

Introduced and Read for the First Time: 18 February, 2014
Introduced and Read for the Second Time: 4 March, 2014
Ordinance Passed ____, Passed As Amended ____, or Rejected __: 18 MARCH, 2014

**TOWN OF BRENTWOOD
ORDINANCE 2014-01**

**AN ORDINANCE TO AMEND CHAPTER 18 ANIMALS
IN THE BRENTWOOD CODE**

A Charter Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (2005 Replacement Volume).

WHEREAS, Section 401.0 (“**General powers**”) of the Brentwood Charter states that “The Council shall have the general power to pass all such ordinances ... as it may deem necessary for the good government of the Town”; and

WHEREAS, the Mayor and Council of the Town of Brentwood desire to amend Chapter 18 (“**ANIMALS**”) to revise requirements for the proper care of animals in the Town of Brentwood, so as to protect public and animal health, safety and welfare, and to prescribe penalties for failure to comply; and

WHEREAS, the Mayor and Council desire to amend Chapter 18 (“**ANIMALS**”) to the Brentwood Charter, which will delineate regulations effecting pet waste similar to those proscribed within the Maryland Sustainable Certified requirements; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Brentwood strikes the existing Chapter 18 (“**ANIMALS**”) of the Brentwood Code and amends Chapter 18 (“**ANIMALS**”) which shall read as follows:

Chapter 18
ANIMALS

- § 18-1. Definitions
- § 18-2. License Required
- § 18-3. Adoption of Standards.
- § 18-4. Confinement; exception.
- § 18-5. Actions considered public nuisance.
- § 18-6. Dangerous or vicious animals.
- § 18-7. Confinement of female dogs and cats in heat required.
- § 18-8. Care and treatment of animals.
- § 18-9. Impoundment.
- § 18-10. Notification of owner upon animal impoundment.
- § 18-12. Trapping, poisoning, or shooting animals.
- § 18-13. Enforcement
- § 18-14. Violations and penalties.

§ 18-15. Prohibited animals.

§ 18-1. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

IMMEDIATE – shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE – waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 18-2. License Required

No person shall keep or permit to be kept in the Town of Brentwood a dog or cat unless such dog or cat has been licensed under the provisions of the Prince George's County Animal Control Act, and bears, attached to the collar or harness, a tag indicating payment of said license for the current year; and in such case the dog or cat is considered to be the personal property of the person to whom the license was issued or to whom it was transferred. Any dog or cat not licensed and tagged as aforesaid by the Executive and Council of Prince George's County, Maryland, shall be deemed a wild animal and may be impounded by the Code Enforcement Officer, police officer, or Prince George's County Animal Control.

§ 18-3. Adoption of Standards.

Unless explicitly provided for in this Chapter, the Animal Control regulations in force and effect in Prince George's County are hereby adopted to be the regulations governing animals in the Town of Brentwood.

§ 18-4. Confinement; exception.

Dogs, cats and other animal pets shall be confined at all times to the premises of their owners, except when under the immediate and effective control of said owner or custodian, specifically on a leash not to exceed six (6) feet in length.

§ 18-5. Actions considered public nuisance.

- A. No owner shall fail to provide effective care and control of his pets to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, howling or making of other noises, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon any other property in such a manner as to damage the property or excreting on property other than that of the owner shall be deemed a nuisance.
- B. No person owning, keeping or having custody of a pet, except a disability assistance animal, shall allow or permit the pet's solid waste to remain on property, public or private, not owned or possessed by that person, including streets or private property without the consent of the owner or occupant thereof. The person owning, keeping or having custody of the pet shall immediately remove and properly dispose of the excrement deposited by the animal.
- C. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of subsection B of this section while such animal is being used for that purpose.

§ 18-6. Dangerous or vicious animals.

No person shall keep or harbor any dog or cat that is vicious or dangerous as defined in §10-619 of the Criminal Law Article of the Annotated Code of Maryland,¹ nor shall any person permit any dog or cat to pursue, chase, worry, wound or kill any animal or pet or any human being, within the Town of Brentwood

§ 18-7. Confinement of female dogs and cats in heat required.

The owner of any female dog or cat shall confine said dog or cat in heat, whether or not such dog or cat bears a license and the tag issued under the provisions of the Prince George's County Animal Control Act, within a building or secure enclosed kennel with a top in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding within the building or enclosure.

¹ "Dangerous dog" means a dog that:

(i) without provocation has killed or inflicted severe injury on a person; or
(ii) is determined by the appropriate unit of a county or municipal corporation under subsection (c) of this section to be a potentially dangerous dog and, after the determination is made:

1. bites a person;
2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or
3. attacks without provocation.

§ 18-8. Care and treatment of animals.

It shall be a violation of this chapter for the owner of any domestic animal or pet to fail to provide said animal with sufficient good and wholesome food and 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, humane care and treatment, and it shall be a violation to abandon an animal, to beat, ill treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any animal to fight or become engaged in combat between animals or between animals and humans.

§ 18-9. Impoundment.

A pet found at large without a license tag shall, except as provided in this chapter, be impounded by the Prince George's County Animal Control or other agent empowered to enforce this Code and taken to the animal control shelter.

§ 18-10. Notification of owner upon animal impoundment.

Upon impounding an animal, the Code Enforcement Officer or other agent empowered to enforce this Code shall cause a prompt and reasonable effort to be made to locate and notify the pet's owner.

§ 18-11. Trapping, poisoning, or shooting animals.

It is prohibited to trap, poison, shoot or otherwise kill any animal, unless trapping in a humanitarian trap for the purposes of spaying, neutering, or improving the condition of a wild, homeless or injured animal.

§ 18-12. Enforcement.

The provisions of this Article shall be enforced by the Brentwood Police Department and the Code Enforcement Officer of the Town of Brentwood. The Police or the Code Enforcement Officer, or shall call upon the Prince George's animal shelter or animal control to assist the Police Department in impounding any dog or cat found at large in violation of this chapter.

§ 18-13. Violations and penalties.

- A. Violations of this Article shall be punishable as a municipal infraction as provided in this Chapter and the Brentwood Code. With the exception of § 18-8, the fine for the first violation shall be one fifty dollars (\$50.00) and the fine for the second and subsequent violations will be two hundred dollars (\$200.00).
- B. In the case of a verified cruelty or neglect charge, as it pertains to § 18-8, the fine for the first violation shall be two hundred fifty dollars (\$250.00) and the fine for the second and subsequent violations will be five hundred dollars (\$500.00).
- C. Any person(s) or owner/keeper who is found to be in violation of the provisions of § 18.6 shall be subject to a fine not to exceed one thousand dollars (\$1,000) and shall be required to compensate the

owner of the pet or victims for all medical costs incurred as a result any injurious action by their dog or cat.

§ 18-14. Prohibited animals.


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

BE IT FURTHER RESOLVED that each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

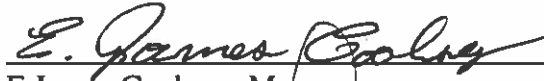
BE IT FURTHER RESOLVED that the aforementioned increase shall become effective 30 days following its enactment.

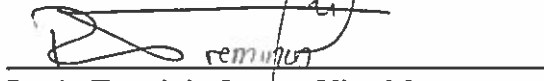
READ AND ADOPTED THIS 18th day of MARCH, 2014.

ATTEST/WITNESS:



Melora Anderson, Town Clerk

Mayor and Town Council of Brentwood, Maryland


E James Cooksey, Mayor


Rocio Treminio-Lopez, Vice Mayor


Jason Barnett, Council Member


Jennifer Kravassi, Council Member


Jennifer Murphy, Council Member

