

**AMENDMENT NO. 2 TO
COUNTY ORDINANCE NO. 15-01**

**AN AMENDMENT TO
A BILL ENTITLED**

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

FOR THE PURPOSE of amending pending County Ordinance 15-01 revising and updating the Queen Anne’s County Animal Control Ordinance, Chapter 9 of the Code of Public Local Laws; revising the provisions regarding membership on the Animal Control Commission; providing for a quorum for the Animal Control Commission, exempting 501(c)(3) organization from the licensing requirements for commercial animal establishments and providing for inspection of facilities operated by such organizations; revising the provisions requiring animals to be under restraint; revising the definition and use of the word “intimidate” in the provisions on public nuisance animals and the provisions on seizure and impoundment of such animals; revising the definition of dangerous animal and the factors to be considered in making a determination of dangerous animal; adopting provisions regarding certain types of traps and devices used to capture animals and providing penalties for violation of such provisions; and generally revising and updating the provisions in Animal Control in Queen Anne’s County.

BY AMENDING Sections 9-4, 9-6, 9-13, 9-17, 9-19 and 9-20 of the Code of Public Local Laws and **ADOPTING** a new Section 9-26.1 entitled Trapping Devices

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that Sections 9-4, 9-6, 9-13, 9-17, 9-19 and 9-20 of the Code of Public Local Laws be and are hereby **AMENDED** to read as follows:

§9-4. Membership.

- A. Appointment.** The County Commissioners shall appoint ~~six~~ seven individuals to serve as members of the Commission. ~~One non-voting member shall be the Sheriff of Queen Anne’s County or his/her~~
_____ designee, ~~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 non-voting
member shall be the Director of Emergency Services for Queen
Anne’s County or his/her designee. The other members
shall be voting members of the general public. These

membership requirements may be phased in
members serving on the date of adoption of these
requirements shall expire.

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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 member's term.

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§9-6. Meetings; office facilities.

A. Meetings, in general. The 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~~ three voting members.

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

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

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§9-13. Licensing of commercial animal establishments.

A. A "commercial animal establishment" is any business whose primary or secondary purpose is the sale, transfer, or conveyance of any animal or animal service for money, except animals or deemed livestock or domestic livestock under this chapter. Commercial animal establishments include, without limitation: an enterprise engaged in sale of animals; a

services
chapter.

humane society, animal rescue, or similar organization; a pet shop; a petting zoo; a grooming shop; a mobile grooming establishment; an auction; a zoological park; a circus; a performing animal exhibition; a boarding or breeding kennel; or an establishment with the purpose of selling, training, or leasing guard dogs.

B. License required; zoning approval.

- (1) A person may not operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this section.
- (2) Written application for a commercial animal establishment 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 and Zoning that the applicant complies with and use regulations.

Planning
applicable zoning

C. Exemptions to License Requirements.

- (1) Zoological parks. A zoological park owned and operated by any government agency is not required to obtain a license.

(2) Tax-exempt organizations. An organization that has been approved for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code 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) A commercial animal establishment license shall be issued on successful completion of an inspection and payment of applicable fee.

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- (3) Inspections. An Animal Control Officer shall be permitted to inspect at any time all animals and the premises where animals are kept, **except that an Animal Control Officer may inspect a facility operated by an organization approved for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code only upon a**

Officer may which has been Section 501(c)(3) of the

formal complaint.

- E. License display. A commercial animal establishment license shall be displayed in a conspicuous place on the premises of the establishment.
- F. License transfer. If there is a change in ownership of a commercial animal establishment, 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.
- G. Individual facilities. Every facility subject to this chapter shall be considered a separate enterprise requiring an individual license.

§9-17. Animals at large; stray animals.

- A. In general.
 - (1) No animal may be off the property of the owner or custodian without being under restraint, **unless it is in a permitted appropriate area.**
 - (a) “Under restraint” defined:
 - [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; or
 - [2] Within a vehicle being driven, or that is standing or parked in a manner that does not endanger the animal’s health and safety.
 - (b) Pertaining to unattended livestock or domesticated livestock, an animal is under restraint when confined within a fence or enclosure of suitable material if the fence or enclosure is capable of holding the animal within its confines.
 - (2) An animal accidentally at large with a person in immediate physical pursuit shall not be deemed at large.

“Immediate pursuit” is defined as physically 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.

F. Animal pursuing livestock, domesticated livestock, domestic animals or human beings. A person may kill any animal which he or she sees in the act of pursuing, attacking, wounding, or killing any poultry, livestock, domesticated livestock, any domestic animal, or a human being.

§9-19. 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

reflected by
normal

notice
hearing, to
of being a
welfare, or

- (a) An animal who:
- [1] Is repeatedly at large;
 - [2] Molests **or intimidates** pedestrians or passersby;
 - [3] Chases vehicles or bicycles;
 - [4] Barks or makes other harsh noise as to disturb the quiet, comfort, or repose of members of the community as a reasonable person with sensitivities to noise;
 - [5] Defecates on private property without permission from the property owner;
 - [6] Molests, defaces or destroys the property of another;
 - [7] Does or performs any other acts which are determined by the Commission, after to the owner or custodian and a be a public nuisance by virtue menace to the public health, 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. Regulation of public nuisance animal. A person who keeps any animal which is a public nuisance under this chapter is subject to the regulations and orders set forth by the Commission.
- C. Seizure and impoundment of a public nuisance animal not covered under §9-20 of this chapter.

(1) Animal Control Officers are not authorized to seize and impound an animal that has engaged in the conduct defined in Subsections A(1)(a)(4) and (5) of this section.

- (3) (2) Animal Control Officers are authorized to seize and impound an animal if;

- (a) The Animal Control Officer has witnessed that the animal has engaged in conduct defined in Subsection A(1)(a)(1) through (3) and (6) and (7) of this

section.

- (b) The owner or custodian has been charged twice within the past 24 consecutive months for the same offense.

- (2) (3) The seized animal shall be held at the designated sheltering facility pending the outcome of a hearing. Upon conviction, and in addition to any fines or penalties assessed, the owner or custodian shall be required to pay all expenses incurred for sheltering the animal to abate the activity.

(4) *The Animal Control Commission shall promptly meet and adjudicate all matters involving seized animals.*

§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 **engaging in** 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 Director or his designee and seized. Within three business days the owner or custodian shall appear before the Commission which shall conduct a hearing and, based on all evidence presented, **including the nature of the animal**, 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 Director, 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 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.

SECTION II

BE IT FURTHER ENACTED that a new Section 9-26.1 entitled Trapping Devices be ADDED to the Code of Public Local Laws to read as follows:

§9-26.1 Trapping Devices

A. Each leg-trap, foot-hold trap, snare, conibear trap, and other similar catching devices used in Queen Anne's County shall be

identified with the owner or trapper's name. This identification shall be attached to the trap or device, by tag, label, or otherwise and combined with a trapping license number, or active phone number, affixed such that the owner or trapper can be readily identified and contacted. Failure to comply with this regulation shall result in seizure of the device, and a fine not to exceed \$100 per violation.

- B.** Any trapping device (as referenced in Subsection A above) which entraps a domestic animal, prohibited species, or any animal not permitted to be trapped shall be subject to seizure of the device and a fine of \$500. Nothing herein shall be construed to limit any damages arising from wrongful damage to a domestic animal or property.
- C.** Any trapping device (referenced in Subsection A above) set or deployed in such fashion as to recklessly endanger a domestic animal, prohibited species, or other unintended wildlife, shall be subject to seizure of the device, and a fine of \$250 per violation.
- D.** Nothing in this Section shall be construed to apply to "Have-a-Heart", live or box style traps.

INTRODUCED BY: Commissioner Anderson

DATE: May 26, 2015

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

DATE OF ADOPTION: May 26, 2015

EFFECTIVE DATE: July 11, 2015