

Chapter 54

ANIMALS

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[HISTORY: Adopted by the Mayor and Council of the Town (now City) of Seat Pleasant as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 112.

Parks — See Ch. 116.

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ARTICLE I

General Provisions

[Adopted 12-16-1968 as Ch. 14, §§ 14-18 and 14-19, of the 1968 Code]

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§ 54-1. Keeping of certain animals restricted.

No person shall raise, keep or maintain any pigeons, live poultry, rabbits or livestock in such a way as to constitute a nuisance or in any way be a menace to the public health.

§ 54-2. Keeping of certain animals prohibited.

It shall be unlawful for any person to keep any live swine, sheep, goats, horses or animals of the horse kind or cows or animals of the bovine kind in the City.

§ 54-3. Violations and penalties. [Added 2-14-1994 by Ord. No. 94-01]

Violation of any of the provisions of this article will constitute a municipal infraction, punishable by a fine of \$400.

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ARTICLE II
Animal Control¹
[Adopted 2-14-1994 by Ord. No. 94-01]

§ 54-4. Definitions.

As used in this article, unless the context otherwise indicates, the following terms shall have the meanings indicated:

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. **[Added 10-10-2022 by Ord. No. O-23-01]**

ANIMAL — Any nonhuman species of animal, both domesticated and wild. This includes, but is not limited to, dogs, cats, ferrets, birds, and exotic and wild species. **[Added 10-10-2022 by Ord. No. O-23-01]**

ANIMAL CONTROL SHELTER — Any facility designated by the City of Seat Pleasant for the care, confinement, or detention of animals. **[Added 10-10-2022 by Ord. No. O-23-01]**

AT LARGE — Any animal not under restraint and off the premises of its owners except within an off-leash dog park. **[Amended 10-10-2022 by Ord. No. O-23-01]**

DANGEROUS ANIMALS — **[Added 10-10-2022 by Ord. No. O-23-01]**

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 — Both male and female.

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. **[Added 10-10-2022 by Ord. No. O-23-01]**

FERAL ANIMALS — Animals that are existing in a wild or unsocialized state. **[Added 10-10-2022 by Ord. No. O-23-01]**

OWNER — Any person, partnership, association, fraternity, sorority, or corporation owning, keeping, harboring or acting as custodian of an animal. **[Amended 10-10-2022 by Ord. No. O-23-01]**

PUBLIC NUISANCE ANIMAL — **[Added 10-10-2022 by Ord. No. O-23-01]**

A. 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.

B. A public nuisance animal includes any animal that:

- (1) Is repeatedly found at large;

1. **Editor's Note:** The title of this Art. II was changed from "Dogs" to its current title pursuant to 10-10-2022 by Ord. No. O-23-01.

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- (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. **[Added 10-10-2022 by Ord. No. O-23-01]**

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. **[Added 10-10-2022 by Ord. No. O-23-01]**

§ 54-5. License and permits required; fees. [Amended 10-10-2022 by Ord. No. O-23-01]

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. Animal control. [Amended 10-10-2022 by Ord. No. O-23-01]

- 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 County animal control ordinance by any person in the City shall constitute a violation of this article.
- 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. [Amended 10-10-2022 by Ord. No. O-23-01]

- A. 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

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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.

- B. 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, and welfare.
- C. 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.
- D. 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. [Amended 10-10-2022 by Ord. No. O-23-01]

- A. Any animal control officer, police officer, code enforcement officer or other agent authorized or empowered to perform any duty under this article 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.
- B. 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 \$500 or by imprisonment not to exceed 90 days in the county detention center, or both. In addition to the criminal penalty hereby imposed, the City may impose civil penalties.

§ 54-9. Notice to owner; redemption.

Not later than five days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for 10 days at three or more conspicuous places in the City of Seat Pleasant describing the dog and place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the City of Seat Pleasant for impounding and maintenance of said dog. Charges as set forth from time to time by resolution of the City Council shall be paid to the City Treasurer for impounding any dog, for keeping any dog and for giving notice.²

§ 54-10. Confinement.

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this article, it shall be taken up and impounded and shall not be released except upon approval of the City Administrator after payment of the fees provided in § 54-9; provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.

§ 54-11. Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he/she

2. Editor's Note: The current schedule of charges is on file in the City offices.
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 deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his/her premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be taken to the county pound for termination. Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in § 54-9. If unclaimed after that period, such dog may be summarily destroyed.

§ 54-12. Rabies notice.

- A. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the county of the fact that his/her dog has been exposed to rabies, and at his/her discretion, the Poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.
- B. It shall be unlawful for any person knowing or suspecting that a dog has rabies to allow such dog to be taken off his/her premises or beyond the limits of the City without the written permission of the City Administrator. Every owner or other person, upon ascertaining that a dog is rabid, shall immediately notify the Poundmaster or a policeman who shall either remove the dog to the pound or summarily destroy it.

§ 54-13. Vaccination.

It shall be unlawful for the owner of any dog to keep, maintain or allow such dog to run at large unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine within one year preceding the date on which such dog is kept, maintained or allowed to run at large.

§ 54-14. Violations and penalties. [Amended 3-27-2017 by Ord. No. O-17-15; 10-10-2022 by Ord. No. O-23-01]

Any owner found violating any provision of this article shall be fined in the following manner:

- A. At large or running at large, no incident:
 - (1) First offense: \$50.
 - (2) Second offense within a calendar year of first incident: \$100.
 - (3) Third or subsequent offense within a calendar year of first incident: \$500 and removal by Prince George's County.
- B. At large or running at large with incident:
 - (1) First offense: \$200.
 - (2) Second offense within a calendar year of first incident: \$400; possible impoundment or removal by Prince George's County.
 - (3) Third or subsequent offense within a calendar year of first incident: \$1,000 and removal by Prince George's County.
- C. Failure to surrender animal for impoundment: \$500 or by imprisonment not to exceed 90 days in the county detention center, or both.