a dog that is, by design and
 20 placement, likely to become entangled.

21 (f) Violations of this Section will be subject to a written warning for the first offense.
 22 Subsequent offenses shall be subject to civil penalties as set forth in Section 3-116.

23 **Sec. 3-182. Potentially dangerous animal.**

24 (a) The owner of a dog identified as potentially dangerous shall establish to the satisfaction
 25 of the Administrator that:

26 (1) The owner of the potentially dangerous dog is 18 years of age or older;

27 (2) A valid pet license has been issued for the potentially dangerous dog;

28 (3) The potentially dangerous dog has current vaccinations;

29 (4) The owner has a proper enclosure, as determined by the Administrator, to confine
 30 the potentially dangerous dog;

31 (5) The potentially dangerous dog has been spayed or neutered;

1 (6) The potentially dangerous dog has been implanted with a microchip containing
 2 owner identification information; and

3 (7) The owner has written permission of the property owner, if the dog owner is not
 4 the property owner, and from a homeowner’s association, if appropriate, to house the
 5 dog on the premises where the dog will be kept.

6 (b) Failure to establish the above criteria to the satisfaction of the Administrator, shall
 7 result in immediate impoundment, if the subject animal is not already in the possession of the
 8 County. If the dog is impounded, the owner may appeal the Administrator’s decision regarding
 9 any of their recommendations within ten days of receiving notice if they do not agree. They may
 10 file a written petition with the Commission for Animal Control for return of the animal.

11 (c) If after two (2) years of being declared potentially dangerous, there have been no
 12 further issues with the animal, the owner can petition the Commission to have the designation
 13 and the requirements lifted.

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

21 SECTION 4. BE IT FURTHER ENACTED that Sections 1 and 2 of this Act shall take
 22 effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.