

CHAPTER 14

ANIMAL CONTROL (MUNICIPAL INFRACTIONS)

- §14-101. Appointment of animal control officer.
- §14-102. Definitions.
- §14-103. Dogs running at large prohibited.
- §14-104. Female animals in heat; confinement.
- §14-105. **Public Nuisance Animals and Conditions; Prohibition of Nuisances (Ord. 6-2005)**
- §14-106. Abatement of public nuisance conditions and animals; restrictions on properties that house public nuisance animals (Ord. 6-2005, 04/05/2005).**
- §14-107 **Power to impound (Ord. 6-205, 04/05/2005)**
- §14-108. Interference with impounding of animals.
- §14-109. License required.
- §14-110. City animal hobby permit required. (Ord. 6-2005, 04/05/2005)**
- §14-111. Vaccinations of dogs and cats.
- §14-112. Removal of excrement. (Ord. 6-2005, 04/05/2005)**
- §14-112-A Diseased animals.
- §14-113. Liability for injury to or destruction of an animal. (Ord. 6-2005, ,04/05/2005).**
- §14-114. Report of person bitten by animal.
- §14-115 Care and treatment of animals.
- §14-116 Penalty.
- §14-117. Adoption by reference of County animal control ordinances. (Ord. 6-2005, 04/05/2005)**

Section 14-101. Appointment of animal control officer.

The animal control officer shall mean the City Manager or his or her designee for the purpose of enforcing the provisions of this chapter.(Ord 6-2005, 04/05/2005)

Section 14-102. Definitions.

Animal: shall mean any and all types of animals, both domesticated and wild, male and female, except human.

Animal at large: shall mean an animal not under restraint and off the premises of the owner.

Animal control shelter: shall mean any facility designated by the mayor and city council for the detention of animals in violation of this chapter.

Dog: shall mean any member of the canine species, both male and female.

Dog under restraint: shall mean dog secured by a leash or lead not to exceed six (6) feet in

length and under the control of a responsible person, or within the confines of a vehicle, or within the real property limits of its owner.

Owner: shall mean any person owning, keeping, harboring, or acting as temporary or permanent custodian of an animal. The parent(s) or guardian(s) of a minor shall be deemed to be the owners of an animal owned or in the possession or control of the minor child for purposes of this chapter and shall be liable for all damages caused by the animal.

Section 14-103. Dogs running at large prohibited.

It shall be unlawful for any owner, possessor, keeper, or harbinger of any dog, to permit said dog to be upon the public streets, sidewalks, roadways, alleys, or any other person's property when not restrained by a leash or lead, not to exceed six (6) feet in length and under the control of a person competent and able to control said dog.

Section 14-104. Female animals in heat; confinement.

Every female animal in heat shall be kept confined in a building or secure enclosure by the owner, in such a manner that she will not be in contact (except for intentional breeding) with another animal or create a nuisance by attracting other animals.

Section 14-105. Public Nuisance Animals and Conditions; Prohibition of nuisances..

- A. 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:
1. Is repeatedly found at large(two (2) or more times within a six-month period);
 2. Damages the property of anyone other than its owner;
 3. Causes fouling of the air by odors thereby causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the property where the animal is kept or harbored;
 4. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 5. By virtue of the number or types of animals maintained, is dangerous or offensive to public health, safety, or welfare;

6. Excessively makes disturbing noises (including, but not limited to, continued and repeated barking, yelping, or howling, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the property where the animal is kept or harbored;
 7. Molests or intimidates pedestrians or passersby;
 8. Chases vehicles; or
 9. Attacks other domestic animals.
- B. Public nuisance condition shall mean an unsanitary, dangerous, or offensive condition occurring on any property in the City caused by the size, number or types of animals maintained, kept or harbored, or due to the inadequacies of the care or treatment of any animals. A public nuisance condition shall be deemed to exist on any property where an animal is maintained, kept, or harbored under conditions which constitute cruelty to such animal, or where the animal maintained, kept, or harbored is a public nuisance animal.
- C. No person shall keep or maintain any animal in the City in such manner as to cause or permit the animal to be a public nuisance animal or to cause or permit the animal to cause a public nuisance condition.
(Ord 6-2005, 04/05/2005)

Section 14-106. Abatement of public nuisance conditions and animals; restrictions on properties that house public nuisance animals.

- A. No owner or custodian of an animal shall fail to abate a public nuisance condition caused by any animal owned by him or her or under his or her control or any other violation of this chapter after having received a violation notice or municipal infraction citation from the animal control officer.
- B. In addition to any other remedy provided by this chapter or applicable law, if the animal control officer issues a violation notice or municipal infraction citation for a public nuisance condition or other violation of this chapter, the animal control office may place the property where the animal is kept on a probation status for up to a one-year period. The owner or custodian of the animal shall be issued a written notice advising of the probation status of the property and the penalties for a second violation within a one-year period.
 1. If a second violation notice or municipal infraction citation is issued in the one-

year probation period, then the City Manager may require that the number of animals on the property be reduced to a specific number, may impose conditions on the keeping of that particular animal or may prohibit the keeping of animals on the property if it is deemed necessary in order to protect public health or safety, to prevent danger to any person or property, or to prevent further violations of this chapter.

2. Failure to comply with a notice or condition of probation status issued under this section shall be a violation of this chapter and subject to the penalties specified in Section 14-116.
3. A notice of probation status or probation condition may be appealed to the Appeals Panel as provided by Section 3A-103B. (Section PM-110.0, Means of Appeal). The filing of an appeal shall not stay the enforcement or imposition of the notice of probation status or any condition of the probation status.
(Ord 6-2005, 04/05/2005)

Section 14-107. Power to impound.

Any animal found running at large within the City may be impounded and taken to the County Animal Control facility. The animal control officer or any Mount Rainier police officer is authorized to enter upon any premises and seize for impounding any animal which the officer may legally seize, when the officer is in immediate pursuit of such animal, except upon the premises of the owner of the animal, if the owner is present and forbids the entry of the officer. In such a case, a notice of violation shall be issued or a warrant obtained according to law at the request of the officer. (Ord 6-2005, 04/05/2005)

Section 14-108. Interference with impounding of animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any provision of this chapter.

Section 14-109. License required.

It shall be unlawful for any dog, cat or ferret which is four months of age or older to be kept, owned, or harbored within the City of Mount Rainier, unless that dog, cat, or ferret has a current license as required by Prince George's County. The license tag shall be securely fastened to each dog's collar or harness. Any dog not wearing a license tag of the current year or issue shall prima facie be deemed to be unlicensed. (Ord 6-2005,04/05/2005)

Section 14-110. City animal hobby permit required.

- A. Any person who is required under Prince George's County law to obtain an animal hobby permit for the keeping of five or more animals larger than a Guinea Pig or over the age of four months shall also obtain an animal hobby permit from the City of Mount Rainier.
- B. Application for a City animal hobby permit shall be made to the City Manager or his/her designee on forms prescribed by the City. A City animal hobby permit shall be issued upon proof that a valid Prince George's County animal hobby permit has been issued and is in force; provided, however, that the City Manager or his/her designee may refuse to issue a City animal hobby permit or may suspend or revoke a permit if the owner fails to comply with any of the provisions of this chapter or with all applicable Federal, State, County and City animal control laws and regulations.
- C. The annual fee shall be \$5.00 and the City animal hobby permit shall be valid for one year from the date of issue. The City animal hobby permit shall be issued for the address and owner listed on the application and shall not be transferable to any other address or owner.
- D. The decision of the City Manager not to issue or to suspend or revoke a City animal hobby permit may be appealed to the Mayor and Council within 15 days after the City Manager's decision. The appeal procedure shall be as set forth in Section 7-107 C-D, except that (1) references to the "Code Enforcement Officer " shall be read as the "City Manager or his/her designee," and (2) the appeal shall be to the Mayor and Council rather than to the City Manager.
(Ord 6-2005, 04/05/2005)

Section 14-110-A. Diseased animals.

No animal suffering from mange, eczema, ringworm, hepatitis, or any other contagious disease, shall be permitted off the premises of the owner within the City of Mount Rainier, except as may be required for treatment of the animal by a licensed veterinarian. (Ord 6-2005/04/05/2005)

Section 14-111. Vaccination of dogs and cats.

No person shall own or harbor any dog or cat over the age of four (4) months within the City of Mount Rainier without a valid rabies vaccination.

Section 14-112 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:
1. Remain on private property without the consent of the owner or occupant thereof;
 2. Accumulate, rendering the property of the owner offensive or dangerous to public health; or
 3. Remain on public property, including and public street, sidewalk, roadway, or alley in the City.
- B. The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal.

Section 14-113. Liability for injury to or destruction of an animal.

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 the destruction and is in the act of pursuing, attacking, or wounding a human or another animal.

Section 14-114. Report of person bitten by animal.

A report of circumstances of a person being bitten by an animal shall be made promptly to the Mount Rainier police department by anyone having personal knowledge of the incident. The police officer, within twenty-four (24) hours, shall notify the animal control officer of the details of the incident.

Section 14-115. Care and treatment of animals.

It shall be a violation of this chapter for the owner or custodian of any animal to fail to provide sufficient food, water, clean and sanitary surroundings and shelter, and protection from the weather, veterinary care when needed to prevent suffering or the transmission of communicable disease, and humane care and treatment. It shall also be a violation to abandon an animal, to beat, ill-treat, torment or physically abuse.

Section 14-116. Penalty.

Any person, persons, firm, corporation or stock company violating any provision of this chapter shall be issued a citation for a municipal infraction with a fine of seventy-five dollars

(\$75) for each offense. Each day the violation continues is a separate offense.

Section 14-117. Adoption by reference of County animal control ordinances.

For the purpose of establishing rules and regulations dealing with animal control, the City of Mount Rainier adopts the animal control laws, ordinances, and regulations of Prince Georges County, Maryland by reference, as amended and adopted from time to time, except in any instance in which a conflict exists with an ordinance of the city. (See Prince George's County Code Subtitle 3. Animal Control, Section 3-101, et Seq.)

[Note: Prince George's County Code § 3-176 deals with "keeping wild or exotic animals." That section applies in Mount Rainier.]

(Ord. 6-2005 04/05/2005)