

THE COUNTY CODE

PRINCE GEORGE'S
COUNTY, MARYLAND

SUBTITLE 3. ANIMAL CONTROL,



2003 EDITION
2005 Supplement

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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, rum 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)

DIVISION 2. ANIMAL CONTROL PROGRAM.

Sec. 3-102. Animal Control Program.

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

(b) The County Executive is authorized to establish an Animal Control Facility. The Administrator shall operate the Animal Control Facility for the detention, confinement, and disposition of animals in accordance with this Subtitle.

(c) The Administrator of Animal Control shall enforce the provisions of this Subtitle including, but not limited to, programs for animal control, animal licensing, vaccination, spaying and neutering, public education, cruelty prevention, euthanasia, and other duties and programs prescribed in this Subtitle.

(CB-36-1985; CB-26-2001)

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

The Administrator of Animal Control shall have operational responsibility for carrying out the duties prescribed in this Subtitle and for enforcing the provisions of this Subtitle. The Administrator shall be the Chief Animal Control Officer and Supervisor of the Animal Control Facility. (CB-36-1985; CB-26-2001)

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

(a) The Director, subject to the provisions of the Personnel Law and Labor Code, may appoint such numbers of persons as are authorized in the approved current expense budget to fill positions as he shall deem necessary.

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

(1) To enforce the Animal Control provisions of the Subtitle by impounding animals found at large, or animals injured, or found to be diseased, and by issuing notices of violations to the owners of such animals;

(1.1) To enforce licensing and rabies inoculation requirements under the County Code;

(2) To enforce the cruelty and neglect prevention provisions of this Subtitle by removing and impounding mistreated animals and by issuing notices of violations to the person or persons inflicting cruelty and neglect upon animals;

(3) To administer emergency assistance or first aid to injured animals which come into the custody of the County, without the consent of the owner or owners of such animals. For this purpose, neither the individual Animal Control Officer administering such emergency assistance or first aid, or Prince George's County, Maryland, or any of its employees or agents

shall be liable for acts committed or omitted in the course of rendering such emergency assistance or first aid;

(4) To conduct, public education, adoption, spaying and neutering, and vaccination programs as directed by the Administrator;

(5) To conduct inspections of animal holding facilities as directed by the Administrator; and

(6) To enforce programs as directed by the Administrator.
(CB-36-1985;CB-26-2001)

Sec. 3-105. Animal Control Facility; operations.

(a) The Director shall promulgate comprehensive regulations prescribing standards for the operation of the Animal Control Facility, including, but not limited to, the housing, feeding, care, veterinary treatment, adoption, and humane destruction of animals in the facility.

(b) In general, the operations of the Animal Control Facility, including the administration of euthanasia, shall be open to members of the general public. The Administrator may, however, restrict access to the Animal Control Facility by a person or persons when, in the judgment of the Administrator, the presence of such person or persons may adversely affect the safety or welfare of any person or may disrupt the efficient operation of the facility.

(c) The Administrator, to the extent provided for in the approved current expense budget, shall provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the County. Such veterinary care may be rendered without first obtaining the consent of the owner of the animal receiving such care. Veterinary care shall be rendered by a doctor of veterinary medicine licensed to practice in the State of Maryland except that members of the staff of the Animal Control program, including employees of contractors authorized by the Administrator to do so, may administer medication and veterinary nursing care as prescribed by a veterinarian; provided, however, that nothing in this Subsection shall be construed to affect or diminish the immunity granted by Section 3-104(b)(3). Any veterinarian, or program staff member, or contractors' employee who renders veterinary care, veterinary nursing care, or prescribes or administers medication as authorized by the Administrator shall not be liable, and Prince George's County, Maryland, and its employees and agents shall not be liable, for acts committed or omitted in rendering such care or in administering such medication.

(d) The Administrator, in accordance with the provisions of this Subtitle, may dispose of animals in custody by euthanasia. The regulations to be promulgated by the Director shall provide for the humane destruction of animals in custody. The regulations shall provide standards for the training of personnel for administering euthanasia, acceptable methods of euthanasia, and appropriate disposition of carcasses. The County Executive or his designee is authorized to make contracts for the disposition of animal carcasses upon such terms as, in the judgment of the County Executive, are most advantageous to the County.

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

(CB-36-1985)

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

(a) The Director, from time to time and after consultation with the Director of the Budget and the Director of Finance, shall establish schedules or tariffs of charges for the housing, feeding, care, and veterinary treatment of animals which come into the custody of the Administrator. Such schedules and tariffs may be published or posted in a conspicuous place at the Animal Control Facility.

(b) Where the Administrator has ascertained the identity of the owner or custodian of an animal, the Administrator shall, as a precondition of the release of the animal, require the payment in advance by the owner or custodian of all charges for the care, feeding, housing, and veterinary treatment of the animal accrued through the date of redemption, and shall, as a further precondition of the release of the animal, also collect from the owner or custodian the unpaid license fees and fines provided for in this Subtitle. Where a security bond has been posted, the owner or custodian shall be entitled to a refund from Treasury for the amount remaining after charges for the care, feeding, housing, unpaid license fees and fines and veterinary treatment have been satisfied.

(c) Where the Administrator has ascertained the identity of the owner or custodian of an animal, and has duly notified said owner or custodian of the animal's impoundment, and said owner or custodian fails to redeem the animal from the custody of the County, the fees and fines as prescribed by this Subtitle shall be due and payable within 10 days of the animal becoming the property of the County.

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

(e) (1) A person claiming a proprietary interest in any animal confined pursuant to Sections 3-122, 3-123, 3-131 through 3-138, 3-140, 3-141, 3-175, 3-176, 3-180, or Division 7 of this Subtitle may prevent disposition of the animal after the required holding period, pending a Commission for Animal Control hearing, by posting a bond, cash or corporate surety, with the Administrator prior to the expiration of the required holding period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least thirty (30) days; provided, however, that such bond, cash or corporate surety, shall not prevent the Administrator from disposing of such animal at the end of the thirty (30) day period covered by the bond, cash or corporate surety, unless the person claiming an interest posts an additional bond, cash or corporate surety, with the Administrator to secure payment of reasonable expenses for an additional thirty (30) days, and does so prior to the expiration of the first 30-day period. Additional thirty (30) day extensions may be granted provided additional bond, cash or corporate surety, is posted prior to the extension of the previous posting. The amount of the bond shall be determined by the Administrator based on the current rate for board and on the condition of the animal after examination of the animal by a licensed veterinarian. At the conclusion of the case, the bond shall be forfeited to the County, except that the person claiming interest shall be entitled to a refund of the amount remaining after settlement of any reasonable expenses, fees, including veterinary fees, and fines.

(2) A person seeking judicial review of an order or action of the Commission for Animal Control, pursuant to Title 7 of the Maryland Rules, shall post a bond, cash or corporate

surety sufficient to cover charges incurred to date for the care, feeding, housing and veterinary fees, or Five Hundred Dollars (\$500.00), whichever is greater.

(3) In the event said charges listed in Subsection (e)(2), above, exceed the amount posted with the court, the person claiming an interest in the animal shall be required to pay the additional fees. (CB-36-1985; CB-100-1991; CB-63-1994; CB-26-2001)

DIVISION 3. COMMISSION FOR ANIMAL CONTROL.

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

(a) There is created as an integral part of the government of the County a Commission for Animal Control, consisting of the Health Officer (or his representative), the Chief of Police (or his representative), the President of the Prince George's County Veterinarian's Association (or his representative), and six (6) citizen members, including a representative of a local humane organization, a kennel owner, and a representative of the pet industry. All citizen members shall be appointed for terms of two (2) years each. All appointments to the Commission for Animal Control shall be made by the County Executive, subject to confirmation by the Council.

(b) All members of said Commission shall continue to serve, without regard to the expiration date of their appointed term, until such time as their successors have been duly appointed and confirmed. Citizen Commission members may serve consecutive terms of office. All appointments to the Commission for Animal Control shall be made in accordance with the Charter.

(CB-36-1985; CB-63-1994)

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

(a) The Chairman and Vice Chairman shall be citizen members elected annually by the total voting membership of the Commission. The Chairman and Vice Chairman may be elected to serve for consecutive terms of office.

(b) The County Executive is authorized, to the extent provided in the approved current expense budget, to provide for the Commission such office space, supplies, equipment, and support personnel as may be required.

(CB-36-1985)

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

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

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

- (A) The operation of the Animal Control Facility;
- (B) Standards for the collection, care, custody and disposal of animals at large, and public nuisance animals; and
- (C) Standards for the maintenance of holding facilities, pet shops, petting zoos, and other matters related to the treatment and maintenance of animals in Prince George's County.

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

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

(4) Upon a written complaint or a request from a person receiving a violation notice, conduct a public hearing after due notice to determine whether violations of the provisions of this Subtitle have occurred, whether a public nuisance animal or condition exists, and/or whether a person subject to an order of the Commission has complied with that order.

(5) Upon determination after notice and hearing that violations of this Subtitle have occurred and that a public nuisance animal or condition exists, require the payment of civil penalties and the taking of other affirmative action as prescribed in this Subtitle.

(6) After notice and hearing on violations of this Subtitle, require the .remission of assessed penalties where appropriate.

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

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

(CB-36-1985)

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

(a) The Commission may conduct public hearings when:

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

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

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

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

(d) At the public hearing, the proceeding shall be conducted in an informal manner. The strict rules of evidence shall not apply. The Commission may hear any evidence which is relevant and probative of the matters set forth in the complaint, but shall not be required to hear irrelevant or merely cumulative evidence.

(e) The Commission may require the attendance of the charging officer or the complainant and the person charged with the violation or noncompliance with a Commission order.

(f) The Commission is authorized and empowered to issue its process or summonses, upon forms approved by the County Executive, compelling the attendance of witnesses to testify and to produce documents at hearings of the Commission. The Commission may make service of a summons by personal delivery or by registered or certified mail. Upon the failure of a person summoned to appear, the Office of Law may apply to the Circuit Court for an order compelling

compliance with the summons. Failure to comply with the Court's order shall constitute contempt and shall be punishable in accordance with the Maryland Rules of Procedure.

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

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

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

(3) The correction of conditions or methods of animal care, keeping, maintenance, housing, or veterinary treatment as the Commission may require in its discretion;

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

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

(h) The Administrator may request the Commission to convene immediately for the purpose of investigating situations of acute emergency. In such case, good faith efforts shall be made to serve notice of the expedited hearings upon the person charged. The Commission may make such findings and orders as are appropriate to deal with the emergency situation. Such orders shall have effect for periods not to exceed fifteen (15) days, and the Commission shall schedule and hold a hearing in the ordinary course to consider further action. For the purposes of this Subsection, two voting members of the Commission shall constitute a quorum sufficient to act on behalf of the Commission. (CB-36-1985; CB-26-2001)

Sec. 3-111. Appeals from Commission orders.

Any party, including Prince George's County, Maryland, aggrieved by a final order of the Commission in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal that order to the Circuit Court for Prince George's County, within fifteen (15) days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to administrative appeals. The decision of the Circuit Court in all appeals from decisions of the Commission shall be final. (CB-36-1985; CB-26-2001)

Sec. 3-112. Compensation.

Each member of the Commission shall be compensated in accordance with the provisions of Subtitle 2, Division 24, of this Code. (CB-36-1985)

DIVISION 4. ANIMAL CONTROL ENFORCEMENT. SUBDIVISION 1.ENFORCEMENT AND VIOLATION NOTICES. Sec. 3-113. **Duties of****Administrator.**

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

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

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

(3) A program for the investigation of complaints of cruelty to animals, and the enforcement of the cruelty prevention provisions of this Subtitle and of State law.

(CB-36-1985)

Sec. 3-114. Records to be kept.

It shall be the duty of the Administrator to keep accurate and detailed records of all licenses issued; impoundments, care, feeding, and veterinary treatment rendered; dispositions of animal; enforcement actions; and other activities relating to animals and animal control undertaken for a period of three (3) years after each such activity. The Director shall promulgate regulations prescribing the records to be kept by the Administrator and the manner and method of their maintenance. (CB-36-1985)

Sec. 3-115. Violation notices.

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

(b) the notice of violation shall contain and specify:

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

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

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

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

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

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

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

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

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

(CB-36-1985; CB-26-2001)

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

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

(1) For violation of Sections 3-133, 3-134, 3-135, 3-138, 3-139, 3-144, 3-145, 3-148, and 3-184, the fines shall be Fifty Dollars (\$50.00) for the first violation, One Hundred Dollars (\$100.00) for the second offense, and Two Hundred Fifty Dollars (\$250.00) for each subsequent violation.

(2) For violation of Sections 3-125, 3-132, 3-148.03, 3-149, 3-158, 3-159, 3-160 through 3-174, 3-177, 3-183, 3-186, 3-188, and 3-190, the civil penalty for each violation shall be One Hundred Dollars (\$100.00) for the first violation, Five Hundred Dollars (\$500.00) for the second violation, and One Thousand Dollars (\$1,000.00) for each subsequent violation.

(3) For violation of Sections 3-137, 3-175, 3-176, 3-189, 3-191, 3-195, and 3-196, the civil penalty for the-first violation shall be One Hundred Dollars (\$100.00), One Thousand Dollars (\$1,000.00) for the second offense, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.

(4) For violation of Sections 3-141 and 3-142, the civil penalty shall be Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1,000.00) for the second violation, and Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent violation.

(5) For violation of any other Section of this Subtitle not separately specified in this Section, the civil penalty shall be Twenty-five Dollars (\$25.00) for the first violation, Fifty Dollars (\$50.00) for the second violation occurring within a twenty-four (24) month period, and One Hundred Dollars (\$100.00) for each subsequent violation occurring within a twenty-four (24) month period.

(CB-36-1985; CB-119-1987; CB-63-1994; 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. 3-117. Options available to person receiving citation.

(a) A person receiving an Animal Control violation notice or citation must select one of the following:

(1) To pay the fine provided for in the citation to the Administrator within ten (10) days of receipt of the violation notice or citation; or

(2) Within ten (10) days of receipt of the citation, submit a written request for a hearing and for dismissal of the citation by the Commission; and to pay the fine should the Commission fail to dismiss the citation.

(b) The failure of the person charged to note a timely appeal to the Commission or to pay the amount of the civil penalty within the time for appeal shall constitute an admission of liability for the amount of the civil penalty.

(CB-36-1985; CB-26-2001)

Sec. 3-118. Duty of charging officer.

(a) Each police officer or Animal Control Officer who issues a violation notice or citation to an alleged violator shall:

(1) Promptly file the original copy with the Administrator; and

(2) Appear for the hearing of such citation should it proceed to hearing. •

(CB-36-1985; CB-26-2001)

Sec. 3-119. Duty of the Administrator upon receiving violation notice.

(a) Upon receiving the original copy of a violation notice or citation issued to a person alleged to have violated this Subtitle, the Administrator shall:

(1) Promptly give notice of receipt of the violation notice or citation to the Commission; and

(2) Maintain a record of the violation notice or citation; and

(3) Notify the Commission of payment of the fine if the fine is received within the period for appeal to the Commission; and

(4) Notify the Commission of an election to appeal to the Commission. Upon receipt of notification of an appeal, the Commission shall schedule and give notice of a hearing. (CB-36-1985)

Sec. 3-120. Recovery of Civil Penalties.

All civil penalties assessed by police officers or Animal Control Officers, or imposed by the Commission pursuant to this Subtitle, shall be due and payable immediately, unless the person charged shall note a timely appeal to the Commission or a court of proper jurisdiction. In the event that any penalty ordered to be paid by the Commission or forfeited by failure to appeal or to attend a hearing is not paid within thirty (30) days of the violation notice or the Commission's order, whichever is later, the Commission shall refer the matter to the Office of Law. The Office of Law shall institute appropriate civil proceedings to recover the amount of the penalty. All penalties recovered pursuant to this Subtitle in a civil proceeding brought by the Office of Law shall be paid to, and become the property of, Prince George's County, Maryland. (CB-36-1985; CB-26-2001)

SUBDIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS.

Sec. 3-121. Notice of violation.

In addition to or in lieu of impounding an animal found at large, an Animal Control Officer or "police officer or other duly appointed law enforcement officer may issue to a known owner of such animal a notice of violation as provided for in Section 3-115 herein. (CB-36-1985; CB-26-2001)

Sec. 3-122. Impounding animals; procedure.

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

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

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

(d) Domesticated animals other than dogs may be impounded when found at large or abandoned, and disposed of in accordance with procedures established pursuant to regulations promulgated by the Director.
(CB-36-1985; CB-89-1988; CB-26-2001)

Sec. 3-123. Impounding by private persons.

Any person may take up any animal found running at large within the County. Any animal picked up running at large shall be turned over to an Animal Control Officer or delivered to the Animal Control Facility. (CB-36-1985; CB-26-2001)

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

Upon impounding an animal, the Administrator shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner. A notice under this Division may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known residence, or at the address given on the animal's collar, or obtained by means of a tattoo, forwarding it by mail to that person at his usual or last known residence or the address given on the collar. When convenient, the notice may be given by telephone to the owner. All found animals will, at a minimum, be duly advertised in one major local newspaper. (CB-36-1985)

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

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Subtitle by an Animal Control Officer or police officer, nor shall any person take or attempt to take any animal out of the Animal Control Facility without the consent of the Administrator, nor shall any person knowingly impound or attempt to impound any animal not legally liable to impoundment. Any violation of this Section is a misdemeanor punishable pursuant to Section 1-123 of this Code. ' (CB-36-1985; CB-26-2001)

Sec. 3-126. Records of impounded animals.

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

(b) If an animal impounded in the Animal Control Facility is licensed or vaccinated, the Administrator shall record the name and address of the owner and the number of the license or rabies tag.

(c) The Administrator shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded in the Animal Control Facility. (CB-36-1985; CB-26-2001)

Sec. 3-127. Injured animals; prompt euthanasia.

When a seriously injured, diseased or suffering animal is taken into custody by an Animal Control Officer, and the owner cannot be promptly identified or contacted, a veterinarian shall be consulted and the animal may be taken to a veterinarian for an examination. The cost of any veterinary examination or consultation shall be an obligation of the owner of the animal. If, after

consultation with the veterinarian, the Administrator determines that the animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, the Administrator may promptly authorize euthanasia or other humane destruction of the animal without regard to any time limitations established in this Division. For the purpose of this Section, neither the Administrator, nor his designee, nor Prince George's County, Maryland, nor any of its employees or agents shall be liable for acts committed or omitted with regard to a veterinarian consultation and/or euthanizing an animal. (CB-36-1985;CB-26-2001)

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

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

(b) Redemption fees shall be as follows:

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

(c) The owner of an impounded animal also shall be liable to Prince George's County, Maryland, for the shelter fees and the costs of any required veterinary services in accordance with the schedule or tariff of charges promulgated by the Director pursuant to Section 3-106 herein.

(CB-36-1985; CB-109-1997; CB-26-2001)

Sec. 3-129. Property in impounded or surrendered animals.

Any domesticated animal which is impounded and not reclaimed by its owner as prescribed in Section 3-123 shall be deemed abandoned and shall become the property of Prince George's County, Maryland. Any animal surrendered by its owners to the Animal Control Facility shall immediately become the property of Prince George's County, Maryland, for final disposition. The Administrator may dispose of abandoned animals by adoption, euthanasia, or other disposition as may be most advantageous to the County and the public interest subject to Section 3-105(e). (CB-36-1985; CB-26-2001)

Sec. 3-130. Euthanasia.

At the end of the minimum periods provided for in this Subdivision, unredeemed and unadopted animals which have become the property of Prince George's County, Maryland, may be disposed of by euthanasia. Euthanasia shall be administered in accordance with regulations promulgated by the Director pursuant to Section 3-105 herein. (CB-36-1985)

SUBDIVISION 3. ANIMAL CONTROL REGULATIONS.

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

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

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending on its size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, proper and appropriate treatment, and proper transportation; and
- (7) Adequate veterinary care and veterinary care when needed to prevent suffering or disease transmission.

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

(c) No person shall keep or maintain any animal in Prince George's County in such manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance condition. No person shall keep or maintain any animal in the County in such manner as to disturb the peace, comfort, or health of any person residing within the County. (CB-36-1985; CB-26-2001)

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

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

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

(c) Any animal found to be unredeemable shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal. No animal may be destroyed or otherwise disposed of pending the outcome of any appeal from an order of the Commission pursuant to Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the expense of the care, feeding, and any necessary veterinary care for the animal shall be charged to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the provisions of Section 3-106 herein.

(d) As an alternative, if any person shall fail to abate a public nuisance animal or public nuisance condition after the Commission has ordered him to do so, the Administrator or the Commission may refer the matter to the Office of Law for appropriate legal action. The Office of Law, without limitation, and in addition to and not in lieu of any other available remedies, may seek ex parte, temporary and permanent injunctive relief and other relief in a court of competent jurisdiction to abate any nuisance or to correct any condition whereby the actions of an animal, or the actions or inactions of its owner or custodian, cause or threaten any substantial and immediate danger to any person or property or to the public health and safety. (CB-36-1985; CB-26-20Q1)

Sec. 3-133. Sanitary conditions for care and maintenance of animals.

(a) All persons keeping or raising fowl or animals within the County, whether for commercial purposes or otherwise, shall keep the same at all times in a clean and sanitary condition and free from obnoxious odors.

(b) The premises upon which are kept any fowl or animals (including, but not limited to, rodents, cattle, horses, sheep, swine, or goats) shall be subject to inspection by Animal Control Officers. Such premises shall be subject to the regulations contained in Section 3-131(a) of this Subtitle with respect to the maintenance of sanitary conditions, care and feeding of animals and their young, provision of veterinary care, and other matters as may be promulgated by the Director, pursuant to recommendations from the Commission. (CB-36-1985; CB-26-2001)

Sec. 3-134. Excessive noise by an animal prohibited.

(a). No person who owns, keeps, or has in his possession any animal of any kind whatsoever shall permit such animal to disturb the quiet of any person or neighborhood. Permitting an animal to disturb the quiet of any person or neighborhood, or failure to keep any animal from causing frequent or long continued noise, to the disturbance of the comfort or repose of any person or neighborhood, is declared to be a public nuisance and detrimental to the public health and welfare.

(b) Any person disturbed by a noisy animal shall first advise the owner or custodian who keeps such animal of the fact that the animal, by causing frequent or long continued noise, is disturbing the complainant and the neighborhood.

(c) No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of his animal after having been notified in accordance with this Section. (CB-36-1985)

Sec. 3-135. Animals at large prohibited.

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

(1) The confinement or securing of an animal by any person at a location other than on the premises of its owner, custodian, or authorized agent;

(2) Herding such animal or tying it for grazing in any street or other public place; or

(3) The fastening of any horse or other animal on public property to any hydrant, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.

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

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

(d) Any person who is aware of an animal running at large within the County shall report the condition by telephone. The identity of an informant under this Section shall not be disclosed except to employees of the Animal Control program and duly authorized law enforcement officers.

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

(f) This Section shall not apply to an animal under the control of its owner, custodian, or an authorized agent of the owner by a leash or lead, or to an animal undergoing obedience training or while actually engaged in the sport of hunting in authorized areas while supervised by a competent person.

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

(CB-36-1985;CB-26-2001)

Sec. 3-136. Vicious animals.

(a) Any dog or other animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals is defined to be a vicious animal for the purpose of this Subtitle. No animal shall be found to be dangerous or vicious if the threat, injury, or damage was sustained by a person who was:

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

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

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

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

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

(d) If it is determined that the animal may be returned to the custody of the owner, the Commission may impose such requirements of conditions as are deemed necessary to restrain the animal and the owner shall be required to pay the costs and maintenance expenses incurred during the time that the animal was impounded.

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

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

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

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

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

(j) If any animal shall be found at large or running at large by an Animal Control Officer or police officer and, in the judgement of the Animal Control Officer or police officer, such animal is dangerous, fierce, or vicious and cannot be taken up or tranquilized and impounded, such animal may be slain by the Animal Control Officer or police officer. (CB-36-1985; CB-119-1987; CB-104-1996; CB-26-2001)

Sec. 3-137. Vicious animals; restrictions.

(a) A vicious animal shall be confined by the owner or custodian within a building or secure enclosure and shall not be taken out of such building or secure enclosure unless securely restrained.

(b) A vicious animal shall not be upon any street or public place, except while securely restrained, humanely muzzled if appropriate to the species, and in the charge of a responsible adult.

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

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

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

(f) The owner of a vicious animal shall consent to periodic inspections by the Administrator.

(g) The owner of a vicious animal shall report the status of the animal to the Administrator every three (3) months and shall notify the Administrator immediately prior to the removal of the animal from the approved premises.

(h) The owner of a vicious animal shall not sell, give away or dispose of the animal without the consent of the Administrator.

(i) The owner of a vicious animal shall comply with any other requirements or conditions imposed by the Commission. (CB-36-1985; CB-119-1987; CB-26-2001)

Sec. 3-138. Confinement of animal in heat.

When a female dog or cat is in estrus or in a condition commonly known as "in heat," its owner or custodian shall prevent its contact with another dog or cat, or the attraction of dogs or cats to the premises in which the female dog or cat is kept. Every female cat or dog in heat shall be confined in a building or secure enclosure in such manner that the female dog or cat cannot come into contact with a male dog or cat, except for intentional breeding purposes. (CB-36-1985)

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

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

- (1) Public property, including streets as defined in Section 1 -102(a)(34); or
- (2) Private property without the consent of the owner or occupant thereof.

(b) The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal. (CB-36-1985;CB-3-1987)

Sec. 3-140. Strays and unwanted animals.

(a) Stray dogs, cats, and other animals for which ownership cannot readily be established shall automatically become the property of Prince George's County, Maryland, and shall fall subject to the provisions of Section 3-129 herein.

(b) Any stray animal found by any individual shall forthwith be delivered to the Animal Control Facility or to an Animal Control Officer.

(c) All unwanted animals received by the Animal Control Facility shall be processed under and shall be subject to the provisions of Section 3-122 of this Subtitle.

(d) No person shall harbor or hold for reward or procure a license for a dog or other animal which has strayed upon his premises or which has been taken into custody on a public street, highway, or other public place unaccompanied by its owner or custodian or which has been stolen from its owner. Nothing in this Subsection shall be construed to prohibit any person from taking custody of a stray animal for purposes of delivering it to the Animal Control Facility. (CB-36-1985; CB-26-2001-)

Sec. 3-141. Theft of animals.

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

(b) Except as provided in Section 3-123, any person who steals, entices, takes, or carries away any animal, the property of another, without the owner's consent and with the intent to deprive the owner permanently of his or her property in such animal shall be guilty of the crime of theft. Upon conviction, he or she may be punished in the same manner and to the same extent as if the animal were the personal goods of the owner.

(c) Every person convicted of a violation of Subsection (b) shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and to a term of imprisonment not to exceed ninety (90) days, or both. One-half of any such fine shall be remitted to the owner of such animal. (CB-36-1985; CB-26-2001)

Sec. 3-142. Injuring or poisoning of animals.

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

(b) No person may willfully poison any animal, except that any person may use poison in a careful and humane manner to destroy vermin, including, but not limited to rats, mice, and insect pests. (CB-36-1985)

Sec. 3-143. Liability for injury to or destruction of an animal at large.

Any person who subdues or takes custody of or destroys any animal shall not be liable for any damages if the animal is found to be at large or running at large at the time of destruction and is in the act of pursuing, attacking, or wounding a human or another animal, whether or not such other animal is properly licensed as required by this Subtitle. (CB-36-1985)

Sec. 3-144. Disposal of animal carcasses.

(a) The owner or custodian of an animal may not deposit or leave such animal upon its death on public property or the property of another person. If a dog, cat, or ferret has a history of a bite or nonbite exposure to a human within ten (10) days prior to its death, it must be tested for rabies. All other dead animals shall be promptly disposed of by cremation, burial, or other sanitary means so long as there has been no human bite or nonbite exposure.

(b) The Administrator, upon request of any person, shall pick up dead dogs, cats, and other small domestic animals for disposal for a fee not to exceed the actual cost of such pickup and disposal.

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

(CB-36-1985; CB-26-2001)

DIVISION 5. LICENSES AND STANDARDS.**SUBDIVISION 1. PET LICENSES.****Sec. 3-145. Ferret, dog, and cat licenses.**

(a) A ferret, dog, or cat which is four (4) months of age or older shall be licensed by the owner as herein provided.

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

(CB-36-1985; CB-26-2001)

Sec. 3-146. License application; fees; exemption and notice conditions.

(a) Application for license shall be made to the Department. The annual license fee shall be Twenty-Five Dollars (\$25.00) for all ferrets, dogs, and cats. The license fee shall be reduced to Five Dollars (\$5.00) where there is proof that the animal has been spayed or neutered or where the Administrator, in the Administrator's sole discretion, has determined that the animal cannot be spayed or neutered because of size, age, or other physical condition. The license fee shall be reduced to Five Dollars (\$5.00) where there is proof that a dog is under training in a recognized

program to provide assistance dog guides, provided that if the dog is removed from training, the license fee shall be Twenty-Five Dollars (\$25.00).

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

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

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

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

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

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

(CB-36-1985; CB-100-1991; CB-109-1997; CB-26-2001; CB-85-2004; CB-9-2005)

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

(a) An owner shall apply for a license within ten (10) days after a ferret, dog, or cat becomes four (4) months of age.

(b) Any person moving into, and establishing a residence in, the County with a ferret, dog, or cat must apply for licenses for each ferret, dog, or cat within thirty (30) days of establishing residence.

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

(d) Notwithstanding any other provision of this Division, the Director may, in the Director's discretion, establish a systematic method for administering the renewal of licenses under this Division, including, but not limited to, establishing staggered renewal dates for existing licenses and prorating license fees based on such renewal dates. In no event shall the Director:

(1) Restrict the right of a licensee, under any initial license issued in accordance with the provisions of this Division, to an initial term of less than one (1) year from the date of issuance;

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

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

(e) Failure to make timely application for an initial license as stated in Subsections (a) and (b), above, or for renewal of a license shall result in the assessment of a penalty of Three Dollars and fifty cents (\$3.50). (CB-36-1985; CB-89-1988; CB-26-2001)

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

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

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

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

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

(CB-36-1985; CB-89-1988; CB-109-1997)

Sec. 3-148.01. Animal hobby permit.

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

(b) Any household keeping, harboring, or fostering more than ten (10) animals prior to the effective date of this law may continue to harbor, foster, or keep such animals as are in existence. Said household cannot replace existing animals beyond the number allowed in Subsection (a), above.

(c) This Section shall not apply to a licensed animal holding facility, a licensed veterinary hospital, a circus or travelling exhibition, or the keeping of farm animals, fish, or birds.

(CB-100-1991; CB-26-2001)

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

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

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

(c) No permit shall be issued unless:

- (1) Each ferret, dog, or cat has a valid County license;
 - (2) There exists an adequate and safe means of confinement for each animal;
 - (3) -Each animal is provided adequate protection from the weather;
 - (4) Evidence exists that each animal has been provided adequate and proper veterinary care;
 - (5) No objectionable odors or noises exist that might disturb the neighborhood or otherwise cause a public nuisance condition to exist;
 - (6) All animals on the property are kept in compliance with any and all Federal, State, and local laws and regulations as pertain to animals.
- (d) An Animal Control Officer shall inspect for compliance with Subsection 3-148.02(c), above, before any animal hobby permit shall be issued.
- (e) The permit shall be issued for the address and owner listed on the application and shall not be transferable to any other address or owner.
- (CB-100-1991;CB-109-1997)

Sec. 3-148.03. Animal Foster Care Permit.

(a) Any person, group, or organization which provides temporary holding, care, and treatment for a companion animal pending permanent adoption may apply for a foster animal care permit. The requirements are:

(1) The organization or group must be approved and registered with the Animal Management Division of the Prince George's County Department of Environmental Resources. Requirements for the organizations or groups are:

- (A) Federal registration as a nonprofit or not-for-profit organization;
- (B) Proof of incorporation in the state in which they do business, as well as proof of good standing; and
- (C) Compliance with all Federal, State, and local laws in keeping animals and record maintenance for the animals and the organization.

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

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

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

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

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

(7) With the exception of the animal licensing requirement, each location must meet the requirements set forth for an animal hobby permit. In addition to the penalties set forth for failure to obtain or maintain an animal foster care permit, the custodian is also subject to fines for failure to obtain an animal license for each animal held in custody. (CB-26-2001)

Sec. 3-148.04. Penalties, denial; revocation.

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

(b) The Department shall deny any application for an animal hobby or foster care permit if the Administrator determines that the applicant is in violation of the standards herein.

(c) The Director may revoke the animal hobby or foster care permit if the Director determines that the owner or custodian is in violation of the standards herein.

(d) The Director shall give written notice of denial or revocation of an animal hobby or foster care permit to the applicant or permittee at the address shown on the permit application. The notice shall set forth the reasons for the denial or revocation.

(e) The denial or revocation shall be effective on the date set forth therein.

(f) The decision to deny or revoke an animal hobby or foster care permit may be appealed to the Commission for Animal Control within ten (10) days of the date of the letter of denial or revocation. Any such appeal shall be governed by Sections 3-110 and 3-111 of this Subtitle.

(g) Any animals found to be maintained in violation of the standards set forth herein may be subject to impoundment by the County.
(CB-100-1991; CB-26-2001)

SUBDIVISION 2. ANIMAL HOLDING FACILITY LICENSES.

PART 1. DEFINITIONS AND GENERAL PROVISIONS.

Sec. 3-149. Animal holding facility license.

No person may own or operate an animal holding facility in the County without an appropriate animal holding facility license for each location where the facility is in operation.
(CB-36-1985)

Sec. 3-150. Animal holding facility license defined.

Animal holding facility license shall mean and refer to the license required to be obtained and held by any animal holding facility under this Subdivision, without regard to the type or types of facility licensed. The Department, subject to the provisions of this Subdivision, shall issue animal holding facility licenses which shall be denominated according to the type of facility licensed. (CB-36-1985)

Sec. 3-151. Application for animal holding facility license.

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

(b) The applicant for an animal holding facility license shall make his application to the Department upon a form prescribed by the Director. The application shall be signed by the proprietor, if an individual, or by the president or vice president, if a corporation, or by a general partner, if a partnership. The application shall state the name and address of the individual applicant; name, location, and the business address of the animal holding facility; the name and home and business address of the manager or operator of the facility; the name and regular business address of the applicant; and the species and number of animals to be housed in the animal holding facility. The application shall also specify the type or types of animal holding facility for which a license is sought. The Administrator may promulgate regulations requiring additional information in the application.

(c) A combined license may be obtained when a person desires to operate more than one type of animal holding facility at the same location. The applicant for a combined license shall be required to meet the standards for each type of facility and shall pay a combined fee which shall be:

- (1) The highest single license fee for the animal holding facilities to be operated; and
- (2) One-half of each remaining license fee.

(CB-36-1985;CB-26-2001)

Sec. 3-152. Inspection of Facility.

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

(b) The Administrator shall conduct additional unannounced inspections of animal holding facilities in the County during regular business hours to insure compliance by the facilities with the requirements of this Subtitle and the regulations promulgated by the Administrator.

(c) The Administrator shall request the assistance of the Health Officer in making determinations when appropriate.

(d) If reinspection is required due to the applicant's failure to comply with the above referenced requirements or regulations, the applicant shall be charged Ten Dollars (\$10.00) upon the first reinspection and Twenty-five Dollars (\$25.00) for any subsequent reinspection.

(CB-36-1985; CB-60-1992; CB-109-1997; CB-26-2001)

Sec. 3-153. Issuance of animal holding facility license.

If the Administrator and/or the Health Officer determine that the establishment is in satisfactory condition and properly operated under the provisions of this Subtitle, the Department shall issue to the applicant an animal holding facility license upon a form of certificate

prescribed by the Director. The license certificates shall be consecutively numbered, shall state the year of issuance and period of effectiveness, and shall state the location of the animal holding facility licensed, the-type of animal holding facility or facilities licensed, the type or species, and maximum number of animals to be maintained therein. The license shall be conspicuously placed for public viewing. (CB-36-1985;CB-26-2001)

Sec. 3-154. License transferability.

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

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

(c) The temporary license may be issued, provided:

(1) The application by the new owner or operator for the regular animal holding facility license has been filed with the Department; and

(2) The facility is not the subject of a pending Animal Control violation or citation upon which final action has not been completed.

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

(CB-36-1985; CB-97-1987)

Sec. 3-155. Denial, suspension, or revocation of animal holding facility license.

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

(b) The Director may suspend or revoke the animal holding facility license of any licensee if he determines that the licensee's establishment is in violation of, or is not operated in accordance with, the general standards prescribed below or the specific standards applicable to the licensee's animal holding facility.

(c) The Director shall give written notice of the denial, suspension, or revocation of an animal holding facility to the licensee at the address shown upon the animal holding facility license certificate. The notice shall specify in detail the facts from which the Director determines that the licensee's establishment is in violation of this Subtitle.

(d) The denial, suspension, or revocation of an animal holding facility license shall be effective on the date set forth therein, which effective date shall be not sooner than fifteen (15) days after the date of the written notice to the licensee.

(e) The decision of the Director to deny, suspend, or revoke an animal holding facility license shall be-final, except as provided in Section 3-156.

(CB-36-1985)

Sec. 3-156. Appeal from decision to deny, suspend, or revoke an animal holding facility license.

(a) The decision of the Director to deny, suspend, or revoke an animal holding facility license may be appealed by the applicant or licensee to the Board of Administrative Appeals.

(b) The applicant or licensee must give written notice of its appeal to the Board of Administrative Appeals within thirty (30) days from the date of the written notice of the decision to deny, suspend, or revoke the license.

(c) The filing of an appeal shall not negate the effectiveness of the Director's decision unless and until the Director's disposition is reversed on appeal.

(d) An appeal of a decision to suspend or deny the renewal of or to revoke a license shall suspend the operation of that decision.

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

(CB-36-1985; CB-26-2001)

Sec. 3-157. Term of animal holding facility license; renewal.

Animal holding facility licenses shall be valid from the date of issuance for a period of one calendar year. The licensee must apply to the Department for renewal. Application for renewal, accompanied by the annual animal holding facility license fee, shall be made not less than thirty (30) days before the expiration date without penalty. Failure to make timely application for an initial license or for renewal of a license shall result in the assessment by the Department of a penalty of fifty percent (50%) in addition to the full annual license fee. The Director, upon receipt of an application for renewal of a license, shall conduct an inspection of the licensed establishment and shall determine whether it continues to comply with the provisions of this Subtitle. (CB-36-1985)

PART 2. GENERAL STANDARDS FOR ANIMAL HOLDING FACILITIES.**Sec. 3-158. Environmental health.**

(a) All holding facilities shall provide for healthy and comfortable temperatures suitable for every species of animal of every age housed or kept in the facility.

(b) An animal holding facility shall provide food which is palatable and of sufficient quantity and quality and frequency to meet the normal nutritional requirements of the type, condition and size of every animal housed or held in the facility, which food shall be free of

contamination. Where practical, food shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in the dish.

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

(d) An animal holding facility shall maintain all cages and enclosures in a sanitary condition. The cages shall be of sufficient size to provide adequate rest. Indoor cages or enclosures, excluding runs, shall be made of nonporous material, which shall be of sufficient size to allow each animal to stand up, rum around and stretch out to its full length. Animal feces and 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.

(CB-36-1985)

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

(a) Any animal in an animal holding facility which is injured or which shows signs of illness or symptoms of contagious disease shall be immediately isolated in such manner as to prevent the spread of such illness or disease to other animals or to prevent the exacerbation of any injury.

(b) All sick, diseased, or injured animals in an animal holding facility shall be provided immediate veterinary care by a doctor of veterinary medicine licensed to practice in the State of Maryland or under the supervision of such licensed veterinarian.

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

(d) No animal that is ill or diseased, shows visible evidence of any current illness or disease, or is injured in any way may be sold, exhibited in a petting zoo, used as a guard dog or for guard dog training, or used or exhibited for equestrian training or show.

(CB-36-1985; CB-26-2001)

PART 3. PARTICULAR LICENSES AND STANDARDS.

Sec. 3-160. Kennel licenses.

(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	. ,575.00
(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
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(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. (CB-36-1985; CB-63-1994; CB-26-2001)

Sec. 3-161. Guard dog facility; license required.

(a) No person shall train, own or keep any dog to be used as a guard dog without obtaining a guard dog license for each location where a guard dog is kept. This Section shall not apply to governmental agencies.

(b) The application for the guard dog license shall state:

- (1) The name and address of the owner, the trainer, and/or the handler;
- (2) The location of the guard dog facility; and
- (3) The maximum number of dogs to be housed in the facility.

(c) The fee for a guard dog license shall be Fifty Dollars (\$50.00) per year. The license fee shall be in addition to any kennel license fee required under this Subtitle. (CB-36-1985)

Sec. 3-162. Pet shop licenses.

(a) No person may operate a pet shop without first obtaining a pet shop license as provided herein.

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

(c) The annual license fee for a pet shop shall be Three Hundred Dollars (\$300.00). (CB-36-1985; CB-26-2001)

Sec. 3-163. Petting zoo licenses.

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

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

(c) The petting zoo license fee shall be One Hundred Fifty Dollars (\$150.00). The petting zoo license shall be valid for the time stated in the application but in no event shall a petting zoo license be valid for a period in excess of one calendar year. (CB-36-1985)

Sec. 3-164. Cattery license.

(a) No person may operate a cattery without first obtaining a cattery license as provided herein.

(b) The annual fee for a cattery license shall be as follows:

(1)	Cattery authorized to house less than ten (10) cats	\$75.00
(2)	Cattery authorized to house ten (10) but less than fifty (50) cats	\$125.00
(3)	Cattery authorized to house fifty (50) but less than one hundred (100) cats	\$175.00
(4)	Authorized to house one hundred (100) or more cats	\$250.00

(CB-36-1985;CB-26-2001)

Sec. 3-165. Riding school and stable license.

(a) No person may operate a riding school or commercial stable without first having obtained a riding school and stable license as provided herein.

(b) This Section shall not apply to any private stable wherein the owner houses or stables only his own horses.

(c) The annual fee for a riding school and stable license shall be as follows:

- School or stable authorized to house or display less than ten (10) horses . \$100.00
- (2) School or stable authorized to house or display ten (10) but less than twenty (20) horses
- (3) School or stable authorized to house or display twenty (20) or more horses : \$150.00

(CB-36-1985; CB-63-1994; CB-26-2001)

Sec. 3-166. Commercial pet distribution facility license.

(a) No person may operate a commercial pet distribution facility, without first obtaining a commercial pet distribution facility license.

(b) **Commercial pet distribution facility** means a commercial establishment where animals are held for sale at wholesale or for distribution to other commercial establishments or users, sellers, or consumers of animals other than private pet owners or to zoological parks, aviaries, or aquariums.

(c) The annual fee for a commercial pet distribution facility license shall be as follows:

- Facility authorized to house less than one hundred (100) animals \$100.00
- (2) Facility authorized to house one hundred (100) but less than two hundred fifty (250) animals \$150.00
- (3) Facility authorized to house two hundred fifty (250) or more animals \$200.00

(CB-36-1985; CB-26-2001)

Sec. 3-167. Grooming establishment license.

(a) No person may operate a grooming establishment without first obtaining a grooming establishment license as provided herein.

(b) The annual fee for a grooming establishment license shall be Fifty Dollars (\$50.00) and the establishment is authorized to hold up to fifty (50) animals for the day (12 hour period). (CB-36-1985; CB-26-2001)

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

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

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

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

(3) Enclosures, cages, and exercise areas which shall be kept clean, dry, and in a sanitary condition, and which shall provide adequate ventilation, a healthful temperature, and protection against extremes of weather.

(b) Where the holder of a kennel or cattery license is engaged in breeding of more than two (2) litters per year and/or the buying and selling of dogs and/or cats, the standards for pet shops and commercial pet distribution facilities, as prescribed in Section 3-170, shall apply to those animals being bred or held for sale, exchange, or purchase. (CB-36-1985; CB-63-1994; CB-26-2001)

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

(a) All owners or trainers of guard dogs shall, in addition to the requirements provided in Section 3-168, comply with the standards of this Section whenever any dog is to be trained or used as a guard dog, except for dogs kept as pets. Failure to comply with these standards shall be grounds for denial or revocation of the license.

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

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

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

(1) Runs must have at least six foot (6') fences completely surrounding them to which anticlimbers are added at the top or the top is completely covered.

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

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

(e) Guard dogs may not be allowed in any area to which the public has access unless they are securely restrained, humanely muzzled, and under the control of an adult handler. (CB-36-1985; CB-26-2001)

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

(a) A pet shop or commercial pet distribution facility receiving animals from a common carrier shall take delivery and physical possession of those animals within four (4) hours after notification by the carrier that the animal has arrived at the carrier's point of delivery.

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

(c) Animals with only present crippling deformities or noncontagious health problems may be placed in an area with healthy animals or returned to the breeder, broker, or shipper. Animals with noncontagious diseases or present crippling deformities may be given away as pets if the recipient signs a written release indicating that the recipient is aware of the deformity or noncontagious disease and agrees to spay or neuter the animal at the appropriate age and releases the pet shop from responsibility for that condition. Animals with present crippling deformities or known noncontagious diseases may not be sold or displayed.

(d) A pet shop or commercial pet distribution facility shall maintain healthy animals in an area separate and apart from diseased animals. Healthy animals shall be provided with a ventilation system designed and operated to prevent air from housing areas for diseased animals from reaching areas in which healthy animals are housed. The ventilation system shall provide a reasonably healthy method of air entry, circulation, and filtration, and the system shall condition the air to eliminate noxious substances and objectionable odors.

(e) A pet shop or commercial pet distribution facility shall maintain under normal conditions a minimum temperature of 65 degrees F and maximum temperature of 75 degrees F on the premises, except for those animals which require higher temperatures. There shall be a visible working thermometer in the display window where animals are shown and any area where animals are being kept.

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

(g) In every pet shop or commercial pet distribution facility, all canines shall have received distemper, parvovirus, hepatitis, and leptospirosis inoculations as required by applicable law or regulation prior to shipping, or prior to display upon receipt by the pet or commercial distribution facility after consultation with the attending veterinarian. Felines shall have received vaccine inoculations with FVRCP as required by applicable law or regulation prior to shipping, or prior to display upon receipt by the pet or commercial distribution facility after consultation with the attending veterinarian. The pet shop or distribution facility shall have canines checked for worms on a routine basis and wormed if necessary. This Subsection does not permit a pet shop or commercial pet distribution facility to accept, sell, or display a dog or cat younger than eight (8) weeks of age.

(h) All ill animals, maimed animals, and animals with present crippling deformities shall be under the care of a veterinarian at the expense of the pet shop or distribution facility until they are permanently cured, humanely destroyed, or properly given away. Any animal certified by a veterinarian to be healthy may be transferred or sold.

(i) (1) It shall be a violation for any pet dealer to sell a dog or cat without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, or the dealer's agent or employee, and shall contain the following information:

- (A) The animal's breed, sex, age, color, and birth date;
- (B) The name and address of the person from whom the pet dealer purchased the animal;
- (C) The breeder's name and address;
- (D) The date on which the animal was examined by a veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
- (E) A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, the name and address of such veterinarian, and a brief statement of all findings.

(2) The information contained in the pet dealer's animal history certificate required in paragraph (1), above, shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless the dealer knows or has reason to know that such information is erroneous. A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.

(3) It shall be a violation for a pet dealer to include in the pet dealer's animal history certificate provided for in paragraphs (1) and (2), above, any false or misleading statement regarding the information to be contained therein.

(4) If, at any time within ten (10) days following receipt of an animal by a consumer, a veterinarian certifies such animal to have been unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease, the pet dealer shall afford the consumer the right to choose one of the following options:

- (A) The right to return the animal and receive a refund of the purchase price including sales tax; or
- (B) The right to return the animal and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer.

(5) The refund required in paragraph (4), above, shall be made by the pet dealer not later than ten (10) business days following receipt of a signed veterinary certificate as hereinafter provided. A pet dealer shall give notice hereinafter set forth in writing to a consumer prior to the delivery of an animal. Such notice shall be embodied in either a written contract, the pet dealer's animal history certificate, or a separate document and shall state in at least ten point (10 pt.) bold face type the following:

NOTICE

The sale of animals is subject to the provisions of Section 3-170(i). In the event that a veterinarian certifies your animal to have been unfit for purchase within ten (10) business days following receipt of your animal, you may choose:

- (1) To return your animal and receive a refund of the purchase price; or**
- (2) To return the animal and receive an exchange animal of your choice of equivalent value.**

In order to exercise these rights, you must present a written veterinary certification, indicating that the animal was unfit for purchase, to the pet dealer within three (3) business days after receiving such certification.

(6) If the consumer agrees, the pet shop may provide to the animal purchaser free veterinary treatment for any illness or condition existing at the time of sale that is -diagnosed by a veterinarian within ten (10) days of the date of sale. The initial examination fee, office visit fee, vaccine cost, and inoculation fee are to be the pet owner's responsibility. The pet shop shall choose the veterinarian who is to provide treatment for the illness or condition.

0') The pet shop shall maintain an accurate individual history and health record for each dog or cat and lot records for birds. The records shall contain the name of the pet shop; a full description of the animal; the name and address of the person from whom the animal was obtained and the federal dealer identification number, if available; the date of the animal's entry into the State of Maryland; the animal's date of birth; the name and address of the breeder; the name and address of the broker; the name and address of the shipper; a record of all vaccines administered to the animal and the date of administration; a record of any disease of the animal observed while in the possession of the pet shop, including, but not limited to, symptoms of illness, diagnosed illness, treatment, medication, and prognosis, if known; and the date of sale or other disposition.

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

(1) All cages must meet the following requirements:

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

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

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

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

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

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

(m) All areas of confinement, display, storage, and sales shall be maintained in a rodent-free, vermin-free, and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant. All cages shall be cleaned and disinfected daily. Feed and water dishes shall be emptied and sanitized at least once daily. No animal is permitted to be maintained in an area being cleaned until this process is completed and the area is dry. Sipper tube water bottles, if used, shall be kept clean and sanitized regularly and kept free of dirt, debris, and algae.

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

(o) A pet shop may not confine or display animals of different species in the same cage or enclosure, except that fish, birds, and nonpoisonous reptiles of different but compatible species may be displayed or confined in the same tank or cage.

(p) A pet shop shall not display any animal in a manner that is detrimental to the health or well-being of that animal. The management of the pet shop shall give proper instruction on the handling of an animal.

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

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

(s) Each bird cage housing small-sized birds up to and including doves, cockatiels, and love birds shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein; and one-third (1/3) of the perch space is to be vacant at all times. If a perch is detrimental to the health of a particular species, then the perch is to be omitted from the cage in which that species is confined. In addition to bird seed and water, each bird cage shall contain an amount of fresh gravel, where appropriate and needed for digestion, sufficient for the number of birds confined therein. Parrots and other large bird species shall have sufficient cage space or sufficient T-stand perch space. They shall not be confined or displayed in a cage with smaller birds.

(t) Hand washing facilities for the public shall be provided.
(CB-36-1985; CB-126-1986; CB-26-2001)

Sec. 3-171. Standards for petting zoo.

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

(b) Animals shall be provided adequate water at all times.

(c) Animals shall be provided with adequate food.

(d) Animals shall be provided with adequate ventilation and healthful temperatures for every species. Access to a comfortable weather-proof shelter must be available at all times,

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

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

(CB-36-1985; CB-26-2001)

Sec. 3-172. Standards for catteries.

All catteries shall comply with the standards for commercial kennels set forth in Section 3-168, above. (CB-36-1985)

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

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

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

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

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

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

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

(g) The owner and operator of the stable shall be responsible for taking steps to suppress internal parasites, flies, and other insects attracted to the stable site.

(CB-36-1985; CB-26-2001)

Sec. 3-174. Standards for Grooming Establishment.

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

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

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

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

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

(CB-36-1985; CB-26-2001)

DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS.**Sec. 3-175. Attack dogs.**

No person, other than the military or government law enforcement agencies, shall own, keep, harbor, or train attack dogs in this County. Attack dogs shall not be owned by commercial establishments or used for any commercial purpose. (CB-36-1985)

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

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

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

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

(d) The Director shall prescribe regulations to insure the safe penning or caging of wild or exotic animals or reptiles in order to prevent threats to the public health or the creation of public nuisances.

(e) The Director shall issue a permit for the keeping or displaying of any exotic or wild animal upon inspection and under the conditions established by the Administrator. Denial of the permit may be appealed to the Commission.

(f) The license fee for a wild and exotic animal display license shall be Two Hundred Dollars (\$200.00).
(CB-36-1985; CB-26-2001)

Sec. 3-177. Spaying and neutering.

All animals adopted from the Animal Control Facility must be spayed or neutered not later than thirty (30) days after the date of adoption. A certificate, signed by a licensed veterinarian, that spaying or neutering has been accomplished must be provided to the Administrator within fifteen (15) days of the date of spaying or neutering. Any extension of time must be requested in writing to the Administrator, stating the reason spaying or neutering has not been accomplished and the date upon which said action will be accomplished. The Administrator, in his discretion, may approve or deny the request for an extension. If the request is denied, then upon the expiration of forty-five (45) days from the date of adoption the adopted animal must be immediately returned to the Animal Control Facility. (CB-36-1985; CB-26-2001)

Sec. 3-178. Adoption contract.

(a) The Administrator shall prepare an adoption contract to be used in connection with the adoption of any animal by any person from the County. The adoption contract shall set forth the obligations of an adopter for the proper care, including veterinary care and neutering or spaying, feeding, maintenance, and disposition of any adopted animal.

(b) The Administrator shall permit the adoption of an animal in its custody only upon the following conditions:

(1) The proposed adopter must first complete and execute all adoption forms.

(2) The Administrator may visit the residence of the proposed adopter to determine the suitability of the adopter and the residence for the animal to be adopted. The Administrator may determine whether the proposed adopter and the residence are suitable.

(3) The proposed adopter shall pay all required fees and make any deposit required by the adoption contract to secure the adopter's obligations to have the animal inoculated, or spayed or neutered.

(c) The adopter, if permitted to adopt an animal, shall have the right to possess the animal subject to the requirements of the adoption contract and of this Subtitle. If at any time after the adoption of the animal the Administrator finds that the adopter has violated the provisions of the adoption contract or of this Subtitle with respect to the adopted animal, the adopter may be counseled in an effort to secure compliance, or, in the discretion of the Administrator, required to surrender the animal to the custody of the County.

(d) No person who adopts an animal from the County shall sell, make a gift of, transfer, destroy, or otherwise dispose of the animal without the prior written permission of the Administrator.

(e) The Office of Law may bring legal or equitable actions, including actions for mandatory or prohibitive injunctions, to enforce any adoption contract. (CB-36-1985; CB-26-2001)

Sec. 3-179. Compliance with Zoning Ordinance.

The use of any land or building in Prince George's County, Maryland, for any purpose described in this Subtitle must comply with the provisions of Subtitle 27, Zoning, Prince George's County Code, as the same is amended from time to time. The grant of a license for the operation of any animal holding facility under this Subtitle shall not constitute permission to operate an animal holding facility in violation of Subtitle 27, Prince George's County Code. (CB-36-1985)

Sec. 3-180. Cruelty and Neglect.

(a) No animal is exempt from protection against cruelty or neglect as defined in Sections 3-101(35) and 3-101(53) of this Subtitle. No animal shall be overdriven, overloaded, deprived of necessary sustenance, tortured, tormented, mutilated, cruelly beaten, or otherwise physically abused or cruelly killed. Any person who causes, procures, or authorizes these acts; or who, having the charge or custody of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the animal; or who unnecessarily fails to provide the animal with nutritious food, water, air, space, shelter, or protection from the weather shall be charged in accordance with the provisions of Subsection (b), below. Any person who fails to employ the most humane method possible for activities such as processing, pest elimination, hunting, and animal training shall be charged in accordance with the provisions of Subsection (b), below.

(b) Whenever it becomes necessary to protect an animal from cruelty or neglect, any police officer or Animal Control Officer may take possession of it. If an animal is impounded, yarded, or confined and continues without necessary food, water, or proper attention, or is cruelly treated or neglected, any police officer or Animal Control Officer may enter into and upon anyplace in which the animal is impounded, yarded, or confined and supply it with necessary food, water, and attention as long as it remains there; or, if necessary for the health of the animal, the officer may remove the animal and not be liable to any action for that entry or for taking possession of the animal. In all cases, the owner or custodian of the animal shall be notified, by the person taking possession of the animal, of the officer's action and of any administrative remedies which may be available. The owner or custodian may file, within ten (10) days of receiving notice, a petition in writing with the Commission for Animal Control (CAC) for the return of the animal. If the owner or custodian is notified and fails to file the petition within the prescribed time period, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty (20) days, the animal shall be deemed a stray and handled accordingly. Nothing in this Section shall be construed to permit the entry into a private dwelling or to permit the taking of a farm animal without first having obtained the recommendation of a veterinarian. When a violation under this Section has occurred, the police officer or Animal Control Officer shall employ one of the following:

(1) A one-time written warning shall be issued by an Animal Control Officer, who shall also provide detailed educational guidance specific to the violation for first-time offenders of less extreme cases of cruelty or neglect. "Less **extreme cruelty or neglect**" is defined as any

unintentional act of cruelty or neglect, which has no permanent effect on the animal, and the aforementioned behavior of the owner or custodian is subsequently corrected through education.

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

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

(3) Deliberate violations of this Section, as well as any third offense, shall result in a charge of cruelty, and the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) and a fine of One Hundred Dollars (\$100.00) per animal.

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

(c) Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.

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

(e) Any police officer shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, make arrests or apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals. Any Animal Control Officer or other person shall, upon his or her own view of any misdemeanor

in relation to cruelty to animals, apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals. (CB-36-1985; CB-119-1987; CB-26-2001)

Sec. 3-181. Reserved. Sec. 3-182. Reserved. Sec. 3-183. Selling, giving away, dyeing, or coloring baby fowl or mammals; exception.

(a) No person shall sell, offer for sale, raffle, barter, or give away baby chickens or ducklings or other fowl under four (4) weeks of age in lots of less than one dozen, or rabbits under six (6) weeks of age, or any unweaned mammalian companion' animals; or color, dye, stain, or change the natural color of baby chickens, ducklings, other fowl, or rabbits; or bring or transport the same into the County. This Section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities that comply with rules of the Health Officer by breeders and those selling for commercial breeding and raising purposes.

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

(c) No person shall give away any live animal, fish, or bird as:

- (1) A premium, novelty, toy, or prize, or as an inducement to enter any contest, game, or other competition;
- (2) An instrument to enter a place of amusement;
- (3) An incentive to enter into any business agreement where the offer was for the purpose of attracting trade.

(d) Any person who violates the provisions of this Section is subject to the fine set forth in Section 3-116 of this Code, as well as confiscation of the animal(s) involved.

(e) The provisions of this Section with regard to the giving away of animals do not apply to animals given away for agricultural purposes.
(CB-36-1985; CB-63-1994)

Sec. 3-184. Sales of turtles prohibited; presumption.

(a) No persons shall sell or offer for sale pet turtles.

(b) The sale or offer for sale of any turtle shall be presumed to be for purposes of a pet unless offered for sale or sold to food processors, zoos, or person having a known use of turtles other than for pets.
(CB-36-1985)

Sec. 3-185. Pigeons as a nuisance.

Where a complaint is filed with the Commission and the Commission finds that a private or public nuisance exists with respect to the keeping of pigeons, the Commission may direct or

authorize the Administrator or any party of interest to the complaint to take appropriate actions consistent with State law. Similarly, the Health Officer may, upon a finding that a pigeon or pigeons are causing a public health hazard, direct or cause appropriate corrective action to be taken to abate such hazard consistent with State law. (CB-36-1985)

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)

DIVISION 7. RABIES CONTROL.

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

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

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

(c) A licensed veterinarian in the County who administers a rabies vaccine to a dog, cat, or ferret shall complete a rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog, cat, or ferret that receives a rabies vaccine. One (1) copy of the rabies vaccination certificate shall be retained by the licensed veterinarian. Copies of rabies vaccination certificates shall also be forwarded by veterinarians to the Animal

Management Division. Veterinarians shall provide these copies to the Animal Management Division on a monthly basis. (CB-36-1985; CB-109-1997; CB-85-2004)

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

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

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

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

(CB-36-1985; CB-26-2001)

Sec. 3-188. Report of person(s) having bite contact, or nonbite contact with animal(s).

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

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

(CB-36-1985; CB-26-2001)

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

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

(b) No person shall allow a confined animal to escape or be released from confinement. No person shall sell, give away, or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period until the animal is examined by a licensed veterinarian or observed by the Administrator or the Administrator's designee. Nor shall any

person remove said animal from Prince George's County during the confinement period without the Health Officer's written approval.

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

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

(e) The owner of a quarantined animal must pay an examination fee of Ten Dollars (\$10.00) upon the completion of a home visit by an Animal Control Officer.
(CB-36-1985; CB-63-1994; CB-109-1997; CB-26-2001)

Sec. 3-190. Report of suspected rabies.

It shall be the duty of every licensed veterinarian to report to the Administrator and the Health Officer any animal considered by the licensed veterinarian to be rabid or to be a rabies suspect. (CB-36-1985; CB-26-2001)

Sec. 3-191. Confinement of animal suspected of having rabies.

(a) Upon demand by the Administrator or the Health Officer, the owner of any animal which has had bite or nonbite contact with a human, or which is suspected of having been exposed to rabies, shall surrender such animal for supervised confinement. The expense of such confinement shall be borne by the owner. Payment of boarding fees and compliance with the licensing provisions of this Subtitle shall be prerequisites to the release of a confined animal to the owner.

(b) If the owner of an animal which has had bite or nonbite contact with a human or which is suspected of having been exposed to rabies refuses to surrender the animal upon demand by the Administrator or the Health Officer, the County Attorney may petition a court for ex parte temporary and permanent mandatory injunctive relief to require the owner to surrender the animal for quarantine and observation.
(CB-36-1985; CB-26-2001)

Sec. 3-192. Notice of rabies infections.

When rabies has been diagnosed in an animal confined for clinical observation or when rabies is suspected by a veterinarian, physician or the Administrator and that animal dies, then the Administrator shall immediately have the body sent to a laboratory recognized by the State Department of Health and Mental Hygiene for pathological examination. Such laboratory shall, within twenty-four (24) hours, if the laboratory findings indicate a presence of rabies, notify the State Public Health Veterinarian, the State Department of Agriculture, the Administrator, and the Health Officer of such finding and reported human and animal contacts with the infected animal.
(CB-36-1985)

Sec. 3-193. Quarantine procedure.

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

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

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

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

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

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

(CB-36-1985; CB-109-1997)

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

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

(b) If the owner or custodian of any animal cannot provide proof of current vaccination against rabies, the animal shall be either humanely destroyed or immediately surrendered to the Animal Management Division of the Prince George's County Department of Environmental Resources which will hold the animal for up to fifteen (15) days while quarantine arrangements are being made. Said animal must be held in strict isolation in a facility and in a manner approved by the State Public Health Veterinarian, the Health Officer, or the Health Officer's designee for a total of six (6) months following the exposure. The animal must be vaccinated one (1) month prior to release from isolation. All costs relating to this holding or isolation shall be borne by the owner or custodian of the animal. If the owner requests that the animal be held in strict isolation, then the Health Officer, the Health Officer's designee, or State Public Health Veterinarian may make inspections deemed necessary to assure that the animal is in strict isolation. If the isolation agreement is violated, the animal shall be humanely destroyed and

tested for rabies unless an exception is made by the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian based on special circumstances.

(c) No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required in this Division when demand is made by the Administrator, the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian. (CB-36-1985; CB-109-1997; CB-26-2001)

Sec. 3-195. Destruction of rabid animal restricted.

(a) Except under the direction and supervision of the Health Officer or the Health Officer's designee, no person shall kill, or cause to be killed, any rabid animal, any animal which has had bite or nonbite contact with a human or any animal suspected of having been exposed to rabies.

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

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

(CB-36-1985; CB-26-2001)

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

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

(b) The Administrator shall supervise the disposition of the carcass of any animal in his possession found to be infected with rabies or of any dead animal which he deems to be a health menace or a hazard to the public health and welfare.

(CB-36-1985; CB-26-2001)

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

No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this Division when demand is made by the Administrator, the Health Officer or the State Public Health Veterinarian. (CB-36-1985)