

COUNTY ORDINANCE NO. 15-01

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne's County Animal Control Ordinance, Chapter 9 of the Code of Public Local Laws of Queen Anne's County, Maryland;

FOR THE PURPOSE of providing for animal control functions in Queen Anne's County to be under the direction of a Department of Animal Control; removing the Sheriff of Queen Anne's County from supervision, direction or other involvement in animal control in Queen Anne's County; redesignating the "Director" of Animal Control as the "Manager" of Animal Control, and generally revising and updating the provisions relating to animal control in the Queen Anne's County Animal Control Ordinance;

BY AMENDING Sections 9-2, 9-4, 9-5, 9-9, 9-10, 9-20, 9-22, 9-25 and 9-28 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Sections 9-2, 9-4, 9-5, 9-9, 9-10, 9-22 and 9-25 of the Code of Public Local Laws be and are hereby amended to read as follows:

§ 9-2. Purpose.

The County Commissioners enact this Chapter to provide for the safety of the public, and the humane care and treatment of animals, and to encourage responsible pet ownership. *Animal control functions* shall be provided under the direction of the Department of Animal Control of Queen Anne's County, as provided in §9-9 of this Chapter. *Animal services* shall be provided by and under the direction of the Animal Services Center, as provided in §9-11 of this Chapter.

§ 9-4. Membership.

A. Appointment. The County Commissioners shall appoint six (6) individuals to serve as members of the Commission. One member shall be the County Health Officer or his/her designee, one shall be the director of the Animal Services Center or his/her designee, and one member shall be the Director of Emergency Service for Queen Anne's County or his/her designee. The other members shall be members of the general public. 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 Commission. Terms may be staggered, and all terms need not be of equal duration.

C. Compensation.

(1) Members of the 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, with or without cause, remove a member of the Commission prior to the expiration of the member's term.

§ 9-5. Officers; secretary.

A. Chairperson; Vice Chairperson. The County Commissioners shall designate **the Chairperson of the Animal Control Commission**. The members of the Commission shall designate one member to serve as Vice Chairperson.

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

§ 9-9. Animal Control – **Manager**.

A. The **Manager** of Animal Control (the "**Manager**") shall be appointed by the **County Commissioners of** Queen Anne's County and shall administer any laws and regulations pertaining to animal control in the County.

B. The **Manager**, as well as any Animal Control Officer shall operate under the authority and oversight of the **County Commissioners of** Queen Anne's County Office.

C. The **Manager**:

(1) Is the Chief Animal Control Officer; and

(2) Shall serve as an advisor to the Animal Control Commission.

D. Operational responsibility. The **Manager** has operational responsibility for carrying out duties prescribed in this Chapter and enforcing its provisions, as well as regulations duly promulgated by the Commission, including (but not necessarily limited to) provisions concerning public safety, public nuisances, prevention, cruelty to animals, and minimum standards for animal care.

E. Patrols; complaint investigations. The **Manager** shall implement a program of patrols and response to citizen complaints for the purpose of enforcing this Chapter and Maryland State Law regarding animal control.

F. Emergencies. The **Manager** shall provide a twenty-four-hour, seven-day-a-week animal emergency service to respond to any complaint concerning matters deemed an emergency by the **Manager**.

G. Inspection of animal establishments. The **Manager** shall implement a program of inspections of all animal establishments required to have a license under this Chapter.

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

I. Public information. The **Manager** shall make available to the general public information concerning the enforcement of this Chapter as it pertains to animal control.

**§ 9-10. Animal Control Officers.**

A. Authority, in general. Animal Control Officers employed by the County Commissioners are authorized to exercise the authority necessary to enforce the provisions of this Chapter and Maryland State Law relating to animal control.

B. Impoundment/Seizure. Animal Control Officers shall:

(1) Humanely impound/seize an observed animal whose owner or custodian is in violation of this Chapter and/or provisions of the Maryland Annotated Code relating to animal control, including impoundment/seizure from private or public property in accordance with Subsection J of this section; or

(2) Impound an injured domestic 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 or custodian of the 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 Maryland 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 according to department policy or assist the Department of Environmental Health in the investigation of animal bites concerning potential rabies exposures.

**G. Animals at Large; Discharge on Property of Others; Dangerous Animals; Public Nuisance Animals; Dangerous Animals - See §§9-17 through 9-20 of this Chapter.**

**H. Inspection of Commercial Animal Establishments. An Animal Control Officer shall conduct pre-licensing and or renewal inspections of Commercial Animal Establishments as provided in this Chapter or regulations adopted pursuant to this Chapter.**

**I. Enforcement actions.**

**(1) If the owner or custodian of an animal is in violation of any requirements that the Commission establishes, an Animal Control Officer may order the violation immediately corrected and cite the owner or custodian for the violation**

**(2) Subject to Subsection I (3) of this section, an Animal Control Officer may initiate a complaint or other form of enforcement of this Chapter or Maryland State Law.**

**(3) Before an Animal Control Officer files a complaint in a court of competent jurisdiction or before the Commission, the Animal Control Officer shall have probable cause to believe that a violation of this Chapter or Maryland State Law has taken place.**

**J. Access to private property. An Animal Control Officer may enter upon private property to verify compliance with orders of the Animal Control Commission and/or to investigate any observed or reported violations of this Chapter and or Maryland State Law. This access is limited to unenclosed places and structures which are open and the interior of which is readily visible to the Animal Control Officer.**

## **§ 9-20. Dangerous animal.**

**A. Dangerous animal defined.**

**(1) In this section, “dangerous animal” means:**

**(a) an animal that has inflicted serious physical injury or death to a human without provocation; or**

**(b) an animal that has inflicted injury of any kind on a human being in more than one incident, without provocation, off the property of the owner or custodian; or**

**(c) an animal that has killed a domestic animal off the property of the owner or custodian without provocation; or**

**(d) an animal that has attacked and caused injury to a domestic animal two or more times off the property of the owner or custodian, without provocation; or**

**(e) Is owned, trained or harbored primarily or in part for the purpose of animal fighting.**

- (2) An animal may not be deemed dangerous if a threat, injury, or damage has been sustained by any 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; or
  - (b) who was teasing, tormenting, abusing, or assaulting the animal; or
  - (c) who has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal; or
  - (d) who was committing or attempting to commit a crime; or
  - (e) was injured because the animal was protecting or defending its young or other animals; or
  - (f) was injured because the animal was responding to its own pain or injury.

**B. Seizure of a Dangerous Animal.**

- (1) Any animal exhibiting behavior of a dangerous animal described in §9-20A of this Chapter may be classified as a dangerous animal by the Manager or his designee and seized. Within three (3) business days the owner or custodian shall appear before the Commission which shall conduct a hearing and, based on all evidence presented shall make a determination as to whether the animal is a dangerous animal.
- (2) If the Commission determines that the animal is a dangerous animal, the Commission may set appropriate conditions for the release of the animal to the owner or custodian, or that the animal may be euthanized.
- (3) The owner or custodian of the animal is responsible for any fees incurred during the seizure.

**C. Surrender required. A person may not refuse to surrender to an Animal Control Officer an animal that has been deemed dangerous.**

**D. 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 Commission to argue the disposition of the animal.
- (3) At the request and expense of the owner or custodian, and with the approval of the Manager, the impoundment may be at a veterinarian or licensed kennel of the owner or custodian's choosing. The veterinarian or kennel must be located in Queen Anne's County.

**E. Proof of subsequent compliance. If the owner or custodian of a**

- 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.
- F. Failure to respond. If the owner or custodian of a dangerous animal fails to provide proof that the animal will now comply with this Chapter, fails to appear at a hearing before the Commission, or fails to reclaim the animal within seventy-two (72) hours from the Animal Services Center, the animal may be humanely euthanized.
  - G. Repeat offenders.
    - (1) A repeat offender of provisions relating to dangerous animals will be provided an opportunity to fully explain to the Animal Control Commission why a violation has been repeated.
    - (2) The Commission shall consider such explanation in determining an appropriate disposition for the animal.

**§ 9-22. 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 anti-rabies vaccine approved by the Maryland Public Health Veterinarian.

(2) The vaccination shall be administered by a licensed veterinarian as provided by Maryland State Law.

**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.** Rabies tags shall be issued with rabies certificates. Rabies tags shall be worn by dogs at all times in the same manner as described in § 9-12E of this Chapter. Exceptions granted under § 9-12E of this Chapter will be applicable to this section.

**D. Exposure to rabies.**

(1) Any dog, cat, or ferret exposed to rabies shall be quarantined for ten (10) days following the exposure, or for a longer period as may be established by the Department of Environmental Health. The Maryland Department of Agriculture Veterinarian shall determine the length and location of quarantine for affected livestock.

(2) The quarantined animal shall be confined to a house, garage, or other escape-proof enclosure or building approved by the Department of Environmental Health.

**(3) The quarantined animal shall be prevented from having any contact with other animals or any person except its owner, custodian, or caretaker.**

**(4) The quarantined animal may not be removed from the quarantine premises unless permission is first obtained from the Department of Environmental Health. Any removal is subject to any conditions set by the Department of Environmental Health.**

**(5) If the quarantined 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 quarantined animal dies, the owner or custodian shall immediately notify the Department of Environmental Health and make the animal available for rabies testing.**

**(7) If the quarantined animal escapes, the owner or custodian shall immediately notify the Animal Services Center, the Department of Animal Control, and the Department of Environmental Health.**

**(8) Until the quarantined animal is released by 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 Department of Environmental Health the health status of the quarantined animal or make the animal available for inspection by the Department of Environmental Health or an Animal Control Officer.**

**(10) If the quarantined animal is vaccinated against rabies at the time of exposure, the animal shall not be revaccinated until released from quarantine.**

**(11) If the quarantined 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.**

**§ 9-25. Wild animals.**

**A. Restriction. A person may not keep a wild animal in Queen Anne's County unless:**

**(1) An individual exemption is issued by 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 **Department of Animal Control** of Queen Anne's County, in accordance with the provisions of regulations issued by the Commission.

**§ 9-28. Enforcement; duties of local officials.**

- A. **Manager; Animal Control Officers.** The Manager or an Animal Control Officer designated by the Manager or any police officer or deputy sheriff has the authority to issue a civil 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.

**SECTION II**

**BE IT FURTHER ENACTED** that this Act shall take effect on the forty-sixth (46<sup>th</sup>) day following its passage.

**INTRODUCED BY:** Commissioner Anderson

**DATE:** January 6, 2015

**PUBLIC HEARING HELD:** January 27, 2015 @ 7:45 p.m.

**VOTE:** 3 Yea 0 Nay 1 Abstain (Commissioner Moran Abstained)

**DATE OF ADOPTION:** May 26, 2015

**EFFECTIVE DATE:** July 11, 2015