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CITY OF HYATTSVILLE

ORDINANCE 2022-05

An Ordinance Whereby the City Council Amends Chapter 52 of the City of Hyattsville Code to Update and Clarify the Animal Welfare Provisions Contained Therein.

WHEREAS, Maryland Code, Section 5-202 of the Local Government Article, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section C3-2(A)(13) of the City of Hyattsville’s Charter authorizes the City Council to “regulate the keeping of dogs in the City[;]” and

WHEREAS, Section C3-2(A)(27) of the City of Hyattsville’s Charter authorizes the City Council to “regulate and prohibit the running at large of . . . dogs and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance . . . [;]” and

WHEREAS, Section C3-2(A)(30) of the City of Hyattsville’s Charter authorizes the City Council to “regulate or prohibit loud or unreasonable noises . . . [;]” and

WHEREAS, the City recognizes that the provisions of Chapter 52 of the City Code, Dogs and Other Animals, require modernization and the insertion of provisions regarding community outreach related to incidents involving animals as well as coordination with Prince George’s County regarding such incidents; and

WHEREAS, pursuant to substantial discussion and research, the Mayor and City Council determined the need to update, address, and revise certain portions of Chapter 52 of the City Code; and

WHEREAS, on October 4, 2021, the Mayor and City Council authorized the drafting of an ordinance to revise Chapter 52 of the City Code.

WHEREAS, numerous drafts and revisions have been circulated among elected official sponsors, staff, and the City Attorney’s office; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 52 of the City Code is hereby amended as follows:

1 THE CODE

2 Chapter 52

3 DOGS AND OTHER ANIMALS

4 * * *

5 § 52-1 Definitions

6 A. As used in this Chapter, the following terms have the meanings indicated:

7 **Animal Control Liaison**

8
9 The City of Hyattsville representative responsible for collaborating with various City
10 departments and communicating with Prince George's County agencies responsible for animal
11 incidents that occur within the City's municipal boundaries. The liaison will have general
12 knowledge of applicable laws, regulations, and County procedures and serve as the City point of
13 contact to assist residents with obtaining information and follow-up when additional support is
14 needed from the responsible agencies.

15 **Bite**

16 A puncture or tear of the skin caused by the teeth of an animal.

17 **County**

18 Prince George's County, Maryland.

19 **Dangerous Animal**

20 A "Dangerous Animal" is a designation given by Prince George's County Animal Services
21 Division for animals who have a history of aggressive behavior. "Dangerous Animals" have
22 restrictions placed upon them by the County, which may include a confinement order.

23 **PGCASD**

24 Prince George's County Animal Services Division

25 **Protocol or Standard Response Protocol**

26 A tool developed by the City to guide appropriate responses in implementing and
27 responding to the provisions contained within this Chapter concerning animal control.

28 **Public Nuisance Animal**

29 A "public nuisance animal" shall mean any animal which (1) engages in excessive
30 barking, howling, or other noise; (2) creates unsanitary conditions on public property; (3)
31 animals that are unleashed in public spaces, except as otherwise provided herein; (4) gives
32 offense to human senses; or (5) substantially interferes with the rights of citizens, other than
33 its owner, to enjoyment of life or property.

1 **Public Threat**

2 A “public threat” is any situation in which any animal, without provocation, inflicts
3 injury on humans or domesticated animals, threatens to inflict injury on humans or
4 domesticated animals, or any situation involving a “dangerous animal” or a “potentially
5 dangerous animal” as defined under County Code § 3-101.

6 **Service Animal**

7 The term “service animal” shall have the meaning set forth in Maryland Code, Human
8 Services Article § 7-701(g), as amended from time to time.

9 **Severe Weather**

10 A weather condition which occurs in the following circumstances: (1) the effective
11 outdoor wind chill index is 32 degrees Fahrenheit or lower, as determined by the National
12 Weather Service; (2) the heat index is 90 degrees Fahrenheit or higher, as determined by the
13 National Weather Service; (3) during the effective period for a severe weather warning
14 issued for the area by the National Weather Service, including a hurricane warning, tropical
15 storm warning, severe thunderstorm warning, or tornado warning.

16 **Tethering**

17 Attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable,
18 or similar restraint. Tethering does not include the use of a leash to walk a dog.

19
20 **§ 52-12. Confinement; exception.**

21 Dogs, cats and other animal pets shall be confined at all times to the premises of their owners,
22 except when under the immediate and effective control of a responsible person, specifically on a
23 leash not to exceed six feet in length.

24
25 **§ 52-3 Restrictions on the tethering of dogs.**

26 **A.** An unattended dog may not be tethered longer than one (1) consecutive hour in a twenty-
27 four (24) hour period.

28 **B.** In the event of any violation of Subsection (A), above, the violator will:

- 29 (1) Receive a written warning for the first violation; an
30 (2) Receive a citation for any subsequent violations, as set forth in Code § 52-12.

31 **§ 52-4 Restrictions on exposing dogs to severe weather.**

32 **A.** A dog may not be outdoors, without human accompaniment for more than fifteen (15)
33 minutes during periods of severe weather, as defined in 52-1.

34 **B.** In the event of any violation of Subsection (A), above, the violator will:

- 35 (3) Receive a written warning for the first violation; an
36 (4) Receive a citation for any subsequent violations, as set forth in Code § 52-12.
37

38 **§ 52-25. ~~Actions considered public nuisance~~ Animal Behavior. [Amended 4-5-2004 by HO-**

1 2004-09]

2 ~~A. — No owner shall fail to provide effective care and control of his animals to prevent them~~
3 ~~from becoming a public nuisance. Excessive, continuous or untimely barking, howling or making~~
4 ~~of other noises, molesting passersby, chasing vehicles, habitually attacking other domestic~~
5 ~~animals, trespassing upon school grounds or trespassing upon any other property in such a manner~~
6 ~~as to damage the property or excreting on property other than that of the owner shall be deemed a~~
7 ~~nuisance.~~

8 ~~B. — No person owning, keeping or having custody of a dog or cat, except a seeing eye dog,~~
9 ~~shall allow or permit excrement of such animal to remain on public property, including streets or~~
10 ~~private property without the consent of the owner or occupant thereof. The person owning, keeping~~
11 ~~or having custody of the animal shall immediately remove and properly dispose of the excrement~~
12 ~~deposited by the animal.~~

13 A. Pet owners, or those tasked with the responsibility or care of an animal, shall provide
14 effective care and control of their animals to prevent them from becoming a public nuisance
15 animal.

16 B. Any violation of the following provisions shall constitute a public nuisance animal
17 violation:

18 (1) No person, tasked with responsibility or care of an animal, shall permit said animal
19 to engage in excessive barking, howling, or making of other noises.

20 (2) No person, tasked with responsibility or care of an animal shall allow or permit
21 excrement of such animal to remain on public property, including streets or
22 private property without the consent of the owner or occupant thereof. The
23 person owning, keeping or having custody of the animal shall immediately
24 remove and properly dispose of the excrement deposited by the animal.

25 (3) No person, tasked with responsibility or care of an animal, shall allow an animal
26 dogs to be unleashed in public spaces, except dogs in designated off-leash dog
27 parks, to trespass on private property.

28 (4) The provisions of Subsections (B)(2) and (B)(3), above, shall not apply to service
29 animals. In public spaces, service animals shall be under the control of the person
30 tasked with responsibility or care of the service animal by means of a harness, leash,
31 or other similar device, unless: (i) the person tasked with responsibility or care of
32 the service animal is unable, because of a disability to use a harness, leash, or other
33 similar device; or (ii) the use of a harness, leash, or other similar device would
34 interfere with the service animal's safe, effective performance of work or tasks. In
35 those situations, the service animal must be otherwise under the control of the
36 person tasked with responsibility or care of the service animal by means of voice
37 control, signals, or other effective means.

38 C. An animal control violation shall be deemed a "public threat" if it harms or threatens to
39 harm humans or other domesticated animals. Pet owners, or those responsible for a pet
40 and/or its care, shall provide effective care and control for animals in their custody to
41 prevent them from becoming a public threat.

42 D. Depending upon the severity of a violation, there are two categories of public threat

1 infractions:

2 (1) Public Threat Category 1: No person, tasked with responsibility or care of an
3 animal, shall allow an animal, without provocation, to engage in threatening and
4 menacing behaviors, such as charging and snapping at humans or other
5 domesticated animals. This does not include animals that are within fenced in yards
6 or animals that are on a leash. Any such violation shall constitute a public threat
7 category 1 violation.

8 (2) Public Threat Category 2: No person, tasked with responsibility or care of an
9 animal, shall allow an animal, without provocation, to inflict injury on a human on
10 private or public property or allow such an animal to attack, bite, or kill another
11 domesticated animal. Any such violation shall constitute a public threat category
12 2 violation.

13 E. The provisions of this Section shall not apply to any dog deployed or owned by a
14 governmental agency that is trained to perform official police, correctional and/or
15 search and rescue services.
16

17 **§ 52-36. Confinement of female dogs and cats in heat required.**

18 The owner of any female dog or cat shall confine said dog or cat in heat within a building or secure
19 enclosed kennel with a top in such a manner that such female dog or cat cannot come in contact
20 with another animal except for planned breeding within the building or enclosure.
21

22 **§ 52-47. Care and treatment of animals. [Amended 4-5-2004 by HO-2004-09]**

23 It shall be a violation of this article for the owner of any domestic or kept animal to fail to provide
24 said animal with sufficient good and wholesome food and water, clean and sanitary surroundings
25 and shelter and protection from the weather, veterinary care when needed to prevent suffering or
26 the transmission of communicable disease, humane care and treatment, and it shall be a violation
27 to abandon an animal, to beat, ill-treat, torment, overload, overwork or otherwise abuse any animal
28 or cause or permit any animal to fight or become engaged in combat between animals or between
29 animals and humans.
30

31 ~~**§ 52-58. Appointment of special animal warden; Use of county agency. [Amended 4-5-**~~
32 ~~**2004 by HO-2004-09]**~~

33 ~~The Mayor and City Council shall be authorized to appoint a special Animal Warden or other~~
34 ~~City agent empowered to enforce this Code and said Animal Warden shall be under the direction~~
35 ~~of the Chief of Police or Code Enforcement Supervisor or shall call upon the Prince George's~~
36 ~~animal shelter to assist the Police Department in impounding any dog or cat found at large in~~
37 ~~violation of this chapter.~~

38 The City shall rely on Prince George's County Animal Services Division (PGCASD) for the
39 primary enforcement of animal control regulations. **The Animal Control Liaison may follow-up**
40 **with PGCASD on animal control enforcement concerns and maintain communication with**
41 **PGCASD to help direct residents for animal-control related services.**
42

43 **§ 52-912. Violations and penalties. [Amended 3-3-1980 by HB No. 1-80; 3-3-1980 by**
44 **HB No. 2-80; by HB No. 7-82, 6-1-1998 by HR 98-03, 7-16-2001 by HO-2001-03,**
45 **4-5-2004 by HO-2004-09]**

- 1 A. Violations of this article shall be punishable as a municipal infraction as provided in
 2 Chapter 20 of this Code. ~~With the exception of § 52-4, the fine for the first violation shall~~
 3 ~~be \$100 and the fine for the second and subsequent violations will be \$200.~~
- 4 B. In the case of a verified cruelty or neglect charge, as pertains to § 52-47, the fine for the
 5 first violation shall be \$250 and the fine for the second and subsequent violations will be
 6 \$500.
- 7 C. For public nuisance animal violations, the City shall issue a warning to the violator for a
 8 first-time violation. For any subsequent violations, the City may issue a citation to the
 9 violator. The fine for a first citation shall be \$100 and the fine for the second and
 10 subsequent citations occurring on any day after the date of the first violation will be \$200.
- 11 D. For public threat category 1 violations, the City shall issue a warning to the violator for a
 12 first-time violation. For any subsequent violations, the City may issue a citation to the
 13 violator. The fine for a first citation shall be \$250 and the fine for the second and
 14 subsequent violations occurring on any day after the date of the first citation will be \$500.
- 15 E. For public threat category 2 violations, the City may issue a citation to the violator. The
 16 fine for a first citation shall be \$500 and the fine for the second and subsequent citation
 17 occurring on any day after the date of the first violation will be \$1000.

18 **§ 52-13 Public Safety Alerts**

19 In the event that a public threat category 2 violation occurs, the City shall issue a public safety
 20 alert within twenty-four hours after the occurrence, in which the City shall inform City residents
 21 of the incident and the block where the animal resides and where the incident took place.
 22 Addresses of specific properties will not be used in such public safety alerts, and the City shall
 23 issue follow-up public safety alerts to keep citizens informed, as the situation requires.

24 **§ 52-14 Prohibited animals. [Amended 4-5-2004 by HO-2004-09]**

25 Keeping livestock, domestic fowl and/or wild exotic rare animals is prohibited within the City.
 26 This includes but is not limited to: cattle, horses, swine, sheep, pigs, goats, turkeys, roosters and
 27 other poultry and game birds, or wild exotic cats, monkeys, venomous snakes and any endangered
 28 species.

29 **§ 52-15. Animal Control Liaison**

- 30 A. Should the City Administrator designate an Animal Control Liaison, the position,
 31 will be responsible for the following:
- 32 (1) Reporting information concerning violations of this Chapter as set forth in Section
 33 52-17
- 34 (2) Coordinating between the various City departments which respond to, address, or
 35 receive complaints of violations under this Chapter;
- 36 (3) Corresponding with the County when complaints or incidents involving animals
 37 within the City's municipal boundaries require follow-up; and
- 38 (4) Coordinating emergency and routine communication with the public regarding
 39 public nuisance or public threat incidents or violations under this Chapter.

1
2 **§ 52-16. Code Conformity, Standardization, and Training**
3

- 4 A. Code Conformity. The City will conduct a review of the Hyattsville Police General Orders
5 related to animal control to ensure that said general orders mirror this Chapter, as amended.
6
7 B. Standard Response Protocol. The City shall develop a standard response protocol to inform
8 appropriate responses by the City. Said protocol will include requirements to provide
9 reports to the County, issue written warnings or citations, log and track data for annual
10 reporting, and to post information concerning incidents in the police log.
11

12 **§ 52-17. Data Collection and Reporting**
13

- 14 A. City Data. The City shall record all reported Public Threat violations and written warnings
15 occurring within the municipal boundaries of the City in a prompt and timely manner, and
16 report this information as follows:
17
18 (1) Within five (5) business days from when a violation is reported to the City, the
19 City's Animal Control Liaison shall report public threat violations and all cruelty
20 or neglect violations to the PGCASD.
21
22 (2) On a quarterly basis, the City's Animal Control Liaison will make this information
23 available to the public via the City's communication channels.
24
25 B. Annual Report. On an annual basis, the City's Animal Control Liaison shall prepare a
26 report to include the animal control data outlined below from the City's prior fiscal year.
27 This report shall be made available to the Mayor and City Council, as well as City residents.
28 The annual report should include, but not be limited to, the following information:
29
30 (1) All reported public nuisance incidents (i.e., at-large dog incidents) and all public
31 threat incidents that occur within the City's municipal boundaries.
32
33 (2) All actions taken in response to reported violations, including citations, animals
34 reported by the City to PGCASD based on public threat violations, an inventory of
35 dogs identified as "dangerous" by the County, and any animals under quarantine or
36 confinement orders by the County within the municipal boundaries of the City.
37
38 (3) All public threat category 2 public safety alerts that are issued by the City, based
39 on events occurring within the City's municipal boundaries.
40
41 (4) The contact information of the City's Animal Control Liaison.
42

43 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
44 forthwith be published in twice in a newspaper having general circulation in the City and otherwise
45 be made available to the public;

