

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session

Bill No. _____

Chapter. No. _____

Introduced by _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 **Charles County Animal Regulations**

3

4 FOR the purpose of

5 Adding new provisions and clarifying or modifying existing provisions of the Charles
6 County Animal Regulations.

7

8 BY repealing and reenacting, with amendments:

9 Chapter 230, Article I - Dogs and Other Animals

10 *Code of Charles County, Maryland*

11 (1994 Edition, 2006 Supplement)

12

13 _____ **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
14 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
15 follows:

16

17 **§ 230-1.** _____ **Statement of Purpose.**

18 These Animal Regulations are hereby established by the County Commissioners of Charles

1 County, Maryland to provide for the safety of the public, the humane care and treatment of
2 animals and to encourage responsible pet ownership.

3
4 **§ 230-2. Definitions.**

5 As used in these Regulations the following terms are defined below:

6
7 **Adult Animal** - Any animal four months of age or older.

8
9 **[Air, proper** - Enclosed areas must be constructed or modified to allow free flow of air
10 to control temperature, humidity and prevent air stagnation.]

11
12 **Animal** - Every non-human species of animal both domestic and wild including but not
13 limited to dogs, cats, livestock and fowl.

14
15 **Animal at Large** - Any animal off the premises of the owner or custodian, and not under
16 the restraint of a person capable of controlling the animal.

17
18 **[Animal Control** - Charles County Animal Control shall include but not be limited to
19 any individual designated by the County Commissioners to enforce these regulations and
20 the State Code.]

21
22 **Animal Control Officer (ACO)** - Any Animal Control Officer employed by Charles
23 County Commissioners to enforce these regulations and [the] applicable State Code.
24 [(Also referred to as an "ACO").

25
26 **[Animal exposed to rabies** - Any animal which has been bitten by an animal which
27 either has rabies or has been in proximity to or contact with an animal that has rabies, or
28 any animal which has not been bitten but which has been in proximity to or in contact
29 with or has otherwise been exposed for any period of time to an animal which has rabies.

1 The determination whether an animal is infected with rabies shall be made by the Health
2 Officer for Charles County and the Maryland Department of Health and Mental
3 Hygiene.]

4
5 **ANIMAL FANCIER** - ANY PERSON PARTNERSHIP, CORPORATION OR OTHER
6 LEGAL ENTITY THAT HARBORS OR KEEPS ANY COMBINATION OF MORE
7 THAN 10 ADULT ANIMALS AND WHICH DOES NOT BREED AND SELL THE
8 OFFSPRING OR USE MALES FOR STUD. THIS DEFINITION SHALL NOT
9 INCLUDE FISH, LIVESTOCK, POULTRY AND OTHER FARM ANIMALS USED
10 IN CUSTOMARY AND NORMAL AGRICULTURAL PRACTICES.

11
12 **Animal Shelter** - Any facility operated by a [municipal] PUBLIC ENTITY [agency] or
13 its AGENT [agents], for the purpose of impounding animals under the authority of these
14 regulations or State Code for care, confinement, return to owner, adoption or euthanasia.

15
16 **Animal/Veterinary Hospital** - Any establishment maintained or operated by a licensed
17 veterinarian for the immunization, hospitalization, surgery or diagnosis, prevention and
18 treatment of diseases and injuries of animals.

19
20 **[Auction** - Any place or facility where animals are regularly bought, sold, or traded,
21 except for those facilities otherwise defined in these regulations.]

22
23 **Board** - The Animal Matters Hearing Board established pursuant to these Regulations.

24
25 **Cage** - Any [enclosure] CONFINING DEVICE of limited space, enclosed on the bottom,
26 top and all sides by a wall [or otherwise], in which animals are placed for any purpose,
27 including confinement or display.

28
29 **Charles County Division of Animal Control** - CHARLES COUNTY ANIMAL

1 CONTROL SHALL INCLUDE BUT NOT BE LIMITED TO ANY INDIVIDUAL
2 DESIGNATED BY THE COUNTY COMMISSIONERS TO ENFORCE THESE
3 REGULATIONS AND THE APPLICABLE STATE CODE.

4
5 **Circus** - A commercial variety show featuring animal acts for public entertainment.

6
7 **Commercial Animal Establishment** - Any person, partnership, [or] corporation or other
8 legal entity ENGAGED IN [that has as a purpose] the TRAINING, GROOMING,
9 BOARDING, sale, transfer, AUCTION, or other DELIVERY [conveyance] of any
10 animal/animal services [for money]. Shall include but not be limited to any pet shop,
11 grooming shop, [auction,] zoological park, circus, performing animal exhibition,
12 boarding or breeding facility; AND [or] ANY PERSON, PARTNERSHIP,
13 CORPORATION OR OTHER LEGAL ENTITY [establishment] ENGAGED IN [with
14 the purpose of] THE training, leasing, or SALE OF [selling] guard dogs. Shall not
15 include animal hospitals, animal shelters or humane societies.

16
17 [**Commercial Boarding Facility** - Any person, partnership, corporation or other legal
18 entity establishment for the commercial animal sales, training, boarding, and grooming.
19 sale or training of animals for which a fee is charged; provided that any animal or
20 hospitals maintained by a licensed veterinarian as part of the practice of veterinary
21 medicine for the treatment of animals shall not be considered a "Commercial Facility"
22 shall not include livestock, poultry and other farm animals used in customary and normal
23 agricultural husbandry practices.]

24
25 **Commercial Breeding Facility** - Any person, partnership, [or] corporation or other legal
26 entity that owns OR POSSESSES BREEDING STOCK OF [keeps, harbors or is
27 custodian of] four (4) or more unneutered male [animals] or [four or more] unspayed
28 female animals or [four or more of] any combination [of unneutered male, unspayed
29 female animals kept or used for stud or breeding for which a fee is charged and/or for

1 breeding for which a fee is charged for the offspring] THEREOF, FOR THE PURPOSE
2 OF CHARGING A FEE FOR STUD SERVICES OR OFFSPRING. This definition shall
3 not include livestock, poultry and other farm animals used in customary and normal
4 agricultural husbandry practices.

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6 **Cruelty** - As defined in § 230-8.

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8 **Custodian** - Any person, partnership, [or] corporation OR OTHER LEGAL ENTITY
9 THAT HARBORS, TAKES CARE OR CUSTODY OF, OR TAKES
10 RESPONSIBILITY FOR ANOTHER PERSON'S ANIMAL(S); OR ALLOWS THE
11 ANIMAL(S) TO REMAIN ON THEIR PREMISES [having or taking temporary
12 responsibility of any animal as caretaker or otherwise].

13
14 **Dangerous Animal** - As defined under § 230-12.5[.], AND AS LISTED IN THE
15 ANNOTATED CODE OF MARYLAND, CRIMINAL LAW SECTION 10-621(b):
16 PROHIBITED - A PERSON MAY NOT IMPORT INTO THE STATE OR CHARLES
17 COUNTY, OFFER FOR SALE, TRADE, BARTER, POSSESS, BREED, OR
18 EXCHANGE A LIVE:

- 19 1) FOX, SKUNK, RACCOON OR BEAR;
- 20 2) CAIMAN, ALLIGATOR OR CROCODILE;
- 21 3) MEMBER OF THE CAT FAMILY OTHER THAN THE DOMESTIC CAT;
- 22 4) HYBRID OF A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT
23 IF THE HYBRID WEIGHS OVER 30 POUNDS;
- 24 5) MEMBER OF THE DOG FAMILY OTHER THAN THE DOMESTIC DOG;
- 25 6) HYBRID OF A MEMBER OF THE DOG FAMILY AND A DOMESTIC DOG;
- 26 7) NONHUMAN PRIMATE, INCLUDING LEMUR, MONKEY, CHIMPANZEE,
27 GORILLA, ORANGUTAN, MARMOSET, LORIS OR TAMARIN; OR
- 28 8) POISONOUS SNAKE IN THE FAMILY GROUPS HYDROPHIDAE,
29 ELAPIDAE, VIPERIDAE OR CROTOLIDAE.

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Domestic Animal - Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live WITH OR IN PROXIMITY TO [in or about the habitation of] humans, and WHICH is dependent on [people] HUMANS for food and shelter. Domestic animals include but are not limited to farm animals, and pets such as dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets, and hedgehogs, nonpoisonous reptiles, fish, and amphibians, parakeets, cockatiels and other [commercially raised] EXOTIC birds.

Grooming Shop - A commercial animal establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard Dog - Any dog that is trained specifically for and/or used to protect private property or for personal protection.

Guard Dog Training Center - Any establishment that trains, [and/or] brokers [and/] or sells dogs to be used to protect [public/private] property or for personal protection.

Humane Society - A non-profit organization chartered by the State of Maryland [dedicated] to ENGAGE IN THE CARE, TREATMENT, rehabilitation, rescue, and adoption of DOMESTIC ANIMALS [injured and ailing pets. and in to the humane education of both adults and children].

Impound - Any animal in the custody of CHARLES COUNTY DIVISION OF ANIMAL CONTROL [animal control] or its agents.

INTIMIDATION - WHEN A REASONABLE PRUDENT PERSON UNDER THE SAME OR SIMILAR CIRCUMSTANCES WOULD HAVE BEEN THREATENED BY THE ACTIONS OF THE ANIMAL IN QUESTION.

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Livestock - Cattle, equines, goats, sheep or swine unless otherwise provided.

Owner - Any person, partnership, corporation OR OTHER LEGAL ENTITY THAT OWNS, KEEPS OR HARBORS [owning, keeping or harboring] one (1) or more animals; OR ALLOWS THE ANIMAL(S) TO REMAIN ON THEIR PREMISES. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. IN THE EVENT THAT THE OWNER OR CUSTODIAN OF ANY ANIMAL IS A MINOR, THE PARENT OR GUARDIAN OF SUCH MINOR SHALL BE RESPONSIBLE TO ENSURE THAT ALL PROVISIONS OF THESE REGULATIONS AND APPLICABLE STATE CODE ARE COMPLIED WITH.

Performing Animal Exhibition - Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Pet Shop - Any person, partnership, [or] corporation OR OTHER LEGAL ENTITY, whether operated INDEPENDENTLY [separately] or in connection with another business enterprise that buys or brokers any species of animal for sale or resale as pets.

Petting Zoo - Any ESTABLISHMENT, activity or facility where a fee is charged FOR THE PURPOSE OF PERMITTING [whose purpose is to permit] persons to come into physical contact with animals maintained within or upon such establishment, activity or facility.

Potentially Dangerous Animal - As defined under § 230-12.5.

Public Nuisance - As defined under § 230-12.4.

RABIES EXPOSURE - SHALL INCLUDE ANY INSTANCE WHEREIN AN

1 ANIMAL HAS BEEN BITTEN BY ANOTHER ANIMAL FOR WHICH A RABIES
2 DIAGNOSIS IS SUSPECTED OR CLINICALLY CONFIRMED; OR ANY ANIMAL
3 WHICH HAS BEEN EXPOSED TO OR IN CONTACT WITH ANOTHER ANIMAL
4 FOR WHICH A RABIES DIAGNOSIS IS SUSPECTED OR CLINICALLY
5 CONFIRMED. THE CLINICAL DETERMINATION AS TO WHETHER AN
6 ANIMAL IS INFECTED WITH RABIES SHALL BE MADE BY THE CHARLES
7 COUNTY DEPARTMENT OF HEALTH AND THE MARYLAND DEPARTMENT
8 OF HEALTH AND MENTAL HYGIENE (DHMH).

9
10 **Rabies Vaccination** - An anti-rabies vaccination using a Vaccine type approved by the
11 Maryland State Department of Health and Mental Hygiene or the Maryland Public Health
12 Veterinarian.

13
14 **[Restraint** - Any animal humanely secured by a leash or lead and/or under the control of
15 a responsible person and obedient to that person's commands.]

16
17 **Sanitary** - A condition of good order and cleanliness which minimizes the probability of
18 transmission of disease.

19
20 **Space, Proper** - Space available to the animal must be usable and safe (e.g. must be
21 provided an area free from standing water, accumulated waste, sharp objects and debris
22 and maintained in a safe and healthful manner). Space must be appropriate and sufficient
23 for the age, breed/type, quantity, condition and size of the animal(s).

24
25 **State Code** - Any and all animal laws of the Annotated Code for the State of Maryland.

26
27 **TRI-COUNTY ANIMAL SHELTER (TCAS)** - THE APPOINTED SHELTER
28 AUTHORITY WITHIN CHARLES COUNTY, MARYLAND.

1 **Ventilation** - AREAS CONSTRUCTED OR MODIFIED TO ALLOW THE FREE
2 FLOW OF ADEQUATE AIR TO CONTROL TEMPERATURE, HUMIDITY
3 AND PREVENT AIR STAGNATION.

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5 **Vicious Animal** - As defined under § 230-12.5.

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7 **WILD ANIMAL** - AN ANIMAL WHICH IS NOT DEFINED AS A DOMESTIC
8 ANIMAL AND IS INCAPABLE OF BEING COMPLETELY DOMESTICATED OR
9 TAMED. AN ANIMAL WHICH IN ITS NATURAL STATE IS WILD, DANGEROUS
10 OR FEROCIOUS AND THOUGH IT MAY BE TRAINED AND HABITUATED BY
11 THE OWNER OR CUSTODIAN WILL REMAIN DANGEROUS TO THE PUBLIC
12 AT LARGE. ANY HYBRID OR CROSSBRED ANIMAL WHICH IS PART EXOTIC
13 OR WILD [As defined in State and Federal Code].

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15 **Wolf Hybrid** - Any animal that is advertised, registered, licensed, or otherwise described
16 or represented as a wolf hybrid by its owner, POSSESSOR OR CUSTODIAN, or any
17 animal exhibiting primary physical and behavioral wolf characteristics.

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19 **Zoological Park** - Any facility operated by a person, partnership, corporation or other
20 legal entity [government agency], other than a [pet shop or kennel] COMMERCIAL
21 ANIMAL ESTABLISHMENT, displaying or exhibiting one (1) or more species of non-
22 domesticated animals.

23
24 **§ 230-3. Duties of [all] animal owners OR CUSTODIANS [to be responsible owners].**

25 A. It shall be the duty of the [every] owner OR CUSTODIAN of any animal, or
26 anyone having any animal in his/HER possession [or custody], to exercise
27 reasonable care and to take all necessary steps and precautions to protect [other]
28 people, property and animals from INJURY [injuries] or damage which might
29 result from their animals' behavior, regardless of whether such behavior is

1 motivated by mischievousness, playfulness or ferocity.

2 B. In the event that the owner or CUSTODIAN [keeper] of any animal is a minor,
3 the parent or guardian of such minor shall be responsible to ensure that all
4 provisions of these regulations and APPLICABLE [the] State Code are complied
5 with.

6
7 [C. No animal may be sold or given to a minor without the written consent of the
8 minor's parent or legal guardian.]

9

10 **§ 230-4. Animal Matters Hearing Board.**

11 A. Membership; rules; support.

12 (1) There is hereby created an Animal Matters Hearing Board which shall
13 consist of not more than nine (9) members to be appointed by the County
14 Commissioners. The Board shall consist of not less than four (4) CHARLES
15 COUNTY RESIDENTS [citizens] at large and one (1) representative each from
16 the following agencies and professions:

17 (a) Charles County Office of the Sheriff

18 (b) Charles County Humane Society

19 (c) A veterinarian licensed BY MARYLAND [to practice] THAT
20 PRACTICES in Charles County

21 [(2) The members shall all be Charles County citizens.]

22 (2) [(3)] The term of appointment is [for] four (4) years. Any person
23 appointed to fill a vacancy created by resignation or otherwise shall be appointed
24 only to fulfill the unexpired term of the member who [has] vacated the position.
25 Of the members first appointed, two (2) must be appointed for [1-] ONE (1) year
26 terms, two (2) must be appointed for [2-] TWO (2) year terms, two (2) must be
27 appointed for [3-] THREE (3) year terms, and one (1) must be appointed for a [4-]
28 FOUR (4) year term. Additional appointments shall be at the [pleasure]
29 DISCRETION of the County Commissioners in accordance with applicable laws.

- 1 (3) [(4)] The members of the Board shall serve without compensation.
- 2 (4) A BOARD MEMBER WHO MISSES THREE (3) REGULARLY
- 3 SCHEDULED MEETINGS IN A ROLLING TWELVE MONTH PERIOD MAY
- 4 BE REPLACED AT THE DISCRETION OF THE COUNTY
- 5 COMMISSIONERS, UPON REQUEST OF THE CHAIRMAN OF THE
- 6 BOARD.
- 7 (5) Board members shall abide by the Charles County Code of Ethics.
- 8 (6) The Chairman and Vice Chairman shall be appointed by the County
- 9 Commissioners of Charles County, Maryland.
- 10 (7) A quorum shall consist of a majority of the appointed members.
- 11 (8) To the extent provided by the approved fiscal year budget, the County
- 12 Commissioners of Charles County, Maryland shall provide for the Board
- 13 such office space, supplies and equipment as may be required by the Board.
- 14 (9) To the extent provided by the approved fiscal year budget the County
- 15 Attorney's Office shall provide support personnel as may be required by the
- 16 Board.
- 17 (10) The Board shall use Roberts Rules of Order in the as a guide to conduct of
- 18 any and all public hearings.
- 19 B. Powers and/or duties of the Animal Matters Hearing Board.
- 20 (1) The Board shall meet twice monthly or at the discretion of the Chairman
- 21 to fulfill the duties and responsibilities of the Board.
- 22 (2) The Board shall submit an annual report to the County Commissioners
- 23 concerning its responsibility hereunder.
- 24 (3) The Board shall recommend to the County Commissioners changes in the
- 25 law regarding the control of animals in Charles County.
- 26 (4) [The Chairman shall notify the County Commissioners if a Board member
- 27 misses three regularly scheduled meetings annually; this member may then be
- 28 replaced at the discretion of the County Commissioners] THE BOARD SHALL
- 29 CONDUCT PUBLIC HEARINGS TO DETERMINE WHETHER A

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VIOLATION OF THESE REGULATIONS HAS OCCURRED.

(5) [Upon a written complaint or a request from a person receiving a violation notice, the Board shall conduct a public hearing after due notice to determine whether violations of these regulations have occurred and whether a person subject to an order of the Board has complied with that order.] **THE BOARD MAY ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF ANY WITNESS, AS WELL AS THE PRODUCTION OF DOCUMENT(S).**

(6) [At the close of all evidence in a case, if the Board finds that a violation of the Charles County Animal Regulations occurred, it may levy fines as provided in § 230-12.9. The Board may reduce or increase any fine imposed to an amount that the Board considers appropriate in accordance with §§ 230-4 and 230-12.9 of these regulations. If the Board finds that a violation did not occur, it shall dismiss the charges.] **IN REACHING ITS DECISION, THE BOARD MAY CONSIDER PRIOR VIOLATION(S) AND PATTERNS OF BEHAVIOR.**

(7) [The Board shall have the power to issue subpoenas for the attendance of any witness(es) and the production of document(s) at a hearing of the Board.] **THE BOARD MAY ISSUE ORDERS AND IMPOSE MONETARY FINES AS PROVIDED IN SECTION 230.12.9 OF THESE REGULATIONS.**

[(8) Upon determination after notice and hearing that a violation of these regulations have occurred and that a public nuisance animal or condition exists, require the payment of penalties and the taking of other affirmative action to abate.

(9) Any animal that has been determined by the Board to be a public nuisance and/or vicious and or/ dangerous that is impounded for a repeat violation of the same charge may be held, at the Board’s request, at the Sheltering Facility until the case can be heard by the Board.

(10) A complaint under these regulations shall be filed within one year and one day from the date of the alleged violation.]

C. Hearing procedures: Findings and Orders. The Board shall conduct A public

1 HEARING [hearings when]:

2 (1) UPON RECEIPT OF A [A] written complaint that a person,
3 PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY has violated
4 [or permitted his animal to violate] the provisions of these Regulations [is filed
5 with the Board]. The complaint must [be specific, particularly with regard to
6 identification of animals and dates and locations of particular incidents] SPECIFY
7 THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR CUSTODIAN,
8 AS WELL AS CLEARLY AND ACCURATELY DESCRIBE THE ANIMAL(S)
9 INVOLVED AND THE DATE(S) AND LOCATION(S) OF THE ALLEGED
10 INCIDENT(S). A COMPLAINT UNDER THESE REGULATIONS SHALL BE
11 FILED WITHIN ONE (1) YEAR AND ONE (1) DAY FROM THE DATE OF
12 THE ALLEGED VIOLATION.

13 (2) [A written complaint that a person] UPON RECEIPT OF NOTICE THAT
14 A PARTY SUBJECT TO AN ORDER OF THE BOARD has failed to comply
15 with SUCH [an outstanding] order [of the Board is filed with the Board].

16 (3) [A person who has been served with a citation failed to pay the fine before
17 the required date; or] UPON NOTICE THAT A PARTY PERSON WHO HAS
18 BEEN ISSUED A CITATION FOR A VIOLATION OF THESE
19 REGULATIONS HAS FAILED TO COMPLY WITH THE REQUIREMENTS
20 OF THAT CITATION IN THE TIME FRAME PRESCRIBED.

21 (4) An Animal Control Officer [signs] FILES a written complaint.

22 (5) ANY ANIMAL THAT HAS BEEN PREVIOUSLY DETERMINED BY
23 THE BOARD TO BE A PUBLIC NUISANCE AND/OR VICIOUS AND/OR
24 DANGEROUS THAT IS IMPOUNDED FOR A REPEAT VIOLATION OF
25 THE SAME CHARGE MAY BE HELD, AT THE BOARD'S REQUEST, AT
26 THE SHELTERING FACILITY UNTIL THE CASE CAN BE HEARD BY THE
27 BOARD.

28 D. The Board shall give FOURTEEN (14) DAYS PRIOR WRITTEN notice [in
29 writing] OF THE HEARING to the defendant of a complaint by [either personal delivery,

1 or] THROUGH PERSONAL SERVICE, by certified mail, restricted delivery, return
2 receipt requested. [Said notice shall be received by the defendant at least 14 calendar
3 days prior to the public hearing regarding the alleged violation.]

4 E. FOLLOWING THE PRESENTATION OF ALL EVIDENCE [At the close of all
5 of the evidence], the Board shall deliberate and [within 14 days, the Board] shall issue its
6 written decision and order WITHIN FOURTEEN (14) CALENDAR DAYS. The order
7 shall contain findings of fact and conclusions of law. If the Board finds that a violation
8 did not occur, it shall dismiss the complaint or citation. In addition to imposing penalties,
9 the Board may require appropriate affirmative action, including, but not limited to:

10 (1) The mandatory restriction or confinement of the animal under such
11 conditions as the Board may require in its discretion.

12 (2) The mandatory disposition of the animal as the Board may direct in its
13 discretion.

14 (3) The correction of conditions or methods of animal care, keeping,
15 maintenance, housing or veterinary treatment, as the Board may determine in its
16 discretion; all costs associated with the Board's recommendation shall be the
17 responsibility of the owner.

18 (4) Ordering the owner/custodian of an animal, after having found them in
19 violation of these regulations or the State Code, to make restitution of expenses
20 incurred by the County for board, veterinary care, etc. to Charles County
21 DIVISION [Department] of Animal Control Services.

22 (5) IF THE BOARD FINDS THAT A VIOLATION OF THE CHARLES
23 COUNTY ANIMAL REGULATIONS HAS OCCURRED, THE BOARD IT
24 MAY IMPOSE LEVY FINES AS PROVIDED IN § 230-12.9. THE BOARD
25 MAY SUSPEND, REDUCE OR INCREASE ANY FINE IMPOSED TO AN
26 AMOUNT THAT THE BOARD CONSIDERS APPROPRIATE IN
27 ACCORDANCE WITH §§ 230-4 AND 230-12.9 OF THESE REGULATIONS.

28 F. All decisions of the Board authorized under these regulations shall be final and
29 subject to review only by the Circuit Court for Charles County upon a timely appear

1 appeal filed pursuant to the Maryland Rules of Procedure by any party aggrieved by a
2 decision within the time prescribed for appeals from administrative agencies by such
3 rules of procedure.

4 G. Orientation for the Board. At the beginning of each CALENDAR year, the
5 assigned County Attorney will conduct a briefing for the Board. [(The serious
6 consequences for all concerned makes it imperative that the hearing be conducted
7 properly and with fairness to all parties. Not only should the members of the Board, and
8 in particular the Chairman, know and follow the adopted rules of administrative
9 procedure, but the Board should be educated in the principles and practice of due process,
10 including but not limited to, how to examine and weigh evidence and testimony. The
11 briefing proposed above would serve as an orientation for new members and a "refresher"
12 for incumbents).]

13
14 **§ 230-5. Chief of Animal Control Services.**

15 A. The Chief shall BE RESPONSIBLE FOR [ensure] the enforcement of the
16 provisions of these regulations, including but not limited to public safety, public
17 nuisance, prevention, cruelty to animals and minimum standards for animal care. The
18 Chief shall implement and maintain the following:

- 19 (1) A program of regular patrols and response to citizen complaints for the
20 purpose of enforcing these regulations and the State Code regarding animals.
21 (2) A program inspection of all COMMERCIAL AND NON COMMERCIAL
22 animal establishments required to have a special permit under the provision of
23 these regulations.
24 (3) A program to maintain accurate records of licenses, impoundments,
25 dispositions and enforcement actions and animal bites.
26 (4) Provision of twenty-four (24) hour, seven (7) day a week animal
27 emergency service to the extent provided by the current approved fiscal year
28 budget.
29 (5) THE DEVELOPMENT AND PROVISION OF PUBLIC [Public]

1 information programs on these regulations, adoption, spay and neuter, health care,
2 and other programs as needed.

3 B. The Chief shall serve as an advisor to the Animal Matters Hearing Board.

4 C. The Chief shall carry out AND ENFORCE the orders resulting from the hearings
5 of the Animal Matters Hearing Board.

6

7 **§ 230-6. Animal Control Officer.**

8 A. Any Animal Control Officer employed by the County Commissioners of Charles
9 County, Maryland, shall exercise that authority necessary to enforce the provisions of
10 these regulations and the State Code. Animal Control Officers are specifically authorized
11 and empowered by these regulations, without limitation, to:

12 (1) [Humanely impound] IMPOUND any animal which has been observed by
13 an Animal Control Officer OR OTHER LAW ENFORCEMENT OFFICIAL to be
14 kept in violation of THESE [those] Regulations or the State Code;

15 (2) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify
16 the owner or custodian of an impounded animal, including coordinating with the
17 shelter staff;

18 (3) MAY INVESTIGATE AND ISSUE [Issue] notices of violations to the
19 owner or custodian of an animal when it has been observed by an Animal Control
20 Officer OR ANY LAW ENFORCEMENT OFFICIAL to be in violation of these
21 regulations or the State Code.

22 (4) [Shall promptly] PROMPTLY respond [to] AND administer OR OBTAIN
23 emergency assistance, first aid and/or qualified medical assistance to injured or
24 diseased stray animals which come into the custody of the County, without the
25 consent of the owner or custodian of such animal. For this purpose, neither the
26 officer administering such assistance, Charles County nor any of its employees or
27 agents shall be liable for acts committed or omitted while rendering such
28 assistance unless such act or omission constitutes gross negligence or malice.

29 (5) To investigate animal bites and make recommendations to the Animal

1 Matters Hearing Board and/or Health Department pursuant to these regulations.

2 (6) Receive and investigate complaints concerning dangerous and/or vicious
3 animals. Whenever an animal complained against shall be reasonably deemed by
4 an Animal Control Officer to be a dangerous and/or vicious animal as defined in §
5 230-12.5 of these regulations, the Animal Control Officer may issue a citation for
6 violation of animal regulations to the owner and/or custodian of the animal citing
7 § 230-12.5 and any other applicable sections of the Animal Regulations. A
8 citation for the violation of § 230-12.5 requires the owner and/or custodian to
9 appear before the Animal Matters Hearing Board on the date specified on the
10 citation for a hearing to determine if the animal is to be designated as dangerous
11 and/or vicious pursuant to these regulations.

12 (a) If the Animal Control Officer DEEMS AN ANIMAL TO BE
13 DANGEROUS AND/OR VICIOUS, AND THAT THE ANIMAL HAS
14 OR CONTINUES TO POSE A THREAT TO PUBLIC SAFETY AND
15 WELFARE [determines that an animal which has threatened the public
16 safety and welfare continues to present a threat to the public safety and
17 welfare], the Animal Control Officer may impound the animal. The
18 Animal Control Officer may enter on private property upon probable
19 cause in order to determine if the animal threatens the public safety and
20 welfare and to impound the animal pursuant to this section. The animal
21 shall remain impounded pending a hearing before the Animal Matters
22 Hearing Board. Whenever an animal has been impounded pursuant to this
23 section the owner and/or custodian, if known, shall be issued a citation for
24 violation of animal regulations § 230-12.5 [with the date and time for the
25 scheduled hearing by the Animal Matters Hearing Board. The Animal
26 Control Officer, owner and/or custodian may petition the Chairman of the
27 Animal Matters Hearing Board to conduct a special hearing on the matter
28 prior to the next regularly scheduled meeting of the Animal Matters
29 Hearing Board in accordance with § 230-4 of these regulations]. SUCH

1 CITATION SHALL INCLUDE THE DATE AND TIME OF THE
2 SCHEDULED HEARING BY THE ANIMAL MATTERS HEARING
3 BOARD. THE ANIMAL CONTROL OFFICER, OWNER AND/OR
4 CUSTODIAN MAY PETITION THE CHAIRMAN OF THE ANIMAL
5 MATTERS HEARING BOARD TO CONDUCT A SPECIAL HEARING
6 ON THE MATTER PRIOR TO THE NEXT REGULARLY
7 SCHEDULED MEETING OF THE ANIMAL MATTERS HEARING
8 BOARD IN ACCORDANCE WITH § 230-4 OF THESE
9 REGULATIONS.

10 (b) During the period of impoundment [under this section] the owner
11 and/or custodian may be held responsible for all costs and maintenance
12 expenses incurred. These expenses shall be itemized and presented to the
13 Animal Matters Hearing Board [to make a decision on] AS TO THE
14 amount of restitution to be paid TO THE COUNTY BY the owner OR
15 [and/or] custodian of the animal.

16 (7) Conduct public information programs REGARDING [on] these
17 regulations, adoption, spay neuter, health care, and other programs as directed.

18 (8) Conduct inspections of commercial animal establishments as provided in
19 these regulations.

20 (9) TAKE CUSTODY OF [Receive] stray [and] or [unwanted]
21 SURRENDERED animals.

22 (10) Initiate a complaint [or] AND PROVIDE other [form] FORMS of
23 enforcement of these regulations and/or the State Code. Prior to a complaint
24 being filed by an Animal Control Officer with either the Board or Court of the
25 State of Maryland, the Animal Control Officer shall have probable cause of an
26 alleged violation of these regulations or the State Code.

27 (11) [To serve] SERVE subpoenas requiring appearance before the board.

28 B. It shall be a violation of these regulations to interfere with, hinder, or molest an
29 Animal Control Officer IN THE PERFORMANCE OF THEIR [performing the] duties as

1 prescribed in these Regulations and the State Code. Such prohibited interference
2 includes, but is not limited to: physically striking or attempting to strike the animal
3 control officer; removing or attempting to remove any animal from the control of an
4 Animal Control Officer; REMOVING OR INTENTIONALLY HIDING ANY ANIMAL
5 UNDER INVESTIGATION BY AN ANIMAL CONTROL OFFICER; KNOWINGLY
6 PROVIDING FALSE INFORMATION TO AN ANIMAL CONTROL OFFICER;
7 removing or attempting to remove any animal from any vehicle used by an Animal
8 Control Officer [in the lawful performance of his/her duties, and] ; AND, taking or
9 damaging any county property used by an Animal Control Officer [in the lawful
10 performance of his/her duties]. Certain violations of this section may also be subject to
11 prosecution under the Annotated Code of Maryland.
12

13 **§ 230-7. Powers and duties of THE TRI-COUNTY ANIMAL SHELTER (TCAS)**
14 **[animal shelter].**

15 A. The TCAS animal shelter shall have the powers to:

- 16 (1) Receive stray and [unwanted] SURRENDERED animals;
- 17 (2) Ascertain the identity of the owner OR CUSTODIAN of any impounded
18 animal, and as a precondition of release require the payment of all charges for the
19 care, impoundment, board, veterinary treatment and unpaid license fees [from the
20 animal owner] INCURRED PURSUANT TO AN IMPOUNDMENT;
- 21 (3) Place [for adoption unredeemed or unwanted] UNCLAIMED OR
22 SURRENDERED animals FOR ADOPTION OR RESCUE in accordance with
23 these regulations, the State Code, and the policies established by the TCAS
24 [Sheltering Authority];
- 25 (4) Humanely euthanize [unredeemed or unwanted] UNCLAIMED OR
26 SURRENDERED animals in accordance with these regulations and the State
27 Code.

28 B. The TCAS [animal shelter] shall have the following duties[. It shall]:

- 29 (1) Provide humane treatment of all animals, at all times, under its their care.

- 1 (2) Maintain and adhere to [comprehensive procedures prescribing]
2 PRESCRIBED standards for the humane operation of the animal shelter,
3 including, but not limited to, the housing, feeding, care, veterinary treatment,
4 RESCUE, adoption and euthanasia of animals in the facility pursuant to these
5 regulations and State Code.
- 6 (3) To the extent provided by the approved fiscal year budget, provide for
7 necessary and appropriate veterinary care of injured or sick animals in the custody
8 of the TCAS [County]. Such veterinary care may be rendered without the consent
9 of the owner. UNLESS CAUSED BY GROSS NEGLIGENCE OR
10 INTENTIONAL MISCONDUCT, Charles County employees, TCAS [Shelter]
11 Staff and its agents shall not be liable for acts committed or omitted in rendering
12 such care.
- 13 (4) Post IN A CONSPICUOUS LOCATION AT THE ANIMAL SHELTER
14 an approved schedule of fees for the housing, care, treatment, adoption and
15 redemption of animals which come into the custody of the TCAS [animal shelter
16 in a conspicuous place at the animal shelter].
- 17 (5) [Keep for a period of three years after such activity] MAINTAIN ALL
18 records of impoundments, veterinary treatment, disposition of animals and other
19 activities FOR A PERIOD OF THREE (3) YEARS. Animal records shall be
20 complete and accurate AS to the [best ability of the] breed, sex, color, condition,
21 how, when, and where the animal was obtained, and [identification as tattoos or
22 tags] THE FINAL DISPOSITION OF THE ANIMAL.
- 23 (6) Conduct public information programs on regarding these regulations,
24 responsible pet ownership, adoption, spaying, neutering, healthcare and other
25 programs as directed by the Sheltering Authority.
- 26 (7) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify
27 possible [owners] OWNER OR CUSTODIAN of THE INTAKE OF a stray
28 animal[; trace identification and provide for publication of the name, location,
29 hours of operation and telephone numbers in a newspaper of general circulation in

1 Charles County].

2
3 **§ 230-8. Cruelty.**

4 A. It shall be a violation of these regulations for any individual to:

5 (1) Abandon any animal;

6 (2) Torture, torment, [cruelly beat/kill] **BEAT, KILL**, injure, [intentionally]
7 mutilate, **INTENTIONALLY STRIKE WITH ANY VEHICLE** [run down with a
8 vehicle intentionally], overdrive, overload, or otherwise abuse any animal,
9 **EXCEPT IN DEFENSE OF PERSONS OR OTHER ANIMALS;**

10 (3) Administer poison to any animal or knowingly place or leave any
11 poisonous or other harmful substance with intent to injure or kill any animal other
12 than vermin;

13 (4) Use or permit any animal to be used for the purpose of fighting with any
14 other animal;

15 (5) Cause, arrange or authorize these acts;

16 (6) [Have the charge or custody of an animal and inflict] **INFLICT**
17 unnecessary suffering or pain upon the an animal, or unnecessarily fail to provide
18 the an animal with nutritious food in sufficient quantity, necessary veterinary
19 care, proper drink, **VENTILATION**, [air] **SPACE**, **SHADE**, shelter [or] **AND**
20 protection from the elements.

21 (7) Sell or distribute any dog or cat less than eight weeks of age unless
22 accompanied by its dam. This does not apply to animals given to a government
23 operated or supported animal shelter or animals accompanied by a statement
24 signed by a licensed veterinarian stating that the dam is incapacitated for humane
25 or medical reasons and cannot care for her offspring.

26 (8) [Sell or give away any warm-blooded animal as an inducement to enter a
27 contest, game, or place of amusement] **ANIMALS LEFT IN A STANDING OR**
28 **PARKED VEHICLE.**

29 (a) **AN OWNER OR CUSTODIAN MAY NOT LEAVE AN**

1 ANIMAL UNATTENDED IN A STANDING OR PARKED MOTOR
2 VEHICLE IN A MANNER THAT ENDANGERS THE HEALTH OR
3 SAFETY OF THE ANIMAL.

4 (b) EXCEPT AS PROVIDED IN SUBSECTION (c) OF THIS
5 SECTION, A PERSON MAY USE REASONABLE FORCE TO
6 REMOVE FROM A MOTOR VEHICLE ANY ANIMAL LEFT IN A
7 VEHICLE IN VIOLATION OF THE PROVISIONS OF SUBSECTION
8 (a) OF THIS SECTION IF THE PERSON IS:

- 9 (1) AN ANIMAL CONTROL OFFICER UNDER THE
10 JURISDICTION OF THE STATE OR A LOCAL GOVERNING
11 BODY;
- 12 (2) A LAW ENFORCEMENT OFFICIAL;
- 13 (3) A PUBLIC SAFETY EMPLOYEE OF THE STATE OR
14 OF A LOCAL GOVERNING BODY.

15 (c) EXCEPTION - A PERSON MAY NOT USE FORCE OF ANY
16 KIND TO REMOVE FROM A MOTOR VEHICLE:

- 17 (1) A DOG USED BY THE STATE OR A LOCAL
18 GOVERNING BODY FOR POLICE WORK WHILE THE
19 DOG IS ON DUTY; OR
- 20 (2) A CAT OR DOG IN THE CUSTODY OF AN ANIMAL
21 CONTROL OFFICER.

22 (9) SELL OR GIVE AWAY ANY ANIMAL AS AN INDUCEMENT TO
23 ENTER A CONTEST, GAME, OR PLACE OF AMUSEMENT, UNLESS
24 SUCH ACTIVITY HAS BEEN SPECIFICALLY PERMITTED BY THE
25 MARYLAND DEPARTMENT OF AGRICULTURE.

26 B. In the case of activities in which physical pain may unavoidably be caused to
27 animals, such as medical and scientific activities, food processing, customary and normal
28 veterinary and agricultural husbandry practices, and hunting, "cruelty" means a failure to
29 employ the most humane method reasonably available.

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§ 230-9. Rabies prevention.

A. It shall be the duty of every OWNER OR CUSTODIAN OF [resident of the County owning] a dog, cat or ferret at least four (4) months [old or older] OF AGE WITHIN CHARLES COUNTY to have such ANIMAL [dog, cat or ferret] inoculated with an anti-rabies vaccine approved by the CHARLES COUNTY DEPARTMENT OF HEALTH [Director of Public Health, which]. THIS inoculation shall be [repeated] RE-ADMINISTERED as [often] FREQUENTLY as the CHARLES COUNTY DEPARTMENT OF HEALTH [Director of Public Health] may from time to time specify TO ENSURE THAT THE ANIMAL MAINTAINS ITS RESISTANCE TO RABIES. [The inoculation shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of the dog, cat or ferret and exhibited promptly upon the request for inspection by the Animal Control Officer, Health Officer, or any other law enforcement officer, or their agents, to include shelter staff when redeeming an animal at the shelter. The status of an animal in quarantine should always be verified in person either by a health agent, Animal Control Officer or veterinarian exam.]

(1) THE INOCULATION SHALL BE ADMINISTERED BY A LICENSED VETERINARIAN WHO SHALL ISSUE THE OWNER OR CUSTODIAN A RABIES CERTIFICATE.

(2) THE RABIES CERTIFICATE ISSUED BY THE VETERINARIAN SHALL BE PRESERVED BY THE OWNER OR CUSTODIAN OF THE ANIMAL AND BE EXHIBITED UPON THE REQUEST FOR INSPECTION BY AN ANIMAL CONTROL OFFICER, HEALTH OFFICER, LAW ENFORCEMENT OFFICER, OR THEIR AUTHORIZED AGENTS, TO INCLUDE SHELTER STAFF WHEN THE OWNER OR CUSTODIAN SEEKS TO RECLAIM AN ANIMAL AT FROM THE TCAS SHELTER.

(3) THE HEALTH STATUS OF AN ANIMAL IN QUARANTINE SHALL ALWAYS BE VERIFIED IN PERSON BY EITHER BY A HEALTH OFFICER,

1 ANIMAL CONTROL OFFICER OR LICENSED VETERINARIAN.

2 B. Quarantine Requirements. [As directed by the Health Department, an animal who
3 has bitten, been bitten by or otherwise exposes or has been exposed by another animal, or
4 who has bitten or otherwise exposes a human, or other animal, if not euthanized and
5 tested for rabies, shall be quarantined for a minimum of 10 days following the exposure,
6 that quarantine requires:] ANY DOMESTICATED MAMMAL THAT HAS BITTEN A
7 PERSON, OR ANY OTHER DOG, CAT OR FERRET SHALL BE QUARANTINED
8 FOR A PERIOD OF NOT LESS THAN TEN (10) CALENDAR DAYS FOLLOWING
9 THE DATE OF THE BITE. ANY DOMESTICATED MAMMAL WHICH HAS BEEN
10 BITTEN BY OR OTHERWISE PHYSICALLY EXPOSED TO AN ANIMAL THAT IS
11 KNOWN OR SUSPECTED TO BE INFECTED WITH THE RABIES VIRUS SHALL
12 BE QUARANTINED FOR A PERIOD OF NOT LESS THAN TEN (10) CALENDAR
13 DAYS FOLLOWING THE DATE OF THE BITE OR EXPOSURE. A LONGER
14 QUARANTINE PERIOD MAY BE MANDATED, OR THE ANIMAL MAY BE
15 ORDERED TO BE EUTHANIZED AND TESTED FOR RABIES IN THE SOLE
16 DISCRETION OF THE CHARLES COUNTY DEPARTMENT OF HEALTH. THE
17 QUARANTINE REQUIREMENTS ARE:

18 (1) Confinement of the animal to a house, garage or other escape proof
19 enclosure or building approved by the CHARLES COUNTY DEPARTMENT OF
20 Health [Department or its designated agent(s)] OR ITS DESIGNEE.

21 (2) The QUARANTINED animal may not be removed from the
22 QUARANTINE PREMISES [structure] unless on a leash, MUZZLED, and under
23 the immediate control of an adult CAPABLE OF CONTROLLING THE
24 ANIMAL.

25 (3) Prevention of contact with other animals or persons other than the primary
26 caretakers.

27 (4) The animal may not be removed from the quarantine premise [unless
28 permission is obtained from] WITHOUT WRITTEN AUTHORIZATION OF the
29 [local] CHARLES COUNTY DEPARTMENT OF Health [Department Officer or

- 1 his designated agent(s)] OR ITS DESIGNEE.
- 2 (5) If the QUARANTINED animal becomes ill or begins to EXHIBIT [show]
3 behavioral changes, the owner OR CUSTODIAN SHALL [must]
4 immediately notify the CHARLES COUNTY DEPARTMENT OF Health
5 [Department], who shall determine the appropriate course of action [what shall be
6 done].
- 7 (6) If the QUARANTINED animal dies, the owner OR CUSTODIAN shall
8 immediately notify the CHARLES COUNTY DEPARTMENT OF Health
9 [Department] and make the animal available for rabies testing.
- 10 (7) If the quarantined animal escapes, the owner OR CUSTODIAN shall
11 immediately notify the CHARLES COUNTY Sheriff's OFFICE [Department,
12 Department of Animal Control, and the Health Department], THE CHARLES
13 COUNTY DIVISION OF ANIMAL CONTROL AND THE CHARLES
14 COUNTY DEPARTMENT OF HEALTH DEPARTMENT.
- 15 (8) Until the animal is cleared by the CHARLES COUNTY DEPARTMENT
16 OF Health [Department] from quarantine, the owner OR CUSTODIAN shall not
17 EUTHANIZE, kill, give away, sell or otherwise dispose of the animal without
18 written [permission] AUTHORIZATION from the CHARLES COUNTY
19 DEPARTMENT OF Health [Department].
- 20 (9) If a veterinarian's examination is not required on the FINAL [last] day of
21 the quarantine, the owner OR CUSTODIAN shall [report by telephone to the
22 Health Department the health status of the animal] TELEPHONE THE
23 CHARLES COUNTY DEPARTMENT OF HEALTH TO REPORT THE
24 STATUS OF THE ANIMAL..
- 25 (10) If the animal is unvaccinated against rabies at the time of [exposure] IT
26 WAS BITTEN OR EXPOSED, the animal shall not be vaccinated until released
27 from quarantine.
- 28 (11) If unvaccinated, the owner OR CUSTODIAN shall take the animal to a
29 licensed veterinarian for a physical rabies exam and vaccination within five (5)

1 CALENDAR days of the FINAL DAY [end] of quarantine.

2 (12) If an animal is not properly quarantined it shall be impounded by an
3 Animal Control Officer or his designee.

4 § 230-10. LICENSING.

5 A. The sale of licenses shall be through the [Charles County Treasurer,] Charles
6 County DIVISION OF Animal Control, OR ITS [and/or] designees [of the Charles
7 County Commissioners].

8 (1) It shall be unlawful for any person, firm, [or] corporation OR OTHER
9 LEGAL ENTITY to own, keep or harbor a dog OR CAT four months old or older
10 without a current Charles County License. The license shall expire one year from
11 the date of issuance.

12 (2) Owners OR CUSTODIANS of certified Seeing Eye dogs, hearing dogs,
13 governmental police dogs, or other certified dogs that are trained to assist the
14 physically handicapped shall not be required to pay the annual fee but shall be
15 required to obtain and display the license.

16 (3) Animal shelters operated by chartered humane organizations or LOCAL
17 GOVERNMENT [the County] for the purpose of housing stray, abandoned, sick
18 or injured animals shall be exempt from licensing prior to adoption or return to
19 owner.

20 (4) Applications for license(s) shall be made to the [County Treasurer or a
21 duly authorized agent(s)] CHARLES COUNTY DIVISION OF ANIMAL
22 CONTROL OR ITS DESIGNEE WITHIN (30) THIRTY DAYS OF
23 RESIDENCY.

24 (a) Before any license shall be issued, the owner shall produce a valid
25 rabies certificate issued by a licensed veterinarian proving that the dog OR
26 CAT is currently vaccinated against rabies.

27 (b) Before any unsexed license shall be issued, the owner shall
28 produce a certificate of surgical sterilization issued by a licensed
29 veterinarian proving that the dog OR CAT has been spayed or neutered.

1 (5) License certificates shall include the date of issuance, [and] expiration
2 date, the owner's name and address, home and work telephone numbers, AS
3 WELL AS THE ANIMAL'S sex, species, breed, age, color and markings; rabies
4 expiration date, rabies tag number, issuing [veterinarian] VETERINARIAN'S
5 NAME and [veterinarian's] telephone number.

6 (6) A license tag shall be issued with the license certificate. This tag shall be
7 worn by the dog OR CAT at all times, except when confined in a HOME₂ kennel
8 or when participating in a competition where such displays are prohibited.

9 (7) No person may use any license for any dog OR CAT other than the animal
10 for which it was issued.

11 (8) The license certificate shall be made available upon request by any health,
12 ANIMAL CONTROL OR LAW ENFORCEMENT [public safety] officer, or
13 their agents.

14 (9) The annual fee for a dog OR CAT license shall be:

- 15 (a) Unneutered male: \$[15] 25.
16 (b) Unspayed Female: \$[15] 25.
17 (c) Neutered Male: \$[2] 5.
18 (d) Spayed Female: \$[2] 5.

19 **B.** ANIMAL FANCIER LICENSING. ANY PERSON, PARTNERSHIP,
20 CORPORATION, OR OTHER LEGAL ENTITY THAT HARBORS OR KEEPS ANY
21 COMBINATION OF MORE THAN 10 ADULT ANIMALS AND WHICH DOES NOT
22 BREED AND SELL THE OFFSPRING OR USE MALES FOR STUD MAY NOT DO
23 SO WITHOUT FIRST OBTAINING AN ANIMAL FANCIER'S LICENSE IN
24 COMPLIANCE WITH THIS SECTION.

25 (1) APPLICATION FOR AN ANIMAL FANCIER'S LICENSE SHALL BE
26 MADE TO THE CHARLES COUNTY DIVISION OF ANIMAL CONTROL
27 OR ITS DESIGNEE. THE APPLICATION SHALL BE ACCOMPANIED BY A
28 PHOTOGRAPH, CURRENT RABIES VACCINATION CERTIFICATE AND
29 DESCRIPTION OF EACH ANIMAL TO BE COVERED BY THE LICENSE.

- 1 (2) THE LICENSE PERIOD SHALL RUN FOR ONE (1) YEAR FROM
2 THE DATE OF ISSUANCE. RENEWAL APPLICATIONS FOR LICENSES
3 SHALL BE MADE THIRTY (30) DAYS PRIOR TO EXPIRATION OF SAID
4 LICENSE.
- 5 (3) AN ANNUAL ANIMAL FANCIER'S LICENSE WILL BE ISSUED
6 ONLY UPON THE SUCCESSFUL COMPLETION OF AN INSPECTION OF
7 THE PREMISES WHERE THE ANIMALS ARE KEPT OR HOUSED.
- 8 (a) AN APPOINTMENT FOR INSPECTION WILL BE MADE BY
9 CHARLES COUNTY ANIMAL CONTROL SERVICES WITHIN (30)
10 DAYS OF RECEIPT OF THE APPLICATION.
- 11 (b) WHEN THE LICENSE COVERS DOGS OR CATS,
12 INDIVIDUAL TAGS FOR THE ANIMALS COVERED BY THIS
13 LICENSE WILL BE ISSUED ALONG WITH THE LICENSE
14 CERTIFICATE. THESE TAGS SHALL BE WORN BY THE
15 INDIVIDUAL DOGS OR CATS AT ALL TIMES, EXCEPT WHEN
16 CONFINED IN A HOME, KENNEL OR WHEN PARTICIPATING IN A
17 COMPETITION WHERE SUCH DISPLAYS ARE PROHIBITED.
- 18 (4) A CURRENT RABIES VACCINATION CERTIFICATE ON EACH
19 ANIMAL COVERED BY THE LICENSE SHALL BE MADE AVAILABLE AT
20 THE TIME OF THE INSPECTION AND AT ANY TIME REQUESTED BY
21 ANY ANIMAL CONTROL, HEALTH OR LAW ENFORCEMENT OFFICER.
- 22 (5) IF THE PROPERTY WHERE THE ANIMALS ARE TO BE KEPT OR
23 HOUSED IS NOT OWNED BY THE APPLICANT, HE/SHE MUST SUBMIT
24 WRITTEN, NOTARIZED PERMISSION FROM THE PROPERTY OWNER
25 AUTHORIZING THE ACTIVITY REQUESTED AND THE MAXIMUM
26 NUMBER OF ANIMALS TO BE KEPT ON THE PROPERTY.
- 27 (6) THE ANNUAL FEE FOR A FANCIER'S LICENSE SHALL BE:
- 28 (a) 11 - 20 ANIMALS: \$250
- 29 (b) 21 - 30 ANIMALS: \$400

- 1 (c) 31 - 40 ANIMALS: \$550
- 2 (d) 41 - 50 ANIMALS: \$700
- 3 (e) 51 AND UP ANIMALS: \$850

4 NOTE: IF ALL OF THE ANIMALS COVERED BY THE LICENSE ARE
5 STERILIZED, A 75% REDUCTION OF THE APPLICABLE FEE WILL BE
6 APPLIED

7 (7) NO PERSON, PARTNERSHIP, CORPORATION OR OTHER LEGAL
8 ENTITY THAT HAS BEEN FOUND GUILTY OF CRUELTY TO ANIMALS
9 SHALL BE ELIGIBLE FOR AN ANIMAL FANCIER'S LICENSE.

10 C. [B.] Commercial Animal Establishment Licensing. No person, partnership,
11 corporation OR OTHER LEGAL ENTITY shall operate a commercial animal
12 establishment without first obtaining a license in compliance with this section. License
13 applications shall be accompanied by written verification from Charles County
14 DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT [Government] that
15 the APPLICANT'S INTENDED USE OF THE PROPERTY [applicant] complies with
16 any and all APPLICABLE LOCAL AND STATE ZONING AND LAND USE
17 STATUTES [Zoning Ordinance and amendments thereto].

- 18 (1) No fee may be required of any government operated zoological park.
- 19 (2) All dogs and cats offered for sale or resale must be examined by a licensed
20 veterinarian within the last three months prior to sale or resale.
 - 21 (a) Any animal under veterinarian treatment may not be offered for
22 sale without release from the veterinarian.
 - 23 (b) Any owner or employee of a commercial animal establishment
24 who knows of or should have known of any animal defect or illness shall
25 make a purchaser aware of this information prior to sale.
- 26 (3) Records or forms must be maintained for a period of one (1) year for any
27 animal offered for sale or sold. Records shall contain the following but are not
28 limited to:
 - 29 (a) Animal Description: breed, sex, color, and age.

- 1 (b) The origin of purchase, to include the supplier and the date of
- 2 receipt.
- 3 (c) Proof of sale
- 4 (d) Medical Record and any required treatment program.
- 5 (4) [An annual] COMMERCIAL ANIMAL ESTABLISHMENT LICENSE
- 6 [commercial animal establishment license] shall be RENEWED ANNUALLY
- 7 [issued] upon successful completion of an inspection and payment of the
- 8 applicable fee, [and] THE LICENSE shall be displayed AT THE
- 9 COMMERCIAL ANIMAL ESTABLISHMENT in a conspicuous [place]
- 10 LOCATION SUITABLE FOR PUBLIC VIEWING.
- 11 (5) Change in ownership or location.
- 12 (a) If there is a change in ownership of a commercial animal
- 13 establishment, the new owner shall have the current license transferred to
- 14 his/her name upon payment of a \$25 transfer fee and completion of a
- 15 successful inspection of the premises.
- 16 (b) If there is a change in the location of a commercial animal
- 17 establishment, the owner shall file for a change of address and pay a \$25
- 18 fee and complete a successful inspection of the premises within 30 days of
- 19 change of location.
- 20 (6) Any commercial animal establishment who has a change in the category
- 21 under which a license was issued shall notify the licensing authority and be
- 22 subject to reinspection, reclassification and readjustment of the license fee.
- 23 (7) Every [facility regulated by] COMMERCIAL ACTIVITY SUBJECT TO
- 24 these Regulations shall be considered a separate enterprise requiring an individual
- 25 license FEE.
- 26 (8) The license period shall run for one year from the date of issuance.
- 27 Renewal applications for licenses shall be made 30 days prior to expiration of said
- 28 license.

29 D. [C.] Commercial animal establishment license issuance [or revocation] AND

1 SUSPENSION.

2 (1) [Written application for a commercial animal establishment license shall
3 be made to the County Treasurer. Application shall be accompanied by the
4 license fee and written verification from Charles County Government that the
5 establishment complies with County Zoning Ordinances.] IN THE CASE OF
6 COMMERCIAL BREEDING FACILITIES, IF THE PROPERTY WHERE THE
7 ACTIVITY IS TO TAKE PLACE IS NOT OWNED BY THE APPLICANT,
8 LESSEE'S MUST SUBMIT WRITTEN NOTARIZED PERMISSION FROM
9 THE PROPERTY OWNER AUTHORIZING THE COMMERCIAL ACTIVITY
10 REQUESTED AND THE MAXIMUM NUMBER OF ANIMALS ALLOWED
11 THE BE KEPT ON THE PROPERTY.

12 (2) UPON RECEIPT OF THE APPLICATION AND LICENSE FEE [After
13 an application is filed], the [license authority] CHARLES COUNTY DIVISION
14 OF ANIMAL CONTROL shall inspect the facility prior to ISSUANCE OF
15 [issuing] the license. A license may be DENIED [withheld or revoked] if the
16 person, partnership, or corporation OR OTHER LEGAL ENTITY holding the
17 license refuses or fails to comply with these regulations or any law governing the
18 protection and keeping of animals.

19 (3) It shall be a condition of [the issuance of] any license ISSUED
20 PURSUANT TO THIS SUBSECTION that THE Charles County DIVISION OF
21 Animal Control IS EXPRESSLY AUTHORIZED [to be permitted] to
22 CONDUCT UNANNOUNCED POST-ISSUANCE COMPLIANCE
23 INSPECTIONS [inspect upon demand] during normal COUNTY business hours,
24 THE INSPECTORS WILL EXAMINE all animals AT THE PREMISES, all
25 records required to be MAINTAINED [retained] under these regulations, [and]
26 AS WELL AS the premises where animals are kept. If permission for such
27 inspection is refused, the license [of the refusing owner] PREVIOUSLY ISSUED
28 shall be [revoked] SUSPENDED.

29 (4) If the applicant has withheld or falsified any information on the

1 application, the CHARLES COUNTY DIVISION OF ANIMAL CONTROL
2 [licensing authority] may [refuse to issue or may revoke] SUSPEND the license.

3 (5) No person, partnership, or corporation OR OTHER LEGAL ENTITY
4 [who] THAT has been found guilty of cruelty to animals shall be issued a
5 license to operate a commercial animal establishment.

6 (6) Any person, PARTNERSHIP, CORPORATION OR OTHER LEGAL
7 ENTITY HAVING ITS LICENSE REVOKED BY ORDER OF THE ANIMAL
8 MATTERS HEARING BOARD [having been denied a license], shall not be
9 eligible to reapply for a period of six (6) months FOLLOWING THE DATE OF
10 THE REVOCATION. Each re-application shall be accompanied by a fee of
11 [\$25] \$50 and SHALL INCLUDE WRITTEN VERIFICATION FROM THE
12 CHARLES COUNTY DEPARTMENT OF PLANNING AND GROWTH
13 MANAGEMENT GOVERNMENT THAT THE APPLICANT'S INTENDED
14 USE OF THE PROPERTY COMPLIES WITH ANY AND ALL APPLICABLE
15 LOCAL AND STATE ZONING AND LAND USE STATUTES, AS WELL AS
16 ANY AMENDMENTS THERETO [written verification from Charles County
17 Government that the establishment complies with any and all County Zoning
18 Ordinances and amendments thereto. Individuals who have been denied a license
19 under Subsection C(5) shall be ineligible to hold a Commercial Animal
20 Establishment License. may not reapply].

21 (7) Appeals for DENIED, [withheld] or [revoked] SUSPENDED licenses may
22 be made to the ANIMAL MATTERS HEARING Board within FOURTEEN (14)
23 CALENDAR days OF RECEIPT of [the] WRITTEN notice of such action.
24 FAILURE OF THE LICENSEE TO APPEAL THE DENIAL OR SUSPENSION
25 WITHIN THE TIME SPECIFIED SHALL CAUSE THE LICENSE DENIAL OR
26 SUSPENSION TO STAND.

27 (8) THE FILING OF A TIMELY APPEAL OF A DENIAL OR
28 SUSPENSION OF A LICENSE TO THE ANIMAL MATTERS HEARING
29 BOARD SHALL NOT STAY NECESSARY ENFORCEMENT ACTIVITIES

1 TO ENSURE THE HEALTH AND WELFARE OF ANIMALS OWNED OR IN
2 THE CUSTODY OF THE APPELLANT. IN ADDITION, IN THE EVENT OF
3 AN EMERGENCY SITUATION AN ANIMAL CONTROL OFFICE MAY
4 PETITION THE CHAIRMAN OF THE ANIMAL MATTERS HEARING

5 BOARD TO ISSUE AN IMMEDIATE "CEASE AND DESIST" ORDER

6 [In the event of a timely appeal, the revocation of a license may not be effective
7 until after the next scheduled public hearing except, in the event of an emergency
8 situation an Animal Control Officer may make application before the Chairman of
9 the Board, who is authorized to issue a cease and desist order. This case shall be
10 heard at the next hearing of the Board].

11
12 E. [D.] Commercial animal establishment license fees. License fees shall be as follows:

13 (1) Any Boarding/breeding facility Facilities:

14 (a) Boarding facility authorized to house fewer than 10 dogs or cats:
15 [\$75] \$100.

16 (b) Boarding facility authorized to house 10 or more but fewer than 50
17 dogs or cats: [\$150] \$200.

18 (c) Boarding facility authorized to house 50 or more dogs or cats:
19 [\$200] \$250.

20 [(d) Breeding facility authorized to house fewer than 10 adult animals:
21 \$75.

22 (e) Breeding facility authorized to fouse 10 or more but fewer than
23 fifty adult animals: \$150.

24 (f) Breeding facility authorized to house 50 or more adult animals:
25 \$200.]

26 (2) [Pet shop: \$200.] BREEDING FACILITIES:

27 (a) BREEDING FACILITY AUTHORIZED TO HOUSE FEWER
28 THAN 10 ADULT ANIMALS: \$200.

29 (b) BREEDING FACILITY AUTHORIZED TO HOUSE 10 OR

1 MORE BUT FEWER THAN FIFTY ADULT ANIMALS: \$750.

2 (c) BREEDING FACILITY AUTHORIZED TO HOUSE 50 OR
3 MORE ADULT ANIMALS: \$1,500.

4 (3) [Auction: \$300] PET SHOP: \$250.

5 (4) [Zoological park: \$250] AUCTION: \$300.

6 (5) [Circus: \$250] ZOOLOGICAL PARK: \$350.

7 (6) [Grooming shop: \$150] CIRCUS: \$250.

8 (7) [Petting zoo: \$300] GROOMING SHOP: \$200.

9 (8) [Guard dog training center: \$250] PETTING ZOO: \$300.

10 (9) GUARD DOG TRAINING CENTER: \$300.

11 (10) Dog/Cat show: \$100

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13 **§ 230-11. Animal care.**

14 A. No owner or custodian of an animal shall fail to provide the animal with humane
15 care and treatment; sufficient, [wholesome and] nutritious food; potable water in
16 sufficient quantities; VENTILATION [proper air], shelter, space, shade and protection
17 from the weather; and, veterinary care when needed. In the case of farm animals, nothing
18 in this section may be construed as imposing shelter requirements or standards more
19 stringent than normally accepted husbandry practices.

20 B. Minimum standards for indoor and outdoor enclosures for animals must:

21 (1) Be structurally sound and maintained in good repair to protect the animal
22 from injury and to contain the animal;

23 (a) FENCING SHALL BE APPROPRIATE SO AS TO KEEP THE
24 INTENDED ANIMALS RESTRAINED WITHIN ITS BOUNDARIES.

25 (2) Provide sufficient space to allow each animal adequate freedom of
26 movement; space must be appropriate and sufficient for the age, breed/type,
27 quantity, condition and size of the animal(s).

28 (3) Be usable and safe (e.g., must be provided an area free from standing
29 water, accumulated waste, sharp objects, trash and debris and maintained in a safe

1 and humane manner to minimize health hazards and obnoxious odors);

2 (4) Provide [palatable] POTABLE water that is always available and that is
3 kept in a vessel secured to prevent tipping.

4 C. [Indoor] INTERIOR AND EXTERIOR housing facilities shall provide adequate
5 ventilation by natural or mechanical means, and the ambient temperature shall be
6 compatible with the health of the animal.

7 D. Outdoor shelter shall be as follows:

8 (1) DURING THE SUMMER MONTHS BETWEEN JUNE 1 AND
9 SEPTEMBER 15 OR WHENEVER THE AMBIENT AIR TEMPERATURE IS
10 ABOVE 80 DEGREES FAHRENHEIT, OR WHEN [When] sunlight is likely to
11 cause heat exhaustion, sufficient shade by natural or artificial means shall be
12 provided to protect the animal from direct sunlight. UNDER NO
13 CIRCUMSTANCES SHALL A DOG HOUSE, REGARDLESS OF ITS
14 DESIGN, BE CONSIDERED SHADE DURING THE SUMMER MONTHS.

15 (2) If an animal is confined outdoors [unattended] FOR A CONTINUOUS
16 PERIOD OF A HALF HOUR OR MORE, it shall be the duty of [each and every
17 owner] THE OWNER OR CUSTODIAN to provide said animal with proper
18 shelter FROM THE ELEMENTS CONSISTENT WITH FOR that species of
19 animal. For livestock, poultry and other farm animals proper shelter shall be
20 CONSISTENT WITH customary and normal agricultural husbandry practices.

21 For dogs AND CATS proper shelter is described below:

22 (a) Weatherproof. Shelter must be solid. There shall be no cracks or
23 openings other than entrance. The shelter shall not have any metal or
24 plastic primary interior surfaces. [(Commercially made shelters with
25 insulation material between the inner and outer layers of fiberglass/plastic
26 construction are generally acceptable)].

27 (b) Elevated. Floor must be off the ground at least two (2) inches.

28 (c) Door flap. BETWEEN DECEMBER 1 AND MARCH 15 AND
29 WHENEVER THE AMBIENT AIR TEMPERATURE IS 35 DEGREES

1 FAHRENHEIT OR LOWER, THE [The] entrance must be covered with a
2 SELF CLOSING DOOR, AN OFFSET OUTER DOOR OR A flexible
3 flap and/or THE entrance SHOULD FACE south or east, AWAY FROM
4 THE PREVAILING WINDS to protect the animal from the elements [of
5 weather].

6 (d) Bedding. Bedding must be KEPT dry. Straw, leaves, hay, [cedar
7 chips] WOOD SHAVINGS or other suitable material must be provided [as
8 needed during cold and inclement weather] IN SUFFICIENT QUANTITY
9 FOR INSULATION AGAINST COLD AND DAMP.

10 (e) Size. The shelter must be large enough to allow the animal to
11 enter, stand, turn around and lie down comfortably and small enough to
12 allow the animal to warm the interior with its body.

13 E. THE OWNER OR CUSTODIAN OF A DOG MAY NOT TIE, CHAIN, CABLE
14 OR IN ANY WAY TETHER A DOG OUTSIDE FOR A TOTAL OF MORE THAN
15 FOUR (4) HOURS A DAY. If a chain, rope, line or other such item, is used to tie an
16 animal, it shall be of sufficient length to safely and humanely allow the animal freedom
17 of movement without becoming entangled with obstructions. A DOG MAY NOT BE
18 TETHERED USING A COLLAR OR HARNESS THAT IS MADE PRIMARILY OF
19 METAL AND IS NOT AT LEAST AS LARGE AS THE CIRCUMFERENCE OF THE
20 DOG'S NECK PLUS ONE (1) INCH.

21 F. [A person may not allow an animal to ride in the unenclosed area of a motor
22 vehicle unless the animal is confined by a securely affixed, well- ventilated container,
23 cage or other device designated to safely prevent the animal from falling or jumping from
24 the motor vehicle.] A KENNEL/PEN FOR OUTSIDE DOGS SHALL BE A MINIMUM
25 OF SIX (6) FEET IN HEIGHT AND MEET THE MINIMUM SPACE/SIZE
26 REQUIREMENTS AS LISTED IN THE FOLLOWING TABLE. THESE
27 REQUIREMENTS ARE NOT APPLICABLE TO ANIMAL SHELTERS, HUMANE
28 SOCIETIES, COMMERCIAL BOARDING KENNELS, VETERINARY CLINICS &
29 HOSPITALS, OR PET STORES.

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Number of Dogs	Small (up to 25 lbs)	Medium (25 - 50lbs)	Large (over 50 lbs)
1	3' x 7' (21 sq. ft)	6' x 10' (60 sq. ft)	8' x 10' (80 sq. ft)
2	4' x 8' (32 sq. ft)	8' x 10' (80 sq. ft)	10' x 10' (100 sq. ft)
3	5' x 9' (45 sq. ft)	8' x 12' (96 sq. ft)	10' x 14' (140 sq. ft)
4	8' x 10' (80 sq. ft)	10' x 12' (120 sq. ft)	12' x 16' (192 sq. ft)

G. A PERSON MAY NOT ALLOW AN ANIMAL TO RIDE IN THE UNENCLOSED AREA OF A MOTOR VEHICLE UNLESS THE ANIMAL IS CONFINED BY A SECURELY AFFIXED, WELL- VENTILATED CONTAINER, CAGE OR OTHER DEVICE DESIGNATED TO SAFELY PREVENT THE ANIMAL FROM FALLING OR JUMPING FROM THE MOTOR VEHICLE.

§ 230-12. Animal at large.

- A. It shall be unlawful for any person, partnership, or corporation OR OTHER LEGAL ENTITY to allow [their] AN animal to be at large.
- B. This Section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person.
- C. Without permission of the proper authority the owner or custodian of any animal may not permit the animal to be on school grounds on a day when school is in session, in a public recreation area, any public property or thoroughfare or private property without the property owner's permission unless:
 - (1) The animal is controlled by a leash or similar restraining device.
 - (2) The presence of the animal is in an organized activity such as a dog show.
- D. No animal accidentally at large with a person capable of controlling the animal in immediate physical pursuit shall be deemed at large.
- E. A person who is aware of an animal being at large or who finds a stray animal

1 shall report the condition to the TRI-COUNTY ANIMAL SHELTER [animal shelter or]
2 AN Animal Control Officer, OR OTHER LAW ENFORCEMENT OFFICIAL.

3 F. An Animal Control Officer [and/]or authorized representative of Animal Control
4 who observes an animal at large may pursue that animal on public and/or private
5 property.

6
7 **§ 230-12.1. Female in season.**

8 Every female dog or cat in season shall be humanely confined in a building or secure enclosure
9 in such a manner that such female dog or cat cannot come in contact with an unneutered male of
10 the same species except for planned breeding. This does not exclude normal waste elimination
11 while under physical restraint and direct supervision and on the owner/custodian's property.

12
13 **§ 230-12.2. Allowing animal to urinate or defecate on private property prohibited.**

14 It shall be unlawful for any owner or custodian to allow their animal to urinate or defecate on the
15 property of another without the consent of the owner of said property.

16
17 **§ 230-12.3. Allowing animal to defecate on public property prohibited.**

18 It shall be unlawful for any owner or custodian to allow their animal to defecate on public
19 property unless the owner or custodian of the animal immediately thereafter removes and
20 disposes of it in a sanitary manner. [This does not apply to livestock.]

21
22 **§ 230-12.4. Public nuisance.**

23 A. No person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY
24 shall keep or maintain any animal in such manner as to cause or permit the animal to be a
25 public nuisance. A public nuisance is when an owner or custodian allows an animal to:

- 26 (1) Be at large;
27 (2) Damage the property of anyone other than its owner.
28 (3) Molest pedestrians, neighbors or passersby;
29 (4) Intimidate pedestrians, neighbors or passersby: [Intimidation should be

1 defined as a reasonable prudent person under same and/or similar circumstances
2 would have been intimidated by the actions of the animal in question.]

3 (5) Chase vehicles;

4 (6) Bark or make other harsh or excessive noise so as to disturb the quiet,
5 comfort, or repose of members of the community as reflected by reasonable
6 persons with normal sensitivities;

7 (7) Foul the air by odor and thereby create unreasonable annoyance or
8 discomfort to neighbors or others in close proximity to the premises where the
9 animal is kept or harbored;

10 (8) Defecate on public property and/or urinate/defecate on private property; or

11 (9) Continue or repeat that behavior or activity for which the animal has
12 previously been determined by the Board, after notice to its owner and a hearing,
13 to be in violation of any of these regulations and/or a public nuisance by virtue of
14 being a menace to the public health, welfare or safety.

15
16 **§ 230-12.5. Dangerous and/or vicious animals and potentially dangerous animals.**

17 A. For the purpose of these Regulations a dangerous and/or vicious animal shall be
18 defined as any animal:

19 (1) Which wounds, bites, or otherwise injures a human being without
20 provocation on public or private property[.] (For the purposes of this section, the
21 term provoked shall mean any situation occurring in Subsection B, and not the
22 term as described in the Health Department bite report[.]);

23 (2) Which has injured or killed a domestic animal, without provocation, on
24 public or private property[.];

25 (3) Which has a vicious nature, disposition and/or propensity which is known
26 or should be known by its owner or custodian[.];

27 (4) [Owned or harbored primarily or in part for the purpose of animal fighting
28 or any animal trained for animal fighting] WHICH HAS BEEN PREVIOUSLY
29 DETERMINED TO BE DANGEROUS AND/OR VICIOUS BY OTHER

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COMPETENT AUTHORITY;

(5) [Not owned by a governmental or law enforcement unit, used primarily to guard public or private property.] OWNED OR HARBORED PRIMARILY OR IN PART FOR THE PURPOSE OF ANIMAL FIGHTING OR ANY ANIMAL TRAINED FOR ANIMAL FIGHTING; OR

(6) NOT OWNED BY A GOVERNMENTAL OR LAW ENFORCEMENT UNIT, USED PRIMARILY TO GUARD PUBLIC OR PRIVATE PROPERTY.

(7) IT SHALL BE UNLAWFUL TO KEEP, HARBOR, POSSESS, TRADE, BARTER, OFFER FOR SALE, BREED OR EXCHANGE ANY LIVE ANIMAL AS LISTED IN THE ANNOTATED CODE OF MARYLAND, CRIMINAL LAW ARTICLE, §10-621(b) ENTITLED IMPORT, OFFER OR TRANSFER OF DANGEROUS ANIMAL (PROHIBITED) . A PERSON MAY NOT IMPORT INTO THE STATE OR CHARLES COUNTY, OFFER FOR SALE, TRADE, BARTER, POSSESS, BREED, OR EXCHANGE A LIVE:

- (a) FOX, SKUNK, RACCOON OR BEAR;
- (b) CAIMAN, ALLIGATOR OR CROCODILE;
- (c) MEMBER OF THE CAT FAMILY OTHER THAN THE DOMESTIC CAT;
- (d) HYBRID OF A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT IF THE HYBRID WEIGHS OVER 30 POUNDS;
- (e) MEMBER OF THE DOG FAMILY OTHER THAN THE DOMESTIC DOG;
- (f) HYBRID OF A MEMBER OF THE DOG FAMILY AND A DOMESTIC DOG;
- (g) NONHUMAN PRIMATE, INCLUDING LEMUR, MONKEY, CHIMPANZEE, GORILLA, ORANGUTAN, MARMOSET, LORIS OR TAMARIN; OR
- (h) POISONOUS SNAKE IN THE FAMILY GROUPS HYDROPHIDAE, ELAPIDAE, VIPERIDAE OR CROTOLIDAE.

- 1 B. No animal may be declared dangerous and/or vicious if:
- 2 (1) The threat, wound, bite, injury or damage was sustained by a person who:
- 3 (a) At the time was committing a willful trespass or other tort upon the
- 4 premises occupied by the owner or custodian keeper of the animal; or
- 5 (b) Was tormenting, abusing, or assaulting the animal(s); or
- 6 (c) Has in the past been observed or reported to have tormented,
- 7 abused, or assaulted the animal; or
- 8 (d) Was committing or attempting to commit a crime;
- 9 (2) or the animal was:
- 10 (a) Protecting or defending its young or other animal.
- 11 (b) Responding to pain or injury.
- 12 C. The Board may make a determination that an animal is potentially dangerous. A
- 13 potentially dangerous animal is any animal that [constitutes], by its actions,
- 14 CONSTITUTES a physical threat to human beings, other domestic animals, or both.
- 15 D. THE BOARD MAY CONSIDER PAST HISTORY AND ACTIONS OF THE
- 16 ANIMAL IN THEIR DETERMINATIONS. [Upon determination of dangerous and/or
- 17 vicious or potentially dangerous by the Board, the Board may require any or all of the
- 18 following:
- 19 (1) No dangerous and/or vicious or potentially dangerous animal shall be
- 20 chained, tethered or otherwise tied to any inanimate object, such as a tree, post or
- 21 building outside of its own enclosure.
- 22 (2) For any owner of a dangerous and/or vicious or potentially dangerous
- 23 animal who maintains their animal outside, a portion of their property shall be
- 24 fenced with a perimeter or area fence. Within this perimeter fence, the animal
- 25 shall be humanely confined inside a pen or kennel of adequate size. The pen or
- 26 kennel may not share common fencing with the area or perimeter fence. The
- 27 kennel or pen must have secured sides; a secure top attached to all sides; the sides
- 28 must either be buried two feet into the ground, sunken into a concrete pad, or
- 29 otherwise secured to prevent escape by digging. The gate to the kennel must be

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locked.

(3) Whenever outside of its enclosure, but on the owner's property, a dangerous and/or vicious or potentially dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.

(4) The owner or custodian of any dangerous and/or vicious or potentially dangerous animal shall display in a prominent place on their premises where the animal is kept, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS DOG" or such other language as the Board may direct. The lettering on the signs shall be at least three-inch block on signs 8 ½ inches by 14 inches, easily readable, in bright colors.

(5) Except when being transported in, and humanely and securely confined within, a vehicle, no dangerous and/or vicious or potentially dangerous animal shall be permitted off the property of its owner except when it is:

- (a) Attended by his owner; and
- (b) Is humanely restrained by a secure collar and lease (not to exceed six feet in length); both collar and leash to be of sufficient strength to prevent escape; and
- (c) Is humanely muzzled by any means sufficient to prevent biting other persons or domestic animals.

(6) The animal be neutered at the expense of the owner.

(7) The animal be tattooed with a number to be issued by the Board, or microchipped, at the expense of the owner.

(8) Ownership or custody of an animal deemed dangerous and/or vicious or potentially dangerous by the Board shall not be transferred without prior written approval of the Board.]

E. [Upon determination of dangerous and/or vicious by the Board, the Board may require that the animal be humanely euthanized.] UPON DETERMINATION OF

1 DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE
2 BOARD, THE BOARD MAY REQUIRE ANY OR ALL OF THE FOLLOWING:

3 (1) NO DANGEROUS AND/OR VICIOUS OR POTENTIALLY
4 DANGEROUS ANIMAL SHALL BE CHAINED, TETHERED OR
5 OTHERWISE TIED TO ANY INANIMATE OBJECT, SUCH AS A TREE,
6 POST OR BUILDING OUTSIDE OF ITS OWN ENCLOSURE.

7 (2) FOR ANY OWNER OF A DANGEROUS AND/OR VICIOUS OR
8 POTENTIALLY DANGEROUS ANIMAL WHO MAINTAINS THEIR
9 ANIMAL OUTSIDE, A PORTION OF THEIR PROPERTY SHALL BE
10 FENCED WITH A PERIMETER OR AREA FENCE. WITHIN THIS
11 PERIMETER FENCE, THE ANIMAL SHALL BE HUMANELY CONFINED
12 INSIDE A PEN OR KENNEL MEETING THE REQUIREMENT SPECIFIED
13 IN THESE REGULATIONS. THE PEN OR KENNEL MAY NOT SHARE
14 COMMON FENCING WITH THE AREA OR PERIMETER FENCE. THE
15 KENNEL OR PEN MUST HAVE SECURED SIDES; A SECURE TOP
16 ATTACHED TO ALL SIDES; THE SIDES MUST EITHER BE BURIED TWO
17 FEET INTO THE GROUND, SUNKEN INTO A CONCRETE PAD, OR
18 OTHERWISE SECURED TO PREVENT ESCAPE BY DIGGING. THE GATE
19 TO THE PEN OR KENNEL MUST BE LOCKED.

20 (3) WHENEVER OUTSIDE OF ITS ENCLOSURE, BUT ON THE
21 OWNER'S OR CUSTODIAN'S PROPERTY, A DANGEROUS AND/OR
22 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL MUST BE
23 ATTENDED BY THE OWNER OR CUSTODIAN AND RESTRAINED BY A
24 SECURE COLLAR AND LEASH OF SUFFICIENT STRENGTH TO
25 PREVENT ESCAPE.

26 (4) THE OWNER OR CUSTODIAN OF ANY DANGEROUS AND/OR
27 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL DISPLAY IN
28 A PROMINENT PLACE ON THEIR PREMISES WHERE THE ANIMAL IS
29 KEPT, AND AT EACH ENTRANCE AND EXIT TO THE AREA WHERE

1 SUCH ANIMAL IS CONFINED, A SIGN EASILY READABLE BY THE
2 PUBLIC USING THE WORDS "DANGEROUS DOG" OR SUCH OTHER
3 LANGUAGE AS THE BOARD MAY DIRECT. THE LETTERING ON THE
4 SIGNS SHALL BE AT LEAST THREE-INCH BLOCK ON SIGNS 8 ½
5 INCHES BY 14 INCHES, LEGIBLE, IN BRIGHT COLORS.

6 (5) EXCEPT WHEN BEING TRANSPORTED IN, AND HUMANELY
7 AND SECURELY CONFINED WITHIN, A VEHICLE, NO DANGEROUS
8 AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL BE
9 PERMITTED OFF THE PROPERTY OF ITS OWNER OR CUSTODIAN
10 EXCEPT WHEN IT IS:

11 (A) ATTENDED BY ITS OWNER OR CUSTODIAN; AND

12 (B) IS HUMANELY RESTRAINED BY A SECURE COLLAR AND
13 LEASH (NOT TO EXCEED SIX (6) FEET IN LENGTH); BOTH
14 COLLAR AND LEASH TO BE OF SUFFICIENT STRENGTH TO
15 PREVENT ESCAPE; AND

16 (C) IS HUMANELY MUZZLED BY ANY MEANS SUFFICIENT
17 TO PREVENT BITING OTHER PERSONS OR DOMESTIC
18 ANIMALS.

19 (6) THE ANIMAL BE NEUTERED AT THE EXPENSE OF THE OWNER
20 OR CUSTODIAN.

21 (7) THE ANIMAL BE MICROCHIPPED AT THE EXPENSE OF THE
22 OWNER OR CUSTODIAN AND THE MICROCHIP NUMBER PROVIDED
23 TO CHARLES COUNTY DIVISION OF ANIMAL CONTROL.

24 (8) OWNERSHIP OR CUSTODY OF AN ANIMAL DEEMED
25 DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY
26 THE BOARD SHALL NOT BE TRANSFERRED WITHOUT PRIOR
27 WRITTEN APPROVAL OF THE BOARD.

28 F. [The owner or custodian of an animal deemed dangerous and/or vicious or
29 potentially dangerous by the Board shall immediately notify the Sheriff's Department and

1 Animal Control if the animal should become at-large or otherwise not meet any and all
2 requirements set by the Board] UPON DETERMINATION OF DANGEROUS
3 AND/OR VICIOUS BY THE BOARD, THE BOARD MAY REQUIRE THAT THE
4 ANIMAL BE HUMANELY EUTHANIZED.

5 G. THE OWNER OR CUSTODIAN OF AN ANIMAL DEEMED DANGEROUS
6 AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE BOARD SHALL
7 IMMEDIATELY NOTIFY THE CHARLES COUNTY SHERIFF'S OFFICE
8 DEPARTMENT AND CHARLES COUNTY DIVISION OF ANIMAL CONTROL IF
9 THE ANIMAL SHOULD BECOME AT-LARGE OR OTHERWISE NOT MEET ANY
10 AND ALL REQUIREMENTS SET BY THE BOARD. [Enforcement of the
11 requirements set by the Board for the keeping of a dangerous and/or vicious or potentially
12 dangerous animal.

13 (1) In the event that the owner or custodian of a dangerous and/or vicious or
14 potentially dangerous animal is in violation of any regulation, the ACO or other
15 public safety officer may order the violation immediately corrected and issue a
16 citation to the owner or custodian.

17 (2) If the violation cannot be immediately corrected, the animal may be
18 impounded, in which case the owner or custodian will be issued a citation and
19 notified to appear before the Board for the violation. At the owners request and
20 expense and upon approval by Animal Control, such impoundment may be at a
21 veterinarian or licensed kennel of the owner's choosing.

22 (3) If the owner or keeper of a dangerous and/or vicious or potentially
23 dangerous animal impounded for violation of these regulations presents proof that
24 the animal will now be kept in compliance with these regulations, the animal shall
25 be released upon payment of any fees and penalties due.

26 (4) If the owner or custodian of a dangerous and/or vicious or potentially
27 dangerous animal fails to either provide proof that the animal shall now be kept
28 restrained and/or confined in compliance with these regulations or fails to reclaim
29 it within 72 hours from Animal Control after impoundment, the animal shall be

1 humanely euthanized.]

2 H. [Repeat offenders of provisions relating to dangerous and/or vicious or potentially
3 dangerous animals will be given an opportunity to fully explain to the Board why a
4 violation has been repeated. The Board will consider such explanation in determining
5 penalties and/or disposition.]

6 **ENFORCEMENT OF THE REQUIREMENTS SET BY THE BOARD FOR THE**
7 **KEEPING OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY**
8 **DANGEROUS ANIMAL.**

9 (1) **IN THE EVENT THAT THE OWNER OR CUSTODIAN OF A**
10 **DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS**
11 **ANIMAL IS IN VIOLATION OF ANY REGULATION, AN ANIMAL**
12 **CONTROL OFFICER OR OTHER LAW ENFORCEMENT OFFICER MAY**
13 **ORDER THE VIOLATION IMMEDIATELY CORRECTED AND ISSUE A**
14 **CITATION TO THE OWNER OR CUSTODIAN.**

15 (2) **IF THE VIOLATION CANNOT BE IMMEDIATELY CORRECTED,**
16 **THE ANIMAL MAY BE IMPOUNDED, IN WHICH CASE THE OWNER OR**
17 **CUSTODIAN WILL BE ISSUED A CITATION AND NOTIFIED TO APPEAR**
18 **BEFORE THE BOARD FOR THE VIOLATION. AT THE OWNER OR**
19 **CUSTODIAN'S REQUEST AND EXPENSE AND UPON APPROVAL BY AN**
20 **ANIMAL CONTROL OFFICER, SUCH IMPOUNDMENT MAY BE AT A**
21 **VETERINARIAN OR LICENSED COMMERCIAL ANIMAL**
22 **ESTABLISHMENT OF THE OWNER OR CUSTODIAN'S CHOOSING.**

23 (3) **IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR**
24 **VICIOUS OR POTENTIALLY DANGEROUS ANIMAL IMPOUNDED FOR**
25 **VIOLATION OF THESE REGULATIONS PRESENTS PROOF THAT THE**
26 **ANIMAL WILL NOW BE KEPT IN COMPLIANCE WITH THESE**
27 **REGULATIONS, THE ANIMAL SHALL BE RELEASED UPON PAYMENT**
28 **OF ANY FEES AND PENALTIES DUE.**

29 (4) **IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR**

1 VIOIOUS OR POTENTIALLY DANGEROUS ANIMAL FAILS TO EITHER
2 PROVIDE PROOF THAT THE ANIMAL SHALL NOW BE KEPT
3 RESTRAINED AND/OR CONFINED IN COMPLIANCE WITH THESE
4 REGULATIONS OR FAILS TO RECLAIM IT WITHIN SEVENTY-TWO (72)
5 HOURS FROM THE TIME OF IMPOUNDMENT BY ANIMAL CONTROL,
6 THE ANIMAL SHALL BE HUMANELY EUTHANIZED.

7 I. REPEAT OFFENDERS OF PROVISIONS RELATING TO DANGEROUS
8 AND/OR VIOIOUS OR POTENTIALLY DANGEROUS ANIMALS WILL BE GIVEN
9 AN OPPORTUNITY TO FULLY EXPLAIN TO THE BOARD WHY A VIOLATION
10 HAS BEEN REPEATED. THE BOARD WILL CONSIDER SUCH EXPLANATION
11 IN DETERMINING PENALTIES AND/OR DISPOSITION.

12 J. OWNERSHIP OF PIT BULL TERRIER TYPE DOGS.

13 (1) A "PIT BULL TERRIER TYPE" DOG SHALL MEAN ANY AND ALL
14 OF THE FOLLOWING DOGS:

15 (a) STAFFORDSHIRE BULL TERRIER BREED OF DOGS;

16 (b) AMERICAN STAFFORDSHIRE TERRIER BREED OF DOGS;

17 (c) AMERICAN PIT BULL TERRIER (PIT BULL) BREED OF
18 DOGS;

19 (d) AMERICAN BULLDOG BREED OF DOGS;

20 (e) DOGS WHICH HAVE THE APPEARANCE OF
21 BEING PREDOMINANTLY OF THE BREEDS OF DOGS LISTED IN
22 ITEMS (a) THROUGH (d) ABOVE. PREDOMINANTLY SHALL
23 MEAN THAT THE DOG EXHIBITS THE PHYSICAL
24 CHARACTERISTICS OF A PIT BULL TERRIER TYPE OF DOG
25 MORE THAN IT EXHIBITS THE PHYSICAL CHARACTERISTICS
26 OF ANY OTHER BREED OF DOG;

27 (f) DOGS THAT HAVE BEEN REGISTERED, LICENSED,
28 ADOPTED, RESCUED, TRANSFERRED, VACCINATED OR
29 REFERRED TO ON VETERINARY RECORDS AS A PIT BULL

1 TERRIER TYPE OF DOG AT ANY TIME.

2 (2) EXCEPT AS PROVIDED BELOW, NO PERSON, PARTNERSHIP,
3 CORPORATION OR OTHER LEGAL ENTITY SHALL OWN, KEEP,
4 HARBOR, BREED OR OTHERWISE POSSESS A PIT BULL TERRIER TYPE
5 DOG WITHIN CHARLES COUNTY AFTER DECEMBER 31, 2011.

6 (3) ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER LEGAL
7 ENTITY OWNING A PIT BULL TERRIER TYPE DOG PRIOR TO
8 DECEMBER 31, 2011, MAY CONTINUE TO OWN, KEEP, HARBOR, OR
9 OTHERWISE POSSESS THAT ANIMAL UNDER THE FOLLOWING
10 CONDITIONS:

11 (a) THE ANIMAL SHALL BE REGISTERED WITH THE CHARLES
12 COUNTY DEPARTMENT OF EMERGENCY SERVICES'
13 ANIMAL CONTROL DIVISION BY DECEMBER 31, 2011.

14 (b) THE ANIMAL SHALL BE SURGICALLY STERILIZED AND
15 MICROCHIPPED PRIOR TO REGISTRATION WITH THE
16 CHARLES COUNTY DEPARTMENT OF EMERGENCY SERVICES'
17 ANIMAL CONTROL DIVISION.

18 (c) THE REGISTRATION SHALL CONTAIN A DESCRIPTION OF
19 THE ANIMAL, LIST THE MICROCHIP NUMBER OF THE
20 ANIMAL AND IDENTIFY THE OWNER OF THE ANIMAL. THIS
21 REGISTRATION IS NON-TRANSFERRABLE.

22 (d) A TAG WILL BE PROVIDED BY THE CHARLES COUNTY
23 DEPARTMENT OF EMERGENCY SERVICES' ANIMAL CONTROL
24 DIVISION. THE DOG MUST AT ALL TIMES WEAR THE TAG
25 PROVIDED WHICH WILL READILY IDENTIFY IT AS A
26 REGISTERED PIT BULL TERRIER TYPE DOG.

27 (e) THIS REGISTRATION SHALL BE RENEWED ON AN
28 ANNUAL BASIS.

29 (f) THE FEES FOR THIS REGISTRATION SHALL BE \$50.00

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ANNUALLY.

(g) THE OWNER SHALL MAINTAIN THE DOG WITHIN A BUILDING OR A SECURE KENNEL AT ALL TIMES. WHENEVER THE DOG IS REMOVED FROM THE BUILDING OR KENNEL IT SHALL BE SECURED BY AN UNBREAKABLE HARNESS OR COLLAR AND LEASH NOT TO EXCEED (6) SIX FEET IN LENGTH AND MAINTAINED UNDER THE CONTROL OF AN ADULT.

(i) A SECURE KENNEL SHALL CONFORM TO THE FOLLOWING REQUIREMENTS: THE PEN OR KENNEL SHALL NOT SHARE COMMON FENCING WITH ANY AREA OR PERIMETER FENCE; THE KENNEL OR PEN MUST HAVE SECURED SIDES; A SECURE TOP ATTACHED TO ALL SIDES; THE SIDES MUST EITHER BE BURIED TWO FEET INTO THE GROUND, SUNKEN INTO A CONCRETE PAD, OR OTHERWISE SECURED TO PREVENT ESCAPE BY DIGGING; THE GATE TO THE PEN OR KENNEL MUST BE LOCKED.

(ii) A SECURE KENNEL SHALL ALSO CONFORM WITH ALL REQUIREMENTS FOUND IN § 230-11

(4) ANY DOG EMPLOYED OR OWNED BY A GOVERNMENTAL POLICE AGENCY KEPT TO PERFORM OFFICIAL POLICE WORK IS EXEMPT FROM THE PROVISIONS OF THIS REGULATION. PROOF OF SUCH SHALL BE FURNISHED TO THE ANIMAL CONTROL OFFICER UPON REQUEST.

(5) PIT BULL TERRIER TYPE DOGS OWNED BY ACTIVE DUTY MILITARY PERSONNEL ENTERING THE COUNTY AFTER DECEMBER 31, 2011 MUST COMPLY WITH ITEMS (1) ONE THROUGH (7) ABOVE WITHIN (30) DAYS OF COUNTY RESIDENCY. PROOF OF MILITARY SERVICE SHALL BE REQUIRED WITH THE REGISTRATION.

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- (6) ENFORCEMENT OF PROVISIONS OF THIS SECTION:
 - (a) AFTER DECEMBER 31, 2011 ANY PIT BULL TYPE DOG FOUND IN VIOLATION OF THIS SECTION MAY BE SEIZED BY CHARLES COUNTY DEPARTMENT OF EMERGENCY SERVICES' ANIMAL CONTROL DIVISION. THE ANIMAL CONTROL OFFICER MAY ENTER ON PRIVATE PROPERTY UPON PROBABLE CAUSE TO IMPOUND THE ANIMAL UNDER THIS SECTION. A CITATION MAY BE ISSUED TO THE OWNER/CUSTODIAN OF THE ANIMAL. THE FINE FOR VIOLATING § 230-12.5(J) (OWNERSHIP OF PIT BULL TERRIER TYPE DOGS) OF THE ANIMAL REGULATIONS SHALL BE \$1,000 PER DOG.
 - (b) OWNED DOGS IMPOUNDED PURSUANT TO THIS REGULATION WHOSE OWNERSHIP IS NOT SIGNED OVER TO CHARLES COUNTY SHALL REMAIN IMPOUNDED FOR NOT LESS THAN THREE (3) DAYS. DURING THIS TIME THE OWNER MUST SHOW PROOF THAT THE DOG IS IN COMPLIANCE WITH ITEMS (3), (4) OR (5) ABOVE, PROVIDE WRITTEN PROOF THAT THE DOG IS NOT A PIT BULL TYPE OF CANINE (SUCH AS RESULTS FROM A BLOOD- BASED DNA TEST) OR IS TO BE TRANSFERRED TO ANOTHER JURISDICTION THAT ALLOWS THESE BREEDS OF DOGS.
 - (I) IF THE OWNER CAN NOT COMPLY WITH §230-12.5(J)(6)(b), ABOVE, DURING THE ALLOTTED TIME, AND THE OWNER DOES NOT WISH TO RELINQUISH OWNERSHIP OF THE DOG, A CITATION FOR VIOLATION OF THIS REGULATION SHALL BE ISSUED TO THE OWNER OF THE DOG REQUIRING AN APPEARANCE BEFORE THE NEXT REGULARLY SCHEDULED MEETING OF THE ANIMAL MATTERS HEARING BOARD. THE BOARD

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SHALL MAKE A FINAL DETERMINATION ON THE DOG. SUCH CITATION SHALL INCLUDE THE DATE AND TIME OF THE SCHEDULED HEARING. THE DOG SHALL REMAIN IMPOUNDED PENDING THIS HEARING. THE ANIMAL CONTROL OFFICER OR OWNER MAY PETITION THE CHAIRMAN OF THE ANIMAL MATTERS HEARING BOARD TO CONDUCT A SPECIAL HEARING ON THE MATTER PRIOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ANIMAL MATTERS HEARING BOARD IN ACCORDANCE WITH §230-4 OF THESE REGULATIONS. DURING THE PERIOD OF IMPOUNDMENT THE OWNER SHALL BE HELD RESPONSIBLE FOR ALL COSTS AND MAINTENANCE EXPENSES INCURRED, INCLUDING BOARD AND VETERINARY FEES. THESE EXPENSES SHALL BE ITEMIZED AND PRESENTED TO THE ANIMAL MATTERS HEARING BOARD AS TO THE AMOUNT OF RESTITUTION TO BE PAID TO THE COUNTY BY THE OWNER OF THE ANIMAL.

(II) IF THE OWNER OF THE IMPOUNDED DOG DOES NOT RESPOND TO THE IMPOUND NOTICE WITHIN THE ALLOTTED TIME, THE DOG WILL IMMEDIATELY BECOME THE PROPERTY OF CHARLES COUNTY AND DISPOSED OF IN ACCORDANCE WITH THESE REGULATIONS, STATE CODE AND SHELTER POLICY.

(C) STRAY DOGS SEIZED PURSUANT TO THIS REGULATION SHALL BE HELD IN ACCORDANCE WITH § 230-12.6(B) (IMPOUNDED STRAY DOMESTIC ANIMALS) OF THESE REGULATIONS. ANY PERSON WISHING TO RECLAIM A STRAY

1 IMPOUNDED PIT BULL TYPE DOG DURING THIS TIME PERIOD
2 SHALL COMPLY WITH ITEM §230-12.5(J)(6)(b) ABOVE.
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4 **§ 230-12.6 Impoundment; redemption; adoption.**

5 A. Any animal observed in violation of these regulations or the State Code [shall]
6 MAY be immediately and humanely impounded and housed AT THE TRI-COUNTY
7 ANIMAL SHELTER [with the animal shelter] or its designated agent. In addition to, or
8 in lieu of, impounding an animal, the Animal Control Officer may issue to the known
9 owner or custodian of such animal a notice of violation.

10 B. Impounded STRAY domestic animals [shall be kept for not less than three
11 working days unless said animal is contagiously ill or severely injured.] MAY NOT BE
12 ADOPTED, RESCUED, PLACED, OR DESTROYED UNTIL:

13 (1) SEVENTY-TWO (72) HOURS HAVE ELAPSED AFTER GIVING
14 NOTICE TO THE OWNER; OR

15 (2) IF THE OWNER CANNOT BE NOTIFIED, SEVENTY-TWO (72)
16 HOURS HAVE ELAPSED AFTER THE ANIMAL IS IMPOUNDED;

17 (3) UNLESS:

18 (A) THE ANIMAL IS SERIOUSLY DISEASED OR SEVERELY
19 INJURED; OR

20 (B) THE ANIMAL IS UNDER THREE (3) MONTHS OF AGE

21 C. An owner OR CUSTODIAN reclaiming an impounded animal shall pay the fees
22 established by the TRI-COUNTY ANIMAL SHELTER [Sheltering Authority]. The fees
23 for subsequent impounds occurring within 12 months shall be doubled. Upon the third
24 and any subsequent impoundments within 12 months, the animal shall remain in the
25 shelter until the owner or custodian appears before the Board's next scheduled hearing.
26 The Board shall determine the necessary means to abate the violations and may levy fines
27 and fees.

28 D. [In addition to paying the established fees, an owner reclaiming an impounded
29 animal shall show proof of a current rabies vaccination and county license, or shall pay

1 the deposit fees required to comply with §§ 230-9 and 230-10 of these regulations and
2 other expenses incurred by the County in caring for the impounded animal.] AS A
3 PRECONDITION OF RELEASE THE OWNER OR CUSTODIAN RECLAIMING
4 ANY IMPOUNDED ANIMAL WILL BE REQUIRED TO PAY ALL ESTABLISHED
5 FEES AND OTHER EXPENSES FOR THE CARE, IMPOUNDMENT, BOARD AND
6 VETERINARY TREATMENT INCURRED BY CHARLES COUNTY OR ITS
7 AGENTS PURSUANT TO THE IMPOUNDMENT.

8 E. [Except as otherwise provided in these regulations, any animal impounded and
9 not redeemed by its owner or custodian within three working days following notice of
10 impoundment shall be deemed abandoned. The animal shall then become the property of
11 the County, which shall place for adoption or euthanize the animal in accordance with the
12 State Code and shelter policy.] IN ADDITION TO PAYING THE ESTABLISHED
13 FEES, AN OWNER OR CUSTODIAN RECLAIMING AN IMPOUNDED ANIMAL
14 SHALL SHOW PROOF OF A CURRENT RABIES VACCINATION AND COUNTY
15 LICENSE, OR SHALL PAY THE DEPOSIT FEES REQUIRED TO COMPLY WITH
16 §§ 230-9 AND 230-10 OF THESE REGULATIONS.

17 F. [No unclaimed dog or cat shall be released for adoption without being sterilized,
18 or without written agreement from the adopter guaranteeing that such animal will be
19 sterilized within 30 days for adults or a specified date in the contract for puppies and
20 kittens.] ALL IMPOUNDED DOGS AND CATS BEING RECLAIMED FROM THE
21 TRI-COUNTY ANIMAL SHELTER WILL BE MICRO-CHIPPED PRIOR TO
22 RELEASE AT AN ESTABLISHED FEE TO BE PAID BY THE OWNER OR
23 CUSTODIAN RECLAIMING THE ANIMAL.

24 G. [Any animal considered by the Sheltering Authority to be unhealthy, dangerous or
25 otherwise unsafe may not be placed for adoption.] EXCEPT AS OTHERWISE
26 PROVIDED IN THESE REGULATIONS, ANY ANIMAL IMPOUNDED AND NOT
27 RECLAIMED BY ITS OWNER OR CUSTODIAN WITHIN THREE (3) WORKING
28 DAYS FOLLOWING IMPOUNDMENT SHALL BE DEEMED ABANDONED. THE
29 ANIMAL SHALL THEN BECOME THE PROPERTY OF CHARLES COUNTY, AND

1 BE MADE AVAILABLE FOR ADOPTION, RESCUE OR EUTHANIZATION, IN
2 ACCORDANCE WITH THESE REGULATIONS, STATE CODE AND TRI-COUNTY
3 ANIMAL SHELTER POLICY.

4 H. [The Animal Shelter may deny applications for adoption as provided by
5 established shelter policy and procedure] NO UNCLAIMED DOG OR CAT SHALL BE
6 RELEASED FOR ADOPTION WITHOUT BEING STERILIZED, OR WITHOUT
7 WRITTEN AGREEMENT FROM THE ADOPTER GUARANTEEING THAT SUCH
8 ANIMAL WILL BE STERILIZED WITHIN THIRTY (30) DAYS FOR ADULTS OR A
9 SPECIFIED DATE IN THE CONTRACT FOR PUPPIES AND KITTENS.

10 I. [No wild animal may be placed for adoption] ANY ANIMAL CONSIDERED
11 BY THE TRI-COUNTY ANIMAL SHELTER TO BE UNHEALTHY, DANGEROUS
12 OR OTHERWISE UNFIT MAY NOT BE PLACED FOR ADOPTION.

13 J. [No animal shall be knowingly sold or given away for use in experimentation or
14 research] THE TRI-COUNTY ANIMAL SHELTER MAY DENY APPLICATIONS
15 FOR ADOPTION AS PROVIDED BY ESTABLISHED SHELTER POLICY AND
16 PROCEDURE.

17 K. [The County, its employees or agents shall not be liable for any damages to
18 person or property caused by an animal or reclaimed from the shelter] NO WILD
19 ANIMAL MAY BE PLACED FOR ADOPTION.

20 L. NO ANIMAL SHALL BE KNOWINGLY SOLD OR GIVEN AWAY FOR USE
21 IN EXPERIMENTATION OR RESEARCH.

22 M. CHARLES COUNTY, ITS EMPLOYEES OR AGENTS SHALL NOT BE
23 LIABLE FOR ANY DAMAGES TO PERSON OR PROPERTY CAUSED BY AN
24 ANIMAL ADOPTED, RESCUED OR RECLAIMED FROM THE SHELTER.

25
26 **§ 230-12.7. Striking A domestic animal with A motor vehicle.**

27 As in THE Maryland ANNOTATED CODE_ Transportation [Law,] Article § 20-106 [20, §§ 105
28 and 106], any person who, as the operator of a motor vehicle, strikes a domestic animal shall
29 immediately notify the owner OR CUSTODIAN of the domestic animal, or, if the owner OR

1 CUSTODIAN cannot be immediately notified, then the State or local police, OR ANIMAL
2 CONTROL of the accident.

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4 **§ 230-12.8. Fees.**

5 Any fees or fines established within these regulations may be evaluated and adjusted annually.

6

7 **§ 230-12.9. Fines.**

8 A. The Board may impose fines at the close of all evidence, at any hearing, as set
9 forth below.

10 B. The fines for subsequent violations within a ROLLING TWELVE (12) month
11 period shall be doubled for those violations with set penalties.

12 **In Violation**

13	of Section	[Subject] CATEGORY	Fine
14			
15	§ 230-6B	Interference with an Animal Control Officer	\$ <u>250</u> [50]
16	230-8	Cruelty (requires an appearance before the Board)	\$50 to \$[500] <u>1,000</u>
17	230-9	Rabies prevention (requires an appearance	
18		before the Board)	
19		A. Failure to vaccinate	[\$100] <u>150</u>
20		B. Failure to quarantine	[\$100] <u>150</u>
21	230-10 Licensing		
22		A. Individual	[\$35] <u>50</u>
23		B. FANCIER	<u>\$150</u>
24		C. Commercial animal establishment	[\$150] <u>250</u>
25	230-11 Animal care (per offense; not to exceed		
26		[\$100] <u>140</u> per animal)	[\$25] <u>35</u>
27	230-11F	Animal riding in an open vehicle	[\$35] <u>50</u>
28	230-12 Animal at large		[\$35] <u>50</u>
29	230-12.1	Female in season	[\$35] <u>50</u>

1	230-12.2	Allowing an animal to urinate/defecate	
2		on private property	\$[35] <u>50</u>
3	230-12.3	Allowing an animal to defecate on public property	\$[35] <u>50</u>
4	<u>230-12.4</u>	<u>§A(1) THROUGH §A(8)</u>	<u>\$50</u>
5	230-12.4	<u>§A(9)</u> ; Public nuisance violation of the Board's	
6		order (requires an appearance before the Board)	\$50 to \$[100] <u>200</u>
7	230-12.5	Dangerous and/or vicious or potentially dangerous	
8		(requires an appearance before the Board)	\$50 to \$500
9	<u>230-12.5</u>	FAILING TO COMPLY WITH THE PROVISIONS	
10	<u>(H)(1) & (2)</u>	ORDERED BY THE BOARD IN THE KEEPING	
11		OF DANGEROUS AND/OR VICIOUS OR	
12		POTENTIALLY DANGEROUS ANIMALS	
13		(REQUIRES AN APPEARANCE BEFORE	
14		THE BOARD)	<u>\$200 - \$1,000</u>

15
16 C. Violations covered under Section 230-12.11 BELOW are referred to, and
17 prosecuted by the State's Attorney in the District Court of Maryland for Charles County.
18

19 **§ 230-12.10. Entering into contracts with outside services.**

20 No statement, provision or regulation set forth herein shall be construed to prevent the County
21 Commissioners of Charles County, Maryland, from entering into a contract with an outside
22 service FOR THE ENFORCEMENT OF THESE REGULATIONS.
23

24 **§ 230-12.11. Failure to pay fines; failure to appear before Animal Matters Hearing
25 Board; or failure to comply with lawful orders of Animal Matters Hearing Board.**

26 A. [Anyone] ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER
27 LEGAL ENTITY served with a citation for an alleged violation of any of the provisions
28 of these regulations shall be subject to payment of a fine as specified on the citation form
29 or must appear before the Animal Matters Hearing Board to answer the complaint. [Any

1 person willfully failing] FAILURE to appear before the Board when ORDERED notified
2 to do so, and/or after having failed to pay the fine as specified on the citation form within
3 the time specified on the citation shall be guilty of a misdemeanor punishable by not
4 more than SIXTY (60) days in jail, a fine of \$300, or both.

5 B. Any person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY
6 willfully failing to comply with any lawful order of the Board shall be guilty of a
7 misdemeanor punishable by not more than SIXTY (60) days in jail, a fine of \$300, or
8 both.

9 C. Charges under this section will be referred to the State's Attorney's Office for
10 prosecution in the District Court of Maryland for Charles County.

11

12 SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect 45 calendar days after
13 it becomes law.