

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 102, “DOGS AND OTHER ANIMALS”, BY REPEALING
AND REENACTING §§102-1 “DEFINITIONS”, 102-2 “NOTIFICATION OF
VIOLATION”, 102-3 “RESTRAINT OF ANIMALS”, 102-5 “RABIES
VACCINATION”, 102-6 “ANIMALS FOUND AT LARGE”, 102-7,
“IMPOUNDMENT”, 102-9, “CRUELTY, NEGLECT AND OTHER PROHIBITED
ACTIONS”, 102-10, “CAPTURE AND REMOVAL” AND 102-13, “ABANDONED
ANIMALS” AND ENACTING §§ 102-9 “CRUELTY, NEGLECT AND PROHIBITED
ACTIONS” AND 102-13 “ABANDONED ANIMALS”, TO CHANGE THE TITLE OF
THE CHAPTER TO “ANIMAL WELFARE” AND TO CHANGE DEFINITIONS,
CLARIFY IMPOUNDMENT RULES, PROHIBIT CRUELTY, NEGLECT AND
OTHER ACTIONS, TO MAKE THE CODE MORE COMPATIBLE WITH COUNTY
ANIMAL MANAGEMENT REGULATIONS, TO MAKE PROVISION FOR
ABANDONED ANIMALS, AND TO MAKE OTHER CLARIFYING CHANGES.

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City provides for regulation of dogs and other animals through Chapter 102 of the City Code; and

WHEREAS, the Animal Welfare Committee and the City’s Animal Control Officer have proposed various revisions to Chapter 102 to make it more current and more compatible with County animal management regulations, which are incorporated in the Chapter by reference; and

WHEREAS, the Mayor and Council determined that it is in the public interest to amend Chapter 102 to adopt the proposed revision.

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that the title of Chapter 102 be and it is hereby repealed, reenacted and amended to read as Chapter 102, [~~Dogs and Other Animals~~] ANIMAL WELFARE.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-1, “Definitions” be and it is hereby repealed, reenacted and amended to read as follows:

§ 102-1 Definitions.

The following definitions shall apply when used in this chapter:

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 NON-HUMAN SPECIES OF animal, BOTH [~~wild or~~] domesticated [~~except fish~~] AND WILD. This includes but is not limited to dogs, cats, [~~fowl, rabbits, rodents~~] FERRETS, BIRDS, EXOTIC and [~~reptiles~~] WILD SPECIES.

ANIMAL CONTROL SHELTER

Any facility designated by the City of College Park for the CARE, CONFINEMENT OR detention of animals.

ANIMAL CONTROL OFFICER

* * * *

AT LARGE

Any animal not under restraint and off the premises of its owners EXCEPT WITHIN AN OFF-LEASH DOG PARK.

[CHAIRPERSON

~~The Chairperson of the Animal Control Board]~~

CITY

The City of College Park~~[, Maryland]~~.

COUNTY

* * * *

DANGEROUS ANIMALS

~~[Uncontrolled animals traveling in packs, abandoned pets living in a wild state or animals accustomed to existing in or near a human environment which are a menace to the public health, safety or welfare.]~~

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.

DEPARTMENT

The Public Services Department of the City of College Park ~~[, Maryland]~~.

DIRECTOR

The Director of Public Services of the City of College Park ~~[, Maryland]~~.

EXOTIC ANIMAL

* * * *

~~**[FARM ANIMAL**~~

~~Any animal which is usually found or kept on a farm and used for agricultural purposes. This includes but is not limited to horses, cattle, swine, chickens and sheep.]~~

FERAL ANIMALS

Animals that are ~~[no longer domesticated and have become wild]~~ EXISTING IN A WILD OR UNSOCIALIZED STATE.

[NUISANCE

~~Any animal or animals which disturb the public or private peace or are detrimental to public health, safety or welfare. This will include but is not limited to animals which:~~

- ~~— A. Are found at large.~~
- ~~— B. Are found to be dangerous or vicious.~~
- ~~— C. Befoul the air with offensive odors.~~
- ~~— D. Are the cause of unsanitary conditions of enclosures or surroundings.~~
- ~~— E. Damage the property of anyone other than their owners.~~

~~— F. Are kept in such numbers, more than four, so that, by those very numbers, they offend the public health, safety or welfare.~~

~~— G. By barking, howling or making other offensive noises, disturb the public or private peace.~~

~~— H. Molest persons or vehicles passing by.~~

~~— I Attack other animals.~~

~~— J. Bite, scratch or otherwise injure a human other than their owners.]~~

OWNER

* * * *

PUBLIC NUISANCE ANIMAL

A. A PUBLIC NUISANCE ANIMAL IS 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
- (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;
- (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.

[VICIOUS ANIMAL

~~Any animal which constitutes a physical threat to persons or domestic animals by reason of:~~

~~A. Being dangerously aggressive without provocation;~~

~~B. Having attacked or bitten persons or animals; or~~

~~C. Having a known propensity to attack, due to its temperament, conditioning or training.]~~

WEEKDAYS

* * * *

WILDLIFE

~~[Indigenous, customarily undomesticated animals]. 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.~~

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-2, “Notification of violation” be and it is hereby repealed, reenacted and amended to read as follows:

§ 102-2 Notification of violation.

- A. The maintaining of any such PUBLIC nuisance CONDITION OR PUBLIC NUISANCE ANIMAL as defined in § 102-1 shall be a violation of this chapter.

B. Upon the occurrence of any violation of this chapter, the City shall notify the offending owner of the nature of the violation and give that owner not more than [~~10~~] 30 days in which to take action to eliminate the violation.

(1) If the owner eliminates the violation within the time specified, no further action by the City will be taken.

(2) If the owner fails to act to eliminate the violation within the time specified, the City may then commence to prosecute as in the case of any violation of this Code.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-3, “Restraint of animals” be and it is hereby repealed, reenacted and amended to read as follows:

§ 102-3 Restraint of animals.

A. It shall be unlawful for the owner of any animal to allow such animal to be at large in the City of College Park. 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.

B. IT SHALL BE UNLAWFUL FOR A PERSON TO USE A CHAIN, ROPE, TETHER, LEASH, CABLE, OR OTHER DEVICE TO ATTACH A DOG TO A STATIONARY

OBJECT OR TROLLEY SYSTEM. THIS PROHIBITION SHALL NOT APPLY TO TEMPORARY RESTRAINING FOR A REASONABLE AMOUNT OF TIME, NOT TO EXCEED ONE HOUR, AND/OR DURING A LAWFUL ANIMAL EVENT, SUCH AS WALKING ON A LEASH, VETERINARY TREATMENT, GROOMING, TRAINING, OR LAW ENFORCEMENT ACTIVITY, OR IF THE DOG'S OWNER OR HANDLER REMAINS WITH THE DOG THROUGHOUT THE PERIOD OF RESTRAINT TO ENSURE THAT CRUEL OR NUISANCE CONDITIONS DO NOT OCCUR.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-5, "Rabies vaccination" be and it is hereby repealed, reenacted and amended to read as follows:

§102-5 Rabies vaccination

~~[Any citizen whose peace is disturbed or whose health, safety or welfare is endangered by a violation of this chapter or who observes an instance of animal cruelty or neglect may lodge a complaint with the City, specifying therein the nature of the complaint and identifying the offending animal and owner, if known. The City shall investigate the complaint and, if a violation is confirmed, shall take action as provided under this chapter to obtain abatement of the violation. If no violation can be confirmed, the City shall notify the complaining citizen. Cruelty complaints should be referred to appropriate agencies through the City.]~~ ALL CATS, DOGS, AND FERRETS AT LEAST FOUR (4) MONTHS OF AGE OR OLDER SHALL BE PROPERLY VACCINATED AGAINST RABIES WHILE KEPT WITHIN THE CITY.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-6, “Animals found at large” be and it is hereby repealed, reenacted and amended to read as follows:

§ 102-6 Animals found at large.

A. Any animal found at large shall, if possible, be impounded by the City and taken to the City Animal Control Shelter for a period of at least three workdays, or to other appropriate shelter ~~[except that]~~. The City shall not be required to impound wildlife.

B. * * * *

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-7, “Impoundment” be and it is hereby repealed, reenacted and amended to read as follows:

§102-7 Impoundment

A. Any animal impounded because it has been found at large or for any other reason authorized by this chapter shall be impounded at the City Animal Control Shelter in a humane manner for a period of not less than three weekdays, unless sooner claimed and redeemed by its owner. Animals unclaimed after three weekdays shall be ~~[placed for adoption with an appropriate outside agency or turned over to the County Animal Shelter and thereafter handled in the manner prescribed by the County Animal Control Commission, and may be euthanized or otherwise disposed of as that agency deems appropriate]~~ **DEEMED ABANDONED AND SHALL BECOME THE PROPERTY OF THE CITY.**

B. **EAR-TIPPED FREE ROAMING CATS SHALL ONLY BE IMPOUNDED AT THE DISCRETION OF THE ANIMAL CONTROL OFFICER IN COMPLIANCE WITH LOCAL REGULATIONS. EAR-TIPPED FREE ROAMING CATS THAT ARE TRAPPED IN THE FIELD SHALL BE IMMEDIATELY RELEASED AT THE LOCATION WHERE IT WAS TRAPPED UNLESS THE CAT SHOWS SIGNS OF DISEASE OR INJURY.**

- C. Notwithstanding the provisions of Subsection A of the section, in the event that an impounded animal shows signs of disease or severe injury, the Animal Control Officer has discretion to cause the animal to be euthanized immediately rather than holding it for three weekdays, provid[ing]ED that:
- (1) The officer has checked the records to determine whether the animal has been reported missing OR MICROCHIPPED;
 - (2) The animal appears to be unlicensed; AND
 - (3) [~~No rabies testing is required; and~~] The officer is acting on the advice of a veterinarian, who will then perform the euthanasia procedure.
- D. Notwithstanding the provisions of Subsection A of the section, illegal [~~animals~~], feral [~~animals~~], exotic [~~animals~~], OR dangerous animals [~~and vicious animals~~] may immediately be euthanized, if the public health, safety or welfare so requires, or taken to the County Animal Shelter, without being retained by the City Animal Control Shelter for any period.

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-9, “Cruelty, Neglect and other Prohibited Actions” be and it is hereby enacted to read as follows:

§ 102-9 CRUELTY, NEGLECT AND PROHIBITED ACTIONS (*PENDING FINAL PGASD REVISION*)

- 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 HIS OR HER CARE:

- a. FOOD;
 - b. POTABLE WATER;
 - c. SHELTER AND PROTECTION FROM THE WEATHER;
 - d. SPACE;
 - e. EXERCISE;
 - f. CARE;
 - g. VETERINARY CARE;
 - h. GROOMING
 - i. LIGHT
 - j. TRANSPORTATION
 - k. AIR; AND
 - l. 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 NON-TARGETED SPECIES.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-10, "Capture and removal" be and it is hereby repealed, reenacted and amended to read as follows:

§102-10 Capture and removal

~~[If a City Animal Control Officer is notified by a City resident that wildlife or a feral cat has entered a dwelling or commercial building and is constituting a nuisance condition, or if the City Animal Control Officer observes wildlife or a feral cat causing a nuisance condition upon public property, the Animal Control Officer may, in his or her discretion, and if authorized under state law to do so, capture and remove the animal. The City Animal Control Officer shall not capture and remove wildlife located on the exterior portions of private properties unless such wildlife poses an immediate threat to the public safety, in which case the Animal Control Officer may, in his or her discretion and if authorized by state law, capture and remove such animal. Any animal captured and removed under this section shall be handled or disposed of in accordance with applicable state law and/or regulation.]~~

A. AT THE DISCRETION OF THE ANIMAL CONTROL OFFICER, ANIMALS FOUND TO HAVE ENTERED A DWELLING OR COMMERCIAL BUILDING OR

FOUND TO BE CAUSING A NUISANCE CONDITION UPON PUBLIC PROPERTY MAY BE CAPTURED AND REMOVED IF AUTHORIZED BY STATE LAW.

- B. THE CITY ANIMAL CONTROL OFFICER SHALL NOT CAPTURE AND REMOVE WILDLIFE LOCATED ON THE EXTERIOR PORTIONS OF PRIVATE PROPERTIES UNLESS SUCH WILDLIFE POSES AN IMMEDIATE THREAT TO THE PUBLIC SAFETY, IN WHICH CASE THE ANIMAL CONTROL OFFICER MAY, AT THEIR DISCRETION, AND IF AUTHORIZED BY STATE LAW, CAPTURE AND REMOVE SUCH ANIMAL.
- C. ANY ANIMAL CAPTURED AND REMOVED UNDER THIS SECTION SHALL BE HANDLED OR DISPOSED OF IN ACCORDANCE WITH APPLICABLE STATE LAW AND/OR REGULATIONS.

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 102, §102-13, “Abandoned animals” be and it is hereby enacted to read as follows:

§ 102-13 ABANDONED ANIMALS

- A. ABANDONED ANIMALS MAY BE PLACED FOR ADOPTION WITH THE CITY OR AN APPROPRIATE AGENCY, OR TRANSFERRED TO THE COUNTY ANIMAL SHELTER FOR DISPOSITION AS THAT AGENCY DEEMS APPROPRIATE
- B. ANY ANIMAL SURRENDERED BY ITS OWNER TO THE CITY SHALL IMMEDIATELY BECOME THE PROPERTY OF THE CITY FOR FINAL DISPOSITION.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and

on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _____ on the _____ day of _____, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. That this Ordinance shall become effective twenty days after adoption provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

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 City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Introduced on the _____ day of _____, 2020

Adopted on the _____ day of _____, 2020

Effective on the _____ day of _____, 2020

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney