

**Proposed Amendments to Chapter 15 (Animals), Article I (Animal Control),
Talbot County Code**

Recommended by:

Date:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to law by Bill
Strikethrough	Deleted from law by Bill
* * *	Existing law unaffected

ARTICLE I
Animal Control

§ 15-1. General.

This chapter is intended to promote the public health, safety, and welfare in connection with the care, custody, and control of animals. State law also establishes certain licensing fees and requirements, and certain criminal acts with regard to the care and treatment of animals. This Chapter is intended to provide supplemental additional regulation. Nothing in this chapter is intended to supersede, modify, or repeal any existing state law, rule, or regulation, except to the extent that state law delegates the power to the County Council to do so and the Council has exercised that authority expressly or by necessary implication.

§ 15-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings defined in this section:

ADEQUATELY VACCINATED - A licensed veterinarian or other person authorized by law has immunized an animal against rabies in accordance with the current year's recommendations as circulated by the Department of Health and Mental Hygiene, and documented the rabies immunization by issuing a valid rabies certificate.

ANIMAL - A living creature except a human being.

ANIMAL CONTROL AUTHORITY - An agency or individual appointed or contracted by the County Council to oversee animal control pursuant to this chapter.

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ANIMAL CONTROL OFFICER - An individual employed by the Animal Control Authority to oversee, implement, and enforce animal control pursuant to this chapter.

ANIMAL CONTROL PERSONNEL - Any individual authorized by the Animal Control Authority or Animal Control Officer to implement and enforce the provisions of this chapter.

ANIMAL RESCUE FACILITY - An organization or person(s) who regularly maintains 10 or more animals at one time for the purpose of rehabilitation and/or re-homing.

AT LARGE - An animal which is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining it; provided, however, that dogs will be permitted to run at large when accompanied by the owner, bailee, or authorized agent if the dog is being used or trained for hunting, or is being accompanied by its owner, bailee, or authorized agent on horseback.

BOARDING FACILITY - A facility with capacity to house 10 or more dogs and/or cats in exchange for payment.

BREEDING FACILITY - A facility operated by persons who own or house six (6) or more unaltered female dogs or cats over the age of six (6) months with the intent to breed and produces at least three (3) litters of puppies or kittens each calendar year for sale.

DANGEROUS DOG - A dog that without provocation has killed or inflicted severe injury on a person or is determined by the Animal Control Board to be a potentially dangerous dog and, after the determination is made, bites a person; when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or attacks without provocation.

DIRECTOR - The Executive Director of the Animal Control Authority.

EXTREME WEATHER CONDITIONS - Temperatures below 32 degrees Fahrenheit or above 85 degrees Fahrenheit, or during an active weather warning issued by the National Weather Service or Talbot County Department of Emergency Services.

KEEP or HARBOR - The act or sufferance of either feeding or sheltering an animal on one's premises.

OWNER or OWN – Any person having a right of property in an animal, any person who keeps or harbors it, any person who has it in his care or custody, or permits it to remain on, or about, any premises he occupies or controls.

OWNER'S REAL PROPERTY – Real property owned or leased by the owner of the dog. “Owner's real property” does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development. (Note: This definition is from § 10-619(A)(3), Criminal Law Article, MD. Ann. Code.)

PET SALE FACILITY - A pet store which sells animals for profit including but not limited to dogs and cats.

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POTENTIALLY DANGEROUS DOG - A dog that the Animal Control Board has determined to have:

- A. Inflicted a bite on a person while on public or private real property;
- B. When not on its owner's real property, killed or inflicted severe injury on a domestic animal;
or
- C. Attacked without provocation.

PUBLIC NUISANCE

- A. Any animal which, on repeated occasions, has been engaging in one or more of the following behaviors:
 - (1) Running at large;
 - (2) Excreting on private property other than its owner's;
 - (3) Damaging property;
 - (4) Molesting passersby;
 - (5) Chasing vehicles;
 - (6) Harassing, chasing, tormenting, or injuring livestock, domestic or farm animals; or
 - (7) Acting in any manner which is injurious to property or to public health, safety, and welfare.
- B. A public nuisance includes any animal that is known to have bitten or injured one or more persons or animals; but not including:
 - (1) The first instance of a provoked bite, which means a bite that resulted from human activity, such as an individual attempting to play with, pet, feed, handle, hold, or redirect an animal's actions;
 - (2) A dog that, while on its owner's real property, kills or inflicts severe injury on a domestic animal; or,
 - (3) An animal belonging to a government agency for conduct occurring while the animal is acting in the official performance of its authorized duty.
- C. A public nuisance includes a dead animal not properly disposed of that, by reason of its presence, appearance, odor, or other condition poses a threat to the health of any person, animal, or the public generally.

[RECORDS - Any evidence accounting an act or occurrence in the past, in written or electronic form.](#)

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RESTRAINT - Secured by leash and in the custody of a responsible person who is capable of, and does, retain continuous control of the animal. Except for vicious animals and dangerous dogs, it also means an animal that is in the custody of a responsible person and obedient to that person's order.

SEVERE INJURY - Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

SUITABLE SHELTER - A heated or properly ventilated shed, garage, or out building that has a floor, a roof, and four walls, one of which shall contain a doorway. The following shall not be considered proper shelter: (1) a crawl space which is under a building or part of a building, (2) the space under or inside of a vehicle, (3) any structure made from pressure treated wood which contains the chemicals arsenic or chromium, (4) a floor consisting of wire or chain link, or (5) any structure made from cardboard or other materials that are easily degraded by the elements. However, for rabbits only, a shelter may have a wire floor with its openings no larger than ½ inch by 1 inch. Additionally, at the discretion of the Animal Control Authority, a dog house fitting the requirements of a properly insulated dog house or a heated dog house, may be considered a suitable shelter depending upon the body condition and breed of the dog in question.

TETHERING - Form of restraint which means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

TRAINING FACILITY - A facility housing and caring for animals (usually dogs) for a finite period of time in order to train the animals for the owners in exchange for payment.

UNATTENDED - In this Chapter, Unattended shall mean not readily available to provide for an animal.

VICIOUS ANIMAL - Any animal that (1) Attacks or injures a domestic animal or person; or (2) Exhibits aggressive or dangerous behavior while it is not adequately confined or restrained. ~~Any animal that poses a physical threat to persons or to domestic or farm animals by virtue of its specific training or demonstrated fierce or dangerous behavior. With regard to persons, "physical threat" means conduct that places a person in reasonable apprehension of imminent, severe injury and includes any attempt to inflict such injury.~~ No animal belonging to a government agency shall be deemed a vicious animal for conduct occurring while the animal is acting in the official performance of its authorized duties.

§ 15-3. Licenses.

A. License required.

The owner or custodian of any dog or cat over four months of age shall obtain a license for the dog or cat as provided in this chapter. However, fees for individual licenses for dogs and cats who reside at a licensed Boarding, Breeding, Training, Animal Rescue and/or Pet Sale Facility shall be waived.

B. Applications for licenses. Application for licenses shall be made to the Animal Control Authority, or to any license agent, accompanied by the appropriate fee as established by law.

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Applications made after December 31 in any license year in compliance with § 15-3D shall be prorated to 1/2 the regular fee, and the license agent commission shall be prorated accordingly.

- C. Rabies vaccination. The applicant for any license shall prove that each animal for which a license is requested has been adequately vaccinated as a condition of obtaining a license.
- D. Residents. New residents shall obtain a license within 30 days following the establishment of residence within the county; existing residents shall obtain a license within 30 days after acquiring a dog or cat.
- E. Nonresidents bringing a dog or cat to the County for less than 30 days need not obtain a license for the animal, provided that:
 - (1) The animal meets the licensing requirements, if any, in the owner's domicile; and,
 - (2) The owner or custodian possesses and provides a valid rabies vaccination certificate for the animal while it is in the County.
- F. Guide or service dogs. If the dog for which the license is sought is a guide or service dog, professionally trained to aid the blind or visually handicapped, or deaf or hearing-impaired, or mobility impaired, as the case may be, and is actually in use for such purpose, the license therefor shall be issued without the payment of any fee and the licensing agent shall inscribe across the face of the license in red ink the words "guide dog".
 - (1) The application shall be accompanied by an affidavit from the owner or owners stating that the dog for which the license is sought has been professionally trained as a guide or service dog, and stating that the owner or owners are aware that the owner(s) may be liable, under Article 30 § 33, Md. Ann. Code, for damages caused by the guide or service dog to premises or facilities.
 - (2) The applicant for a guide or service dog license shall be issued an orange license tag in addition to the tag issued pursuant to this chapter. The orange tag shall be labeled "guide dog" and shall indicate that it is issued by the state.
- G. License year. All licenses shall be valid for one year from each July 1 to June 30 of the following year.
- H. Transfer of license prohibited.
 - (1) The license for an animal may not be transferred between owners;
 - (2) The license for an animal may not be transferred between animals;
 - (3) By the first day of the month following any transfer of ownership of any dog or cat, the owner(s) shall submit a County transfer form notifying the Animal Control Authority of the transfer.
- I. Display of tags.

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- (1) Metal license tags shall be securely fastened to each dog's choke chain, collar, or harness and worn by the dog at all times, unless the dog is engaged in supervised hunting or other sport where the chain, collar, or harness would endanger the dog's safety or adversely affect its use or purpose.
 - (2) Dogs having implanted microchips are exempt from the requirement in Subsection I (1).
- J. Lost license tags. A replacement license tag shall be issued to the animal's owner upon application and payment of a \$1 fee.
- K. Failure to obtain license. Failure to obtain a license shall constitute a civil infraction punishable by a fine not to exceed \$50.
- L. License agents. The County Manager is authorized to appoint and remove license agents who, serving as independent contractors, shall be authorized to issue licenses and to collect license fees. License agents shall remit all license fees due, net of commissions, to the Finance Officer according to the requirements of this chapter.
- M. License agent compensation. License agents shall receive a commission of 50% of the license fees collected by them in accordance with the procedures established by the Finance Officer. The Finance Officer may require license agents, except the Animal Control Authority, to give bond with a corporate surety conditioned upon the proper performance of their duties, in such amount as the Finance Officer shall prescribe.
- N. License agent accounting.
- (1) License agents shall keep accurate and complete records of all fees collected by them and shall furnish the Finance Officer a complete and accurate listing of the licenses issued and a detailed accounting of all fees collected. Licensing agents shall remit to the Finance Officer, monthly, 50% of the total fees collected.
 - (2) License agents shall, at least monthly, furnish the Animal Control Authority a complete and accurate listing of the numbered licenses issued, the name address, and telephone number of each person to whom each license has been issued, the name and a complete description of the animal, and each animal's license number.
- O. Public records. Records generated by license agents transmitted to the Finance Officer and to the Animal Control Authority are public records available for inspection pursuant to the requirements of law.
- P. Appeals. Any person aggrieved by any decision of any license agent may appeal the same to the Animal Control Board within 30 days of the decision in accordance with the procedures set forth in this chapter.

§ 15-3.1. Boarding, Breeding, Training, Animal Rescue, and/or Pet Sale Facility License¹

¹ This section is proposed to take effect January 1, 2020.

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- A. The owner of a Boarding, Breeding, Training, Animal Rescue and/or Pet Sale Facility shall be required to obtain a license from the Animal Control Authority to operate such facility.
- B. The Animal Control Authority shall conduct an inspection of the facility each calendar year and such inspection shall include any Records of the Facility related to the care of animals and supplies for such animals, any Records contained in the holding facility that are required to be kept by federal, State, or County law within the previous 12 months and documentation that any animal held on the premises within the 12 months prior to inspection had (1) received veterinary care during their time at the Facility and (2) received rabies vaccinations. If a violation of this Chapter is found upon such inspection, the Animal Control Authority shall have continuing authority to re-inspect until compliance is achieved.
- C. Minimum Standards: In addition to the other requirements of this Chapter, a Facility shall comply with the minimum standards established in this section, the application of which shall be in conformity with individual species requirements and common veterinary practices, to include, but not be limited to, the following.
- (1) Food and water.
- (a) All animals shall be supplied with sufficient and wholesome food and potable water.
- (b) All food and water containers shall be clean and so placed that the animals cannot readily tip them over.
- (2) Quarters.
- (a) All animals and animal quarters shall be kept in a clean and sanitary condition.
- (b) Floors of buildings, runs, and walls shall be of a material that will permit proper cleaning and disinfecting.
- (c) Adequate lighting, ventilation and temperatures shall be maintained.
- (d) Proper washing and disinfecting of crates, runs, walls and other areas where animals are housed shall be done regularly.
- (3) No escape.
- (a) Animals housed in a Facility shall be maintained in quarters so constructed as to prevent their escape.
- (b) All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- (4) Size of cage. Each cage shall be of sufficient size that an animal will have room to stand, turn, and stretch to the animal's full length.
- (5) Exercise. All animals housed in Facilities shall be properly exercised in accordance with the age and species of the animal.

(6) Veterinary care.

- (a) If an animal in a Facility demonstrates signs of illness or disease, the animal shall be isolated in a manner that will prevent the spread of the illness or disease to other animals.
- (b) The owner or lessee of a Facility shall provide or cause to be provided appropriate care for sick, diseased, or injured animals.
- (c) The owner or lessee of a Facility shall provide or cause to be provided appropriate veterinary care for sick, diseased, or injured animals within 24 hours of the onset of the injury or illness.

D. License Application Filing Requirements

Every application for a new or renewal license shall be made to the Animal Control Authority and shall be accompanied by the specified license fees. The application shall contain the following:

- (1) The type of license desired.
- (2) The particular place for which the license is desired, designating the street name and number, and also a description of the portion of the building in which the business will be conducted.
- (3) The name and residence address of all of the individuals who own a percentage of the business.
- (4) A statement that neither the business nor any one of the individual owners nor any employee of the business has ever been convicted of a felony or of a misdemeanor involving cruelty to animals in the State of Maryland, any other state, or of the United States or any foreign country.
- (5) A statement that neither the business nor any one of the individual owners have had their ability to care, train, or breed animals revoked or suspended.
- (6) An inspection of the facility by the Animal Control Authority must occur before a license can be issued.

E. Decision

- (1) After reviewing the application and performing the required inspection, the Animal Control Authority shall make a determination whether or not to issue a license. If the Animal Control Authority is not willing to issue a new or renewal license without a public hearing, the Animal Control Authority shall request that the Animal Control Board hold a public hearing on such applications, and the decision to issue such license shall be made by the Animal Control Board after such hearing.

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- (2) The Animal Control Authority shall be authorized, but not required, to provide the Board with a recommendation on new or renewal license applications, including conditions, limitations, and restrictions to ensure that the facility complies with applicable law. The Board shall consider these recommendations before making a decision on the application.
- (3) The Board shall approve an application for a facility unless the Board finds that:
 - (a) The license application is incomplete;
 - (b) The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
 - (c) The business, or the individual owners of the business has been convicted of a felony or of a misdemeanor involving cruelty to animals in the State of Maryland, any other state, or of the United States or any foreign country and/or have had their ability to care, train, or breed animals revoked or suspended and the Board believes that such history should prohibit the involvement of the business or individual owner from the care of animals.
 - (d) There are other substantial reasons in the discretion of the Board why the license should not be issued, in which event the Board shall deny the license.

F. Suspension or Revocation of License:

- (1) General provisions.
 - (a) Any license issued under the provisions of this section may be revoked or suspended for any period by the Animal Control Board for any cause which in the judgment of the Board is necessary to promote the health and welfare of animals. A license may be revoked or suspended, by the Board based upon, but not limited to, any of the following findings:
 - (i) Conviction by the owner or of an employee of the Facility of a criminal violation involving the mistreatment or neglect of animals. However, a conviction by an employee is only grounds for a revocation or suspension if the underlying events for the criminal violation occurred on the property of the Facility;
 - (ii) Any finding of fact in a criminal proceeding that would be sufficient to sustain a judgment or verdict of guilt for any violation of state law related to the mistreatment or neglect of animals by the owner or an employee of the facility, regardless of whether that finding is stricken and probation before judgment is granted.
 - (iii) The facility is found to be maintained in an unsanitary or inhumane manner; or
 - (iv) The facility repeatedly and willfully violates any provision of state law or the Talbot County Code related to animals.
- (2) For purposes of this section a conviction is deemed to have occurred whenever a person accused of a crime pleads guilty or nolo contendere or is found guilty of an offense.

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- (3) Procedure for revocation or suspension.
- (a) The Animal Control Board may, on recommendation of the Animal Control Authority, revoke or suspend any license issued under the provisions of this section. Such action shall not be taken until the Board has conducted a hearing upon the complaint, notice of which shall be mailed or delivered to the license holder at least 10 days before the hearing. In a hearing under this section, the person or entity making the complaint to the Board shall be the first to present evidence to the Board; the license holder shall then present its evidence, to be followed by any further evidence to be presented by the complainant. The Board may revoke a license for any period, at its discretion, upon a finding that any provision of this Chapter or any applicable State law has been violated, or upon a finding based upon clear and convincing evidence that the continued licensing of the premises in question constitutes a danger to the health or welfare of animals.
 - (b) Within 30 days of the hearing, the Board shall issue its decision, setting forth its findings, determination of any violations, and imposition of any sanction. If no decision is issued by the Board within 30 days of the hearing, a finding of "no violation" shall result.
- (4) Appeals.
- (a) Appeals from decisions of the Board related to § 15-3.1(D) shall be to the Circuit Court for Talbot County, in accordance with the Maryland Rules of Procedure applicable to administrative appeals.
 - (b) The decision approving, suspending, revoking, restricting, or refusing to approve, suspend, revoke or restrict any license or licensee shall be subject to appeal in the manner provided in this section.
 - (c) Who may appeal. A licensee, a license applicant, or the Animal Control Authority may appeal a final decision of the Board to the Circuit Court if the licensee, license applicant, or the Animal Control Authority is aggrieved by the decision.
 - (d) Court costs. The Clerk of the Circuit Court, before docketing an appeal, shall first collect, from the person or persons so appealing, all court costs and a statement from the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid. Costs may not be assessed against the Board.
 - (e) Scope of appeal.
 - (i) Upon the hearing of such appeal, the action of the Board shall be presumed by the court to be proper and to best serve the public interest. The burden of proof shall be upon the petitioner to show that the decision complained of was against the public interest and that the Board's discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the Board and was illegal. The case shall

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be heard by the court without the intervention of a jury. If in the opinion of the court it is impracticable to determine the question presented to the court, in the case on appeal, without the hearing of additional evidence, or if in the opinion of the court any qualified litigant has been deprived of the opportunity to offer evidence, or if the interests of justice otherwise require that further evidence should be taken, the court may hear such additional testimony to such extent and in such manner as may be necessary or may remand the case to the Board for that purpose.

(ii) In such actions of appeal the Board may be represented by its attorney.

(iii) The Board's decision shall be affirmed, modified, reversed, or remanded to the Board. Costs shall be awarded as in other civil cases.

(f) Further appeals. Further appeals shall be governed by the provisions of Article 2B, § 16-101, Annotated Code of Maryland.

(g) Violations of this section shall not result in monetary penalties.

§ 15-4 Impoundment.

A. Generally. Animal Control personnel may impound any domesticated animal whenever they have reasonable grounds to believe that it is:

(1) Running at large without a license;

(2) Running at large, displaying a current license, in response to a complaint by a landowner or tenant, provided, however, that prior to impoundment an attempt will be made to return the animal to its home;

(3) A public nuisance;

(4) Being subjected to Extreme Weather Conditions without a Suitable Shelter and an owner/guardian is not present to rectify the situation; or

(5) Being tethered in violation of this Chapter and an owner/guardian is not present to rectify the situation; or

~~(4)~~ (6) An unconfined vicious animal, either unrestrained or un-muzzled; or

~~(5)~~ (7) An unconfined dangerous dog, either unrestrained or un-muzzled.

B. State law unaffected. Nothing in this chapter is intended to enlarge or restrict any authority to impound an animal pursuant to state law. Animals impounded pursuant to state law shall nevertheless be subject to the administrative remedies and the jurisdiction of the Animal Control Board as provided in this chapter.

C. Notice to owner. When an animal is impounded, Animal Control personnel shall notify the owner of the date, time, location and reasons for its impoundment. The notice shall include a list of conditions, if any, which the owner must fulfill to reacquire possession of the animal.

D. Waiting period.

- (1) Where the animal's owner cannot be identified and it is not claimed within 168 hours after being impounded, the animal may be adopted out or euthanized in accordance with procedures established by the Animal Control Board pursuant to § 15-15B.
- (2) Exceptions:
 - (a) Feral cats may be euthanized immediately;
 - (b) Animals that are seriously diseased or severely injured may be euthanized immediately;
 - (c) Animals under three months of age may be euthanized immediately;
 - (d) Dangerous dogs or vicious animals may be euthanized 72 hours after being impounded;
 - (e) Animals that are unadoptable, as determined by qualified Animal Control personnel in accordance with written regulations adopted by the Animal Control Board pursuant to § 15-15B may be euthanized 120 hours after being impounded; and
 - (f) When available space in the animal shelter limits the number of animals that can be accommodated, the length of time that an animal is required to be held before being adopted out or euthanized may be shortened from 168 to 120 hours if necessary to provide space to accommodate non-impounded adoptable animals.

E. Charges for impoundment. The Animal Control Authority's charges for impoundment shall be reasonably related to the cost of providing the service. No legally impounded animal shall be released to an owner unless all charges incident to the confinement have been paid. Owners of illegally impounded animals, or persons prevailing in an appeal to the Animal Control Board or in any court proceeding, shall obtain release of the animal without charge for impounding service fees, boarding, or veterinary care.

- (1) Whenever an animal is legally impounded pursuant to this chapter or state law, the owner thereof shall pay an impounding service fee according to a schedule adopted by the County Council as a condition of release of the animal.
- (2) In addition to the impoundment service fee, the owner shall pay the costs of any required veterinary care, boarding fee, and a license fee for any unlicensed animal.
- (3) Impoundment service fees shall be payable to and retained by the Animal Control Authority to offset the expenses incurred in impounding the animal. All fees received

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by the Animal Control Authority shall be reported annually to the County Council by separate line item during the budget process.

F. Stay pending owner identification or appeal. No animal impounded pursuant to the terms of this chapter may be adopted out, neutered, spayed, or euthanized during:

- (1) The waiting period pending identification of its owner;
- (2) Until any appeal to the Animal Control Board pursuant to § 15-16B is finally concluded;
or,
- (3) Until any court proceeding is finally concluded.

§ 15-5. Adoption of stray dogs and cats.

- A. Procedures for adoption. Any person obtaining possession of a stray unlicensed dog or cat who wishes to adopt the dog or cat shall, within 24 hours, deliver it to the Animal Control Authority or request Animal Control personnel to take physical custody and transport it to the shelter.
- B. Procedures to locate owner. The Animal Control Board may establish or amend criteria and procedures to identify or locate the owner, and to determine eligibility for adoption, which shall have the force and effect of law when approved by resolution of the Council. Approval of any such resolution shall occur no later than 90 days prior to the annual renewal of any contract with the Animal Control Authority.

§ 15-6 Vicious animals; dangerous dogs; additional penalty.

A. Generally. A vicious animal or dangerous dog must be confined at all times while on the premises of the owner or person in possession of the animal. The animal shall not be taken out of such confinement unless securely muzzled and under restraint. Confinement by electric fence and use of retractable leashes are not allowed for vicious animals and dangerous dogs. While a vicious animal or dangerous dog is off the property where the animal resides, the animal must be kept on a six foot or shorter leash.

B. Basis for declaration. A declaration of vicious animal or dangerous dog shall be based on:

- (1) Personal observation;
- (2) Observations of animal control officers;
- (3) Citizen affidavits concerning the citizen's personal experience with the animal;
- (4) Animal control records; or
- (5) Other documented information.

C. Upon a violation of this section, in addition to any criminal prosecution or fine authorized by this chapter, the Animal Control Board may order the animal destroyed and direct the owner to refrain from possessing or owning other animals for a period not to exceed three years.

§ 15-7 Misdemeanor violations.

Any person who violates any provision of § 15-7 shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed \$500 or be imprisoned for not to exceed 90 days.

- A. No person shall attempt to interfere with the Animal Control Officer or Animal Control personnel in the lawful performance of their duties under this chapter;
- B. No person shall attempt to obtain the release, without permission from the Animal Control Authority, of any animal legally impounded or otherwise confined on shelter property pursuant to this chapter; and
- C. No person shall fail to confine, restrain, or muzzle a vicious animal or dangerous dog in violation of this chapter.

§ 15-8 Civil violations.

Any person who violates any provision of § 15-8 shall be guilty of a municipal infraction. Adjudication of a violation under this section is not a criminal conviction, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

- A. All owners shall care for the grounds where their animals are kept so as to prevent the area from becoming a public nuisance or unhealthy for the animals kept thereon.
- B. All owners shall exercise care and control over their animals to prevent them from becoming a public nuisance.
- C. No owner shall fail or neglect to properly dispose of a dead animal.
- D. No owner shall fail to obtain a license as required by this chapter.
- E. A person may not:
 - (1) Overdrive or overload an animal;
 - (2) Deprive an animal of necessary sustenance;
 - (3) Cause, procure, or authorize an act prohibited under Subsection E(1) or (2) of this subsection; or
 - (4) If the person has charge or custody of an animal, as owner or otherwise:
 - (a) Inflict unnecessary suffering or pain on the animal; or
 - (b) Unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.
- F. A person shall provide an owned domestic dog, cat, or rabbit access to a Suitable Shelter which provides adequate protection upon the onset of Extreme Weather Conditions. The

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space available to the animal in the Shelter shall be maintained in a safe and healthful manner, free of standing water, accumulated waste and debris, protected from flooding and provided with adequate ventilation to allow the animal to remain dry and maintain a normal body temperature and exposure to natural or artificial light and provide adequate protection from the weather conditions at hand.

G. A person must not tether a dog under circumstances that endanger its health, safety, or well-being, as stated below. Failure to provide relief to a dog in distress when exposed to any of the conditions listed below is proof that the dog was improperly, i.e., cruelly, tethered:

- (1) Leaving a dog on a tether Unattended at any time;
- (2) Tethering a dog between the hours of midnight – 6 a.m.;
- (3) Tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer,
- (4) Using a tether that weighs more than 1/8 of the dog's body weight;
- (5) Using a tether that does not have a swivel attached on each end;
- (6) Using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
- (7) Tethering that unreasonably limits a dog's movement;
- (8) Tethering under conditions where the dog or tether can become entangled on the tether or some other object;
- (9) Tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
- (10) Tethering in unsafe or unsanitary conditions;
- (11) Tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or,
- (12) Tethering that causes injury, stress, or demonstrable socialization problems.

H. A person shall not tether, chain, fasten, tie, or otherwise restrain a cat to a house, tree, fence, or other stationary or immobile object.

I. Exception. Nothing in this regulation prohibits:

- (1) A regiment of restraint that the Director has approved for a particular training or working dog purpose; or

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(2) The temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.

J. The Animal Control Authority may issue a civil citation for violation of § 15-8E(1) through (4) only when it elects to forego criminal charges for the identical prohibited acts under § 10-604, Criminal Law Article, Md. Ann. Code, as amended or recodified.

K. Violations of § 15-8 (F) shall result in a fine of \$500 for the first violation for each involved animal, \$1,000 for the second violation with the same animal, and \$1,500 for the third violation with the same animal. Violations of § 15-8 (G) and (H) shall result in a fine of \$100 for the first violation for each involved animal, \$200 for the second violation with the same animal, and \$300 for the third violation with the same animal. Procedures for the issuance of such Violations are detailed elsewhere in the Code.

§ 15-9 Civil enforcement procedure.

A. General.

- (1) The County Council may provide a civil fine as a penalty for a violation of this chapter. Except as provided otherwise, a civil fine shall be enforced by the issuance of a citation as provided in this section.
- (2) A citation may be served in accordance with Maryland Rule of Procedure 3-121 on a person believed to be committing a violation of this chapter for which a civil fine has been provided. The office or department that issues the citation shall retain a copy of it. The citation shall contain:
 - (a) The name and address of the person charged;
 - (b) The nature of the violation;
 - (c) The place and time that the violation occurred;
 - (d) The amount of the fine assessed;
 - (e) The manner, location, and time in which the fine may be paid;
 - (f) The person's right to elect to stand trial for the violation; and
 - (g) A certification attesting to the truth of the matters set forth.

B. Fines. Except as otherwise provided, the schedule of fines for a violation prosecuted by the issuance of a citation is:

- (1) Fifty dollars for the first violation;

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- (2) One hundred dollars for the second violation;
 - (3) One hundred and fifty dollars for the third violation;
 - (4) Two hundred dollars for the fourth violation; and
 - (5) Five hundred dollars for the fifth or any subsequent violation.
- C. Trial. A person who receives a citation may elect to stand trial for the violation by filing with the Animal Control Authority or other office or department that issued the citation a notice of intention to stand trial. The notice shall be given at least five days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, the Animal Control Authority, office, or department that issued the citation shall forward to the District Court having venue a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date.
- D. Fines. All fines, penalties, or forfeitures collected by the District Court for violations enforced by the issuance of citations under this section shall be remitted to the County.
- E. Failure to pay. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be mailed by first class mail to the person's last known address. If the citation is not paid within 15 days after the date of the notice, the person is liable for a fine of twice the amount of the original fine. If the citation is not paid within 35 days after the date of the notice, the office or department that issued the citation may request adjudication of the violation in the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.
- F. Record of violation. Adjudication of a violation under this section is not a criminal conviction, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- G. Prosecution. The violation shall be prosecuted in the District Court in the same manner and to the same extent as set forth for municipal infractions in Article 23A, § 3(b)(7) through (15) of the State Code. The Talbot County Office of Law may prosecute the violation.

§ 15-10 Abatement orders.

- A. General. The Animal Control Officer may issue an administrative abatement order to any person whenever there is probable cause to believe that the person is violating any provision of this chapter. The administrative abatement order shall contain:
- (1) The name and address of the person;
 - (2) The nature of the violation;
 - (3) The manner, place, and time that the violation occurred;

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- (4) The action necessary to abate, correct, or discontinue the violation, or to comply with the provisions of this chapter;
 - (5) A certification attesting to the truth of the matters set forth; and
 - (6) The person's right to appeal the administrative abatement order to the Animal Control Board.
- B. Finality. The administrative abatement order shall become final 30 days after issuance, unless:
- (1) An appeal is filed to the Animal Control Board, or,
 - (2) Under the circumstances, abatement, correction, discontinuance, or compliance cannot reasonably be accomplished within 30 days. In that event, the administrative abatement order shall establish a reasonable time and set forth a date for abatement, correction, discontinuance, or compliance.
- C. Appeal. The person may file an appeal to the Animal Control Board within 30 days of the date of the administrative abatement order, or until the last day by which abatement, correction, discontinuance, or compliance is required, whichever is later.

§ 15-11 Administration and enforcement.

The County Council, may, by contract, appoint or engage an Animal Control Authority as the enforcement authority for animal control and the dog and cat licensing provisions of this chapter. The Animal Control Authority shall appoint an Animal Control Officer who shall have supervisory authority with regard to enforcement and administration of this chapter, as an independent contractor, under the general supervision of the County Manager.

§ 15-12 Deputizing animal control personnel.

The Animal Control Authority may appoint or employ Animal Control personnel, who, acting under the supervision of the Animal Control Officer, shall be empowered to implement and enforce the provisions of this chapter.

§ 15-13 Euthanasia.

- A. If the owner of an animal found in critical condition from wounds, injuries, or disease cannot be contacted within a reasonable length of time, the animal may be euthanized at the discretion of the Animal Control Officer or a Maryland-licensed veterinarian. The owner shall be contacted as soon as possible and shall make arrangements for the burial, cremation, or other approved removal of the animal. If acting in good faith, any person euthanizing any animal under any provision of this chapter shall be immune from liability.

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- B. Dogs or cats found at large without a license which have bitten or scratched a human or another animal may be euthanized in accordance with procedures established by the Animal Control Board pursuant to § 15-15B.

- C. If the animal fails to display a license and does not have an implanted microchip identifying its owner, and if circumstances require that an animal be euthanized or adopted out before identification of and notice to the animal's owner, then the Animal Control Authority, the Animal Control Officer, Animal Control personnel, the County, its or their officers, agents, and employees, provided they act in good faith, are immune from any liability in any suit or action by an owner or other person for authorizing or administering euthanasia or adopting out the animal without prior notice.

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