

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-23-01
Introduced by: City Council
Date Introduced: October 3, 2022
First Reading: October 3, 2022
Second Reading: October 10, 2022
Date Passed: October 10, 2022
Date Effective: November 16, 2022

AN ORDINANCE concerning

CHAPTER 54 – Animals

FOR amending Chapter 54 – Animals of the Code of the City of Seat Pleasant for the definition, licensing, Animal Control, Running at Large, impounding, violations, and penalties.

BY amending Chapter 54 – Animals
Section 54-4, 54-5, 54-6, 54-7, 54-8 and 54-14
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 5-202(1) and § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the Council of the City of Seat Pleasant (the “City Council”) has the power to pass all ordinances not contrary to the Constitution and laws of Maryland or the Charter as it may deem necessary for the good government of the City; and

WHEREAS, the City Council desires to amend Chapter 54 – Animals of the Code of the City of Seat Pleasant for the purposes of clarifying the definitions, licensing animal control, running at large, impounding, violations, and penalties; and

WHEREAS, the City Council deems it in the interest of the public health, welfare, and safety of the citizens of The City of Seat Pleasant, and for the good government of The City of Seat Pleasant, to enact this Ordinance and to take the actions as described herein.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that Sections 54-4, 54-5, 54-6, 54-7, 54-8 and 54-14 of the Code of the City of Seat Pleasant (1994 Edition, as amended) be and it hereby is amended to read as follows:

§ 54-4. Definitions.

ABANDON-TO DESERT AN ANIMAL WITHOUT HAVING SECURED ANOTHER OWNER OR CUSTODIAN FOR THE ANIMAL OR BY FAILING TO PROVIDE THE ELEMENTS OF PROPER CARE AS DEFINED HEREIN.

ANIMAL-ANY NONHUMAN SPECIES OF ANIMAL, BOTH DOMESTICATED AND WILD. THIS INCLUDES, BUT IS NOT LIMITED TO DOGS, CATS, FERRETS, BIRDS, EXOTIC AND WILD SPECIES.

ANIMAL CONTROL SHELTER-ANY FACILITY DESIGNATED BY THE CITY OF SEAT PLEASANT FOR THE CARE, CONFINEMENT, OR DETENTION OF ANIMALS.

AT LARGE — ((Off the premises of the owner and not under the control of the owner or a member of his/her immediate family either by leash, cord, chain or otherwise.)) ANY ANIMAL NOT UNDER RESTRAINT AND OFF THE PREMISES OF ITS OWNERS EXCEPT WITHIN AN OFF-LEASH DOG PARK.

DANGEROUS ANIMALS

A. ANY ANIMAL WHICH DEMONSTRATES THE POTENTIAL TO INFLICT BITES ON HUMANS BY CHASING OR APPROACHING A PERSON IN A MENACING FASHION OR APPARENT ATTITUDE OF ATTACK NOT ON ITS OWNER'S PROPERTY; OR ANY ANIMAL WITH A KNOWN PROPENSITY, TENDENCY, OR DISPOSITION TO ATTACK UNPROVOKED, TO CAUSE INJURY OR DEATH TO HUMANS OR DOMESTIC ANIMALS.

B. THE COUNTY COMMISSION FOR ANIMAL CONTROL DETERMINES WHETHER AN ANIMAL IS DANGEROUS

DOG — NO CHANGES

EXOTIC ANIMAL-ANY ANIMAL NOT ORDINARILY DOMESTICATED AND NOT INDIGENOUS TO MARYLAND, THAT A PERSON IS PERMITTED TO OWN OR POSSESS UNDER THE LAWS OF THE STATE OF MARYLAND AND PRINCE GEORGE'S COUNTY.

FERAL ANIMALS-ANIMALS THAT ARE EXISTING IN A WILD OR UNSOCIALIZED STATE.

OWNER — ((Any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.)) ANY PERSON, PARTNERSHIP, ASSOCIATION, FRATERNITY, SORORITY, OR CORPORATION OWNING, KEEPING, HARBORING OR ACTING AS CUSTODIAN OF AN ANIMAL.

PUBLIC NUISANCE ANIMAL:

A PUBLIC NUISANCE ANIMAL IS ANY ANIMAL WHICH UNREASONABLY:

- (1) ANNOYS HUMANS; OR
- (2) ENDANGERS THE LIFE OR HEALTH OF OTHER ANIMALS OR PERSONS; OR
- (3) GIVES OFFENSE TO HUMAN SENSES; OR
- (4) WHICH SUBSTANTIALLY INTERFERES WITH THE RIGHTS OF RESIDENTS, OTHER THAN ITS OWNER, TO ENJOYMENT OF LIFE OR PROPERTY.

A PUBLIC NUISANCE ANIMAL INCLUDES ANY ANIMAL THAT:

- (1) IS REPEATEDLY FOUND AT LARGE;
- (2) PERMANENTLY DAMAGES THE PROPERTY OF ANYONE OTHER THAN ITS OWNER;
- (3) MOLESTS OR INTIMIDATES PEDESTRIANS OR PASSERSBY;
- (4) CHASES VEHICLES;
- (5) 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;
- (6) 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;
- (7) CAUSES UNSANITARY CONDITIONS IN ENCLOSURES OR SURROUNDINGS WHERE THE ANIMAL IS KEPT OR HARBORED;
- (8) BY VIRTUE OF THE NUMBER OR TYPES OF ANIMALS MAINTAINED, IS OFFENSIVE OR DANGEROUS TO THE PUBLIC HEALTH, SAFETY, OR WELFARE;
- (9) ATTACKS OTHER DOMESTIC ANIMALS; OR
- (10) HAS BEEN FOUND BY THE COUNTY 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.

PUBLIC NUISANCE CONDITION-ANY 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. A PUBLIC NUISANCE CONDITION SHALL BE DEEMED TO EXIST ON ANY PREMISES ON WHICH CRUELTY EXISTS.

WILDLIFE- ANIMALS NOT COMMONLY KEPT AS PETS THAT ARE GENERALLY FOUND LIVING IN A NATURAL HABITAT, AND ARE NOT TAMED, DOMESTICATED, OR SOCIALIZED IN ANY MANNER.

§ 54-5. License and ((registration)) PERMITS required; fees.

((All dogs kept, harbored, or maintained by their owners in the City of Seat Pleasant shall be licensed and registered if over six months of age. Dog licenses shall be issued by the City Clerk upon payment of a license fee as set forth from time to time by resolution of the City Council.¹ The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his/her name and address and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city nor to dogs brought into the city for the purpose of participating in any dog show nor to Seeing Eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.))

EVERY ANIMAL KEPT WITHIN THE CITY SHALL BE LICENSED BY THE 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.

§ 54-6. ((Tag and collar; fees.)) ANIMAL CONTROL

((Upon payment of the license fee, the Clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee as set forth from time to time by resolution of the City Council for such duplicate.² Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before expiration of the license period))

A. THE CITY 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 CITY SHALL CONSTITUTE A VIOLATION OF THIS SECTION.

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. THE PROVISIONS OF THIS SECTION ARE NOT INTENDED TO DISPLACE OR PREVENT THE COUNTY FROM ENFORCING THE PROVISIONS OF ITS ANIMAL CONTROL ORDINANCE ON PROPERTIES LOCATED WITHIN THE CITY. FURTHERMORE, WHEN AUTHORIZED BY THE APPROPRIATE COUNTY OFFICIAL, A CITY ANIMAL CONTROL OFFICER MAY ENFORCE THE PROVISIONS OF THE COUNTY ANIMAL CONTROL ORDINANCE

§ 54-7. Running at large.

((No owner or keeper of any dog shall permit such dog to run at large if unlicensed nor shall a dog be permitted to run at large at any time between the months of April and October of each year, whether licensed or unlicensed. At all other times it shall be unlawful to permit any dog to run at large between the hours of 8:00 p.m. of one day and 9:00 a.m. of the following day.))

IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY ANIMAL TO ALLOW SUCH ANIMAL TO BE AT LARGE IN THE CITY OF SEAT PLEASANT. AN ANIMAL OFF THE PREMISES OF ITS OWNER SHALL BE CAGED OR LEASHED SO AS TO EFFECTIVELY CONTROL THE ANIMAL AND SHALL BE UNDER THE IMMEDIATE SUPERVISION AND CONTROL OF A PERSON OF SUITABLE AGE AND DISCRETION WHO SHALL BE AT ALL TIMES IN PHYSICAL CONTACT WITH THE LEASH AND SHALL PREVENT THE ANIMAL FROM MAKING CONTACT WITH OTHER PERSONS OR ANIMALS WITHOUT THE PERMISSION OF SUCH PERSON OR OF THE OWNER OF SUCH ANIMAL. THIS REQUIREMENT, THAT A DOG BE LEASHED OR CAGED WHEN OFF PREMISES DOES NOT APPLY TO PUBLIC ACCESS AREAS IDENTIFIED AS OFF-LEASH DOG PARKS.

NO OWNER OR CUSTODIAN OF ANY ANIMAL SHALL ALLOW OR FAIL TO PREVENT SUCH ANIMAL FROM BEING AT LARGE WITHIN THE CITY. ANY ANIMAL FOUND AT LARGE OR RUNNING AT LARGE IS DECLARED TO BE A NUISANCE AND DANGEROUS TO THE PUBLIC HEALTH, SAFETY, WELFARE.

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, CORD OR CHAIN AND SHALL NOT APPLY TO ANY DOG FREE OF RESTRAINT ON PROPERTY OWNED BY THE CITY AND DULY DESIGNATED BY THE CITY COUNCIL AS A DOG PARK.

NO ANIMAL RUNNING AT LARGE BY ACCIDENT WITH A PERSON IN IMMEDIATE PURSUIT OF IT SHALL BE DEEMED TO BE RUNNING AT LARGE OR A STRAY.

§ 54-8. Impounding.

((It shall be the duty of every police officer or code enforcement officer to apprehend any dog found running at large contrary to the provisions of § 54-7 and to impound such dog in the county pound or other suitable place.))

ANY ANIMAL CONTROL OFFICER, POLICE OFFICER, CODE ENFORCEMENT 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 OFFICER OR OTHER AGENT AUTHORIZED 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 OFFICER OR OTHER AGENT AUTHORIZED SHALL DIRECT THE OWNER OR CUSTODIAN TO SURRENDER THE ANIMAL FOR IMPOUNDMENT.

NO PERSON, AFTER HAVING BEEN DIRECTED BY AN OFFICER OR OTHER AGENT AUTHORIZED TO SURRENDER AN ANIMAL FOR IMPOUNDMENT, SHALL FAIL TO SURRENDER THE ANIMAL IMMEDIATELY. FAILURE TO SURRENDER AN ANIMAL FOR IMPOUNDMENT UPON DEMAND BY AN OFFICER OR OTHER AGENT AUTHORIZED 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 CITY MAY IMPOSE CIVIL PENALTIES.

§ 54-14. Violations and penalties.

Any owner found violating any provision of this Article shall be ((guilty of a misdemeanor and, upon conviction thereof, shall be punished by a)) fined IN THE FOLLOWING MANNER ((of not less than \$400.00.)):

AT LARGE OR RUNNING AT LARGE NO INCIDENT

FIRST OFFENSE \$50

SECOND OFFENSE: *WITHIN A CALENDAR YEAR OF FIRST INCIDENT*

\$100

THIRD OR SUBSEQUENT OFFENSE: *WITHIN A CALENDAR YEAR OF FIRST INCIDENT*

\$ 500 AND REMOVAL BY PRINCE GEORGE'S COUNTY

AT LARGE OR RUNNING AT LARGE WITH INCIDENT

FIRST OFFENSE

\$200

SECOND OFFENSE: *WITHIN A CALENDAR YEAR OF FIRST INCIDENT*

\$400 POSSIBLE IMPOUNDMENT OR REMOVAL BY PRINCE GEORGES COUNTY

THIRD OR SUBSEQUENT OFFENSE: *WITHIN A CALENDAR YEAR OF FIRST INCIDENT*

\$1000 AND REMOVAL BY PRINCE GEORGES COUNTY

FAILURE TO SURRENDER ANIMAL FOR IMPOUNDMENT

\$500.00 OR BY IMPRISONMENT NOT TO EXCEED NINETY (90) DAYS IN THE COUNTY DETENTION CENTER, OR BOTH.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the passage of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

Monica Higgs

9F7E0B70B76C4E9
Monica Higgs, Councilmember

DocuSigned by:

Hope Love

C17C3D8991C490
Hope Love, Councilmember

DocuSigned by:

Shireka McCarthy

4D9749502EBC47E7
Shireka McCarthy, Councilmember

DocuSigned by:

Gerald R. Raynor, Sr.

E17DAF8E8D120A
Gerald R. Raynor, Sr., Councilmember

DocuSigned by:

Kizzie Scott

42E860D4B370405
Kizzie Scott, Councilmember

DocuSigned by:

Gloria L. Sistrunk

F57C188C40A1427
Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:

Dashaun N. Lanham

88F79229C95A45B
Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the mayor for his approval or disapproval pursuant to § C-313 of the Charter of the City of Seat Pleasant this October 11, 2022.

DocuSigned by:
Dashaun N. Lanham

Dashaun Lanham, CMC
City Clerk

In accordance with § C-313 of the Charter of the City of Seat Pleasant, I hereby (APPROVE) (DISAPPROVE) of this Ordinance this 10/12/2022, 2022.

DocuSigned by:
Kelly Porter

Kelly Porter, Mayor

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.