ORDINANCE NO. ORD-2012-33

AN ORDINANCE TO REPEAL THE WASHINGTON COUNTY, MARYLAND ANIMAL CONTROL ORDINANCE AND TO REENACT, WITH AMENDMENTS, THE WASHINGTON COUNTY, MARYLAND ANIMAL CONTROL ORDINANCE

Recitals

Washington County, Maryland (the *County*) has the authority to adopt an animal control ordinance pursuant to Md. Code Ann., Art. 25, § 236A.

The Animal Control Ordinance for Washington County, Maryland (the *ACO*) was adopted on May 15, 1990, and has been amended subsequently. The current version, Revision 4, was adopted on October 19, 2010.

Certain difficulties have arisen from the historical administration of the ACO, and suggested improvements to its text have been identified and considered.

A public hearing was held on July 10, 2012, following due notice and advertisement of a fair summary of the text of the Ordinance, and copies were made available to the public upon request.

Public comment was received, reviewed, and considered concerning the draft of the Ordinance.

The Board believes it to be in the best interests of the citizens of the County for the Board to adopt the attached revised and amended ACO.

The ACO, Revision 5, attached hereto is necessary to provide for the safety of the public, the humane care and treatment of animals, and the promotion of responsible pet ownership.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that all prior versions of the Animal Control Ordinance for Washington County, Maryland are hereby repealed; and the attached ordinance entitled "Animal Control Ordinance for Washington County, Maryland," being Revision 5 of the Ordinance, is hereby adopted.

Adopted this 23rd day of October, 2012.

Effective January 1, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

Terry L. Baker, President

Approved as to form
and legal sufficiency:

Kirk C. Downey
Deputy County Attorney

Mail to:
County Attorney's Office
100 W. Washington Street, Room 202
Hagerstown, MD 21740-4735

ANIMAL CONTROL ORDINANCE

FOR WASHINGTON COUNTY, MARYLAND

Adopted May 15, 1990
Effective May 15, 1990

Revision 1 – Adopted February 19, 1991
Revision 2 – Adopted December 10, 1991
Revision 3 – Adopted January 30, 2001
Revision 4 – Adopted October 19, 2010 (Effective January 1, 2011)
Revision 5 – Adopted October 23, 2012 (Effective January 1, 2013)

TABLE OF CONTENTS

ARTICLE I. DEFINITIONS 1

SECTION 1. DEFINITIONS. 1

ARTICLE II. ANIMAL CONTROL AUTHORITY 5

SECTION 2. ANIMAL CONTROL AUTHORITY – CREATION; DUTIES, POWERS. 5
SECTION 3. ANIMAL CONTROL AUTHORITY – COMPOSITION; TERM OF OFFICE. 5
SECTION 4. ANIMAL CONTROL AUTHORITY – DUTIES OF CHAIR. 6
SECTION 5. ANIMAL CONTROL AUTHORITY – QUORUM. 6
SECTION 6. ANIMAL CONTROL AUTHORITY – HEARINGS; PROCEDURES; AND ORDERS ... 6
SECTION 7. ANIMAL CONTROL AUTHORITY – APPEALS FROM AUTHORITY ORDERS. 9
SECTION 8. ANIMAL CONTROL AUTHORITY – COMPENSATION; EXPENSES. 10
SECTION 9. ANIMAL CONTROL AUTHORITY – REMOVAL FROM OFFICE. 10

ARTICLE III. LICENSING 10

SECTION 10. LICENSES GENERALLY 10
SECTION 11. LICENSES GENERALLY – RULES AND REGULATIONS. 10
SECTION 12. LICENSES GENERALLY – REFUSAL TO ISSUE LICENSE. 10
SECTION 13. LICENSES GENERALLY – FRAUDULENT USE OF LICENSE OR TAG. 10
SECTION 14. LICENSES GENERALLY; LAND USE LAWS. 11
SECTION 15. DOG LICENSES GENERALLY. 11
SECTION 16. DOG LICENSES – LICENSE REQUIRED; EXCEPTION. 12
SECTION 17. DOG LICENSES – SERVICE ANIMALS AND POLICE DOGS. 12
SECTION 18. DOG LICENSES – FEES. 12
SECTION 19. DOG LICENSES – LICENSE TAG AND CERTIFICATE. 12
SECTION 20. DOG LICENSES – WEARING OF LICENSE TAGS. 13
SECTION 21. KENNEL LICENSES GENERALLY. 13
SECTION 22. KENNEL LICENSES – INDIVIDUAL TAGS. 14
SECTION 23. KENNEL LICENSES – POSTING. 14
SECTION 24. KENNEL LICENSES – REFUSAL, SUSPENSION AND REVOCATION. 14
SECTION 25. PET SHOP LICENSE. 15

ARTICLE IV. KENNEL STANDARDS 15

SECTION 26. KENNEL STANDARDS; INSPECTIONS. 15

ARTICLE V. REQUIREMENTS OF OWNERS 16

SECTION 27. ANIMAL AT LARGE – PROHIBITED. 16
SECTION 28. ANIMAL WASTE. 17
SECTION 29. DEAD ANIMALS. 17
SECTION 30. CONFINEMENT OF FEMALE DOGS IN HEAT. 17
SECTION 31. OWNER RELEASE. 18
SECTION 32. PUBLIC NUISANCE ANIMALS. 18
SECTION 33. ANIMALS AS PRIZES OR INDUCEMENTS; COLORING. 19
SECTION 34. EXOTIC ANIMALS OR WILD ANIMALS. 19
SECTION 35. POTENTIALLY VICIOUS AND DANGEROUS DOGS. 19
SECTION 36. VICIOUS AND DANGEROUS DOG. 20
SECTION 37. POTENTIALLY VICIOUS AND DANGEROUS, VICIOUS AND DANGEROUS – EXCEPTIONS 22

ARTICLE VI. ENFORCEMENT 23

SECTION 38. ANIMAL CONTROL OFFICERS/INSPECTORS; POWERS OF ENFORCEMENT. 23
SECTION 39. IMPOUNDMENT – GENERALLY. 23
SECTION 40. IMPOUNDMENT – NOTIFICATION OF OWNER. 25
SECTION 41. IMPOUNDMENT – SICK OR INJURED ANIMALS. 25
SECTION 42. IMPOUNDMENT – REDEMPTION OF IMPOUNDED ANIMALS. 25
SECTION 43. DISPOSITION OF ANIMALS. 26
SECTION 44. PROHIBITED ACTS. 26

ARTICLE VII. PENALTIES 27

SECTION 45. CIVIL PENALTIES. 27
SECTION 46. CRIMINAL PENALTIES. 32

ARTICLE VIII. CONTROL OF RABIES 32

SECTION 47. RABIES – IMMUNIZATIONS OF DOGS; CATS; AND FERRETS. 32
SECTION 48. RABIES – CONFINEMENT OF BITING ANIMALS. 33

ARTICLE IX. MISCELLANEOUS 33

SECTION 49. ADOPTIONS. 33
SECTION 50. FEES. 34
SECTION 51. OWNER'S LIABILITY. 34
SECTION 52. PUBLIC EDUCATION. 34
SECTION 53. STERILIZATION. 35

SECTION 54. VOLUNTEERS. 35
SECTION 55. EXEMPTION OF FARM ANIMALS. 35
SECTION 56. PRIOR ACTS. 35
SECTION 57. SEVERABILITY. 35

ARTICLE I. DEFINITIONS

Section 1. Definitions.[†]

The following words and phrases as used in this Ordinance (the "Ordinance") and any regulations adopted pursuant hereto, unless a different meaning is plainly required by the context, shall have the following meanings:

Agency. The animal control agency that is responsible for the enforcement of this Ordinance. The Agency may be a department of Washington County government or an outside agency under contract with the County.

Animal. Any living, nonhuman, vertebrate creature.

At Large. An animal, off the premises of its Owner, and not under the immediate control, charge, or possession of the Owner or other responsible person capable of physically restraining the animal.

Animal Control Officer. That Individual designated as such by the Agency to perform animal control duties described by this Ordinance.

Animal Control Shelter. Any facility owned or operated by or under contract with the County, for the care, confinement, adoption, detention, or euthanasia of animals pursuant to the authority of this Ordinance or state law.

Attack. Aggressive, violent, terrorizing, or unreasonably threatening conduct by an animal towards a human or a Domesticated Animal, but not towards wildlife. "Attack" does not include any actions by an Animal in defense of itself or its Owner or keeper against aggression by a person or an Animal.

Authority. The duly appointed Animal Control Authority.

Board. The Board of County Commissioners of Washington County, Maryland.

Citation. A written charge filed by an Animal Control Officer with either the Authority or the District Court of Maryland for Washington County, charging a Person with a violation of the Ordinance. A Citation may be served by personal delivery; via

---

[†] Terms defined in this section are capitalized elsewhere in the Ordinance (except for the term "Animal" which, given the frequency of its use throughout, would be unwieldy).

certified mail, return receipt requested, with a copy by first-class mail; or by posting of the property.

Complaint. A writing filed by a Person with the Authority under penalties of perjury, charging another Person with a violation of the Ordinance. A Complaint may but need not be entered on a form approved by the County. The Authority may ask for additional information concerning the charge in a Complaint.

County. Washington County, Maryland.

Department. The department or agency of the County government designated by resolution by the Board to provide administrative support to the Authority.

Dog. Any member of the animal species *canis familiaris* or any animal which is a crossbreed of any animal that is a member of the *canis familiaris/Canis lupus familiaris* species, including, but not limited to, wolf-dog crossbreeds and wolf hybrids.

Domesticated Animal. Any such animal that is accustomed to live in or about the habitation of humans, including but not limited to cats, Dogs, cows, fowl, horses or swine, but not to include any Wild Animal or Farm Animal.

Excessive Noise. Barking, howling, braying, quacking, crowing, or other animal noise which, due to its nature, volume, frequency, duration, time, and location, unreasonably disturbs or interferes, for more than twenty (20) minutes in any one (1) hour period of any day, with the quiet enjoyment of two or more Individuals who are residents of separate households.

Exotic Animal. Any animal of any species that is not indigenous to the State and is not bred or reared as a Domesticated Animal. Exotic Animal includes any hybrid animal that is part exotic. This definition shall not include Farm Animals.

Farm Animal. Any animal maintained or used for the production of food or fiber or for other agricultural purposes; livestock.

Health Officer. The Health Officer of the County and duly authorized designees.

Impoundment. The placement of an animal in the custody of the Agency or an Animal Control Shelter.

Individual. A human being; a natural living Person. See definition of "Person" below.

Kennel. Any building, structure or land used, designed, or arranged for housing, boarding, breeding, or care of more than five Dogs over the age of four (4) months, but not including Farm Animals.

Minor injury. An injury in which the victim suffers physical pain as a result of an attack by an animal but which does not result in the victim sustaining any broken bone, debilitating injury, excessive bleeding, or death.

Owner. Any Person that (i) has a property right in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his or her care or acts as a custodian of an animal for thirty (30) or more consecutive days when the true owner of the animal is unknown to such person, or (iv) by agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal. "Owner" does not include the County, the Agency, an Animal Control Shelter, or any 501(c)(3) non-profit animal welfare agency that operates an animal-sheltering facility.

Person. Any Individual, corporation, business trust, general or limited partnership, limited liability company, limited liability partnership, firm, joint stock company, unincorporated association, trust, estate or other legal entity. See definition of "Individual" above.

Pet Shop. A commercial establishment that offers to sell live animals as pets, without outside areas or runways. A pet shop license is required.

Potentially Vicious and Dangerous Dog. Any Dog that, within the preceding 18 months, has (i) attempted to Attack or has Attacked a person or Domesticated Animal or Farm Animal; (ii) engaged in any behavior that reasonably would have required a person to take defensive action to prevent bodily injury; or (iii) bitten a person or a Domesticated Animal or Farm Animal causing a minor injury.

Proof of ownership. Documentation in support of a property right in an Animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, a microchip, and verbal or written third-party verifications.

Public Nuisance Animal. An animal found to be or have been in one or more of the conditions set forth in Section 32

Secure enclosure. A place in which a Dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the Dog from escaping. . Such

enclosure shall have secure sides and a secure top to prevent the Dog from escaping and shall also provide protection for the Dog from the elements. . The enclosure shall be of suitable size for the Dog.

Service Animal. Any animal individually trained to provide assistance to an individual with a disability as defined by the Americans with Disabilities Act, as amended from time to time.

Severe Injury. Any injury in which the victim suffers physical pain as a result of an attack by an animal which results in the victim sustaining any broken bone, debilitating injury, excessive bleeding, or death.

State. The State of Maryland.

Veterinarian. A veterinarian licensed and registered to practice in the State.

Veterinary Hospital. Any establishment maintained or operated by a Veterinarian for immunization, hospitalization, surgery, diagnosis, prevention, and treatment of diseases and injuries of animals.

Vicious and Dangerous Dog. Any Dog that has (i) attempted to Attack or has Attacked a person or Domesticated Animal or Farm Animal on two or more occasions within the preceding 18 months; (ii) engaged in any behavior that reasonably would have required a person to take defensive action to prevent bodily injury on two or more occasions within the preceding 18 months; (iii) bitten a person or a Domesticated Animal or Farm Animal causing a severe injury; (iv) previously been declared a Potentially Vicious and Dangerous Dog or Vicious and Dangerous Dog but has not been kept in compliance with any restrictions placed upon the Owner of such Dog; or (v) been owned, possessed, kept, used or trained in violation of Md. Code, Criminal Law Article, Section 10–605 "Attending Dogfights or cockfights" or Md. Code, Criminal Law Article, Section 10–607 "Certain Acts relating to Dogfights prohibited."

Wild Animal. Any animal of a species that in its natural life is wild, dangerous or ferocious and, though it may be trained and domesticated by the owner, will remain dangerous to the public At Large. This definition shall not include Farm Animals.

ARTICLE II. ANIMAL CONTROL AUTHORITY

Section 2. Animal Control Authority – Creation; duties, powers.

(a) There is an Animal Control Authority for the County. The Authority shall be vested with and shall possess all of the powers and duties specified in this Ordinance and all powers necessary to properly carry out fully the provisions of this Ordinance. The jurisdiction and powers created under this Ordinance shall extend to any and all Persons owning, leasing, harboring, sheltering, or controlling any animal within the County, whether resident or nonresident.

(b) The Authority shall meet as necessary to conduct hearings, as set forth in Section 6 of this Ordinance.

(c) The Authority may adopt a set of rules to govern its own hearings and procedures, and shall make them readily available to the public.

(d) The Authority shall submit an annual report to the Board and the Agency concerning the performance of its responsibilities hereunder.

Section 3. Animal Control Authority – Composition; term of office.

(a) The Authority shall consist of five (5) members appointed by the Board. All but one of the members must be residents of Washington County.

(b) The Board shall make reasonable efforts to provide the following representation on the Authority, but lack of such representation does not invalidate or in any way compromise the validity of the Authority: one member who is a Veterinarian or veterinary technician; one member of the agricultural community; one member of the legal profession; one sworn officer from the Sheriff's Department; and one member from the general public. The Authority may also have two (2) or more alternate members.

(c) The members of the Authority shall be appointed by the Board for staggered terms of up to three (3) years or to fill the unexpired term of a member who has vacated a position before the end of his or her term. No member shall serve more than two (2) consecutive terms unless otherwise approved by the Board.

(d) The members of the Authority shall elect a chair that shall serve for a term of one (1) year or until the expiration of his or her own term as a regular member of the Authority, whichever period is shorter.

(e) The Department shall provide the Authority with a recording secretary.

Section 4. Animal Control Authority – Duties of chair.

(a) The chair may call special hearings at any time. Each member shall be notified of such special hearing and shall be given the opportunity to attend. Any meeting may be canceled upon consent of a simple majority of all members.

(b) The chair shall appoint from the membership a vice-chair to serve in his or her absence.

(c) The chair or, in his or her absence, the vice-chair, shall preside at all hearings of the Authority.

Section 5. Animal Control Authority – Quorum.

The presence of three (3) Authority members shall constitute a quorum. Any decision, resolution, or finding shall be construed as the act of the Authority if passed by a majority of those members constituting the quorum.

Section 6. Animal Control Authority – hearings; procedures; and orders

(a) The Authority may conduct a hearing when:

(1) A Citation is filed with the Authority by an Animal Control Officer, alleging that a Person has violated or permitted an animal to violate the provisions of this Ordinance;

(2) A Complaint is filed with the Authority by an Individual other than an Animal Control Officer, alleging that a Person has violated or permitted an animal to violate the provisions of this Ordinance;

(3) A Citation is filed with the Authority by an Animal Control Officer or a Complaint is filed with the Authority by an Individual, alleging that a Person has failed to comply with an outstanding order of the Authority;

(4) An Owner timely appeals an impoundment pursuant to the provisions of this Ordinance; or

(5) It is necessary for the Authority to resolve any other controversy over which it has responsibility under this Ordinance.

(b) The Authority shall hear and decide cases referred by the Agency concerning the enforcement of this Ordinance, including the abatement of a nuisance caused by one or more Public Nuisance Animals.

(c) The Authority shall conduct a hearing when a person has been served with a Complaint or when a Person who has been served with a Citation charging a violation of the provisions of this Ordinance files a written request for a hearing before the Authority within fifteen (15) business days after receipt of a Citation. Instructions for requesting a hearing before the Authority shall be printed on all form Citations.

(d) The Authority shall not have the power to hear or decide any cases that involve matters arising strictly under any applicable zoning ordinance.

(e) The Authority shall give notice in writing by regular mail to the complainant and the Person charged with or appealing a Citation or Complaint of the time and place of the hearing, providing all parties with a minimum of ten (10) days notice of the hearing. The Authority shall also send notice by personal delivery or by certified mail, return receipt requested, to the Person charged. If the notice sent by regular mail is not returned and if the personal delivery or certified mail receipt indicates that the Person charged is at the address given, it shall be presumed that the Person has received notice of the hearing.

(f) Any hearing held pursuant to this Ordinance shall be conducted in public. Strict rules of evidence shall not apply. The Authority may hear any evidence that is relevant and probative of the matters set forth in the Citation or Complaint, but shall not be required to hear irrelevant or merely cumulative evidence. Hearsay evidence is admissible if credible and of sufficient probative force to be considered, in the judgment of the Authority.

(g) The charging Animal Control Officer, the complainant, and the Person charged by the Citation or Complaint may appear in person or, if not an Individual, by agent or by attorney. Failure of the complainant to appear shall result in the dismissal of the case by the Authority, unless a postponement is granted by the Authority for good cause shown. Upon request by the Person charged by the Citation or Complaint, the Agency shall disclose all documents in its file relating to the Citation or Complaint and provide a copy of same to the Person within five (5) business days of the request (except that the identity of a complainant who has been assured confidentiality may be redacted). Strict rules of evidence shall not apply to a hearing before the Authority, and hearsay testimony may be accepted if the Authority deems it to be sufficiently credible and probative. The Agency may present its case without the presence of the charging

Animal Control Officer if the charging Animal Control Officer has left the employ of the Agency or is unavailable due to serious illness or injury.

(h) If, after notice is given, the Person charged in a Citation by an Animal Control Officer or in a Complaint filed by an Individual other than an Animal Control Officer:

(1) does not appear, nevertheless, the Authority may hear and determine the matter; or

(2) does not request a hearing, the Authority may deem that the matter has been heard and may impose a civil penalty.

(i) The Authority is authorized and empowered to issue subpoenas upon forms approved by it compelling the attendance of witnesses to testify and to produce evidence at hearings of the Authority. . A subpoena may be issued by the recording secretary or designee with the consent of the chair. Service of a subpoena may be effected by personal delivery or by registered or certified mail. Proof of service shall be filed with the Authority. Upon the failure of an Individual subpoenaed to appear, the Authority may apply to the Circuit Court for an order compelling compliance with the subpoena. Failure to comply with the court's order shall constitute contempt of court and shall be punishable in accordance with Maryland law.

(j) The Authority may administer oaths at hearings held under this section. All hearings shall be recorded.

(k) At the close of all the evidence, the Authority shall deliberate and shall issue written findings of fact, conclusions, and an appropriate order by regular mail to all relevant parties within thirty (30) days after completion of the hearing. If the Authority fails to find that a violation was committed by clear and convincing evidence, it shall dismiss the Citation or Complaint. If the Authority finds that a violation has been committed, or that an Animal is a Public Nuisance Animal, or that a public nuisance condition exists as provided in Section 32, it may impose civil penalties pursuant to Section 45. In lieu of or in addition to imposing civil penalties, it may require appropriate affirmative action, including but not limited to the following:

(1) The mandatory restriction or confinement of the Animal, under such conditions as may be appropriate.

(2) The mandatory destruction or other disposition of the animal if the evidence shows that such action is necessitated by the need for the protection of public health and safety, pursuant to Section 43.

(3) The correction of conditions or methods of animal care, keeping, maintenance, housing or veterinary treatment as the Authority may require in its discretion.

(4) Suspension or revocation of the Kennel license, if any.

(l) The Agency may request the Authority to convene immediately for the purpose of investigating situations of acute emergency. In such case, good faith efforts shall be made to serve notice of this expedited hearing upon the Person charged. The Authority may make such findings and orders as are appropriate to deal with the emergency situation. Such an order shall have effect for a period not to exceed fifteen (15) days, and the Authority shall schedule and hold a hearing in the ordinary course to consider further action as necessary.

(m) The determination of the Authority is a final decision for the purpose of judicial review of an administrative decision.

(n) The Authority shall accept oral or written testimony from an agent of the Cooperative Extension Service on the issue of what are customary and normal animal husbandry practices without the formal requirement of qualification as to expertise.

Section 7. Animal Control Authority – Appeals from Authority orders.

(a) Any party, including the Agency, aggrieved by a final order of the Authority in a contested case, whether such a decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to judicial review of administrative decisions. See Maryland Rules, Section 7–201, *et seq.*

(b) Judicial review of disputed issues of fact shall be confined to the record of the hearing before the Authority. No cases appealed under this Ordinance shall be heard *de novo*.

(c) If the testimony has been recorded but not transcribed before the filing of the petition for judicial review, the first petitioner, unless otherwise ordered by the court, shall pay the expense of transcription in advance, which may be taxed as costs and may be apportioned by the court as provided in Maryland Rule 7–203. The Authority may require the first petitioner to pay for the cost of transcription in advance. The party preparing the transcript shall prepare a certification of costs and the Authority shall include the certification in the record.

Section 8. Animal Control Authority – Compensation; expenses.

The members of the Authority shall be reimbursed for such actual expenses as may be incurred by them and for special costs as may be approved by the Board, subject to budget limitations. The members of the Authority may, but need not be, compensated by the Board.

Section 9. Animal Control Authority – Removal from office.

The Authority may recommend to the Board by majority vote that any member be removed for inefficiency, neglect of duty, or malfeasance. The Board shall consider such recommendation and may take whatever action is deemed proper in its discretion.

ARTICLE III. LICENSING

Section 10. Licenses generally

All Dogs, Kennels and Pet Shops shall be licensed.

Section 11. Licenses generally – Rules and regulations.

The Board may promulgate rules and regulations for the issuance of Dog, Kennel and Pet Shop licenses as deemed desirable for public health and welfare and for the protection of animals. Such rules and regulations may include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws.

Section 12. Licenses generally – Refusal to issue license.

Any license provided for in this Article shall be refused where the applicant is or would be in violation of this Ordinance, land use, or other state or local laws.

Section 13. Licenses generally – Fraudulent use of license or tag.

It shall be unlawful for any Person to use any Dog license, Kennel license, Pet Shop license, or license tag issued to another Person.

Section 14. Licenses generally; Land use laws.

No provision of this Ordinance shall supersede or modify land use laws and regulations.

Section 15. Dog licenses generally.

(a) Any Person owning, keeping, harboring, or having custody of any Dog, four (4) months of age or older within the County, must obtain a license as herein provided.

(b) Application for a Dog license may be made as follows:

(1) within thirty (30) days of obtaining a Dog over the age of four (4) months;

(2) within thirty (30) days of a Dog reaching four (4) months of age; or

(3) within thirty (30) days of moving to the County and owning a Dog over the age of four (4) months.

(c) Written application for a Dog license shall be made to the Agency on forms provided by the Agency and shall state the name, address, telephone number of the Owner, the name, breed, color, age, sex of the Dog, whether the Dog has been spayed or neutered, and the current rabies inoculation tag number.

(d) A valid certificate of rabies inoculation issued by a Veterinarian or anti-rabies clinic recognized by the Health Officer, stating the inoculation date, expiration date and the type of vaccine used, shall accompany the application for a Dog license, except when, in the written opinion of a Veterinarian, it is not advisable due to the impaired physical condition of the Dog. If the animal has been exempted from the requirement of a rabies inoculation due to physical impairment, a license will be issued without proof of a rabies inoculation and a copy of the written exemption from a Veterinarian will be submitted to the Agency. If the animal was brought into the County from outside the State, an unexpired rabies inoculation certificate or tag issued by a veterinarian or anti-rabies clinic licensed in the state in which the animal was inoculated shall be acceptable. See Md. Code, Health–General Article, §18–318.

(e) The Owner of any Dog having received or having been subject to protection training shall be required to include such information in the application in addition to those matters required in subsection (c) of this section.

(f) An Owner shall notify the Agency of any change of address within ten (10) days of such change.

(g) A Dog license may be valid for a year or more or for the life of the Dog, irrespective of its length. A Dog license may run concurrently with the Dog's rabies vaccination period.

Section 16. Dog licenses – License required; exception.

The licensing requirements of this section shall not apply to any Dog belonging to a nonresident of the County and kept within the boundaries of the County for not more than thirty (30) days, either consecutive or nonconsecutive, within any twelve-month period; provided that all such Dogs shall, at the time of entry into the County, have been properly vaccinated against rabies. While any such animal is kept within the County, the Owner shall comply with all other requirements of this Ordinance.

Section 17. Dog licenses – Service Animals and police dogs.

(a) If the license application discloses that a Dog for which a license is sought will be used as a Service Animal, the license will be issued without payment of any fee.

(b) All publicly-owned police dogs shall be licensed only as provided by Public Safety Article, Section 2–313 of the Annotated Code of Maryland, and are exempted from the licensing provisions of this Ordinance. Dogs so licensed shall be exempt from any charge at County-sponsored anti-rabies clinics.

(c) All license-exempt Dogs shall be vaccinated against rabies as mandated by the health laws in the Annotated Code of Maryland. See Health–General Article, Section 18–318.

Section 18. Dog licenses – Fees.

(a) A license for Dogs that are required to be licensed may be issued after payment of a fee that shall be set by the Board by resolution. (b) If a Dog is claimed on the application to have been spayed or neutered, it shall be the duty of the Owner to present a certificate from a Veterinarian that shall include the description, name, breed, color, age, and sex of the Dog, unless such a certificate from a Veterinarian has already been supplied.

Section 19. Dog licenses – License tag and certificate.

(a) Upon licensing a Dog, an identification tag shall be issued by the Agency or designee. The identification tag so issued and the certificate stub retained by the

Agency shall be accepted as *prima facie* evidence of ownership. It shall be unlawful for any Person to take out a license for a Dog in any name other than that of its Owner.

(b) A substitute metal license to replace a lost tag shall be issued to the Dog's Owner upon surrender of the original certificate and upon payment of a replacement fee set by the Agency.

(c) No Person may use a license for any animal other than the animal for which it was issued.

Section 20. Dog licenses – Wearing of license tags.

(a) A license tag on a Dog shall be securely affixed to a collar, harness, or other device and shall be worn at all times by such Dog except while such Dog remains indoors or while attending training classes, Dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner.

(b) Any Dog declared to be a Potentially Vicious and Dangerous Animal shall wear a distinctive license tag at all times that visually identifies the Dog as a Potentially Vicious and Dangerous Animal.

(c) Any Dog declared to be a Vicious and Dangerous Dog shall wear a distinctive license tag at all times that visually identifies the Dog as a Vicious and Dangerous Dog.

Section 21. Kennel licenses generally.

(a) Any Person owning or operating a Kennel shall obtain a license in compliance with this section.

(b) If not revoked, the Kennel license shall be valid for one year and shall begin each fiscal year on July 1. Application for a Kennel license may be made as follows:

(1) thirty (30) days prior to the beginning of each fiscal year,

(2) within thirty (30) days of obtaining more than five (5) Dogs over the age of four (4) months, or

(3) prior to opening a Kennel in Washington County.

(c) An application for a Kennel license shall be filed with the Agency and shall include the following:

(1) a written application on a form provided by the Agency and containing the name, address and telephone number of the Owner or operator, the actual location of the Kennel, and the number and type of animals housed normally in the Kennel;

(2) proof of a satisfactory inspection under the standards provided in Section 26;

(3) a certification from the zoning administrator that the location of the Kennel for which the license is sought is properly zoned for that use;

(4) if required for that district, an opinion of the board of appeals granting a special exception and a variance to meet the dimensional requirements of the applicable zoning ordinance;

(5) a current rabies vaccination certificate for all Dogs over four (4) months of age and for cats and ferrets, if cats and ferrets are also boarded at the Kennel; and

(6) an application fee for an annual Kennel license as set by the Board by resolution.

Section 22. Kennel licenses – Individual tags.

The Kennel tag for each Dog shall be securely affixed to a collar, harness, or other device and shall be worn at all times by such animal except while such Dog remains indoors or while attending training classes, Dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner. A Dog license tag shall not be required for any Dog wearing a valid Kennel tag.

Section 23. Kennel licenses – Posting.

Every Person having a Kennel license shall keep such license posted and exhibited while in force in some conspicuous public area of such establishment.

Section 24. Kennel licenses – Refusal, suspension and revocation.

(a) If a Kennel is being maintained in an unsanitary or inhumane manner or in violation of any specific provision of this Ordinance, the Agency may refuse to issue, suspend, or revoke a license for said Kennel. The decision to refuse to issue, suspend, or revoke a license on these grounds may be appealed to the Authority. The Agency shall notify the applicant or licensee in writing of the proposed refusal, suspension or

revocation, the applicant's or licensee's right to a hearing before the Authority, and the procedure for appeal.

(b) If the applicant or licensee does not submit a written request for a hearing before the Authority within fifteen (15) days after receipt of the notice of the refusal, suspension or revocation, the application shall be refused or the license shall be suspended or revoked, as the case may be.

(c) An applicant shall have the burden of proving by clear and convincing evidence the applicant is eligible for and entitled to a license.

Section 25. Pet Shop license.

Pet Shops shall be licensed. All of the requirements for Kennels shall apply to Pet Shops, with the addition of specific regulations for Pet Shops to be adopted by the Board. Fees for licenses shall be set by the Board by resolution.

ARTICLE IV. KENNEL STANDARDS

Section 26. Kennel standards; Inspections.

(a) In addition to the other requirements of this Ordinance, Kennels shall comply with the standards set forth in this section. The Agency shall inspect all Kennels annually. Furthermore, the Agency may inspect any Kennel and any records thereof, required to be kept by federal, state, or county law, at any reasonable time during normal business hours. Failure to meet these standards may be cause for refusal, suspension, or revocation of a Kennel license by the Agency. The standards are as follows:

(1) All animals must be supplied daily (or at some other veterinarian–approved interval) with sufficient nutritious food and potable water. All food and water containers shall be clean and placed so that the animals cannot readily tip them over.

(2) All animals and animal quarters shall be routinely cleaned and kept in a clean and sanitary condition. Floors of buildings, interior runs, and walls shall be of such material as to permit proper cleaning and disinfecting and shall be impervious to moisture. Adequate ventilation and light shall be provided and appropriate temperatures shall be maintained for the health and comfort of the animals.

(3) Animals housed in Kennels must be maintained in quarters so constructed as to prevent their escape. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

(4) Quarters shall have a solid floor and shall be of sufficient size that an animal will have room to stand, turn, and stretch to its full length.

(5) All animals housed in Kennels must be properly exercised in accordance with the age and species of the animal and pursuant to standard veterinary practice.

(6) Any animal housed in a Kennel that demonstrates signs of illness or disease shall be isolated in such manner as to prevent the spread of such illness or disease to other animals. The owner or lessee of such Kennel shall provide or cause to be provided appropriate veterinary care for such sick, diseased, or injured animals.

(7) The interior and exterior of cages shall be adequately cleaned between the occupancy of different animals.

(b)The standards set forth in subsection (a) shall be in conformity with the requirements of individual species and common veterinary practice.

(c) Any refusal, suspension, or revocation of a Kennel license resulting from a failure to adhere to the standards in this section may be appealed to the Authority.

ARTICLE V. REQUIREMENTS OF OWNERS

Section 27. Animal At Large – Prohibited.

(a) No Owner shall allow an animal to be At Large, as defined in Section 1.

(b) Except as set forth in subsection (c) below, every Dog must, when off the property of its Owner, be restrained by a leash.

(c) The provisions of paragraphs (a) and (b) shall not apply to:

(1) Animals on the premises of another property with the permission of the property owner or lessee;

(2) Dogs being used for training, hunting, obedience training, search and rescue, or law enforcement purposes;

(3) Dogs accompanied by the Owner or agent of the Owner on horseback; or

(4) Farmers driving herds to and from pasture, different farms, or parts of farms. See Md. Code, Agriculture Article, §3–504.

(d) An Animal Control Officer encountering a Farm Animal At Large shall:

(1) check the immediate neighborhood for the Owner;

(2) ask a farmer in the area to hold the livestock until the owner is found;

(3) hold the livestock in the Animal Control Shelter, other adequate facility, or, if necessary due to the size or quantity of animals, hold the livestock in a stockyard or other adequate facility.

Section 28. Animal waste.

(a) It shall be unlawful for any Owner or custodian to allow his or her animal or any animal under his or her care to urinate or defecate on the property of another without the property owner's consent.

(b) It shall be unlawful for any Owner or custodian to 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 waste in a sanitary manner.

(c) An Owner or custodian handling animal waste in accordance with an approved nutrient management plan shall be exempt from the provisions of this section.

Section 29. Dead animals.

It shall be the duty of every Owner of any animal and every property owner to dispose of any dead animal at the Owner's expense. No Person shall, nor cause to, place or leave the carcass of any dead animal in any street, alley, or on public property or allow the same to remain on his or her property. Farm Animals are exempt from the provisions of this section.

Section 30. Confinement of female Dogs in heat.

The Owner, agent, or custodian of any female Dog in estrus ("heat") must so guard and protect such Dog that she will not be out of doors except on the Owner's

property for the purpose of regular exercise under control of the Owner, for the purpose of natural relief, or during the process of conveying the Dog to a place suitable for the purpose of medical treatment, boarding, or breeding, and under the direct control of such Person.

Section 31. Owner release.

An animal turned in by an Owner to the Agency shall not be euthanized until the Owner provides a written statement to the effect that the animal has not bitten a human within the previous ten (10) days, unless a report of the circumstances of a bite from the police or the Health Department is presented by the Owner. Those Individuals responsible for euthanization of the animal shall not be held liable for damages for actions taken in accordance with applicable standards of practice.

Section 32. Public Nuisance Animals.

(a) No Person shall keep or maintain any animal in such a manner as to cause or permit such animal to be a Public Nuisance Animal. An animal may be deemed a public nuisance upon the existence of one or more of the following conditions:

(1) when an animal is found by the Agency to have been At Large two or more times in a six (6) month period;

(2) when an animal damages, soils, defiles, or defecates on any private property, other than that of the Owner, or when an animal does so on common grounds or jointly owned property, and the Owner fails to immediately thereafter remove the waste;

(3) when an animal or animals cause unsanitary, dangerous, or offensive conditions due to the size or number of animals maintained at a single location, the inadequacy of the facilities, or the maintenance of the premises by the Owner;

(4) when an animal makes or causes Excessive Noise; or

(5) when an animal molests, intimidates, or acts in an aggressive manner towards an Individual or a vehicle when such Individual or vehicle is using any public street, highway, or public space.

(b) Farm Animals are exempt from the provisions of this section.

Section 33. Animals as prizes or inducements; coloring.

(a) No Person shall offer or give away any Dog, cat, rabbit, baby chick, duckling, or other fowl or animal as a prize for or as an inducement to enter any contest, lottery, drawing, or auction. No animal may be used as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. This subsection does not apply if the Person has received approval of the Maryland Secretary of Agriculture to give away a live animal.‡

(b) No Person shall dye, color, or stain any animal to change the natural color of said animal.

(c) No Person shall offer for sale any animal that has been dyed, colored, or stained so as to change the natural color of the animal.

(d) Farm Animals are exempt from the provisions of this section.

Section 34. Exotic Animals or Wild Animals.

(a) No Person may own, sell, exhibit, barter, possess, or harbor any Exotic Animal or Wild Animal in the County without first obtaining permits required by state or federal law.

(b) The Agency may, without prior notice to any Owner, impound from public or private property an animal not permitted in the County pursuant to this section.

(c) The Agency shall make a prompt and reasonable effort to notify the Owner that the animal has been impounded, the reason for the impoundment, and the conditions for the release of the animal. The animal shall be held for up to ten (10) days to give the Owner an opportunity to arrange for the prompt, legal, and permanent removal of the animal from the County and to give assurance of such removal. If the Owner has not arranged for removal of the animal from the County within ten (10) days, the animal may be disposed of according to Section 43Section 43.

Section 35. Potentially Vicious and Dangerous Dogs.

(a) A Dog may be declared a Potentially Vicious and Dangerous Dog by the chief administrator of the Agency or his or her designee. An Owner may appeal any declaration that a Dog is a Potentially Vicious and Dangerous Dog to the Authority

---

‡ *See* Md. Code Ann., Crim'l Law Art., § 10-610.

within ten (10) days of being served with the notification. A list of Dogs so declared will be maintained by the Agency.

(b) If there are no additional instances of behavior that would qualify a Dog as a Potentially Vicious and Dangerous Dog within 18 months of the date of designation, the Dog shall be automatically removed from the list. A Dog may be removed from the list earlier if its Owner, upon petition, demonstrates to the Authority that changes in circumstances have materially mitigated the risk to the public health, safety, and welfare.

(c) Every Owner or custodian of a Potentially Vicious and Dangerous Dog and the Dog must attend and successfully complete an Authority-approved course, where available, that teaches the Owner or custodian how to control and manage the Dog.

(d) If directed by the Authority, every Owner or custodian of a Potentially Vicious and Dangerous Dog and the Dog must attend and successfully complete a "Canine Good Citizenship" course and test, where available, within a time specified by the Authority.

(e) The Authority may proscribe other requirements of Potentially Vicious and Dangerous Dogs or their Owners or custodians to facilitate the rehabilitation of the Dog and to further the public health, safety, and welfare.

Section 36. Vicious and Dangerous Dog.

(a) A Dog may be declared a Vicious and Dangerous Dog by the chief administrator of the Agency or his or her designee. An Owner may appeal any declaration that an animal is a Vicious and Dangerous Dog to the Authority within ten (10) days of being served with the notification. Said declaration shall be permanent, and the Agency shall photograph and maintain a list of each Dog so declared.

(b) Every Owner or custodian of a Vicious and Dangerous Dog shall keep such Dog confined in a building or other secure enclosure in a manner as to prevent direct contact between the animal and human beings or other animals. So as to prevent the further development of an aggressive nature, Vicious and Dangerous Dog must not be chained, tethered, or otherwise tied to any inanimate object inside or outside of its enclosure.

(c) No Vicious and Dangerous Dog may be removed from the secure enclosure unless such Dog is first securely muzzled, leashed, and under the control of an

Individual over the age of sixteen (16) years who is physically capable of restraining the Dog.

(d) An Animal Control Officer may impound a Vicious and Dangerous Dog whose Owner is found in violation of this section.

(1) An Owner may appeal the impoundment to the Authority within five (5) days of receiving notice of the impoundment.

(2) Should an Owner fail to appeal, the Dog may be disposed of pursuant to Section 43. A Vicious and Dangerous Dog may not be placed for adoption by the Agency.

(e) An Owner of a Vicious and Dangerous Dog shall provide at least five (5) days prior written notice to the Agency of the selling or giving away of the animal away to another Person. The written notice to the Agency shall state the name and address of the new Owner of the animal, that the new Owner has been notified of the declaration that the animal is a Vicious and Dangerous Dog, and the details of the animal's vicious and dangerous behavior.

(f) Any Vicious and Dangerous Dog shall be spayed or neutered at the Owner's expense.

(g) The Owner or custodian of a Vicious and Dangerous Dog must:

(i) allow inspection of the Dog and its secure enclosure by the Agency;

(ii) immediately notify the Agency if the Dog escapes and make every reasonable effort to recapture the escaped Dog to prevent injury or death to humans or Domesticated Animals;

(iii) implant the Dog with a microchip for identification purposes as directed by the Agency;

(iv) notify the Agency of any change of address;

(v) notify the Agency of the death of the Dog; and

(vi) comply with any and all conditions as imposed by the Authority.

(h) The Authority may order the destruction of any Vicious and Dangerous Dog.

(i) Any Dog designated by any other jurisdiction to exhibit or to have exhibited those same characteristics or behaviors that would result in a Dog being classified as Vicious and Dangerous under the terms of this Section if the Dog had been, at the time so designated, in Washington County shall be considered a Vicious and Dangerous Dog under this Ordinance, and all requirements imposed herein shall apply to the Dog so designated by the foreign jurisdiction as if the animal were deemed Vicious and Dangerous pursuant to this Ordinance. The Owner of any such Dog shall notify the Agency of the animal's residency in Washington County at the time of its commencement.

(j) The declaration of any Dog as a Vicious and Dangerous Dog by the chief administrator of the Agency or his or her designee may, after a hearing, be modified by the Authority to a declaration of Potentially Vicious and Dangerous.

Section 37. Potentially Vicious and Dangerous, Vicious and Dangerous – Exceptions

(a) No Dog may be declared Potentially Vicious and Dangerous or Vicious and Dangerous as a result of injury or damage if, at the time the injury or damage, the victim of the injury or damage:

(i) was committing a willful trespass or other tort upon premises occupied by the Owner or keeper of the Dog;

(ii) was teasing, tormenting, goading, abusing, or assaulting the Dog; or

(iii) was committing or attempting to commit a crime.

(b) No Dog may be declared Potentially Vicious and Dangerous or Vicious and Dangerous if the Dog was protecting or defending a person or animal within the immediate vicinity of the Dog from an unjustified attack.

(c) No Dog may be declared Potentially Vicious and Dangerous or Vicious and Dangerous if an injury or damage was sustained by a Domesticated Animal that, at the time of the injury or damage, was teasing, tormenting, goading, abusing, or assaulting the Dog.

(d) No Dog may be declared Potentially Vicious and Dangerous or Vicious and Dangerous if injury or damage to a Domesticated Animal was sustained while the Dog was working as a hunting Dog, herding Dog, or predator control Dog on the property of, or under the control of, its Owner or keeper, and the damage or injury was appropriate to the work of the Dog.

(e) No Dog may be declared Potentially Vicious and Dangerous or Vicious and Dangerous if it was acting in response to pain or injury.

ARTICLE VI. ENFORCEMENT

Section 38. Animal Control Officers/inspectors; Powers of enforcement.

(a) Any Animal Control Officer shall have the right to enter upon any property where the officer has probable cause to believe that such entry is necessary for the purpose of discharging the duties imposed by this Ordinance, including but not limited to impoundment under Section 39 However, nothing in this section shall be construed as permitting the entry into a private building or other structure except in accordance with Maryland law.

(b) An Animal Control Officer is authorized to apply to a District Court or Circuit Court judge for a search and seizure warrant permitting entry into any private building or other structure. A warrant shall be issued upon written, described probable cause, supported by oath or affirmation, and particularly describing in writing the place to be searched, and the animal or other things to be seized, in accordance with Maryland law.

(c) It shall be unlawful for any Person to interfere or attempt to interfere with an Animal Control Officer or any Individual acting under the authority of this Ordinance, in the performance of the duties of the Officer or other authorized person, nor shall any Person without authority release or attempt to release any animal impounded pursuant to this Ordinance or State law.

Section 39. Impoundment – generally.

(a) Any animal found At Large may be impounded by the Agency or any Animal Control Officer and taken to the Animal Control Shelter. The animal shall be confined there in a humane manner for a period of not less than five (5) business days, unless sooner claimed and redeemed by its Owner.

(b) An exception to the five (5) day impoundment period will be made for (1) litters of puppies and kittens over the age of eight (8) weeks which may be made immediately available for adoption and (2) unweaned animals. For the purposes of this Ordinance, a litter shall consist of three or more animals.

(c) An exception to the five (5) day impoundment period will be made for any captured animal of unknown ownership determined to be a Vicious and Dangerous Dog, after 48 hours, which constitutes a personal threat to the staff of the Agency and the public.

(d) Where the Agency is unable with reasonable efforts to safely seize and impound a Vicious and Dangerous Dog, a Wild Animal, or an animal suspected to have rabies, local police agencies may use weapons as may be necessary to kill or subdue the animal, and shall do so in the most humane manner possible.

(e) An Animal Control Officer may seize an animal from any place if the officer determines that emergency conditions make it necessary to do so in order to protect its health and safety and the health and safety of the public or other animals.

(1) An Owner may appeal the removal of an animal under this subsection to the Authority within five (5) days of receiving actual or written notice of the impoundment.

(2) Should an Owner fail to appeal a removal to the Authority within five (5) business days of notice, the animal may be disposed of pursuant to Section 43.

(f) Any Animal Control Officer may impound any Potentially Vicious and Dangerous or Vicious and Dangerous Dog if the Animal Control Officer has reasonable cause to believe that any of the mandatory restrictions upon such animal are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The Owner or custodian of a Potentially Vicious and Dangerous or Vicious and Dangerous Dog shall surrender such an animal to any Animal Control Officer or law enforcement officer upon demand. In the event such an animal is impounded, the Animal Control Officer shall serve a Citation upon the Owner of such animal for violation of the provisions of this Ordinance.

(g) If an animal has been impounded pursuant to this section, the Agency may permit the animal to be confined at the Owner's expense in a veterinary facility pending a hearing pursuant to this Ordinance, provided that such confinement will ensure the public safety.

(h) No animal that has been designated as a Potentially Vicious and Dangerous or Vicious and Dangerous Dog may be released by the Agency or a veterinarian until the Owner has paid all veterinary costs and all other fees and costs of the Agency that are normally charged to an Owner prior to redemption of the animal. If the Owner fails to pay such fees and costs and take possession of the animal within ten (10) days of the

Owner's receipt of notice of the designation of the Dog as a Potentially Vicious and Dangerous or Vicious and Dangerous Dog, the animal shall be deemed to have been abandoned and may be disposed of by the Agency. Euthanasia or surrender to the Agency of such an animal does not free the Owner of responsibility for all costs incurred up to and including the date of euthanasia or surrender.

Section 40. Impoundment – Notification of Owner.

Upon impounding any animal, the Agency shall make all reasonable efforts to locate and notify the animal's Owner of the impoundment. Any notice of impoundment shall include certification by the Animal Control Officer of the means by which the Owner was notified of the impoundment.

Section 41. Impoundment – Sick or injured animals.

(a) Any impounded animal At Large, the Owner of which is not known, and which is sick or injured, may be disposed of at the discretion and direction of a Veterinarian. A Veterinarian shall not be liable to the Owner for such direction made in good faith and at the request of the Agency.

(b) Any animal found in a critical, mortally wounded condition from wounds, injuries, or diseases may, at the discretion of a Veterinarian or an Animal Control Officer, be humanely destroyed. The Owner shall be notified as soon as possible thereafter, and shall immediately provide for expenses and burial or cremation of the animal if he or she knows of the death of the animal and the location of the carcass.

(c) The Agency is authorized to enter into agreements with Veterinarians for the care of sick or injured animals which are licensed or which give the appearance of having been given good care. If the Owner cannot be located within a reasonable time, the Agency shall pay for the expenses incurred. If the Owner is located, he or she shall promptly pay for the Veterinarian's services and other expenses incurred for the care of the animal.

Section 42. Impoundment – Redemption of impounded animals.

The Owner of an impounded animal shall be entitled to redeem such animal upon proof of ownership, compliance with the license provisions of this Ordinance, the payment of any fees imposed by the Agency, and compliance with any measures required by the Agency.

Section 43. Disposition of animals.

At the end of the minimum time period specified in this Article, unclaimed animals shall be deemed abandoned and become the property of the Agency, and shall be disposed of only by euthanasia or by adoption or, in the case of a Wild Animal, released in a suitable habitat where permitted. Any Owner of any animal deemed abandoned which has not been disposed of by euthanasia or adoption may reclaim said animal by paying the requisite fees to the Agency. A Vicious and Dangerous Dog may not be placed for adoption by the Agency.

Section 44. Prohibited acts.

(a) No person shall beat, torment, overload, overwork, cause unnecessary suffering to or otherwise abuse any animal or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. Customary and normal veterinary and animal husbandry practices including, but not limited to, dehorning, castration, docking, and limit feeding, shall not be construed as being included in the provisions of this section. The Authority shall accept oral or written testimony from an agent of the Cooperative Extension Service on the issue of what are customary and normal animal husbandry practices, or from a Veterinarian on the issue of what are customary and normal veterinary practices, without the formal requirement of the presence of the agent or Veterinarian or qualification as to expertise.

(b) No Person shall fail to provide adequate food, water, or shelter to any animal he or she owns, possesses, or harbors. The Authority shall accept oral or written testimony from a veterinarian on whether an animal's food, water, or shelter is adequate.

(c) No Person shall abandon any animal on public or private property.

(d) No Person shall entice an animal off the property of its Owner with the intent to allow said animal to become an Animal At Large.

(e) It shall be unlawful for any Person to conceal any animal or to falsely deny ownership of any animal owned or harbored by him from any Animal Control Officer or other person authorized to act by the provisions of this Ordinance.

(f) If an animal is impounded under this section and is not redeemed within ten (10) days of notice to the Owner, the animal may be disposed of pursuant to Section 43. The Owner remains responsible for any impoundment fees and veterinary expenses accrued.

ARTICLE VII. PENALTIES

Section 45. Civil penalties.

(a) An Animal Control Officer may issue a notice to comply or a warning to any Person found to have committed a violation of this Ordinance.

(b) An Animal Control Officer may serve a Citation upon any Person found to have committed a violation of this Ordinance. The Citation shall impose upon such violator a civil penalty in an amount established by the Board by resolution. Civil penalties charged under this ordinance may be changed by the Board by resolution. All civil penalties shall be collected by the Agency within twenty (20) days in full satisfaction of the assessed penalty. An Animal Control Officer is also empowered to issue a warning in lieu of a Citation in an appropriate case.

(c) A Citation to impose a civil penalty may be filed with the Authority in accordance with Section 6

(d) In the alternative, a Citation to impose a civil penalty may be filed with the District Court pursuant to Md. Code, Courts and Judicial Proceedings, §4–401(10)(ix).

(e) Should collection proceedings be required for collection of a civil penalty, an attorney's fee of one hundred seventy-five dollars ($175.00) and court costs may be imposed on the Person who has failed to pay the civil penalty to cover the costs of collection.

(f) In addition to other authority, the District Court of Maryland shall have the power to grant equitable relief and may take the actions set forth in Section 6(k)(1–4) of this Ordinance, pursuant to Md. Code, Courts and Judicial Proceedings, §4–401(8). This power is in addition to all other powers pertaining to enforcement of this Ordinance.

(g) Civil penalties collected under this Ordinance shall be credited to the general fund of the County in which the violation occurred.

(h) The Authority and the District Court shall have the authority to reduce or modify, but not increase, a civil penalty assessed under this Ordinance.

(i) Procedure for civil ordinance violations in the District Court of Maryland.

(1) For purposes of this section, a violation of this Ordinance is a civil offense.

(2) The civil penalty shall be paid to the County by the Person charged in the Citation within 20 calendar days of service of the Citation.

(3) (i) Animal Control Officers may serve a Citation on any Person:

1. Whom they believe is committing or has committed a violation of this Ordinance; or

2. On the basis of an affidavit submitted to an appropriate official of the County, to be named by the County, citing the facts of the alleged violation of this Ordinance.

(ii) The Citation shall be served on the defendant:

1. In accordance with Maryland Rule 3–121; or

2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Maryland Rule 3–121(a) have not succeeded, by:

A. Regular mail to the defendant's last known address; and

B. Posting of the Citation at the property where the ordinance violation has occurred or is occurring, and, if located within the County in which the ordinance violation has occurred or is occurring, at the residence or place of business of the defendant.

(iii) The Citation shall contain:

1. the Animal Control Officer's certification:

A. attesting to the truth of the matter set forth in the Citation; or

B. that the Citation is based on an affidavit;

2. the name and address of the Person charged;

3. the nature of the ordinance violation;

4. the location and time that the ordinance violation occurred;

5. the amount of the civil penalty assessed;

6. the manner, location, and time in which the civil penalty may be paid to the County;

7. the Person's right to elect to stand trial for the Ordinance violation; and

8. the effect of failing to pay the assessed civil penalty or demand a trial within the prescribed time.

(iv) The Animal Control Officer shall retain a copy of the Citation.

(4) (i) If a Citation is served without a summons as provided in paragraph (6) of this subsection, the Person charged in the Citation may elect to stand trial for the Ordinance violation by notifying the County in writing of the Person's intent to stand trial. The written notice shall be given at least five (5) days prior to the date of payment as set forth in the Citation.

(ii) Upon receipt of the written notice of the intent to stand trial, the County shall forward to the District Court having venue a copy of the Citation and the written notice.

(iii) Upon receipt of the Citation and the written notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) (i) If a Person charged in a Citation fails to pay the civil penalty by the date of payment set forth on the Citation and fails to deliver to the County the written notice of intent to stand trial, the Person is liable for the assessed civil penalty.

(ii) The County may double the civil penalty to an amount not to exceed $1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit.

(iii) The District Court shall promptly schedule the case for trial and issue a summons for the defendant to appear.

(iv) The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the County in the amount then due if a proper demand for judgment on affidavit has been made.

(6) (i) 1. An Animal Control Officer may also serve a summons with a Citation that requires the Person to appear in District Court on a specified date and time.

2. The summons shall specify that the Person is not required to appear in District Court if the civil penalty is paid as provided in the Citation.

3. If approved by the Chief Judge of the Maryland District Court, the Citation form may contain the summons.

4. The Animal Control Officer shall coordinate the selection of court dates with the appropriate District Court officials.

(ii) If the defendant fails to pay the civil penalty as provided in the Citation and fails to appear in District Court as provided in the summons:

1. the County may double the civil penalty to an amount not to exceed $1,000; and

2. the Court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

(7) If any Person shall be found by the District Court to have committed an Ordinance violation:

(i) 1. the District Court shall order the Person to pay the civil penalty, including any doubling of the civil penalty, not to exceed the limits under paragraph (2) of this subsection;

2. the civil penalties imposed shall constitute a judgment in favor of the County; and

3. if the civil penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the Court has suspended or deferred the payment of the civil penalty as provided under subparagraph (ii) of this paragraph;

(ii) the District Court may suspend or defer the payment of any civil penalty under conditions that the Court sets;

(iii) the Person shall be liable for the costs of the proceedings in the District Court; and

(iv) the Court may order the Person to abate the ordinance violation or enter an order permitting a County to abate any such Ordinance violation at the Person's expense.

(8) (i) If a County abates an Ordinance violation pursuant to an order of the District Court, the County shall present the defendant with a bill for the cost of abatement by:

1. regular mail to the defendant's last known address; or

2. any other means that are reasonably calculated to bring the bill to the defendant's attention.

(ii) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the County, the District Court shall enter a judgment against the defendant for the cost of the abatement.

(9) All civil penalties or forfeitures collected by the District Court for an Ordinance violation shall be remitted to the County in which the ordinance violation occurred.

(10) If a defendant fails to pay any civil penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(11) Adjudication of an Ordinance violation, as defined in paragraph (1) of this subsection, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(12) In any proceeding for an Ordinance violation:

(i) it shall be the burden of the County to prove that the defendant has committed the Ordinance violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;

(ii) the District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(iii) the defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

(iv) the defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and

(v) the defendant may enter a plea of guilty or not guilty of the Ordinance violation as charged, and the verdict of the District Court shall be guilty of an Ordinance violation or not guilty of an Ordinance violation, or the District Court may, before rendering judgment, place the defendant on probation.

(13) The court costs in an ordinance violation proceeding in which costs are imposed are five ($5.00) dollars. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

Section 46. Criminal Penalties.

(a) An Animal Control Officer may serve a Criminal Citation upon any Person believed to be committing or to have committed a violation of any condition imposed pursuant to Section 36 this Ordinance. When issuing a Criminal Citation to a Person, an Animal Control Officer may also issue a summons requiring the person to appear in court on a specified date.

(b) Any violation of this Section is a misdemeanor punishable by imprisonment of up to thirty (30) days, a fine of One Thousand Dollars ($1,000.00), or both. This penalty is in addition to all other penalties imposed under this Ordinance.

ARTICLE VIII. CONTROL OF RABIES

Section 47. Rabies – Immunizations of Dogs; cats; and ferrets.

All Dogs, cats, and ferrets of the age of four (4) months or older in the County shall be currently immunized against rabies by a Veterinarian or by an anti-rabies clinic authorized by the Health Department and the State Public Health Veterinarian. Immunity against rabies shall be maintained at a level approved by the State Community and Public Health Administration. If the animal was brought into the County from outside the State, an unexpired rabies inoculation certificate or tag issued by a veterinarian or anti-rabies clinic licensed in the state in which the animal was inoculated shall be acceptable.

Section 48. Rabies – Confinement of biting animals.

(a) The Agency shall confine or provide for the confinement of any Domesticated Animal that has bitten any Individual, for clinical observation for a period of not less than ten (10) consecutive calendar days. The confinement may occur on the premises of the animal Owner, provided that the Owner signs a written agreement to provide for properly supervised confinement. In the alternative, the animal may be confined in the Animal Control Shelter or a veterinary hospital at the Owner's option and expense. No Person shall knowingly allow such confined animal to escape or sell, give away or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period.

(b) The Health Officer shall be empowered to order an examination of any such animal, if not inoculated, to determine whether it may have rabies.

(c) If the Owner of any biting animal decides to euthanize the animal before the end of the ten (10) day confinement and observation period, the Owner shall notify the Agency and the animal shall be humanely euthanized and examined for rabies pursuant to this section.

(d) If an animal biting an Individual is injured or sick and its condition warrants euthanasia, that animal shall be humanely euthanized and examined for rabies pursuant to this section.

(e) The Agency shall be notified when any Individual or Domesticated Animal is bitten by any Wild Animal, and such Wild Animal shall be euthanized and examined for rabies pursuant to this section.

(f) An animal to be examined for rabies pursuant to this section shall have its head removed and sent immediately to a laboratory approved by the State Department of Health and Mental Hygiene for the examination at the Owner's expense.

ARTICLE IX. MISCELLANEOUS

Section 49. Adoptions.

(a) The Agency may provide for the adoption of impounded animals by a responsible Person after payment of the requisite fees.

(b) A Dog or cat put up for adoption shall be no less than eight (8) weeks of age, free from known disease or injury unless notification has been given to the adopter, not vicious and released only after definite provisions have been made for sterilization, inoculation and licensing of such animal.

(c) The Agency may establish fees to be paid by any Person adopting an animal.

Section 50. Fees.

The Board shall, from time to time, review all fees that the Agency is empowered to set by this Ordinance and to set those fees that the Board is empowered to set pursuant to the Annotated Code of Maryland and this Ordinance. All fees provided for in this Ordinance shall be set or changed by the Board by resolution.

Section 51. Owner's liability.

If any animal shall do any damage to the body, clothing or other property of any Individual, the Owner or keeper or, if the Owner or keeper be a minor, the parents or guardian of such minor shall be liable for such damages, unless such damages shall have been occasioned to the body or clothing of an individual who, at that time such damages were sustained, was committing a trespass or other tort or crime, or was teasing, tormenting or abusing such animal. An Individual is lawfully upon the private property of such Owner within the meaning of this Ordinance when the Individual is on such property in the performance of any duty imposed by the laws of the State, County, or by the postal regulations of the United States, or when on such property upon the express or implied invitation of the Owner thereof.

Section 52. Public education.

The Board may cause to be instituted a permanent public education program in cooperation with the Agency to inform pet owners of the responsibilities of animal ownership, the proper care of animals, and the provisions of this Ordinance. As a part of this program, a brochure shall be created which contains a summary of the chief provisions of the Ordinance, to be distributed to Veterinarians, Pet Shops, the Agency, the Department, and all authorized outlets for the issuance of licenses, with the intention that each applicant for a license under this Ordinance shall receive a copy of the brochure. The Board and the Agency may also cooperate with the Board of Education in taking the public education program into the school system.

Section 53. Sterilization.

The Board may cause to be established a program for the sterilization of Dogs and cats owned by County citizens.

Section 54. Volunteers.

The Agency is hereby authorized to permit, in its sole discretion, individuals who volunteer their services to assist the Agency in carrying out the non-coercive provisions of this Ordinance.

Section 55. Exemption of Farm Animals.

(a) Farm Animals shall be exempt from all provisions of this Ordinance, except for the following:(1) Prohibited Acts under Section 44; (2) Licensing requirements under Section 15 or Section 21; and (3) Animal At Large provisions under Section 27.

(b) This Section 55 shall not be interpreted by the Authority to preclude a declaration of a Dog as Potentially Vicious and Dangerous or Vicious and Dangerous solely because the object of the Dog's aggressive conduct was a Farm Animal.

Section 56. Prior Acts.

Any Dog declared Vicious and Dangerous or Potentially Vicious and Dangerous and any decision made and condition imposed by the Authority under any prior version of this Ordinance shall be given full force and effect, notwithstanding any subsequent amendment of the Ordinance. This Section 56 is expressly intended to be given retroactive force and effect.

Section 57. Severability.

If any provision of this Ordinance or the application thereof to any Person is held invalid by a court of competent jurisdiction, the remainder of this Ordinance and the application of such provisions to Persons or circumstances other than those as to which it is held invalid shall not be affected thereby. The powers conferred by this Ordinance shall be in addition and supplemental to the powers conferred by any other law.