

Chapter 9. ANIMAL CONTROL

[HISTORY: Adopted by the Board of County Commissioners of Queen Anne's County 9-3-2002 by Ord. No. 02-10. This ordinance also repealed former Ch. 9, Animal Control, adopted by Ord. No. 94-11, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions — See Ch. 2.

Rules of interpretation— See Ch. 3.

Article I. Definitions; Purpose

§ 9-1. Terms defined.

In general. In this chapter, the following words have the meanings indicated.

ANIMAL

- A. Any nonhuman species of animal, whether domestic or wild.
- B. Includes dogs, cats, livestock, and fowl.

ANIMAL AT LARGE

Any animal off the premises of the owner and not under restraint.

ANIMAL SERVICES CENTER

Any facility operated by the County Commissioners or contracted by the County Commissioners for operation by an appropriate entity for the purpose of housing animals under authority of this chapter or state law for care, confinement, redemption, adoption, or euthanasia.

ANIMAL CONTROL COMMISSION OR COMMISSION

The Commission established by the County Commissioners for the purpose of advising the County Commissioners as to matters of general policy relating to animal control in the County.**[Amended 10-18-2005 by Ord. No. 05-17]**

ANIMAL CONTROL OFFICER

Any employee hired by the Queen Anne's County Sheriff's Department to enforce this chapter and state law.

ANIMAL EXPOSED TO RABIES

- A. An animal that has been bitten by an animal that either is infected with rabies or has been in contact with an animal that is infected with rabies, or any animal that has not been bitten but that has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal that is infected with rabies.
- B. The determination whether an animal is infected with rabies shall be made by the Director of the Department of Environmental Health.

ANIMAL/VETERINARY HOSPITAL

An establishment maintained or operated *by* a licensed veterinarian for the immunization, hospitalization, surgery, diagnosis, prevention, and treatment of diseases and injuries to animals.

CAGE

An enclosure of limited space, enclosed on the top, bottom, and all sides in which animals are placed for any purpose, including confinement or display.

CAT

- A. A domesticated feline, including feral felines. **[Amended 10-18-2005 by Ord. No. 05-17]**
- B. Does not include wild or exotic felines.

COMMERCIAL ANIMAL ESTABLISHMENT

- A. A person that has as a primary or secondary purpose the sale, transfer, or conveyance of any animal or animal services for money.
- B. Includes a pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, boarding or breeding kennel or any establishment with the purpose of training, leasing, or selling guard dogs.
- C. Does not include animal hospitals, animal shelters, or humane societies.

COMMERCIAL KENNEL

- A. An establishment for the commercial breeding, boarding, grooming, sale, or training of dogs or cats for which a fee is charged.
- B. Does not include an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals.

COMPLAINANT

A person who makes a complaint in a legal or administrative action or proceeding under this chapter.

CRUELTY OR NEGLECTFUL ACT

Any act that would constitute a violation of § 9-25 of this chapter.

CUSTODIAN

A person that provides food, shelter, and care for an animal in the absence of the owner.

DIRECTOR

The person appointed by the Queen Anne's County Sheriff to administer any laws and regulations pertaining to animal control in the County.

DOGS

Any member of the domesticated canine species, whether male or female.

DOMESTIC ANIMAL

A. An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter and that is kept for pleasure rather than utility.

B. Includes a bird, cat, dog, fish, hamster, mouse, reptile, and other animals associated with man's environment.

EUTHANIZE

To humanely destroy an animal.

FARM ANIMAL

An animal kept or raised on a farm for use and profit, including livestock and fowl. ("Farm" has the meaning given in Chapter 18App of this Code.)

FOWL

Any bird, domesticated or wild, that is used for food.

GROOMING SHOP

A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

GUARD DOG

A dog that is trained specifically and/or used to protect property or a secured area.

HUMANE SOCIETY

A nonprofit organization dedicated to the rescue, rehabilitation, and adoption of injured and ailing pets and to the humane education of both adults and children.

OWNER

A person or legal entity that has a possessory property right in an **animal**.**[Amended io-i8 -2005 by Ord. No. 05-17]**

PET SHOP

Any person that buys any species of animal for resale as pets, whether as a separate operation or in connection with any other business enterprise.

PETTING ZOO

A facility where, for a fee, an individual is permitted to come into physical contact with animals maintained within or upon the facility.

POULTRY

Any domestic fowl.

PUBLIC NUISANCE

Any act which would constitute a violation of § 9-22 of this chapter.

RESPONDENT

- A. A person against whom a complaint is filed under this chapter.
- B. Includes the owner or custodian of an animal that is the subject of a complaint.
[Amended 10-18-2005 by Ord. No. 05-17]

RESTRAINT

- A. An animal that is:
 - (1) Secured by a leash/lead or under the effective control of its owner or other responsible person. "Under the effective control," as defined in this chapter, shall mean an animal must be at heel and directly beside its owner or custodian if not secured by a leash or lead;
 - (2) Within a vehicle being driven or parked on the street; or
 - (3) Within the property limits of its owner or custodian.
- B. As it pertains to unattended farm animals, within a fence or enclosure of suitable material if the fence or enclosure is capable of holding the animal within its confines.

SANITARY

A condition of good order and cleanliness that:

- A. Minimizes the probability of transmission of disease; and
- B. Does not cause a fouling of the air that would be deemed offensive to neighbors or others in dose proximity to the area.

STRAY

A domesticated animal for which ownership has not been established.

VACCINATION

The administration of an antirabies vaccine approved by the Maryland Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

VICIOUS/DANGEROUS ANIMAL

An animal that meets the criteria established in § 9-23 of this chapter.

WILD ANIMAL

- A. An animal that is not included in the definition of "domestic animal" or "farm animal."
- B. Includes any offspring of wild animals crossbred with domestic animals.

ZOOLOGICAL PARK

A facility operated by a person or government agency, other than a pet shop or kennel/cattery, displaying or exhibiting one or more species of wild animals.

§ 9-2. Purpose.

The County Commissioners enact this chapter to provide for the safety of the public, the humane care and treatment of animals, and to encourage responsible pet ownership. Animal Control functions shall be provided under the direction of the Queen Anne's County Sheriff. Animal services shall be provided by and under the direction of the Animal Services Center.

Article II. Animal Control Commission; Administration

§ 9-3. Establishment.

[Amended 10-18-2005 by Ord. No. 05-17]There is an Animal Control Commission for Queen Anne's County. The Animal Control Commission shall advise the County Commissioners on all questions of general policy relating to animal control in the County. The Commission shall furthermore, when appropriate, bring matters of public interest to the attention of the County Administrator.

§ 9-4. Membership.

- A. Appointment. The County Commissioners shall appoint five individuals, to serve as the Animal Control Commission. One member shall be the Sheriff of Queen Anne's County or his designee, one member shall be the County Health Officer or his designee and one member shall be the Director of Emergency Service for Queen Anne's County or his designee. The other members

shall be members of the general public, one of whom should be a licensed veterinarian, if possible. These membership requirements may be phased in as the terms of members serving on the date of adoption of these requirements shall expire.

B. Terms. The County Commissioners shall set the term of each member of the Animal Control Commission. Terms may be staggered and all terms need not be of equal duration.

C. Compensation.

(1) The members of the Animal Control Commission may not receive remuneration for their service.

(2) The County Commissioners may reimburse members of the Commission for expenses in accordance with the current fiscal budget.

D. Removal. The County Commissioners may remove a member of the Animal Control Commission prior to the expiration of the member's term.

§ 9-5. Officers; secretary.

A. Chair; Vice Chair. The County Commissioners shall designate the Sheriff of Queen Anne's County or his designee to serve as Chairperson. The members of the Animal Control Commission shall designate one member to serve as Vice Chairperson.

B. Secretary. The Animal Control Commission may appoint an individual other than a Commission member to serve as a nonvoting, recording secretary.

§ 9-6. Meetings; office facilities.

A. Meetings, in general. The Animal Control Commission shall meet at the call of the Chairperson or on the request of two voting members.

B. Quorum. A quorum shall consist of four voting members.

C. Missed meetings. The Chairperson shall notify the County Commissioners if a member of the Animal Control Commission misses three regularly scheduled meetings during a calendar year.

D. Office facilities; supplies. The County Commissioners may provide the Animal Control Commission with office space, supplies, and equipment as may be required by the Commission in accordance with the current fiscal budget.

§ 9-7. Legislative recommendations; regulations; fees and fines.

A. Legislative recommendations. The Animal Control Commission shall recommend to the County Commissioners changes in the laws regarding the control of animals in the County.

B. Regulations. The Animal Control Commission shall develop and update a comprehensive set of regulations for the inspection of commercial animal establishments and commercial kennels/catteries.

C. Fee structure; fines.

- (1) The Animal Control Commission shall promulgate and maintain a schedule of fees to be imposed under this chapter for county dog licenses, licensing of commercial animal establishments, and commercial kennels. The Animal Services Center shall promulgate and maintain a schedule of fees for all services provided by them, including fees for transfer, reapplication, redemption, adoption, board and other fees or charges authorized or required.
- (2) The Animal Control Commission shall establish and adopt a schedule of fines which shall be imposed for violations of this chapter.
- (3) Fees and fines established under this chapter may be evaluated and adjusted on an annual basis by the Animal Control Commission and Animal Services Center.

§ 9-8. Public hearings.

A. In general.

- (1) On a written complaint of a citizen, the Animal Control Commission may conduct a public hearing to determine whether a violation of this chapter has occurred.
- (2) The Animal Control Commission may conduct hearings on whether an animal shall be deemed a vicious or dangerous animal under the provisions of this chapter. On finding that an animal is vicious or dangerous, the Animal Control Commission may set any reasonable conditions or restrictions on release of the animal or order the animal euthanized.
- (3) On a written complaint of an Animal Control Officer or a member of the Animal Control Commission, the Animal Control Commission shall conduct a public hearing to determine whether a person has complied with an order of the Commission.

B. Notice.

- (1) The Animal Control Commission shall give written notice to the respondent of a complaint by either personal delivery or certified mail, restricted delivery, return receipt requested. The notice shall be mailed to the respondent at least 10 days prior to the public hearing regarding the alleged violation. The notice shall contain the nature of the complaint, time, date, and place of the hearing.
- (2) The Animal Control Commission shall notify the complainant, by first class mail, of the time, date, and place of the hearing.

C. Subpoena power. The Animal Control Commission may issue a subpoena for the

attendance of a witness or the production of documents at a hearing of the Animal Control Commission.

D. Decisions.

- (1) Within three days after a public hearing, if the Animal Control Commission finds that a violation of this chapter has occurred, the Animal Control Commission may set conditions to correct the violation and order the violator to abide by those conditions within a prescribed time limit. The Commission may provide for any disposition of any animal, including euthanasia. Any costs incurred by the respondent to comply with the Commission's rulings are the sole responsibility of the respondent.
- (2) If the Animal Control Commission finds that a violation did not occur, the Commission shall dismiss the complaint.

E. Judicial review. A decision of the Animal Control Commission authorized under this chapter is final. The decision is subject to review only by the Circuit Court for Queen Anne's County upon a timely appeal by a person aggrieved by the decision filed in accordance with the Maryland Rules of Procedure.

§ 9-9. Director.

The Director as well as any Animal Control Officer shall operate under the authority and oversight of the Queen Anne's County Sheriff's Department.

A. Director, The Director:

- (1) Is the Chief Animal Control Officer; and
- (2) Shall serve as an advisor to the Animal Control Commission.

B. Operational responsibility. The Director has operational responsibility for carrying out the duties prescribed in this chapter and enforcing its provisions, including provisions concerning public safety, public nuisances, prevention, cruelty to animals, and minimum standards for animal care.

C. Patrols; complaint investigations. The Director shall implement a program of regular patrols and response to citizen complaints for the purpose of enforcing this chapter and state law regarding animal control.

D. Emergencies. The Director shall provide a twenty-four-hour, seven-day-a-week animal emergency service to respond to complaints deemed an emergency situation by the Director.

E. inspection of animal establishments. The Director shall implement a program of regular inspection of all animal establishments required to have a special license under this chapter.

F. Recordkeeping. The Director or the Director's designee is responsible for maintaining accurate records of licenses, impoundments, dispositions, animal bites, and all enforcement actions taken by Animal Control Officers.

G. Public information. The Director shall make available to the general public any information concerning the enforcement of this chapter as it pertains to animal control

§ 9-10. Animal Control Officers.

A. Authority, in general. An Animal Control Officer employed by the County Commissioners through the Queen Anne's County Sheriff's Department is authorized to exercise that authority necessary to enforce the provisions of this chapter and state law relating to animal control.

B. Impoundment. An Animal Control Officer or the Department of Animal Control within the Queen Anne's County Sheriff's Department shall:

(1) Humanely impound an observed animal whose owner or custodian is in violation of this chapter. This will include impoundment from private or public property in accordance with Subsection J of this section; or

(2) Impound an injured animal found on a road or public land in the County or on private property if the owner of the property is not the owner of the animal.

(3) Collect all redemption fees in connection with the impoundment of an animal.

C. Notice. An Animal Control Officer shall make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal. The effort shall include coordination with the Animal Services Center staff.

D. Citations. An Animal Control Officer may issue a citation to the owner or custodian of an animal when the animal is observed in violation of this chapter or state law relating to animal control.

E. Emergency assistance.

(1) An Animal Control Officer shall promptly respond to administer emergency assistance, first aid, or qualified medical assistance to an injured or diseased stray animal that comes into the custody of the County without the consent of the owner or custodian of the animal.

(2) In carrying out Subsection E(1) of this section, the Animal Control Officer administering assistance, Queen Anne's County, or any of its employees or agents may not be held liable for acts committed or omitted while rendering assistance, unless the act or omission constitutes gross negligence or malice.

F. Animal bite investigations. An Animal Control Officer may conduct investigations or assist the Department of Environmental Health in the investigation of animal bites.

- G. Inspection of commercial establishments. An Animal Control Officer shall conduct inspections of commercial animal establishments as provided in this chapter or regulations adopted pursuant to this chapter.
- H. Unwanted animals. An Animal Control Officer shall transport any unwanted animal to an Animal Services Center.
- I. Enforcement actions.
 - (1) Subject to Subsection **I(2)** of this section, an Animal Control Officer may initiate a complaint or other form of enforcement of this chapter or state law.
 - (2) Before an Animal Control Officer files a complaint in a court of competent jurisdiction, the Animal Control Officer shall have probable cause to believe that a violation of this chapter or state law has taken place.
- J. Access to private property. An Animal Control Officer may enter upon private property to check compliance with orders of the Animal Control Commission and to investigate any observed or reported violations of this chapter. This access is limited to unenclosed places and structures which are open and the interior of which is easily visible to the Animal Control Officer.

§ 9-11. Animal Services Center.

Any Animal Services Center may be operated by the County Commissioners of Queen Anne's County or by a qualified organization under contract with the County Commissioners.

- A. Stray and unwanted animals.
 - (1) The Animal Services Center shall receive stray and unwanted domestic animals regardless of their medical condition.
 - (2) Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the Center may be immediately euthanized.
 - (3) The Animal Services Center shall make a prompt and reasonable effort to locate and notify owners of stray animals.
- B. Return of identified animals. The Animal Services Center shall ascertain the identity of the owner of an impounded animal and, as a precondition of release, require the payment of all charges for the care, board, veterinary treatment, and any unpaid license fees from the animal's owner.
- C. Animal adoption. The Animal Services Center shall place for adoption unredeemed or unwanted animals in accordance with the regulations established under this chapter and state law.

- D. Humane treatment. The Animal Services Center shall provide humane treatment of all animals under its care.
- E. Standards of care. The Animal Services Center shall maintain and adhere to comprehensive procedures prescribing standards for the humane operation of the Center, including standards for the housing, feeding, care, veterinary treatment, adoption, and euthanasia of animals in the facility pursuant to this chapter and state law.
- F. Veterinary care.
- (1) The Animal Services Center shall provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the Animal Services Center.
 - (2) Veterinary care of injured or sick animals may be rendered without the consent of the owner.
 - (3) Queen Anne's County Animal Services officers and the Animal Services Center staff and its agents are not liable for acts committed or omitted in rendering care under this subsection.
- G. Posting of charges. The Animal Services Center shall post, in a conspicuous place, a schedule of charges for the housing, care, treatment, adoption, and redemption of animals that come into the custody of the Center.
- H. Records.
- (1) The Animal Services Center shall keep records of impoundments, veterinary treatment, disposition of animals, and other activities for a period of three years after such records are initiated.
 - (2) Animal records shall be complete and accurate as to the breed, sex, color, condition, how, when, and where the animal was obtained, and any identification the animal may have been wearing.
- I. Unwanted animals. The Animal Services Center may humanely euthanize unredeemed and unwanted animals in accordance with this chapter and state law.

Article III. Licensing and Animal Care

§ 9-12. Dog licensing.

A. License required.

- (1) A person may not own, keep, or harbor a dog four months old or older without a current Queen Anne's County license.
- (2) A license may be issued for either one or three years.

- (3) The license shall expire on the last day of December of the license term.
- B. Place of licensure. Licenses shall be sold through the Animal Services Center any licensed veterinarian in Queen Anne's County, or any location designated by the operators of the Animal Services Center.
- C. Rabies certificate. Before a license shall be issued, the owner or custodian shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog is currently vaccinated against rabies.
- D. License. A license shall include the following:
 - (1) Date of issuance;
 - (2) Date of expiration;
 - (3) Owner's name, address, and home and work telephone numbers;
 - (4) Name, breed, color, and sex of the dog;
 - (5) Rabies vaccination and expiration date;
 - (6) Rabies tag number; and
 - (7) Name of the issuing party.
- E. Tag. A license tag shall be issued with the license certificate. The tag shall be worn by the dog at all times, except when participating in a competition where such displays are prohibited, when hunting, or while undergoing organized training. The dog tag shall be worn on a collar or harness around the dog's neck or body and be easily visible.
- F. Inspections. The license certificate shall be made available for inspection, upon request, by an Animal Control Officer, environmental health officer, or any law enforcement officer.
- G. License replacement. If a license tag is lost, the owner may obtain a duplicate license.
- H. Change in dog ownership. If the ownership of a dog changes, the new owner may obtain a transfer license if the dog has a valid Queen Anne's County license at the time of transfer of ownership.
- I. Transfer license. If a dog has a valid license issued by another Maryland County and the owner becomes a resident of Queen Anne's County, the owner may obtain a transfer dog license.
- J. License fee exceptions.
 - (1) An owner of a certified Seeing eye dog, Hearing dog, or other certified dog that is trained to assist the physically impaired is not required to pay the annual fee, but shall obtain and display a County dog license.

- (2) The owner of a governmental police dog is not required to pay the annual fee but shall obtain a County dog license. A police dog is exempt from the requirement that the County dog license must be displayed.

K. License exceptions.

- (1) The Animal Services Center and any animal shelter operated by a chartered humane society shall be exempt from licensing requirements.
- (2) Veterinary hospitals or clinics where dogs are hospitalized and medical research facilities are exempt from license requirements under this section.
- (3) **Veterinary** hospitals that board or sell animals shall comply with the requirements of §§ 9-13 and 9-14 of this chapter.

L. License Information. The Animal Services Center shall provide all licensing information generated under this Section to the Director and to any Animal Control Officer upon requirement.

§ 9-13. Licensing of commercial animal establishments.

- A. Scope of section. This section does not apply to animal shelters operated by a chartered humane society or the Animal Services Center.
- B. License required; zoning approval.
 - (1) A person may not operate a commercial animal establishment or commercial kennel without first obtaining a commercial animal establishment/kennel license in compliance with this section.
 - (2) Written application for a commercial animal establishment/kennel license shall be made to the Animal Control Commission.
 - (3) License applications must be accompanied by the license fee and written verification from Queen Anne's County Planning and Zoning that the applicant complies with applicable zoning and use regulations.
- C. Zoological parks excepted. A zoological park owned and operated by any government agency is not required to obtain a license.
- D. Licensing procedure.
 - (1) An Animal Control Officer shall inspect the facility prior to issuing or renewing the license.
 - (2) An annual commercial animal establishment/kennel license shall be issued on successful completion of an inspection and payment of the applicable fee.
- E. License display. A commercial animal establishment/kennel license shall be displayed in a conspicuous place on the premises of the establishment.

F. License renewal.

- (-1) The license period shall run for one year from the date of issuance.
- (2) Renewal applications for licenses shall be made 30 days prior to expiration of the license.

G. License transfer. If there is a change in ownership of a commercial animal establishment or commercial kennel/cattery, the new owner may have the current license transferred to his/her name on payment of a transfer fee and completion of a successful inspection by an Animal Control Officer.

H. Individual facilities. Every facility subject to this chapter shall be considered a separate enterprise requiring an individual license.

§ 9-14. Regulation of commercial animal establishments.

A. Scope of section. This section does not apply to the Animal Services Center or to animal shelters operated by a chartered humane society.

B. Pet sales.

- (1) All dogs and cats offered for resale must have a current health certificate issued by a Maryland licensed veterinarian, dated within the last three months prior to resale.
- (2) An animal under veterinarian treatment may not be offered for sale without being released by the veterinarian.

C. Defective or ill animals. An owner or employee of a commercial animal establishment or commercial kennel/cattery who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information prior to sale.

D. Recordkeeping.

- (1) A record for any animal purchased for resale shall be maintained for a period of one year from the date of resale.
- (2) The record shall contain at least:
 - (a) A description of the animal, including the breed, sex, color, and age of the animal;
 - (b) The origin of purchase, including the supplier and the date of receipt; and
 - (c) Any medical records, including any required treatment program.

E. Inspections. An Animal Control Officer shall be permitted to inspect at anytime all animals and the premises where animals are kept.

§ 9-15. Suspension and revocation of license for commercial

animal establishments.

- A. Violation of law. A commercial animal establishment/kennel license may be withheld or revoked if the person holding the license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals.
- B. False information. If the applicant has withheld or falsified any information on the application, the Animal Control Commission may refuse to issue or may revoke the license.
- C. Appeals. Appeals from withheld or revoked licenses may be made to the Animal Control Commission within 15 days of the notice of such action.
- D. Stay of revocation; emergency situations.
 - (1) In the event of a timely appeal of revocation of a license, the revocation will not be effective until after the next scheduled meeting of the Commission.
 - (2) In the event of an emergency situation, an Animal Control Officer may make application to the Chairperson of the Commission who is authorized to issue a temporary cease-and-desist order pending a hearing at the next meeting of the Commission.
- E. Previous conviction. A person that has been found guilty of cruelty to animals may not be issued a license to operate a commercial animal establishment or commercial kennel/cattery.
- F. Subsequent application.
 - (1) Except as provided in Subsection E above, any person who has been denied a license may reapply after a period of six months from said denial.
 - (2) Each reapplication shall be accompanied by a fee, in addition to the licensing fee, and written verification that the applicant complies with all zoning and use regulations.

§ 9-16. Standards of care.

It shall be the duty of every owner of an animal, or anyone having an animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage that might result from his or her animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, ferocity, or any other motive.

§ 9-17. Minors who own or keep animals.

- A. Parental responsibility. The parent or guardian of a minor who owns or keeps an animal shall be responsible for ensuring compliance with the provisions of this chapter and state law.

- B. Transfer to minor. An animal may not be sold or given to a minor without the written consent of the parent or guardian.

§ 9-18. Minimum standards.

The Animal Control Commission will develop and update a comprehensive set of regulations to be used for the enforcement of the following minimum standards. These regulations will be used by Animal Control Officers to ensure the proper and uniform enforcement of these standards.

- A. In general. An owner or custodian of an animal may not fail to provide the animal with:
- (1) Sufficient, wholesome, and nutritious food;
 - (2) Potable water in sufficient quantities;
 - (3) Proper air, shelter, space, light, and protection from weather;
 - (4) Prompt veterinary care when needed to prevent suffering; and
 - (5) Humane care and treatment.
- B. Farm animals. In the case of farm animals, nothing in this section may be construed as imposing standards more stringent than normally accepted husbandry practices.
- C. Enclosure standards. An animal enclosure must:
- (1) Be structurally sound and maintained in good repair to protect the animal from the elements and to contain the animal;
 - (2) Provide sufficient space to allow each animal adequate freedom of movement;
 - (3) Be cleaned to remove excretions and other waste materials, dirt, and trash in order to provide humanely clean conditions and to minimize health hazards and obnoxious odors;
 - (4.) Provide potable water that is always available and that is kept in a vessel secured to prevent tipping; and
 - (5) Provide artificial lighting in sufficient quantities if the enclosure does not have natural lighting.
- D. Indoor enclosures. An indoor enclosure must provide adequate ventilation by natural or mechanical means, and the ambient temperature shall be compatible with the health of the animal.
- E. Outdoor enclosure.
- (1) When sunlight is likely to cause heat exhaustion, an outdoor enclosure shall provide sufficient shade by natural or artificial means to protect the animal from direct sunlight.

(2) An outdoor enclosure:

- (a) Shall be weatherproof;
- (b) Shall be solid, with no cracks or openings other than the entrance;
- (c) Shall have the floor elevated off the ground at least two inches;
- (d) Shall have a door flap covering the entrance;
- (e) Shall contain dry bedding and, during cold and inclement weather, straw, leaves, hay, cedar chips, or other material shall be provided as needed;
- (f) Shall be large enough to allow the animal to enter, stand, turn around, and lie down comfortably and small enough to allow the animal to warm the interior with its body;
- (g) Shall have the entrance placed down wind if necessary to protect the animal from the elements of weather; and
- (h) May not have metal or uninsulated plastic as the primary interior surface.

F. Enclosures at commercial animal establishments. An enclosure that houses animals at a commercial animal establishment or commercial kennel/cattery shall be constructed in such a manner as to prevent an animal from one enclosure from coming into direct contact with an animal in an adjacent enclosure.

G. Chained animals.

- (1) If a chain or cable is used to restrain an animal, it shall be at least 10 feet in length and allow the animal freedom of movement without becoming entangled with obstructions.
- (2) Any chain or cable used to restrain an animal shall be of acceptable material and shall be fastened to a collar and not placed directly on the animal's neck or body. Rope, line, or any material that a dog may chew through is not considered acceptable. A chain or cable used to restrain an animal may not be of such weight as to cause overloading or undue stress on the animal.

H. Open vehicles. 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.

§ 9-19. Animals at large.

A. In general.

- (1) No animal may be off the property of the owner or custodian without being under restraint.
- (2) An animal accidentally at large with a person in immediate pursuit shall not be

deemed at large. "Immediate pursuit" is defined as actively pursuing the animal at large.

B. School and County property.

(1) An animal may not be on school grounds on a day when school is in session without the permission of the proper authority.

(2) If in a public recreation area, the animal must be controlled by a leash or other similar restraining device.

(3) An animal may not be on any County property that is properly posted against such animals.

C. Discovery of stray ; duty to report. A person who finds a stray animal shall report the finding to the Department of Animal Control.

D. Pursuit of stray. An Animal Control Officer who observes an animal at large may pursue that animal on public or private property.

E. Training and hunting activities. This section may not be construed to prevent supervised obedience training or hunting activities in an authorized area with animals supervised by a competent person.

§ 9-20. Female in season.

A. Confinement. A female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding.

B. Exception. Subsection A of this section does not preclude normal waste elimination while the animal is under physical restraint and direct supervision and on the owner's or custodian's property.

§ 9-21. Discharge on property of others prohibited.

A. Private property. The owner or custodian of an animal may not allow his or her animal or any animal under his or her care to urinate or defecate on the property of another without the consent of the owner of the property.

B. Public property. The owner or custodian of an animal may not allow his or her animal or any animal under his or her care to defecate on public property unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all waste in a sanitary manner.

§ 9-22. Public nuisance animal.

A. Defined terms.

(1) In this section, the following words have the meanings indicated.

INTIMIDATE

To act in a manner that a reasonable, prudent person under the same or similar circumstances would consider intimidating.

PUBLIC NUISANCE

(a) An animal who:

- [1] Is repeatedly at large;
- [2] Molests or intimidates pedestrians or passersby;
- [3] Chases vehicles or bicycles;
- [4] Excessively barks, howls or makes other harsh noises;
- [5] Fouls the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- [6] Urinates or defecates on private property without permission from the owner;
- [7] Molests, defaces or destroys the property of another;
- [8] Causes injury to a human being or another domestic animal by unprovoked biting; or
- [9] Does or performs any other acts which are determined by the Animal Control Commission, after a notice to the owner and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.

(b) "Public nuisance" does not include any activity resulting from a farm operation, including but not limited to:

- [1] Production of livestock;
- [2] Pasturing;
- [3] Raising of poultry and fowl;
- [4] Production of eggs;
- [5] Production of milk; or
- [6] Production of bees and honey.

B. Public nuisance. A person may not keep or maintain any animal which is a public nuisance under this chapter.

§ 9-23. Vicious or dangerous animal.

A. "Vicious or dangerous animal" defined.

(1) In this section, "vicious or dangerous animal" means any animal that:

- (a) Has inflicted injury on a human being without provocation;
- (b) Has injured or killed a domestic animal without provocation; or
- (c) is owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting;

(2) An animal may not be deemed vicious or dangerous if a threat, injury, or damage was sustained by a person:

- (a) Who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or custodian of the animal;
- (b) Who was teasing, tormenting, abusing, or assaulting the animal;
- (c) Who has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal;
- (d) Who was committing or attempting to commit a crime;
- (e) Because the animal was protecting or defending its young or other animals;
or
- (f) Because the animal was responding to pain or injury.

B. Impoundment.

- (1) Any animal exhibiting behavior of a vicious and/or dangerous animal described in § **9-23A** of this chapter may be deemed a vicious or dangerous animal by the Director or his designee and impounded. The Director or his designee may set conditions for the animal to be returned to the owner or have the animal euthanized. No animal that is deemed vicious or dangerous may be adopted under any circumstances. An animal deemed vicious or dangerous by the Director or his designee may be euthanized under the following conditions:
 - (a) The animal inflicts a serious injury or death to a human being without provocation. A "serious injury to a human being" is defined as a wound which punctures the skin or requires stitches; or
 - (b) The animal inflicts injury of any kind on a human being in more than one incident, without provocation; or
 - (c) The animal kills a domestic animal without provocation; or
 - (d) The animal attacks and causes injury to a domestic animal two or more times without provocation.
- (2) If the Director or his designee deems an animal vicious or dangerous and directs the animal to be euthanized, a letter must be sent to the registered owner or owner of record within three working days from the date of impoundment notifying the owner of the intention to euthanize the animal. The owner will have 72 hours from the receipt of the letter to notify the Animal Control Commission, in writing, that he/she wishes to have the decision reviewed by the Animal Control Commission. Upon a timely request by the owner, a hearing of review will be set with the Animal Control Commission. The Animal Control Commission will either uphold the decision or set the decision aside and may set special conditions for the animal to be returned to the owner.

- (3) The owner of the animal: is responsible for any fees incurred during the impoundment.
- C. Surrender required. A person, may not refuse to surrender to an Animal Control Officer an Animal Control Officer an animal that has been deemed vicious or dangerous .
- D. Failure to comply with Commission requirements. If the owner or custodian of a vicious or dangerous animal is in violation of any requirements that the Animal Control Commission establishes under § 9-24 of this chapter, an Animal Control Officer may order the violation immediately corrected and cite the owner or custodian for the violation.
- E. Violation uncorrectable.
- (1) if the violation cannot be immediately corrected, the animal: may be impounded.
 - (2) If the animal is impounded, the owner or custodian shall be notified to appear before the Animal Control Commission to argue the disposition of the animal.
 - (3) At the owner's request and expense, and with the approval of the Director, the impoundment may be at a veterinarian or licensed kennel of the owner's choosing. The veterinarian or kennel must be in Queen Anne's County.
- F. Proof of subsequent compliance. If the owner or custodian of a vicious or dangerous animal impounded for a violation of this chapter presents proof to the Director that the animal will now be kept in compliance with this chapter, the animal may be released upon payment of all fees.
- G. Failure to respond. If the owner or custodian of a vicious or dangerous animal fails to provide proof that the animal will now comply with this chapter, fails to acknowledge his or her attendance at a hearing before the Animal Control Commission, or fails to reclaim the animal within 72 hours from the Animal Services Center, the animal may be humanely euthanized.
- H. Repeat offenders.
- (1) A repeat offender of provisions relating to vicious or dangerous animals will be given an opportunity to fully explain to the Animal Control Commission why a violation has been repeated.
 - (2) The Animal Control Commission shall consider such explanation in determining an appropriate disposition for the animal.

§ 9-24. Commission requirements for vicious or dangerous animals.

- A. "Vicious or dangerous animal" defined. In this section, "vicious or dangerous animal" has the meaning stated in § 9-23A of this chapter.
- B. Confinement.
- (1) The Animal Control Commission may require an owner or custodian of a dangerous or vicious animal who maintains the animal outside to enclose a portion of his or her property with a perimeter or area fence.
 - (2) Within the perimeter fence, the animal shall be humanely confined inside a pen or kennel of adequate size.
 - (3) The kennel or pen may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides shall either be buried two feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the pen or kennel shall be locked.
- C. Outside of enclosure. The Animal Control Commission may require that a vicious or dangerous animal shall be controlled and restrained by a secure collar, muzzle, and leash of sufficient strength to prevent escape whenever outside of its enclosure, but on the owner's or custodian's property.
- D. Warning sign. The Animal Control Commission may require an owner or custodian of a vicious or dangerous animal to display, in a prominent place on the premises, and at each entrance and exit to the area where the animal is confined, a sign easily readable by the public using the word "Dangerous" followed by the type of animal deemed dangerous.
- E. Restraint when off premises. The Animal Control Commission may require that, except when being transported in a vehicle, a vicious or dangerous animal shall be permitted off the property of its owner or custodian only if it is controlled, humanely restrained by a secure collar and leash, and humanely muzzled by any means sufficient to prevent biting another person or domestic animal. The leash may not exceed six feet in length and shall be of sufficient strength to prevent escape.
- F. Neutering. The Animal Control Commission may require that a vicious or dangerous animal be neutered or spayed at the expense of the owner.
- G. Tattoo. The Animal Control Commission may require that a vicious or dangerous animal be tattooed with a number to be issued by the Commission at the expense of the owner.

- H. Restricted transfers. The Animal Control Commission may require that ownership or custody of an animal deemed vicious or dangerous not be transferred without prior approval of the Commission.
- I. Required notice should animal become at large. The owner or custodian of an animal deemed vicious or dangerous by the Animal Control Commission shall notify the Queen Anne's County Sheriff's Office immediately should the animal become at large for any reason.
- J. Required destruction. The Animal Control Commission may require that a vicious or dangerous animal be humanely euthanized.
- K. Additional restrictions.
 - (1) The Animal Control Commission may require any of the conditions under this section or may set special conditions not set forth.
 - (2) The Commission will consider each case on an individual basis.

§ 9-25. Cruelty.

A. In general. An individual may not:

- (1) Abandon an animal;
- (2) Tease, torture, torment, deliberately incite, cruelly beat or kill, intentionally injure, mutilate, intentionally run down with a vehicle, overdrive, overload, or otherwise abuse an animal;
- (3) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with the intent to injure or kill any animal other than vermin;
- (4) Use or permit any animal to be used for the purpose of fighting, raise for the purpose of fighting, or organize or participate in any type of animal fighting;
- (5) Inflict unnecessary suffering or pain upon an animal under the individual's charge or custody, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements;
- (6) Leave any domestic animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of the animal; or
- (7) Shoot any domestic animal, except as provided under § **9-30** of this chapter or to humanely destroy such animal because of sickness, disease, or injury.

B. Impoundment.

- (1) If an Animal Control Officer determines that the health or safety of an animal is in immediate danger because of a cruel or neglectful act, the Animal Control Officer may remove the animal from any place except the interior of a private residence and impound the animal.
- (2) For the purposes of this subsection, an Animal Control Officer may enter upon private property without the consent of the owner.
- (3) After impounding an animal under this subsection, the Animal Control Officer shall make a prompt and reasonable effort to notify the owner that the animal has been impounded and give the reasons for the impoundment. Notice shall also be given to the owner indicating the conditions for the release of the animal and a schedule for implementation.

C. Removal from vehicle.

- (1) If an Animal Control Officer or any public safety officer finds an animal unattended as described in Subsection **A(6)** of this section, the Animal Control Officer or public safety officer may use reasonable force to remove the animal from the vehicle.
- (2) Any officer who uses force under this subsection may not be held liable for any damages resulting from the use of that force.

D. Construction of section.

- (1) Legitimate medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting activities may not be construed as prohibited by any provision of this section if such activities employ the most humane method reasonably available.
- (2) Training of any animal for police work by the state or any political subdivision shall not be considered as teasing, tormenting, or deliberately inciting an animal.

§ 9-26. Rabies prevention.

A. Vaccination required.

- (1) Every resident of the County owning a dog, cat, or ferret four months old or older shall have the dog, cat, or ferret vaccinated with an antirabies vaccine approved by the Director of Public Health.
- (2) The vaccination shall be administered by a licensed veterinarian.

B. Rabies certificate.

- (1) The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of that dog, cat, or ferret.

- (2) The owner or custodian of the dog, cat, or ferret shall promptly exhibit the rabies certificate upon request for inspection by an Animal Control Officer, health officer, or any law enforcement officer, and shall also exhibit the certificate to the Animal Services Center staff when redeeming the animal at the Center.
- C. Rabies tag. A rabies tag shall be issued with the rabies certificate. The rabies tag shall be worn by the animal at all times in the same manner as described in § 9-12F of this chapter. Exceptions granted under § 9-12F of this chapter will be applicable to this section.
- D. Exposure to rabies.
- (1) Any animal exposed to rabies shall be quarantined for 10 days following the exposure, or for a longer period as may be established by the Director of the Department of Environmental Health.
 - (2) The animal shall be confined to a house, garage, or other escape-proof enclosure or building approved *by* the Director of the Department of Environmental Health.
 - (3) The animal shall be prevented from having any contact with other animals or any person except its owner or caretaker.
 - (4) The animal may not be removed from the quarantine premises unless permission is first obtained from the Director of the Department of Environmental Health. Any removal is subject to any conditions set by the Director of the Department of Environmental Health.
 - (5) if the animal becomes ill or begins to show behavioral changes, the owner or custodian shall immediately notify the Department of Environmental Health, which shall determine the proper course of action.
 - (6) If the animal dies, the owner or custodian shall immediately notify the Director of the Department of Environmental Health and make the animal available for rabies testing.
 - (7) If the animal escapes, the owner or custodian shall immediately notify the Animal Services Center, the Sheriff's Office, and the Director of the Department of Environmental Health.
 - (8) Until the animal is released by the Director of the Department of Environmental Health from quarantine, the owner or custodian may not kill, give away, or sell, or otherwise dispose of the animal without the written permission of the Department of Environmental Health.
 - (9) If a veterinarian's examination is not required on the last day of the quarantine, the owner or custodian shall report to the Director of the Department of Environmental Health the health status of the animal or make the animal

available for inspection by the Department of Environment Health or an Animal Control Officer.

- (10) If the animal is vaccinated against rabies at the time of exposure, the animal shall not be revaccinated until released from quarantine.
- (11) If the animal is not vaccinated, the owner or custodian shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five days of the end of quarantine.
- (12) If an animal is not properly quarantined, it shall be impounded and a citation for failing to comply with this section may be issued by an Animal Control Officer.

§ 9-27. Impoundment, redemption and adoption.

A. Animal in violation of law.

- (1) An animal observed in violation of this chapter or state law may be impounded and housed at the Animal Services Center or its designated facility.
- (2) In addition to, or in lieu of, impounding an animal, an Animal Control Officer may issue to the owner or custodian of the animal a citation for the violation.

B. Impoundment.

- (1) Subject to Subsection B(2) of this section, an impounded domestic animal shall be kept for not fewer than five days. .
- (2) If the animal is contagiously ill or severely injured, it may be immediately humanely euthanized.

C. Redemption. Before an owner or custodian can reclaim an impounded animal, the owner or custodian shall:

- (1) Pay all applicable fees;
- (2) Possess or purchase a valid County license and a current rabies vaccination;
- (3) Pay any and all costs, including veterinary fees, incurred by the Animal Services Center in connection with housing and care of the animal;
- (4) Correct all violations of this chapter which resulted in the impoundment of the animal.

D. Abandoned animal.

(1) Except as otherwise provided in this chapter, an animal impounded and not redeemed by its owner or custodian within five days shall be deemed abandoned and become the property of the Animal Services Center.

(2) The Animal Services Center shall:

(a) Place the animal for adoption; or

(b) Humanely euthanize the animal in accordance with this chapter.

E. Adoption. An unclaimed dog or cat may not be released for adoption without being sterilized.

F. Contract. A person may not fail to abide by the terms of any contract entered into with the Animal Services Center in reference to the adoption of an animal from the Center.

G. Denial of adoption. The Animal Services Center may deny applications for adoption as provided in this chapter and Animal Services Center regulations adopted pursuant to this chapter. **[Amended 10-18-2005 by Ord. No. 05-17]**

H. Animals unavailable for adoption.

(1) An animal considered by the operators of the Animal Services Center to be unhealthy, dangerous, or otherwise unsafe may not be placed for adoption.

(2) A wild animal may not be placed for adoption.

§ 9-28. Animal struck by vehicle.

A person who strikes a domestic animal with a motor vehicle shall immediately notify the state police or local police and remain at the scene until help arrives for the injured animal.

§ 9-29. Harboring wild animals.

A. Restriction. A person may not keep a wild animal in the County unless:

- (1) An individual exemption is issued by the local Director of the Department of Environmental Health; and
- (2) A permit to keep the animal has been issued by the Maryland Department of Natural Resources, if required.

B. Registration. If a wild animal is kept in the County, the animal must be registered with the Animal Services Division of the Office of the Sheriff of Queen Anne's County.

§ 9-30. Animal pursuing livestock, domesticated animals or human beings.

- A. In general. A person may kill any animal which he or she sees in the act of pursuing, attacking, wounding, or killing any poultry, livestock, or any domesticated animal or a human being.
- B. Immunity. A person acting under Subsection A of this section may not be held liable for damages or otherwise for such killings.

Article IV. Miscellaneous Prohibited Acts; Penalties

§ 9-31. Miscellaneous prohibited acts.

A. In general. A person may not:

- (1) Fail to comply with a lawful order or direction of the Animal Control Commission;
- (2) Fail to comply with a lawful order or direction of an Animal Control Officer;
- (3) Interfere with an Animal Control Officer performing the duties as prescribed in this chapter or state law;
- (4) Use a license for any dog other than the dog for which it was issued; or
- (5) Fail to obtain a Queen Anne's County dog license within 30 days of procurement of a dog, establishing residence in Queen Anne's County, or possessing a dog that becomes four months old.

B. Interference described. Interference under Subsection **A(3)** of this section shall include the use of physical force, verbal misdirection, filing a false report, or failing to give appropriate information which would prevent an Animal Control Officer from carrying out his or her official duties. **[Amended 10-18-2005 by Ord. No. 05-17]**

§ 9-32. Civil penalties.

A. In general.

- (1) A person who violates any part of this chapter shall be guilty of a civil violation and subject to an original preset penalty as set forth in the schedule of penalties adopted by the Animal Control Commission under § 9-7C of this chapter.
- (2) The maximum civil penalty for a violation of this chapter shall be \$500.
- (3) Each day that a violation continues shall constitute a separate violation.

B. Payment of fines.

- (1) All fines imposed under this chapter shall be payable to the Queen Anne's County Finance Department at 107 N. Liberty Street, Centreville, Maryland, 21617.
- (2) Fines shall be paid within 30 days of a violation.
- (3) Failure to pay the monetary penalty within the prescribed time will result in a summons being issued for the violator to appear before the District Court of Maryland for the County of Queen Anne's.

C. Subsequent violations. Fines will be doubled for a second or subsequent violation of the same provision in any thirty-six-month period.

§ 9-33. Enforcement; duties of local officials.

- A. Director; Animal Control Officers. The Director or an Animal Control Officer designated by the Director or any police officer or deputy sheriff has the authority to issue an original citation and deliver it to a person believed to be committing a civil violation and is hereby declared to have the authority and the duty of enforcing this chapter for that purpose. A copy of each original citation shall be given to the Finance Director or his designee.
- B. Finance Director. The Finance Director or his designee is hereby declared to be the official with the duty of enforcing this chapter with respect to receiving and filing a copy of each original citation and any fines or notices of intention to stand trial; mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set forth in the citation; and notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice thereof has been given.
- C. Prosecution. The County Attorney and the State's Attorney for Queen Anne's County are each authorized to prosecute any civil violation under this chapter.