

SUBTITLE 3. ANIMAL CONTROL.

DIVISION 1. DEFINITIONS.

Sec. 3-101. Definitions.

(a) As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:

(1) **Abandon** shall mean to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of adequate care as defined herein.

(2) **Adequate care** shall mean the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

(3) **Adequate exercise** shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

(4) **Adequate feed** shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

(5) **Adequate shelter** shall mean provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition, shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

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

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

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

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

(8) **Administrator of animal control** or **Administrator** shall mean that person designated by the Director of the Department of Environmental Resources to administer the operations of the animal control program or his designee.

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

(10) **Agricultural animal** shall mean all livestock and poultry.

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

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

(13) **Animal Control program** shall mean that unit within the Department of Environmental Resources designated by the Director and authorized by this Subtitle to administer and enforce the provisions of this Subtitle under the direction of the Administrator of Animal Control.

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

(15) **Animal Control Officer** shall mean any person designated as such by the Administrator of Animal Control or his authorized representative for the purpose of enforcing this Subtitle.

(16) **Animal exposed to rabies** shall mean any animal that is known or is suspected to have had bite or nonbite contact with another animal that is known or suspected to be infected with rabies. The determination whether an animal has been exposed to rabies shall be made by the Health Officer for Prince George's County and the Maryland Department of Health and Mental Hygiene.

(17) **Animal Holding Facility** shall mean any commercial facility for the care, boarding, training, holding, harboring, or housing of any animal or animals; and shall also include the following:

- (A) A kennel, as defined in Section 3-101(51);
- (B) A pet shop or pet store as defined in Section 3-101(60);
- (C) A cattery as defined in Section 3-101(28);
- (D) A petting zoo as defined in Section 3-101(61);
- (E) A riding school or stable as defined in Section 3-101(70);
- (F) A commercial pet distribution facility as defined in Section 3-166(b);
- (G) A grooming establishment as defined in Section 3-101(47);
- (H) A guard dog facility as described in Section 3-161; or
- (I) Any one or more of the above or a combination thereof.

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

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

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

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

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

(23) **Attack dog** shall mean a dog trained to attack on command.

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

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

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

(27) **Cat** shall mean domesticated felines. The term "cat" shall not include wild or exotic felines.

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

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

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

(31) **Commission** shall mean the Commission for Animal Control established in Division 3 of this Subtitle.

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

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

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

(35) **Cruelty** shall mean any act of commission or omission whereby unjustifiable physical harm or pain, suffering, or death is caused or permitted, including failure to provide proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutritious food in sufficient quantities, with respect to an animal. In the case of an activity in which physical pain is necessarily caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall mean the failure to employ the most reasonable humane method available under the circumstances.

(36) **Director** shall mean the Director of the Department of Environmental Resources or the Director's authorized representative.

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

(38) **Dog** shall mean any member of the domesticated canine species, male or female.

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

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

(41) **Exotic animal** shall mean any animal of a species that is not indigenous to the State of Maryland and is not a domesticated animal and shall include any hybrid animal which is part exotic animal.

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

(43) **Feral** shall mean animals existing in the wild or untamed state, i.e., wild.

(44) **Foster** shall mean the temporary holding, care, and treatment of a companion animal by an authorized group or individual pending adoption to a permanent home, or the temporary custody of an animal not normally placed for adoption authorized by the Administrator of the Animal Control Facility.

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

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

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

(48) **Guard dog** shall mean a dog that is continuously maintained at a commercial establishment for the purpose of securing that area.

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

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

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

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

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

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

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

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

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

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

(B) Keeps or harbors an animal;

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

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

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

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

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

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

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

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

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

(A) Staffordshire Bull Terrier breed of dogs;

(B) American Staffordshire Terrier breed of dogs;

(C) American Pit Bull Terrier breed of dogs;

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

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

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

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

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

(66) **Public nuisance animal** shall mean any animal which unreasonably (1) annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense to human senses; or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal which:

(A) Is repeatedly found at large; or
(B) Damages the property of anyone other than its owner; or
(C) Molests or intimidates pedestrians or passersby; or
(D) Chases vehicles; or
(E) Excessively makes disturbing noises (including, but not limited to, continued and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

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

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

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

(I) Attacks other domestic animals; or

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

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

(68) **Rescue/breed rescue organization community adoption partners** shall mean a group or individual, recognized by the County as capable of meeting standards for fostering animals, authorized to receive and place animals from the Animal Control Facility which would otherwise be euthanized or which require special attention.

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

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

(71) **Sanitary** shall mean a condition of good order and cleanliness which minimizes the probability of transmission of disease.

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

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

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

(B) The animal is not removed from the enclosure at any time;

(C) Human contact with the animal is restricted to one (1) adult caring for the animal or is not allowed at all; and

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

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

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

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

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

(CB-36-1985; CB-119-1987; CB-100-1991; CB-63-1994; CB-106-1996; CB-109-1997; CB-26-2001)

Sec. 3-116.01. Criminal penalties; violations.

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

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

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

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

(e) For violation of Section 3-180(b)(4) or Section 3-180(c), the criminal penalty shall be One Thousand Dollars (\$1,000.00) and/or imprisonment for up to six (6) months.
(CB-106-1996; CB-26-2001)

Sec. 3-185.01. Pit Bull Terriers.

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

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

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

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

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

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

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

(CB-106-1996)