

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2011 Legislative Session**

Legislative Day # \_\_\_\_

**BILL NO. 2011-07**

**Introduced by: Charles County Commissioners**

**Charles County Animal Regulations**

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**Date introduced:** \_\_\_\_ / \_\_\_\_ / 2011

**Public Hearing:** \_\_\_\_ / \_\_\_\_ / 2011

**Commissioners Action:** \_\_\_\_ / \_\_\_\_ / 2011

**Commissioner Votes:** CK: \_\_\_\_, RC: \_\_\_\_, KR: \_\_\_\_, DD: \_\_\_\_, BR: \_\_\_\_

**Pass/Fail:** \_\_\_\_\_

**Effective Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

**Remarks:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

Underlining indicates matter added to existing law

[Brackets] indicate matter deleted from existing law

**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

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14

15

16

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

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

4  
5  
6   **§ 230-1.       Statement of Purpose.**

7 These Animal Regulations are hereby established by the County Commissioners of Charles  
8 County, Maryland to provide for the safety of the public, the humane care and treatment of  
9 animals and to encourage responsible pet ownership.

10  
11   **§ 230-2.       Definitions.**

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

13  
14           **Adult Animal** - Any animal four months of age or older.

15  
16           **[Air, proper** - Enclosed areas must be constructed or modified to allow free flow of air  
17 to control temperature, humidity and prevent air stagnation.]

18  
19           **Animal** - Every non-human species of animal both domestic and wild including but not  
20 limited to dogs, cats, livestock and fowl.

21  
22           **Animal at Large** - Any animal off the premises of the owner or custodian, and not under  
23 the restraint of a person capable of controlling the animal.

24  
25           **[Animal Control** - Charles County Animal Control shall include but not be limited to  
26 any individual designated by the County Commissioners to enforce these regulations and  
27 the State Code.]

28  
29           **Animal Control Officer (ACO)** - Any Animal Control Officer employed by Charles

1 County Commissioners to enforce these regulations and [the] applicable State Code.  
2 [(Also referred to as an "ACO").  
3

4 [**Animal exposed to rabies** - Any animal which has been bitten by an animal which  
5 either has rabies or has been in proximity to or contact with an animal that has rabies, or  
6 any animal which has not been bitten but which has been in proximity to or in contact  
7 with or has otherwise been exposed for any period of time to an animal which has rabies.  
8 The determination whether an animal is infected with rabies shall be made by the Health  
9 Officer for Charles County and the Maryland Department of Health and Mental  
10 Hygiene.]

11  
12 **ANIMAL FANCIER** - ANY PERSON PARTNERSHIP, CORPORATION OR OTHER  
13 LEGAL ENTITY THAT HARBORS OR KEEPS ANY COMBINATION OF MORE  
14 THAN 10 ADULT ANIMALS AND WHICH DOES NOT BREED AND SELL THE  
15 OFFSPRING OR USE MALES FOR STUD. THIS DEFINITION SHALL NOT  
16 INCLUDE FISH, LIVESTOCK, POULTRY AND OTHER FARM ANIMALS USED  
17 IN CUSTOMARY AND NORMAL AGRICULTURAL PRACTICES.  
18

19 **Animal Shelter** - Any facility operated by a [municipal] PUBLIC ENTITY [agency] or  
20 its AGENT [agents], for the purpose of impounding animals under the authority of these  
21 regulations or State Code for care, confinement, return to owner, adoption or euthanasia.  
22

23 **Animal/Veterinary Hospital** - Any establishment maintained or operated by a licensed  
24 veterinarian for the immunization, hospitalization, surgery or diagnosis, prevention and  
25 treatment of diseases and injuries of animals.  
26

27 [**Auction** - Any place or facility where animals are regularly bought, sold, or traded,  
28 except for those facilities otherwise defined in these regulations.]  
29

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

2  
3 **Cage** - Any [enclosure] CONFINING DEVICE of limited space, enclosed on the bottom,  
4 top and all sides by a wall [or otherwise], in which animals are placed for any purpose,  
5 including confinement or display.

6  
7 **Charles County Division of Animal Control** - CHARLES COUNTY ANIMAL  
8 CONTROL SHALL INCLUDE BUT NOT BE LIMITED TO ANY INDIVIDUAL  
9 DESIGNATED BY THE COUNTY COMMISSIONERS TO ENFORCE THESE  
10 REGULATIONS AND THE APPLICABLE STATE CODE.

11  
12 **Circus** - A commercial variety show featuring animal acts for public entertainment.

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

23  
24 **[Commercial Boarding Facility** - Any person, partnership, corporation or other legal  
25 entity establishment for the commercial animal sales, training, boarding, and grooming.  
26 sale or training of animals for which a fee is charged; provided that any animal or  
27 hospitals maintained by a licensed veterinarian as part of the practice of veterinary  
28 medicine for the treatment of animals shall not be considered a "Commercial Facility"  
29 shall not include livestock, poultry and other farm animals used in customary and normal

1 agricultural husbandry practices.]

2  
3 **Commercial Breeding Facility** - Any person, partnership, [or] corporation or other legal  
4 entity that owns OR POSSESSES BREEDING STOCK OF [keeps, harbors or is  
5 custodian of] four (4) or more unneutered male [animals] or [four or more] unspayed  
6 female animals or [four or more of] any combination [of unneutered male, unspayed  
7 female animals kept or used for stud or breeding for which a fee is charged and/or for  
8 breeding for which a fee is charged for the offspring] THEREOF, FOR THE PURPOSE  
9 OF CHARGING A FEE FOR STUD SERVICES OR OFFSPRING. This definition shall  
10 not include livestock, poultry and other farm animals used in customary and normal  
11 agricultural husbandry practices.

12  
13 **Cruelty** - As defined in § 230-8.

14  
15 **Custodian** - Any person, partnership, [or] corporation OR OTHER LEGAL ENTITY  
16 THAT HARBORS, TAKES CARE OR CUSTODY OF, OR TAKES  
17 RESPONSIBILITY FOR ANOTHER PERSON'S ANIMAL(S); OR ALLOWS THE  
18 ANIMAL(S) TO REMAIN ON THEIR PREMISES [having or taking temporary  
19 responsibility of any animal as caretaker or otherwise].

20  
21 **Dangerous Animal** - As defined under § 230-12.5[.], AND AS LISTED IN THE  
22 ANNOTATED CODE OF MARYLAND, CRIMINAL LAW SECTION 10-621(b):  
23 PROHIBITED - A PERSON MAY NOT IMPORT INTO THE STATE OR CHARLES  
24 COUNTY, OFFER FOR SALE, TRADE, BARTER, POSSESS, BREED, OR  
25 EXCHANGE A LIVE:

- 26 1) FOX, SKUNK, RACCOON OR BEAR;  
27 2) CAIMAN, ALLIGATOR OR CROCODILE;  
28 3) MEMBER OF THE CAT FAMILY OTHER THAN THE DOMESTIC CAT;  
29 4) HYBRID OF A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT

- 1 IF THE HYBRID WEIGHS OVER 30 POUNDS;  
2 5) MEMBER OF THE DOG FAMILY OTHER THAN THE DOMESTIC DOG;  
3 6) HYBRID OF A MEMBER OF THE DOG FAMILY AND A DOMESTIC DOG;  
4 7) NONHUMAN PRIMATE, INCLUDING LEMUR, MONKEY, CHIMPANZEE,  
5 GORILLA, ORANGUTAN, MARMOSET, LORIS OR TAMARIN; OR  
6 8) POISONOUS SNAKE IN THE FAMILY GROUPS HYDROPHIDAE,  
7 ELAPIDAE, VIPERIDAE OR CROTOLIDAE.  
8

9 **Domestic Animal** - Any animal kept for pleasure rather than utility; an animal of a  
10 species that has been bred and raised to live WITH OR IN PROXIMITY TO [in or about  
11 the habitation of] humans, and WHICH is dependent on [people] HUMANS for food and  
12 shelter. Domestic animals include but are not limited to farm animals, and pets such as  
13 dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets, and  
14 hedgehogs, nonpoisonous reptiles, fish, and amphibians, parakeets, cockatiels and other  
15 [commercially raised] EXOTIC birds.  
16

17 **Grooming Shop** - A commercial animal establishment where animals are bathed,  
18 clipped, plucked or otherwise groomed.  
19

20 **Guard Dog** - Any dog that is trained specifically for and/or used to protect private  
21 property or for personal protection.  
22

23 **Guard Dog Training Center** - Any establishment that trains, [and/or] brokers [and/] or  
24 sells dogs to be used to protect [public/private] property or for personal protection.  
25

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

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**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.

**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

1 facility.

2

3 **PIT BULL TERRIER TYPE DOG** - SHALL MEAN ANY AND ALL OF THE  
4 FOLLOWING DOGS:

- 5 1) AMERICAN PIT BULL TERRIER (PIT BULL) BREED;
- 6 2) STAFFORDSHIRE BULL TERRIER BREED;
- 7 3) AMERICAN STAFFORDSHIRE TERRIER BREED;
- 8 4) AMERICAN BULLDOG BREED;
- 9 5) DOGS WHICH HAVE THE APPEARANCE OF BEING PREDOMINANTLY  
10 OF THE BREEDS OF DOGS LISTED ABOVE;
- 11 6) DOGS THAT HAVE BEEN REGISTERED, LICENSED, ADOPTED,  
12 RESCUED, TRANSFERRED, VACCINATED OR REFERRED TO ON  
13 VETERINARY OR OTHER RECORDS AS A PIT BULL TERRIER TYPE OF  
14 DOG AT ANY TIME.

15

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

17

18 **Public Nuisance** - As defined under § 230-12.4.

19

20 **RABIES EXPOSURE** - SHALL INCLUDE ANY INSTANCE WHEREIN AN  
21 ANIMAL HAS BEEN BITTEN BY ANOTHER ANIMAL FOR WHICH A RABIES  
22 DIAGNOSIS IS SUSPECTED OR CLINICALLY CONFIRMED; OR ANY ANIMAL  
23 WHICH HAS BEEN EXPOSED TO OR IN CONTACT WITH ANOTHER ANIMAL  
24 FOR WHICH A RABIES DIAGNOSIS IS SUSPECTED OR CLINICALLY  
25 CONFIRMED. THE CLINICAL DETERMINATION AS TO WHETHER AN  
26 ANIMAL IS INFECTED WITH RABIES SHALL BE MADE BY THE CHARLES  
27 COUNTY DEPARTMENT OF HEALTH AND THE MARYLAND DEPARTMENT  
28 OF HEALTH AND MENTAL HYGIENE (DHMH).

29

1           **Rabies Vaccination** - An anti-rabies vaccination using a Vaccine type approved by the  
2 Maryland State Department of Health and Mental Hygiene or the Maryland Public Health  
3 Veterinarian.

4  
5           **[Restraint** - Any animal humanely secured by a leash or lead and/or under the control of  
6 a responsible person and obedient to that person's commands.]

7  
8           **Sanitary** - A condition of good order and cleanliness which minimizes the probability of  
9 transmission of disease.

10  
11           **Space, Proper** - Space available to the animal must be usable and safe (e.g. must be  
12 provided an area free from standing water, accumulated waste, sharp objects and debris  
13 and maintained in a safe and healthful manner). Space must be appropriate and sufficient  
14 for the age, breed/type, quantity, condition and size of the animal(s).

15  
16           **State Code** - Any and all animal laws of the Annotated Code for the State of Maryland.

17  
18           **TRI-COUNTY ANIMAL SHELTER (TCAS) - THE DESIGNATED SHELTER**  
19 **AUTHORITY WITHIN CHARLES COUNTY, MARYLAND.**

20  
21           **Ventilation** - AREAS CONSTRUCTED OR MODIFIED TO ALLOW THE FREE  
22 FLOW OF ADEQUATE AIR TO CONTROL TEMPERATURE, HUMIDITY AND  
23 PREVENT AIR STAGNATION.

24  
25           **Vicious Animal** - As defined under § 230-12.5.

26  
27           **WILD ANIMAL** - AN ANIMAL WHICH IS NOT DEFINED AS A DOMESTIC  
28 ANIMAL AND IS INCAPABLE OF BEING COMPLETELY DOMESTICATED OR  
29 TAMED. AN ANIMAL WHICH IN ITS NATURAL STATE IS WILD, DANGEROUS

1 OR FEROCIOUS AND THOUGH IT MAY BE TRAINED AND HABITUATED BY  
2 THE OWNER OR CUSTODIAN WILL REMAIN DANGEROUS TO THE PUBLIC  
3 AT LARGE. ANY HYBRID OR CROSSBRED ANIMAL WHICH IS PART EXOTIC  
4 OR WILD [As defined in State and Federal Code].

5  
6 **Wolf Hybrid** - Any animal that is advertised, registered, licensed, or otherwise described  
7 or represented as a wolf hybrid by its owner, POSSESSOR OR CUSTODIAN, or any  
8 animal exhibiting primary physical and behavioral wolf characteristics.

9  
10 **Zoological Park** - Any facility operated by a person, partnership, corporation or other  
11 legal entity [government agency], other than a [pet shop or kennel] COMMERCIAL  
12 ANIMAL ESTABLISHMENT, displaying or exhibiting one (1) or more species of non-  
13 domesticated animals.

14  
15 **§ 230-3. Duties of [all] animal owners OR CUSTODIANS [to be responsible owners].**

- 16 A. It shall be the duty of the [every] owner OR CUSTODIAN of any animal, or  
17 anyone having any animal in his/HER possession [or custody], to exercise  
18 reasonable care and to take all necessary steps and precautions to protect [other]  
19 people, property and animals from INJURY [injuries] or damage which might  
20 result from their animals' behavior, regardless of whether such behavior is  
21 motivated by mischievousness, playfulness or ferocity.
- 22 B. In the event that the owner or CUSTODIAN [keeper] of any animal is a minor,  
23 the parent or guardian of such minor shall be responsible to ensure that all  
24 provisions of these regulations and APPLICABLE [the] State Code are complied  
25 with.

26  
27 [C. No animal may be sold or given to a minor without the written consent of the  
28 minor's parent or legal guardian.]  
29

1       **§ 230-4.       Animal Matters Hearing Board.**

2           A.       Membership; rules; support.

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

8                   (a)       Charles County Office of the Sheriff

9                   (b)       Charles County Humane Society

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

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

13           (2) [(3)]       The term of appointment is [for] four (4) years. Any person  
14           appointed to fill a vacancy created by resignation or otherwise shall be appointed  
15           only to fulfill the unexpired term of the member who [has] vacated the position.  
16           Of the members first appointed, two (2) must be appointed for [1-] ONE (1) year  
17           terms, two (2) must be appointed for [2-] TWO (2) year terms, two (2) must be  
18           appointed for [3-] THREE (3) year terms, and one (1) must be appointed for a [4-]  
19           FOUR (4) year term. Additional appointments shall be at the [pleasure]  
20           DISCRETION of the County Commissioners in accordance with applicable laws.

21           (3) [(4)]       The members of the Board shall serve without compensation.

22           (4)       A BOARD MEMBER WHO MISSES THREE (3) REGULARLY  
23           SCHEDULED MEETINGS IN A ROLLING TWELVE MONTH PERIOD MAY  
24           BE REPLACED AT THE DISCRETION OF THE COUNTY  
25           COMMISSIONERS, UPON REQUEST OF THE CHAIRMAN OF THE  
26           BOARD.

27           (5)       Board members shall abide by the Charles County Code of Ethics.

28           (6)       The Chairman and Vice Chairman shall be appointed by the County  
29           Commissioners of Charles County, Maryland.

- 1 (7) A quorum shall consist of a majority of the appointed members.
- 2 (8) To the extent provided by the approved fiscal year budget, the County  
3 Commissioners of Charles County, Maryland shall provide for the Board  
4 such office space, supplies and equipment as may be required by the Board.
- 5 (9) To the extent provided by the approved fiscal year budget the County  
6 Attorney's Office shall provide support personnel as may be required by the  
7 Board.
- 8 (10) The Board shall use Roberts Rules of Order in the as a guide to conduct of  
9 any and all public hearings.
- 10 B. Powers and/or duties of the Animal Matters Hearing Board.
- 11 (1) The Board shall meet twice monthly or at the discretion of the Chairman  
12 to fulfill the duties and responsibilities of the Board.
- 13 (2) The Board shall submit an annual report to the County Commissioners  
14 concerning its responsibility hereunder.
- 15 (3) The Board shall recommend to the County Commissioners changes in the  
16 law regarding the control of animals in Charles County.
- 17 (4) [The Chairman shall notify the County Commissioners if a Board member  
18 misses three regularly scheduled meetings annually; this member may then be  
19 replaced at the discretion of the County Commissioners] **THE BOARD SHALL  
20 CONDUCT PUBLIC HEARINGS TO DETERMINE WHETHER A  
21 VIOLATION OF THESE REGULATIONS HAS OCCURRED.**
- 22 (5) [Upon a written complaint or a request from a person receiving a violation  
23 notice, the Board shall conduct a public hearing after due notice to determine  
24 whether violations of these regulations have occurred and whether a person  
25 subject to an order of the Board has complied with that order.] **THE BOARD  
26 MAY ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF ANY  
27 WITNESS, AS WELL AS THE PRODUCTION OF DOCUMENT(S).**
- 28 (6) [At the close of all evidence in a case, if the Board finds that a violation of  
29 the Charles County Animal Regulations occurred, it may levy fines as provided in

1 § 230-12.9. The Board may reduce or increase any fine imposed to an amount  
2 that the Board considers appropriate in accordance with §§ 230-4 and 230-12.9 of  
3 these regulations. If the Board finds that a violation did not occur, it shall dismiss  
4 the charges.] IN REACHING ITS DECISION, THE BOARD MAY CONSIDER  
5 PRIOR VIOLATION(S) AND PATTERNS OF BEHAVIOR.

6 (7) [The Board shall have the power to issue subpoenas for the attendance of  
7 any witness(es) and the production of document(s) at a hearing of the Board.]

8 THE BOARD MAY ISSUE ORDERS AND IMPOSE MONETARY FINES AS  
9 PROVIDED IN SECTION 230-12.9 OF THESE REGULATIONS.

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

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

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

20 C. Hearing procedures: Findings and Orders. The Board shall conduct A public  
21 HEARING [hearings when]:

22 (1) UPON RECEIPT OF A [A] written complaint that a person,  
23 PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY has violated  
24 [or permitted his animal to violate] the provisions of these Regulations [is filed  
25 with the Board]. The complaint must [be specific, particularly with regard to  
26 identification of animals and dates and locations of particular incidents] SPECIFY  
27 THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR CUSTODIAN,  
28 AS WELL AS CLEARLY AND ACCURATELY DESCRIBE THE ANIMAL(S)  
29 INVOLVED AND THE DATE(S) AND LOCATION(S) OF THE ALLEGED

1 INCIDENT(S). A COMPLAINT UNDER THESE REGULATIONS SHALL BE  
2 FILED WITHIN ONE (1) YEAR AND ONE (1) DAY FROM THE DATE OF  
3 THE ALLEGED VIOLATION.

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

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

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

13 (5) ANY ANIMAL THAT HAS BEEN PREVIOUSLY DETERMINED BY  
14 THE BOARD TO BE A PUBLIC NUISANCE AND/OR VICIOUS AND/OR  
15 DANGEROUS THAT IS IMPOUNDED FOR A REPEAT VIOLATION OF  
16 THE SAME CHARGE MAY BE HELD, AT THE BOARD'S REQUEST, AT  
17 THE SHELTERING FACILITY UNTIL THE CASE CAN BE HEARD BY THE  
18 BOARD.

19 (6) THE BOARD SHALL GIVE FOURTEEN (14) DAYS PRIOR  
20 WRITTEN NOTICE OF THE HEARING TO THE DEFENDANT OF A  
21 COMPLAINT THROUGH PERSONAL SERVICE, BY CERTIFIED MAIL,  
22 RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED.

23 (7) FOLLOWING THE PRESENTATION OF ALL EVIDENCE, THE  
24 BOARD SHALL DELIBERATE AND SHALL ISSUE ITS WRITTEN  
25 DECISIONS AND ORDER WITHIN FOURTEEN (14) CALENDAR DAYS.  
26 THE ORDER SHALL CONTAIN FINDINGS OF FACT AND CONCLUSIONS  
27 OF LAW. IF THE BOARD FINDS THAT A VIOLATION DID NOT OCCUR,  
28 IT SHALL DISMISS THE COMPLAINT OR CITATION. IN ADDITION TO  
29 IMPOSING PENALTIES, THE BOARD MAY REQUIRE APPROPRIATE

1 AFFIRMATIVE ACTION, INCLUDING BUT NOT LIMITED TO:

2 (a) THE MANDATORY RESTRICTION OR CONFINEMENT OF  
3 THE ANIMAL UNDER SUCH CONDITIONS AS THE BOARD MAY  
4 REQUIRE IN ITS DISCRETION.

5 (b) THE MANDATORY DISPOSITION OF THE ANIMAL AS THE  
6 BOARD MAY DIRECT IN ITS DISCRETION.

7 (c) THE CORRECTION OF CONDITIONS OR METHODS OF  
8 ANIMAL CARE, KEEPING, MAINTENANCE, HOUSING OR  
9 VETERINARY TREATMENT, AS THE BOARD MAY DETERMINE  
10 IN ITS DISCRETION; ALL COSTS ASSOCIATED WITH THE  
11 BOARD'S RECOMMENDATION SHALL BE THE RESPONSIBILITY  
12 OF THE OWNER.

13 (d) ORDERING THE OWNER/CUSTODIAN OF AN ANIMAL,  
14 AFTER HAVING FOUND THEM IN VIOLATION OF THESE  
15 REGULATIONS OR THE STATE CODE, TO MAKE RESTITUTION  
16 OF EXPENSES INCURRED BY THE COUNTY FOR BOARD,  
17 VETERINARY CARE, ETC., TO THE CHARLES COUNTY DIVISION  
18 OF ANIMAL CONTROL SERVICES.

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

26 (f) ALL DECISIONS OF THE BOARD AUTHORIZED UNDER  
27 THESE REGULATIONS SHALL BE FINAL AND SUBJECT TO  
28 REVIEW ONLY BY THE CIRCUIT COURT FOR CHARLES  
29 COUNTY UPON A TIMELY APPEAL FILED PURSUANT TO THE

1 MARYLAND RULES OF PROCEDURE BY ANY PARTY  
2 AGGRIEVED BY A DECISION WITHIN THE TIME PRESCRIBED  
3 FOR APPEALS FROM ADMINISTRATIVE AGENCIES BY SUCH  
4 RULES OF PROCEDURE.

5 [D. The Board shall give notice in writing to the defendant of a complaint by either  
6 personal delivery, or by certified mail, restricted delivery, return receipt requested. Said  
7 notice shall be received by the defendant at least 14 days prior to the public hearing  
8 regarding the alleged violation.

9 E. At the close of all the evidence, the Board shall deliberate and within 14 days, the  
10 Board shall issue its written decision and order. The order shall contain findings of fact  
11 and conclusions of law. If the Board finds that a violation did not occur, it shall dismiss  
12 the complaint or citation. In addition to imposing penalties, the Board may require  
13 appropriate affirmative action, including, but not limited to:

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

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

18 (3) The correction of condition or methods of animal care, keeping,  
19 maintenance, housing or veterinary treatment, as the Board may determine in its  
20 discretion; all costs associated with the Board's recommendation shall be the  
21 responsibility of the owner.

22 (4) Ordering the owner/custodian of an animal, after having found them in  
23 violation of these regulations or the State Code, to make restitution of expenses  
24 incurred for board, veterinary care, etc., to Charles County Department of Animal  
25 Control Services.

26 F. All decisions of the Board authorized under these regulations shall be final and  
27 subject to review only by the Circuit Court for Charles County upon a timely appeal filed  
28 pursuant to the Maryland Rules of Procedure by any party aggrieved by a decision within  
29 the time prescribed for appeals from administrative agencies by such rules of procedure.

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

10  
11 **§ 230-5. Chief of Animal Control Services.**

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

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

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

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

3  
4 **§ 230-6. Animal Control Officer.**

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

- 9 (1) [Humanely impound] IMPOUND any animal which has been observed by  
10 an Animal Control Officer OR OTHER LAW ENFORCEMENT OFFICIAL to be  
11 kept in violation of THESE [those] Regulations or the State Code;
- 12 (2) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify  
13 the owner or custodian of an impounded animal, including coordinating with the  
14 shelter staff;
- 15 (3) MAY INVESTIGATE AND ISSUE [Issue] notices of violations to the  
16 owner or custodian of an animal when it has been observed by an Animal Control  
17 Officer OR ANY LAW ENFORCEMENT OFFICIAL to be in violation of these  
18 regulations or the State Code.
- 19 (4) [Shall promptly] PROMPTLY respond [to] AND administer OR OBTAIN  
20 emergency assistance, first aid and/or qualified medical assistance to injured or  
21 diseased stray animals which come into the custody of the County, without the  
22 consent of the owner or custodian of such animal. For this purpose, neither the  
23 officer administering such assistance, Charles County nor any of its employees or  
24 agents shall be liable for acts committed or omitted while rendering such  
25 assistance unless such act or omission constitutes gross negligence or malice.
- 26 (5) To investigate animal bites and make recommendations to the Animal  
27 Matters Hearing Board and/or Health Department pursuant to these regulations.
- 28 (6) Receive and investigate complaints concerning dangerous and/or vicious  
29 animals. Whenever an animal complained against shall be reasonably deemed by

1 an Animal Control Officer to be a dangerous and/or vicious OR A  
2 POTENTIALLY DANGEROUS animal as defined in § 230-12.5 of these  
3 regulations, the Animal Control Officer may issue a citation for violation of  
4 animal regulations to the owner and/or custodian of the animal citing § 230-12.5  
5 and any other applicable sections of the Animal Regulations. A citation for the  
6 violation of § 230-12.5 requires the owner and/or custodian to appear before the  
7 Animal Matters Hearing Board on the date specified on the citation for a hearing  
8 to determine if the animal is to be designated as dangerous and/or vicious  
9 pursuant to these regulations.

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

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

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

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

16 (8) Conduct inspections of commercial animal establishments as provided in  
17 these regulations.

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

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

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

26 B. It shall be a violation of these regulations to interfere with, hinder, or molest an  
27 Animal Control Officer IN THE PERFORMANCE OF THEIR [performing the] duties as  
28 prescribed in these Regulations and the State Code. Such prohibited interference  
29 includes, but is not limited to: physically striking or attempting to strike the animal

1 control officer; removing or attempting to remove any animal from the control of an  
2 Animal Control Officer; REMOVING OR INTENTIONALLY HIDING ANY ANIMAL  
3 UNDER INVESTIGATION BY AN ANIMAL CONTROL OFFICER; KNOWINGLY  
4 PROVIDING FALSE INFORMATION TO AN ANIMAL CONTROL OFFICER;  
5 removing or attempting to remove any animal from any vehicle used by an Animal  
6 Control Officer [in the lawful performance of his/her duties, and] ; AND, taking or  
7 damaging any county property used by an Animal Control Officer [in the lawful  
8 performance of his/her duties]. Certain violations of this section may also be subject to  
9 prosecution under the Annotated Code of Maryland.

10  
11 **§ 230-7. Powers and duties of THE TRI-COUNTY ANIMAL SHELTER (TCAS)**  
12 **[animal shelter].**

- 13 A. The TCAS animal shelter shall have the powers to:
- 14 (1) Receive stray and [unwanted] SURRENDERED animals;
  - 15 (2) Ascertain the identity of the owner OR CUSTODIAN of any impounded  
16 animal, and as a precondition of release require the payment of all charges for the  
17 care, impoundment, board, veterinary treatment and unpaid license fees [from the  
18 animal owner] INCURRED PURSUANT TO AN IMPOUNDMENT;
  - 19 (3) Place [for adoption unredeemed or unwanted] UNCLAIMED OR  
20 SURRENDERED animals FOR ADOPTION OR RESCUE in accordance with  
21 these regulations, the State Code, and the policies established by the TCAS  
22 [Sheltering Authority];
  - 23 (4) Humanely euthanize [unredeemed or unwanted] UNCLAIMED OR  
24 SURRENDERED animals in accordance with these regulations and the State  
25 Code.
- 26 B. The TCAS [animal shelter] shall have the following duties[. It shall]:
- 27 (1) Provide humane treatment of all animals, at all times, under its their care.
  - 28 (2) Maintain and adhere to [comprehensive procedures prescribing]  
29 PRESCRIBED standards for the humane operation of the animal shelter,

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including, but not limited to, the housing, feeding, care, veterinary treatment, RESCUE, adoption and euthanasia of animals in the facility pursuant to these regulations and State Code.

(3) To the extent provided by the approved fiscal year budget, provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the TCAS [County]. Such veterinary care may be rendered without the consent of the owner. UNLESS CAUSED BY GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT, Charles County employees, TCAS [Shelter] Staff and its agents shall not be liable for acts committed or omitted in rendering such care.

(4) Post IN A CONSPICUOUS LOCATION AT THE ANIMAL SHELTER an approved schedule of fees for the housing, care, treatment, adoption and redemption of animals which come into the custody of the TCAS [animal shelter in a conspicuous place at the animal shelter].

(5) [Keep for a period of three years after such activity] MAINTAIN ALL records of impoundments, veterinary treatment, disposition of animals and other activities FOR A PERIOD OF THREE (3) YEARS. Animal records shall be complete and accurate AS to the [best ability of the] breed, sex, color, condition, how, when, and where the animal was obtained, and [identification as tattoos or tags] THE FINAL DISPOSITION OF THE ANIMAL.

(6) Conduct public information programs on regarding these regulations, responsible pet ownership, adoption, spaying, neutering, healthcare and other programs as directed by the Sheltering Authority.

(7) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify possible [owners] OWNER OR CUSTODIAN of THE INTAKE OF a stray animal[; trace identification and provide for publication of the name, location, hours of operation and telephone numbers in a newspaper of general circulation in Charles County].

1       **§ 230-8.       Cruelty.**

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

3                   (1)     Abandon any animal;

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

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

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

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

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

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

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

27                           (a)     AN OWNER OR CUSTODIAN MAY NOT LEAVE AN  
28                           ANIMAL UNATTENDED IN A STANDING OR PARKED MOTOR  
29                           VEHICLE IN A MANNER THAT ENDANGERS THE HEALTH OR

1 SAFETY OF THE ANIMAL.

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

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

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

- 15 (1) A DOG USED BY THE STATE OR A LOCAL
- 16 GOVERNING BODY FOR POLICE WORK WHILE THE
- 17 DOG IS ON DUTY; OR
- 18 (2) A CAT OR DOG IN THE CUSTODY OF AN ANIMAL
- 19 CONTROL OFFICER.
- 20 (9) SELL OR GIVE AWAY ANY ANIMAL AS AN INDUCEMENT TO
- 21 ENTER A CONTEST, GAME, OR PLACE OF AMUSEMENT, UNLESS
- 22 SUCH ACTIVITY HAS BEEN SPECIFICALLY PERMITTED BY THE
- 23 MARYLAND DEPARTMENT OF AGRICULTURE.

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

28  
29 **§ 230-9. Rabies prevention.**

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

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

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

26 (3) THE HEALTH STATUS OF AN ANIMAL IN QUARANTINE SHALL  
27 ALWAYS BE VERIFIED IN PERSON BY EITHER BY A HEALTH OFFICER,  
28 ANIMAL CONTROL OFFICER OR LICENSED VETERINARIAN.

29 B. Quarantine Requirements. [As directed by the Health Department, an animal who

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

- 16 (1) Confinement of the animal to a house, garage or other escape proof  
17 enclosure or building approved by the CHARLES COUNTY DEPARTMENT OF  
18 Health [Department or its designated agent(s)] OR ITS DESIGNEE.
- 19 (2) The QUARANTINED animal may not be removed from the  
20 QUARANTINE PREMISES [structure] unless on a leash, MUZZLED, and under  
21 the immediate control of an adult CAPABLE OF CONTROLLING THE  
22 ANIMAL.
- 23 (3) Prevention of contact with other animals or persons other than the primary  
24 caretakers.
- 25 (4) The animal may not be removed from the quarantine premise [unless  
26 permission is obtained from] WITHOUT WRITTEN AUTHORIZATION OF the  
27 [local] CHARLES COUNTY DEPARTMENT OF Health [Department Officer or  
28 his designated agent(s)] OR ITS DESIGNEE.
- 29 (5) If the QUARANTINED animal becomes ill or begins to EXHIBIT [show]

1 behavioral changes, the owner OR CUSTODIAN SHALL [must] immediately  
2 notify the CHARLES COUNTY DEPARTMENT OF Health [Department], who  
3 shall determine the appropriate course of action [what shall be done].

4 (6) If the QUARANTINED animal dies, the owner OR CUSTODIAN shall  
5 immediately notify the CHARLES COUNTY DEPARTMENT OF Health  
6 [Department] and make the animal available for rabies testing.

7 (7) If the quarantined animal escapes, the owner OR CUSTODIAN shall  
8 immediately notify the CHARLES COUNTY Sheriff's OFFICE [Department,  
9 Department of Animal Control, and the Health Department], THE CHARLES  
10 COUNTY DIVISION OF ANIMAL CONTROL AND THE CHARLES  
11 COUNTY DEPARTMENT OF HEALTH DEPARTMENT.

12 (8) Until the animal is cleared by the CHARLES COUNTY DEPARTMENT  
13 OF Health [Department] from quarantine, the owner OR CUSTODIAN shall not  
14 EUTHANIZE, kill, give away, sell or otherwise dispose of the animal without  
15 written [permission] AUTHORIZATION from the CHARLES COUNTY  
16 DEPARTMENT OF Health [Department].

17 (9) If a veterinarian's examination is not required on the FINAL [last] day of  
18 the quarantine, the owner OR CUSTODIAN shall [report by telephone to the  
19 Health Department the health status of the animal] TELEPHONE THE  
20 CHARLES COUNTY DEPARTMENT OF HEALTH TO REPORT THE  
21 STATUS OF THE ANIMAL..

22 (10) If the animal is unvaccinated against rabies at the time of [exposure] IT  
23 WAS BITTEN OR EXPOSED, the animal shall not be vaccinated until released  
24 from quarantine.

25 (11) If unvaccinated, the owner OR CUSTODIAN shall take the animal to a  
26 licensed veterinarian for a physical rabies exam and vaccination within five (5)  
27 CALENDAR days of the FINAL DAY [end] of quarantine.

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

1       **§ 230-10.       LICENSING.**

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

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

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

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

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

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

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

27          (5)       License certificates shall include the date of issuance, [and] expiration  
28       date, the owner's name and address, home and work telephone numbers, AS  
29       WELL AS THE ANIMAL'S sex, species, breed, age, color and markings; rabies

1 expiration date, rabies tag number, issuing [veterinarian] VETERINARIAN'S  
2 NAME and [veterinarian's] telephone number.

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

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

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

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

12 (a) Unneutered male: \$[15] 25.

13 (b) Unspayed Female: \$[15] 25.

14 (c) Neutered Male: \$[2] 5.

15 (d) Spayed Female: \$[2] 5.

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

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

27 (2) THE LICENSE PERIOD SHALL RUN FOR ONE (1) YEAR FROM  
28 THE DATE OF ISSUANCE. RENEWAL APPLICATIONS FOR LICENSES  
29 SHALL BE MADE THIRTY (30) DAYS PRIOR TO EXPIRATION OF SAID

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LICENSE.

(3) AN ANNUAL ANIMAL FANCIER'S LICENSE WILL BE ISSUED ONLY UPON THE SUCCESSFUL COMPLETION OF AN INSPECTION OF THE PREMISES WHERE THE ANIMALS ARE KEPT OR HOUSED.

(a) AN APPOINTMENT FOR INSPECTION WILL BE MADE BY CHARLES COUNTY ANIMAL CONTROL SERVICES WITHIN (30) DAYS OF RECEIPT OF THE APPLICATION.

(b) WHEN THE LICENSE COVERS DOGS OR CATS, INDIVIDUAL TAGS FOR THE ANIMALS COVERED BY THIS LICENSE WILL BE ISSUED ALONG WITH THE LICENSE CERTIFICATE. THESE TAGS SHALL BE WORN BY THE INDIVIDUAL DOGS OR CATS AT ALL TIMES, EXCEPT WHEN CONFINED IN A HOME, KENNEL OR WHEN PARTICIPATING IN A COMPETITION WHERE SUCH DISPLAYS ARE PROHIBITED.

(4) A CURRENT RABIES VACCINATION CERTIFICATE ON EACH ANIMAL COVERED BY THE LICENSE SHALL BE MADE AVAILABLE AT THE TIME OF THE INSPECTION AND AT ANY TIME REQUESTED BY ANY ANIMAL CONTROL, HEALTH OR LAW ENFORCEMENT OFFICER.

(5) IF THE PROPERTY WHERE THE ANIMALS ARE TO BE KEPT OR HOUSED IS NOT OWNED BY THE APPLICANT, HE/SHE MUST SUBMIT WRITTEN, NOTARIZED PERMISSION FROM THE PROPERTY OWNER AUTHORIZING THE ACTIVITY REQUESTED AND THE MAXIMUM NUMBER OF ANIMALS TO BE KEPT ON THE PROPERTY.

(6) THE ANNUAL FEE FOR A FANCIER'S LICENSE SHALL BE:

- (a) 11 - 20 ANIMALS: \$250
- (b) 21 - 30 ANIMALS: \$400
- (c) 31 - 40 ANIMALS: \$550
- (d) 41 - 50 ANIMALS: \$700
- (e) 51 AND UP ANIMALS: \$850

1 NOTE: IF ALL OF THE ANIMALS COVERED BY THE LICENSE ARE  
2 STERILIZED, A 75% REDUCTION OF THE APPLICABLE FEE WILL BE  
3 APPLIED

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

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

15 (1) No fee may be required of any government operated zoological park.

16 (2) All dogs and cats offered for sale or resale must be examined by a licensed  
17 veterinarian within the last three months prior to sale or resale.

18 (a) Any animal under veterinarian treatment may not be offered for  
19 sale without release from the veterinarian.

20 (b) Any owner or employee of a commercial animal establishment  
21 who knows of or should have known of any animal defect or illness shall  
22 make a purchaser aware of this information prior to sale.

23 (3) Records or forms must be maintained for a period of one (1) year for any  
24 animal offered for sale or sold. Records shall contain the following but are not  
25 limited to:

26 (a) Animal Description: breed, sex, color, and age.

27 (b) The origin of purchase, to include the supplier and the date of  
28 receipt.

29 (c) Proof of sale

1 (d) Medical Record and any required treatment program.

2 (4) [An annual] COMMERCIAL ANIMAL ESTABLISHMENT LICENSE  
3 [commercial animal establishment license] shall be RENEWED ANNUALLY  
4 [issued] upon successful completion of an inspection and payment of the  
5 applicable fee, [and] THE LICENSE shall be displayed AT THE  
6 COMMERCIAL ANIMAL ESTABLISHMENT in a conspicuous [place]  
7 LOCATION SUITABLE FOR PUBLIC VIEWING.

8 (5) Change in ownership or location.

9 (a) If there is a change in ownership of a commercial animal  
10 establishment, the new owner shall have the current license transferred to  
11 his/her name upon payment of a \$25 transfer fee and completion of a  
12 successful inspection of the premises.

13 (b) If there is a change in the location of a commercial animal  
14 establishment, the owner shall file for a change of address and pay a \$25  
15 fee and complete a successful inspection of the premises within 30 days of  
16 change of location.

17 (6) Any commercial animal establishment who has a change in the category  
18 under which a license was issued shall notify the licensing authority and be  
19 subject to reinspection, reclassification and readjustment of the license fee.

20 (7) Every [facility regulated by] COMMERCIAL ACTIVITY SUBJECT TO  
21 these Regulations shall be considered a separate enterprise requiring an individual  
22 license FEE.

23 (8) The license period shall run for one year from the date of issuance.  
24 Renewal applications for licenses shall be made 30 days prior to expiration of said  
25 license.

26 D. [C.] Commercial animal establishment license issuance [or revocation] AND  
27 SUSPENSION.

28 (1) [Written application for a commercial animal establishment license shall  
29 be made to the County Treasurer. Application shall be accompanied by the

1 license fee and written verification from Charles County Government that the  
2 establishment complies with County Zoning Ordinances.] IN THE CASE OF  
3 COMMERCIAL BREEDING FACILITIES, IF THE PROPERTY WHERE THE  
4 ACTIVITY IS TO TAKE PLACE IS NOT OWNED BY THE APPLICANT,  
5 LESSEE'S MUST SUBMIT WRITTEN NOTARIZED PERMISSION FROM  
6 THE PROPERTY OWNER AUTHORIZING THE COMMERCIAL ACTIVITY  
7 REQUESTED AND THE MAXIMUM NUMBER OF ANIMALS ALLOWED  
8 THE BE KEPT ON THE PROPERTY.

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

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

26 (4) If the applicant has withheld or falsified any information on the  
27 application, the CHARLES COUNTY DIVISION OF ANIMAL CONTROL  
28 [licensing authority] may [refuse to issue or may revoke] SUSPEND the license.

29 (5) No person, partnership, or corporation OR OTHER LEGAL ENTITY

1 [who] THAT has been found guilty of cruelty to animals shall be issued a license  
2 to operate a commercial animal establishment.

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

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

24 (8) THE FILING OF A TIMELY APPEAL OF A DENIAL OR  
25 SUSPENSION OF A LICENSE TO THE ANIMAL MATTERS HEARING  
26 BOARD SHALL NOT STAY NECESSARY ENFORCEMENT ACTIVITIES  
27 TO ENSURE THE HEALTH AND WELFARE OF ANIMALS OWNED OR IN  
28 THE CUSTODY OF THE APPELLANT. IN ADDITION, IN THE EVENT OF  
29 AN EMERGENCY SITUATION AN ANIMAL CONTROL OFFICE MAY

1 PETITION THE CHAIRMAN OF THE ANIMAL MATTERS HEARING  
2 BOARD TO ISSUE AN IMMEDIATE "CEASE AND DESIST" ORDER [In the  
3 event of a timely appeal, the revocation of a license may not be effective until  
4 after the next scheduled public hearing except, in the event of an emergency  
5 situation an Animal Control Officer may make application before the Chairman of  
6 the Board, who is authorized to issue a cease and desist order. This case shall be  
7 heard at the next hearing of the Board].  
8

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

10 (1) Any Boarding/breeding facility Facilities:

11 (a) Boarding facility authorized to house fewer than 10 dogs or cats:  
12 [\$75] \$100.

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

15 (c) Boarding facility authorized to house 50 or more dogs or cats:  
16 [\$200] \$250.

17 [(d) Breeding facility authorized to house fewer than 10 adult animals:  
18 \$75.

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

21 (f) Breeding facility authorized to house 50 or more adult animals:  
22 \$200.]

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

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

26 (b) BREEDING FACILITY AUTHORIZED TO HOUSE 10 OR  
27 MORE BUT FEWER THAN FIFTY ADULT ANIMALS: \$750.

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

- 1 (3) [Auction: \$300] PET SHOP: \$250.
- 2 (4) [Zoological park: \$250] AUCTION: \$300.
- 3 (5) [Circus: \$250] ZOOLOGICAL PARK: \$350.
- 4 (6) [Grooming shop: \$150] CIRCUS: \$250.
- 5 (7) [Petting zoo: \$300] GROOMING SHOP: \$200.
- 6 (8) [Guard dog training center: \$250] PETTING ZOO: \$300.
- 7 (9) GUARD DOG TRAINING CENTER: \$300.
- 8 (10) DOG/CAT SHOW: \$100
- 9

10 **§ 230-11. Animal care.**

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

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

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

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

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

25 (3) Be usable and safe (e.g., must be provided an area free from standing  
26 water, accumulated waste, sharp objects, trash and debris and maintained in a safe  
27 and humane manner to minimize health hazards and obnoxious odors);

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

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

4 D. Outdoor shelter shall be as follows:

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

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

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

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

25 (c) Door flap. BETWEEN DECEMBER 1 AND MARCH 15 AND  
26 WHENEVER THE AMBIENT AIR TEMPERATURE IS 35 DEGREES  
27 FAHRENHEIT OR LOWER, THE [The] entrance must be covered with a  
28 SELF CLOSING DOOR, AN OFFSET OUTER DOOR OR A flexible  
29 flap and/or THE entrance SHOULD FACE south or east, AWAY FROM

1 THE PREVAILING WINDS to protect the animal from the elements [of  
2 weather].

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

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

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

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

27  
28

29 Number of Dogs      Small (up to 25 lbs)    Medium (25 - 50lbs)    Large (over 50 lbs)

1	1	3' x 7' (21 sq. ft)	6' x 10' (60 sq. ft)	8' x 10' (80 sq. ft)
2	2	4' x 8' (32 sq. ft)	8' x 10' (80 sq. ft)	10' x 10' (100 sq. ft)
3	3	5' x 9' (45 sq. ft)	8' x 12' (96 sq. ft)	10' x 14' (140 sq. ft)
4	4	8' x 10' (80 sq. ft)	10' x 12' (120 sq. ft)	12' x 16' (192 sq. ft)

5  
6  
7  
8  
9  
10  
11

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.

12 **§ 230-12. Animal at large.**

- 13 A. It shall be unlawful for any person, partnership, or corporation OR OTHER
- 14 LEGAL ENTITY to allow [their] AN animal to be at large.
- 15 B. This Section shall not apply to a dog undergoing supervised obedience training or
- 16 while actually engaged in the sport of hunting in an authorized area while supervised by a
- 17 competent person.
- 18 C. Without permission of the proper authority the owner or custodian of any animal
- 19 may not permit the animal to be on school grounds on a day when school is in session, in
- 20 a public recreation area, any public property or thoroughfare or private property without
- 21 the property owner's permission unless:
  - 22 (1) The animal is controlled by a leash or similar restraining device.
  - 23 (2) The presence of the animal is in an organized activity such as a dog show.
- 24 D. No animal accidentally at large with a person capable of controlling the animal in
- 25 immediate physical pursuit shall be deemed at large.
- 26 E. A person who is aware of an animal being at large or who finds a stray animal
- 27 shall report the condition to the TRI-COUNTY ANIMAL SHELTER [animal shelter or]
- 28 AN Animal Control Officer, OR OTHER LAW ENFORCEMENT OFFICIAL.
- 29 F. An Animal Control Officer [and/]or authorized representative of Animal Control

1 who observes an animal at large may pursue that animal on public and/or private  
2 property.

3  
4 **§ 230-12.1. Female in season.**

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

9  
10 **§ 230-12.2. Allowing animal to urinate or defecate on private property prohibited.**

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

13  
14 **§ 230-12.3. Allowing animal to defecate on public property prohibited.**

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

18  
19 **§ 230-12.4. Public nuisance.**

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

- 23 (1) Be at large;  
24 (2) Damage the property of anyone other than its owner.  
25 (3) Molest pedestrians, neighbors or passersby;  
26 (4) Intimidate pedestrians, neighbors or passersby: [Intimidation should be  
27 defined as a reasonable prudent person under same and/or similar circumstances  
28 would have been intimidated by the actions of the animal in question.]  
29 (5) Chase vehicles;

- 1 (6) Bark or make other harsh or excessive noise so as to disturb the quiet,
- 2 comfort, or repose of members of the community as reflected by reasonable
- 3 persons with normal sensitivities;
- 4 (7) Foul the air by odor and thereby create unreasonable annoyance or
- 5 discomfort to neighbors or others in close proximity to the premises where the
- 6 animal is kept or harbored;
- 7 (8) Defecate on public property and/or urinate/defecate on private property; or
- 8 (9) Continue or repeat that behavior or activity for which the animal has
- 9 previously been determined by the Board, after notice to its owner and a hearing,
- 10 to be in violation of any of these regulations and/or a public nuisance by virtue of
- 11 being a menace to the public health, welfare or safety.
- 12

13 **§ 230-12.5. Dangerous and/or vicious animals and potentially dangerous animals.**

14 A. For the purpose of these Regulations a dangerous and/or vicious animal shall be

15 defined as any animal:

- 16 (1) Which wounds, bites, or otherwise injures a human being without
- 17 provocation on public or private property[.] (For the purposes of this section, the
- 18 term provoked shall mean any situation occurring in Subsection B, and not the
- 19 term as described in the Health Department bite report[.]);
- 20 (2) Which has injured or killed a domestic animal, without provocation, on
- 21 public or private property[.];
- 22 (3) Which has a vicious nature, disposition and/or propensity which is known
- 23 or should be known by its owner or custodian[.];
- 24 (4) [Owned or harbored primarily or in part for the purpose of animal fighting
- 25 or any animal trained for animal fighting] WHICH HAS BEEN PREVIOUSLY
- 26 DETERMINED TO BE DANGEROUS AND/OR VICIOUS BY OTHER
- 27 COMPETENT AUTHORITY;
- 28 (5) [Not owned by a governmental or law enforcement unit, used primarily to
- 29 guard public or private property.] OWNED OR HARBORED

1 PRIMARILY OR IN PART FOR THE PURPOSE OF ANIMAL FIGHTING OR  
2 ANY ANIMAL TRAINED FOR ANIMAL FIGHTING; OR

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

5 (7) ANY LIVE ANIMAL AS LISTED IN THE ANNOTATED CODE OF  
6 MARYLAND, CRIMINAL LAW ARTICLE, §10-621(b) ENTITLED IMPORT,  
7 OFFER OR TRANSFER OF DANGEROUS ANIMAL (PROHIBITED).

8 B. No animal may be declared dangerous and/or vicious if:

9 (1) The threat, wound, bite, injury or damage was sustained by a person who:

10 (a) At the time was committing a willful trespass or other tort upon the  
11 premises occupied by the owner or custodian keeper of the animal; or

12 (b) Was tormenting, abusing, or assaulting the animal(s); or

13 (c) Has in the past been observed or reported to have tormented,  
14 abused, or assaulted the animal; or

15 (d) Was committing or attempting to commit a crime;

16 (2) or the animal was:

17 (a) Protecting or defending its young or other animal.

18 (b) Responding to pain or injury.

19 C. POTENTIALLY DANGEROUS

20 (1) The Board may make a determination that an animal is potentially  
21 dangerous. A potentially dangerous animal is any animal that  
22 [constitutes], by its actions, CONSTITUTES a physical threat to human  
23 beings, other domestic animals, or both.

24 (2) PIT BULL TYPE BREEDS, AS DEFINED IN § 230-2, ARE HEREBY  
25 DECLARED TO BE POTENTIALLY DANGEROUS ANIMALS, AND  
26 AS SUCH ARE AUTOMATICALLY SUBJECT TO THE  
27 LIMITATIONS MANDATED BY THESE REGULATIONS IN § 230-  
28 12.5.E(1) THRU (5)(a) & (b), (7) AND § 230-12.5.G, WITHOUT A  
29 FINDING BY THE ANIMAL MATTERS HEARING BOARD.

1 D. THE BOARD MAY CONSIDER PAST HISTORY AND ACTIONS OF THE  
2 ANIMAL IN THEIR DETERMINATIONS. [Upon determination of dangerous and/or  
3 vicious or potentially dangerous by the Board, the Board may require any or all of the  
4 following:

5 (1) No dangerous and/or vicious or potentially dangerous animal shall be  
6 chained, tethered or otherwise tied to any inanimate object, such as a tree, post or  
7 building outside of its own enclosure.

8 (2) For any owner of a dangerous and/or vicious or potentially dangerous  
9 animal who maintains their animal outside, a portion of their property shall be  
10 fenced with a perimeter or area fence. Within this perimeter fence, the animal  
11 shall be humanely confined inside a pen or kennel of adequate size. The pen or  
12 kennel may not share common fencing with the area or perimeter fence. The  
13 kennel or pen must have secured sides; a secure top attached to all sides; the sides  
14 must either be buried two feet into the ground, sunken into a concrete pad, or  
15 otherwise secured to prevent escape by digging. The gate to the kennel must be  
16 locked.

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

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

28 (5) Except when being transported in, and humanely and securely confined  
29 within, a vehicle, no dangerous and/or vicious or potentially dangerous animal

1 shall be permitted off the property of its owner except when it is:

2 (a) Attended by his owner; and

3 (b) Is humanely restrained by a secure collar and lease (not to exceed  
4 six feet in length); both collar and leash to be of sufficient strength  
5 to prevent escape; and

6 (c) Is humanely muzzled by any means sufficient to prevent biting  
7 other persons or domestic animals.

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

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

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

14 E. [Upon determination of dangerous and/or vicious by the Board, the Board may  
15 require that the animal be humanely euthanized.] UPON DETERMINATION OF  
16 DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE  
17 BOARD, THE BOARD MAY REQUIRE ANY OR ALL OF THE FOLLOWING:

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

22 (2) FOR ANY OWNER OR CUSTODIAN OF A DANGEROUS AND/OR  
23 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL WHO MAINTAINS  
24 THEIR ANIMAL OUTSIDE, A PORTION OF THEIR PROPERTY SHALL BE  
25 FENCED WITH A PERIMETER OR AREA FENCE. WITHIN THIS  
26 PERIMETER FENCE, THE ANIMAL SHALL BE HUMANELY CONFINED  
27 INSIDE A PEN OR KENNEL MEETING THE REQUIREMENT SPECIFIED  
28 IN THESE REGULATIONS. THE PEN OR KENNEL MAY NOT SHARE  
29 COMMON FENCING WITH THE AREA OR PERIMETER FENCE. THE

1 KENNEL OR PEN MUST HAVE SECURED SIDES; A SECURE TOP  
2 ATTACHED TO ALL SIDES; THE SIDES MUST EITHER BE BURIED TWO  
3 FEET INTO THE GROUND, SUNKEN INTO A CONCRETE PAD, OR  
4 OTHERWISE SECURED TO PREVENT ESCAPE BY DIGGING. THE GATE  
5 TO THE PEN OR KENNEL MUST BE LOCKED.

6 (3) WHENEVER OUTSIDE OF ITS ENCLOSURE, BUT ON THE  
7 OWNER'S OR CUSTODIAN'S PROPERTY, A DANGEROUS AND/OR  
8 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL MUST BE  
9 ATTENDED BY THE OWNER OR CUSTODIAN AND RESTRAINED BY A  
10 SECURE COLLAR AND LEASH OF SUFFICIENT STRENGTH TO  
11 PREVENT ESCAPE.

12 (4) THE OWNER OR CUSTODIAN OF ANY DANGEROUS AND/OR  
13 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL DISPLAY IN  
14 A PROMINENT PLACE ON THEIR PREMISES WHERE THE ANIMAL IS  
15 KEPT, AND AT EACH ENTRANCE AND EXIT TO THE AREA WHERE  
16 SUCH ANIMAL IS CONFINED, A SIGN EASILY READABLE BY THE  
17 PUBLIC USING THE WORDS "DANGEROUS DOG". THE LETTERING ON  
18 THE SIGNS SHALL BE AT LEAST THREE-INCH BLOCK ON SIGNS 8 ½  
19 INCHES BY 14 INCHES, LEGIBLE, IN BRIGHT COLORS.

20 (5) EXCEPT WHEN BEING TRANSPORTED IN, AND HUMANELY  
21 AND SECURELY CONFINED WITHIN, A VEHICLE, NO DANGEROUS  
22 AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL BE  
23 PERMITTED OFF THE PROPERTY OF ITS OWNER OR CUSTODIAN  
24 EXCEPT WHEN IT IS:

25 (a) ATTENDED BY ITS OWNER OR CUSTODIAN; AND

26 (b) IS HUMANELY RESTRAINED BY A SECURE COLLAR AND  
27 LEASH (NOT TO EXCEED SIX (6) FEET IN LENGTH); BOTH  
28 COLLAR AND LEASH TO BE OF SUFFICIENT STRENGTH  
29 TO PREVENT ESCAPE; AND

1                   (c)    IS HUMANELY MUZZLED BY ANY MEANS SUFFICIENT  
2                                    TO PREVENT BITING OTHER PERSONS OR DOMESTIC  
3                                    ANIMALS.

4                   (6)    THE ANIMAL BE NEUTERED AT THE EXPENSE OF THE OWNER  
5                                    OR CUSTODIAN.

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

9                   (8)    OWNERSHIP OR CUSTODY OF AN ANIMAL PRESUMED OR  
10                                   DEEMED DANGEROUS AND/OR VICIOUS OR POTENTIALLY  
11                                   DANGEROUS SHALL NOT BE TRANSFERRED WITHOUT PRIOR  
12                                   WRITTEN APPROVAL.

13                F.    [The owner or custodian of an animal deemed dangerous and/or vicious or  
14                                   potentially dangerous by the Board shall immediately notify the Sheriff's Department and  
15                                   Animal Control if the animal should become at-large or otherwise not meet any and all  
16                                   requirements set by the Board] UPON DETERMINATION OF DANGEROUS  
17                                   AND/OR VICIOUS BY THE BOARD, THE BOARD MAY REQUIRE THAT THE  
18                                   ANIMAL BE HUMANELY EUTHANIZED.

19                G.    THE OWNER OR CUSTODIAN OF AN ANIMAL PRESUMED OR DEEMED  
20                                   DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE  
21                                   BOARD SHALL IMMEDIATELY NOTIFY THE CHARLES COUNTY SHERIFF'S  
22                                   OFFICE DEPARTMENT AND CHARLES COUNTY DIVISION OF ANIMAL  
23                                   CONTROL IF THE ANIMAL SHOULD BECOME AT-LARGE OR OTHERWISE  
24                                   NOT MEET ANY AND ALL REQUIREMENTS SET. [Enforcement of the  
25                                   requirements set by the Board for the keeping of a dangerous and/or vicious or potentially  
26                                   dangerous animal.

27                   (1)    In the event that the owner or custodian of a dangerous and/or vicious or  
28                                   potentially dangerous animal is in violation of any regulation, the ACO or other  
29                                   public safety officer may order the violation immediately corrected and issue a

1 citation to the owner or custodian.

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

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

11 (4) If the owner or custodian of a dangerous and/or vicious or potentially  
12 dangerous animal fails to either provide proof that the animal shall now be kept  
13 restrained and/or confined in compliance with these regulations or fails to reclaim  
14 it within 72 hours from Animal Control after impoundment, the animal shall be  
15 humanely euthanized.]

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

20 ENFORCEMENT OF THE REQUIREMENTS SET FOR THE LAWFUL KEEPING OF  
21 A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL.

22 (1) IN THE EVENT THAT THE OWNER OR CUSTODIAN OF A  
23 DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS  
24 ANIMAL IS IN VIOLATION OF ANY REGULATION, AN ANIMAL  
25 CONTROL OFFICER OR OTHER LAW ENFORCEMENT OFFICER MAY  
26 ORDER THE VIOLATION IMMEDIATELY CORRECTED AND ISSUE A  
27 CITATION TO THE OWNER OR CUSTODIAN.

28 (2) IF THE VIOLATION CANNOT BE IMMEDIATELY CORRECTED,  
29 THE ANIMAL MAY BE IMPOUNDED, IN WHICH CASE THE OWNER OR

1 CUSTODIAN WILL BE ISSUED A CITATION AND NOTIFIED TO APPEAR  
2 BEFORE THE BOARD FOR THE VIOLATION. AT THE OWNER OR  
3 CUSTODIAN'S REQUEST AND EXPENSE AND UPON APPROVAL BY AN  
4 ANIMAL CONTROL OFFICER, SUCH IMPOUNDMENT MAY BE AT A  
5 VETERINARIAN OR LICENSED COMMERCIAL ANIMAL  
6 ESTABLISHMENT OF THE OWNER OR CUSTODIAN'S CHOOSING.

7 (3) IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR  
8 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL IMPOUNDED FOR  
9 VIOLATION OF THESE REGULATIONS PRESENTS PROOF THAT THE  
10 ANIMAL WILL NOW BE KEPT IN COMPLIANCE WITH THESE  
11 REGULATIONS, THE ANIMAL SHALL BE RELEASED UPON PAYMENT  
12 OF ANY FEES AND PENALTIES DUE.

13 (4) IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR  
14 VICIOUS OR POTENTIALLY DANGEROUS ANIMAL FAILS TO EITHER  
15 PROVIDE PROOF THAT THE ANIMAL SHALL NOW BE KEPT  
16 RESTRAINED AND/OR CONFINED IN COMPLIANCE WITH THESE  
17 REGULATIONS OR FAILS TO RECLAIM IT WITHIN SEVENTY-TWO (72)  
18 HOURS FROM THE TIME OF IMPOUNDMENT BY ANIMAL CONTROL,  
19 THE ANIMAL SHALL BE HUMANELY EUTHANIZED.

20 I. REPEAT OFFENDERS OF PROVISIONS RELATING TO DANGEROUS  
21 AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMALS WILL BE GIVEN  
22 AN OPPORTUNITY TO FULLY EXPLAIN TO THE BOARD WHY A VIOLATION  
23 HAS BEEN REPEATED. THE BOARD WILL CONSIDER SUCH EXPLANATION  
24 IN DETERMINING PENALTIES AND/OR DISPOSITION.

25  
26 **§ 230-12.6 Impoundment; redemption; adoption.**

27 A. Any animal observed in violation of these regulations or the State Code [shall]  
28 MAY be immediately and humanely impounded and housed AT THE TRI-COUNTY  
29 ANIMAL SHELTER [with the animal shelter] or its designated agent. In addition to, or

1 in lieu of, impounding an animal, the Animal Control Officer may issue to the known  
2 owner or custodian of such animal a notice of violation.

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

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

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

10 (3) UNLESS:

11 (A) THE ANIMAL IS SERIOUSLY DISEASED OR SEVERELY  
12 INJURED; OR

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

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

21 D. [In addition to paying the established fees, an owner reclaiming an impounded  
22 animal shall show proof of a current rabies vaccination and county license, or shall pay  
23 the deposit fees required to comply with §§ 230-9 and 230-10 of these regulations and  
24 other expenses incurred by the County in caring for the impounded animal.] AS A  
25 PRECONDITION OF RELEASE THE OWNER OR CUSTODIAN RECLAIMING  
26 ANY IMPOUNDED ANIMAL WILL BE REQUIRED TO PAY ALL ESTABLISHED  
27 FEES AND OTHER EXPENSES FOR THE CARE, IMPOUNDMENT, BOARD AND  
28 VETERINARY TREATMENT INCURRED BY CHARLES COUNTY OR ITS  
29 AGENTS PURSUANT TO THE IMPOUNDMENT.

- 1 E. [Except as otherwise provided in these regulations, any animal impounded and  
2 not redeemed by its owner or custodian within three working days following notice of  
3 impoundment shall be deemed abandoned. The animal shall then become the property of  
4 the County, which shall place for adoption or euthanize the animal in accordance with the  
5 State Code and shelter policy.] IN ADDITION TO PAYING THE ESTABLISHED  
6 FEES, AN OWNER OR CUSTODIAN RECLAIMING AN IMPOUNDED ANIMAL  
7 SHALL SHOW PROOF OF A CURRENT RABIES VACCINATION AND COUNTY  
8 LICENSE, OR SHALL PAY THE DEPOSIT FEES REQUIRED TO COMPLY WITH  
9 §§ 230-9 AND 230-10 OF THESE REGULATIONS.
- 10 F. [No unclaimed dog or cat shall be released for adoption without being sterilized,  
11 or without written agreement from the adopter guaranteeing that such animal will be  
12 sterilized within 30 days for adults or a specified date in the contract for puppies and  
13 kittens.] ALL IMPOUNDED DOGS AND CATS BEING RECLAIMED FROM THE  
14 TRI-COUNTY ANIMAL SHELTER WILL BE MICRO-CHIPPED PRIOR TO  
15 RELEASE AT AN ESTABLISHED FEE TO BE PAID BY THE OWNER OR  
16 CUSTODIAN RECLAIMING THE ANIMAL.
- 17 G. [Any animal considered by the Sheltering Authority to be unhealthy, dangerous or  
18 otherwise unsafe may not be placed for adoption.] EXCEPT AS OTHERWISE  
19 PROVIDED IN THESE REGULATIONS, ANY ANIMAL IMPOUNDED AND NOT  
20 RECLAIMED BY ITS OWNER OR CUSTODIAN WITHIN THREE (3) WORKING  
21 DAYS FOLLOWING IMPOUNDMENT SHALL BE DEEMED ABANDONED. THE  
22 ANIMAL SHALL THEN BECOME THE PROPERTY OF CHARLES COUNTY, AND  
23 BE MADE AVAILABLE FOR ADOPTION, RESCUE OR EUTHANIZATION, IN  
24 ACCORDANCE WITH THESE REGULATIONS, STATE CODE AND TRI-COUNTY  
25 ANIMAL SHELTER POLICY.
- 26 H. [The Animal Shelter may deny applications for adoption as provided by  
27 established shelter policy and procedure] NO UNCLAIMED DOG OR CAT SHALL BE  
28 RELEASED FOR ADOPTION WITHOUT BEING STERILIZED, OR WITHOUT  
29 WRITTEN AGREEMENT FROM THE ADOPTER GUARANTEEING THAT SUCH

1 ANIMAL WILL BE STERILIZED WITHIN THIRTY (30) DAYS FOR ADULTS OR A  
2 SPECIFIED DATE IN THE CONTRACT FOR PUPPIES AND KITTENS.

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

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

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

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

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

18

19 **§ 230-12.7. Striking A domestic animal with A motor vehicle.**

20 As in THE Maryland ANNOTATED CODE\_ Transportation [Law,] Article § 20-106 [20, §§ 105  
21 and 106], any person who, as the operator of a motor vehicle, strikes a domestic animal shall  
22 immediately notify the owner OR CUSTODIAN of the domestic animal, or, if the owner OR  
23 CUSTODIAN cannot be immediately notified, then the State or local police\_ OR ANIMAL  
24 CONTROL of the accident.

25

26 **§ 230-12.8. Fees.**

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

28

29 **§ 230-12.9. Fines.**

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

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

5 **In Violation**

6	<b>of Section</b>	<b>[Subject] CATEGORY</b>	<b>Fine</b>
7			
8	§ 230-6B	Interference with an Animal Control Officer	\$ <u>250</u> [50]
9	230-8	Cruelty (requires an appearance before the Board)	\$50 to \$[500] <u>1,000</u>
10	230-9	Rabies prevention (requires an appearance	
11		before the Board)	
12		A. Failure to vaccinate	[\$100] <u>150</u>
13		B. Failure to quarantine	[\$100] <u>150</u>
14	230-10	Licensing	
15		A. Individual	[\$35] <u>50</u>
16		B. FANCIER	<u>\$150</u>
17		C. Commercial animal establishment	[\$150] <u>250</u>
18	230-11	Animal care (per offense[; not to exceed	
19		\$100 per animal])	[\$25] <u>35</u>
20	230-11G	Animal riding in an open vehicle	[\$35] <u>50</u>
21	230-12	Animal at large	[\$35] <u>50</u>
22	230-12.1	Female in season	[\$35] <u>50</u>
23	230-12.2	Allowing an animal to urinate/defecate	
24		on private property	[\$35] <u>50</u>
25	230-12.3	Allowing an animal to defecate on public property	[\$35] <u>50</u>
26	<u>230-12.4</u>	<u>§A(1) THROUGH §A(8)</u>	<u>\$50</u>
27	230-12.4	<u>§A(9)</u> ; Public nuisance violation of the Board's	
28		order (requires an appearance before the Board)	\$50 to \$[100] <u>200</u>
29	230-12.5	Dangerous and/or vicious or potentially dangerous	

1	(requires an appearance before the Board)	\$50 to \$500
2	<u>230-12.5</u> FAILING TO COMPLY WITH THE	
3	CHARLES COUNTY ANIMAL REGULATIONS	
4	IN THE KEEPING OF DANGEROUS AND/OR	
5	VICIOUS OR POTENTIALLY DANGEROUS	
6	ANIMALS (REQUIRES AN APPEARANCE	
7	BEFORE THE BOARD)	<u>\$200 - \$1,000</u>

8

9 C. Violations covered under Section 230-12.11 BELOW are referred to, and

10 prosecuted by the State's Attorney in the District Court of Maryland for Charles County.

11

12 **§ 230-12.10. Entering into contracts with outside services.**

13 No statement, provision or regulation set forth herein shall be construed to prevent the County

14 Commissioners of Charles County, Maryland, from entering into a contract with an outside

15 service FOR THE ENFORCEMENT OF THESE REGULATIONS.

16

17 **§ 230-12.11. Failure to pay fines; failure to appear before Animal Matters Hearing**

18 **Board; or failure to comply with lawful orders of Animal Matters Hearing Board.**

19 A. [Anyone] ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER

20 LEGAL ENTITY served with a citation for an alleged violation of any of the provisions

21 of these regulations shall be subject to payment of a fine as specified on the citation form

22 or must appear before the Animal Matters Hearing Board to answer the complaint. [Any

23 person willfully failing] FAILURE to appear before the Board when ORDERED notified

24 to do so, and/or after having failed to pay the fine as specified on the citation form within

25 the time specified on the citation shall be guilty of a misdemeanor punishable by not

26 more than SIXTY (60) days in jail, a fine of \$300, or both.

27 B. Any person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY

28 willfully failing to comply with any lawful order of the Board shall be guilty of a

29 misdemeanor punishable by not more than SIXTY (60) days in jail, a fine of \$300, or

1           both.

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

4

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

7

8

COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

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Candice Quinn Kelly, *President*

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Reuben B. Collins, II, Esq., *Vice President*

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Ken Robinson

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ATTEST:

Debra M. Davis, Esq.

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Denise M. Ferguson, Clerk

Bobby Rucci

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