

Amending Chapter 3, Animals and Fowl
Sponsored by: Councilmember Morgan

LEGISLATIVE RESOLUTION 21-0-11
RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO REPEAL
CHAPTER 3 “ANIMALS AND FOWL”, IN ITS ENTIRETY, AND TO ENACT A NEW
CHAPTER 3, “ANIMAL WELFARE”

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 3, “Animals and Fowl” to, in part, incorporate Subtitle 3, “Animal Control”, of the Prince George’s County Code, update various provisions and reflect current Town practice and procedures; and

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 3 “Animals and Fowl”, of the Code of the Town of University Park, be repealed in its entirety, and that a new Chapter 3, “Animal Welfare”, be enacted, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

~~[Brackets]~~ indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED
ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

CHAPTER 3 ANIMAL WELFARE

§ 3-101. INCORPORATION OF PRINCE GEORGE'S COUNTY ANIMAL CONTROL ORDINANCE.

A. THE TOWN HEREBY INCORPORATES BY REFERENCE ALL PROVISIONS CONTAINED IN THE PRINCE GEORGE'S COUNTY ANIMAL CONTROL ORDINANCE AS IT IS AMENDED FROM TIME TO TIME. A VIOLATION OF THE PRINCE GEORGE'S ANIMAL CONTROL ORDINANCE BY ANY PERSON IN THE TOWN SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

B. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A OF THIS SECTION, IN THE EVENT OF A CONFLICT BETWEEN THE COUNTY ANIMAL CONTROL ORDINANCE AND THIS CHAPTER, THE PROVISIONS OF THIS CHAPTER SHALL PREVAIL.

C. THIS CHAPTER MAY BE ENFORCED BY THE TOWN'S POLICE DEPARTMENT AND ANY OTHER PERSONS AUTHORIZED BY THE MAYOR AND COUNCIL. THE PROVISIONS OF THIS SECTION AUTHORIZE PRINCE GEORGE'S COUNTY THROUGH ITS ANIMAL CONTROL OFFICERS AND ITS COMMISSION FOR ANIMAL CONTROL TO ENFORCE THE PROVISIONS OF ITS ANIMAL CONTROL ORDINANCE ON PROPERTIES LOCATED WITHIN THE TOWN, INCLUDING WITHOUT LIMITATION THE PROVISIONS CONCERNING DOGS RUNNING AT LARGE AND DANGEROUS ANIMALS.

§ 3-102 CRUELTY, NEGLECT AND PROHIBITED ACTIONS.

A. EACH OWNER OR CUSTODIAN SHALL PROVIDE THE FOLLOWING, IN PROPER AMOUNT IN CONSIDERATION OF THE SPECIES, AGE, CONDITION, WEIGHT, AND SIZE, FOR EACH ANIMAL IN THAT PERSON'S CARE:

- (1) FOOD;
- (2) POTABLE WATER;
- (3) SHELTER AND PROTECTION FROM THE WEATHER;
- (4) SPACE;
- (5) EXERCISE;
- (6) CARE;
- (7) VETERINARY CARE;
- (8) GROOMING;
- (9) LIGHT;
- (10) TRANSPORTATION;
- (11) AIR; AND
- (12) SANITATION.

B. NO ANIMAL SHALL BE OVERDRIVEN, OVERLOADED, DEPRIVED OF NECESSARY SUSTENANCE, TORTURED, TORMENTED, MUTILATED, CRUELLY BEATEN, OR OTHERWISE

PHYSICALLY, PSYCHOLOGICALLY, EMOTIONALLY, OR SEXUALLY ABUSED, OR CRUELLY KILLED.

C. IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

(1) CARRY AN ANIMAL UPON A VEHICLE IN A MANNER THAT JEOPARDIZES THE ANIMAL'S HEALTH AND/OR SAFETY OR CAUSES THE ANIMAL UNNECESSARY PAIN AND SUFFERING.

(2) LEAVE AN ANIMAL UNATTENDED IN A STANDING OR PARKED VEHICLE IN A MANNER THAT JEOPARDIZES THE ANIMAL'S HEALTH AND/OR SAFETY OR CAUSES THE ANIMAL UNNECESSARY PAIN AND SUFFERING. A POLICE OFFICER OR ANIMAL CONTROL OFFICER MAY USE REASONABLE FORCE TO REMOVE AN ANIMAL LEFT UNATTENDED AND SHALL NOT BE HELD LIABLE FOR ANY DAMAGES AS A RESULT OF TAKING SUCH ACTION TO PROTECT THE ANIMAL'S HEALTH AND SAFETY.

(3) GIVE OR EXPOSE AN ANIMAL TO POISON, GROUND GLASS, CHEMICALS, OR OTHER HARMFUL SUBSTANCES WITH THE INTENT THAT THE ANIMAL INGEST IT. THIS WILL NOT APPLY TO RODENTICIDE USED IN A RESPONSIBLE MANNER TO DESTROY VERMIN. CARE MUST BE TAKEN TO PROTECT NONTARGETED SPECIES.

§3-103 ANIMALS AT LARGE PROHIBITED.

(A) ANY PERSON OWNING, KEEPING OR HAVING CUSTODY OF A DOG WITHIN THE TOWN LIMITS SHALL SECURE AND BE IN CONTROL OF SUCH ANIMAL BY MEANS OF A LEASH OR OTHER PHYSICAL CONNECTION, NOT EXCEEDING EIGHT FEET IN LENGTH, EXCEPT WHEN SUCH ANIMAL IS ON THE PREMISES OWNED OR OCCUPIED BY SAID PERSON. ANY DOG NOT CONTROLLED OR SECURED AS PROVIDED IN THIS SECTION AND/OR RUNNING AT LARGE AS DEFINED IN SEC. 3-101 OF THE PRINCE GEORGE'S COUNTY CODE, MAY BE APPREHENDED AND PLACED WITH PRINCE GEORGE'S COUNTY ANIMAL SERVICES AND ADOPTION CENTER.

(B) ANY DOG 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/CUSTODIAN OF ANY DOG RUNNING AT LARGE SHALL BE HELD STRICTLY LIABLE FOR A VIOLATION OF THIS CHAPTER, AND FOR ANY DAMAGES CAUSED BY SAID ANIMAL.

(D) THE IDENTITY OF AN INFORMANT REPORTING A DOG RUNNING AT LARGE WITHIN THE TOWN SHALL NOT BE DISCLOSED EXCEPT TO EMPLOYEES OF THE COUNTY ANIMAL CONTROL PROGRAM AND DULY AUTHORIZED LAW ENFORCEMENT OFFICERS.

(E) ANY COUNTY ANIMAL CONTROL OFFICER, POLICE OFFICER, OR OTHER AGENT AUTHORIZED OR EMPOWERED TO PERFORM ANY DUTY UNDER THIS CHAPTER MAY PURSUE ANY DOG AT LARGE OR RUNNING AT LARGE AND MAY GO UPON ANY PREMISES FOR

IMPOUNDING THE DOG AT LARGE OR RUNNING AT LARGE. IF THE DOG 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 DOG WITHIN THE ENCLOSED INTERIOR PORTION OF THEIR PREMISES, THE ANIMAL CONTROL OFFICER OR POLICE OFFICER MAY DIRECT THE OWNER OR CUSTODIAN TO SURRENDER THE DOG 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.

(F) 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.

§3-104. EXCESSIVE NOISE BY AN ANIMAL PROHIBITED.

(A) NO PERSON WHO OWNS, KEEPS, OR HAS POSSESSION OF 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.

§3-105 ANIMAL WASTE.

NO PERSON OWNING, KEEPING OR HAVING CUSTODY OF A DOG, EXCEPT A SERVICE DOG, IN THE TOWN SHALL ALLOW OR SUFFER THE SOLID WASTE OF THAT ANIMAL TO REMAIN IN ANY PUBLIC PLACE, EXCEPT IN RECEPTACLES AUTHORIZED FOR THAT PURPOSE BY THE TOWN, OR ON ANOTHER'S PRIVATE PROPERTY, WITHOUT THE EXPRESS CONSENT FROM THE OWNER OR OCCUPANT THEREOF.

§ 3-106. ANIMAL BURIAL PROHIBITED.

NO PERSON SHALL DEPOSIT OR BURY THE BODY OF ANY DEAD ANIMAL WITHIN THE TOWN.

§3-107 FARM ANIMALS.

FARM ANIMALS MAY BE KEPT ONLY ON PROPERTY WHICH HAS BEEN SPECIFICALLY ZONED BY PRINCE GEORGE'S COUNTY TO PERMIT SUCH KEEPING.

§3-108 LICENSES AND PERMITS REQUIRED.

EVERY ANIMAL KEPT WITHIN THE TOWN SHALL BE LICENSED BY PRINCE GEORGE'S COUNTY IF COUNTY LAW REQUIRES A LICENSE FOR AN ANIMAL OF THAT TYPE. EVERY PERSON WHO IS REQUIRED BY COUNTY LAW TO OBTAIN AN ANIMAL HOBBY PERMIT OR OTHER PERMIT SHALL OBTAIN SUCH PERMIT FROM THE COUNTY.

§ 3-109 RABIES VACCINATION.

ALL CATS, DOGS, AND FERRETS AT LEAST FOUR MONTHS OF AGE OR OLDER SHALL BE PROPERLY VACCINATED AGAINST RABIES WHILE KEPT WITHIN THE TOWN.

§ 3-110 CONFINEMENT AND MUZZLING OF ANIMALS

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CHAPTER, UPON ORDER OF THE TOWN, ANY DANGEROUS OR VICIOUS ANIMAL OR AN ANIMAL WITH A HISTORY OF BITING PEOPLE OR OTHER ANIMALS SHALL BE CONFINED WITHIN A BUILDING OR SECURE ENCLOSURE. WHEN NOT CONFINED, SUCH ANIMAL SHALL BE MUZZLED AT ALL TIMES.

§ 3- 111. PENALTY.

A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE AN INFRACTION AND SHALL SUBJECT THE OWNER/CUSTODIAN OF THE DOG TO A FINE OF \$200.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this 24th ~~18th~~ day of January, 2022

ATTEST:

TC Hegeman
TC Hegeman, Town Clerk

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: [Signature]
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Suellen M. Ferguson
Suellen M. Ferguson, Town Attorney

21-O-11 Signed by LC

Final Audit Report

2022-02-09

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