

Chapter 7 ANIMALS

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[HISTORY: Adopted by the Board of County Commissioners of Calvert County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Livestock Compensation [Adopted 6-20-1995 by Res. No. 18-95]

§ 7-1. Scope.

It is the intent of the County Commissioners that this article only apply to sheep, poultry or livestock injured or killed by dogs where the owner is unknown. This article shall only apply to cases where the owner of the dogs are unknown.

§ 7-2. Purpose.

The purpose of this article is to compensate for the loss of animals that are either being raised for agricultural purposes or are used as work animals on the agricultural property of the owner of the animal.

§ 7-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGRICULTURAL PROPERTY — Property that is being used as a farm or other use that is for agricultural purposes.

AGRICULTURAL PURPOSES — Raised for sale or consumption or for a source of labor.

ANIMAL CONTROL OFFICER — Duly sworn and appointed officer as defined in Article 24, § 11-504(q) of the Annotated Code of Maryland that is authorized to enforce and carry out the duties of the Sheriff in administering animal control laws in Calvert County.

LIVESTOCK — Animals that are being raised for an agricultural purpose, including poultry and sheep.

OWNER — The person or entity who is primarily responsible for the care of the livestock. This definition shall include a keeper for purposes of this article.

§ 7-4. Notice to Animal Control Officer.

The owner or keeper of any livestock that has been injured or killed shall notify the Animal Control Officer as soon as possible, but in no case more than 24 hours after discovering the injured or dead livestock.

§ 7-5. Duties of owner after notification.

The owner or keeper of injured or killed livestock shall apply to the Board of County Commissioners for compensation under this article. This request must be made within 45 days after the notification of the Animal Control Officer.

§ 7-6. Duties of Animal Control Officer.

- A. Upon notification by an owner of dead or injured livestock, the Animal Control Officer shall investigate the cause of the deaths, certify if it is by dogs or not by dogs and make and keep a report regarding the incident.
- B. The Animal Control Officer shall obtain three independent appraisals of the value of the livestock injured or killed.

§ 7-7. Proof required for compensation.

- A. The findings of the independent appraisals shall be prima facie evidence of the fairness of the compensation of the County Commissioners.
- B. The owner of the livestock must certify by affidavit that the livestock killed was used for agricultural purposes.
- C. The owner of the livestock must certify by affidavit that the owner(s) of the dogs that caused the injury or death is unknown.

- D. The burden is upon the owner of the livestock to show Subsections B and C of this section in order to be eligible for compensation under this article.

§ 7-8. Findings by County Commissioners for award of compensation.

- A. The Board of County Commissioners must find, by majority vote, that the elements of § 7-7B and C are present before an award of compensation.
- B. The Board of County Commissioners must find that the Animal Control Officer's certification regarding cause of the death or injury was accurate.
- C. Failure to find either Subsection A or B of this section shall prevent an award of compensation.

§ 7-9. Compensation paid out of dog tag account.

Compensation under this article shall only be paid out of the fees collected in any given calendar year for the sale of dog tags under Article 24, § 11-503, of the Annotated Code of Maryland, as it may be amended from time to time. In the event that there are no funds or insufficient funds in the account at the time of the request for compensation, there can be no award or an award only up to the amount of money in the account at the time of the award.

ARTICLE II

Animal Control

[Adopted 10-24-1995 by Res. No. 44-95]

§ 7-10. Definitions.

The following terms as used in this article shall have the meanings assigned to them in this section:

ANIMAL CONTROL OFFICER — Those person or persons designated as such by the County Commissioners to perform duties described by this article under the Annotated Code of Maryland, Article 24, § 11-504, as amended.

CITATION — A charging document issued to an owner or keeper.

DANGEROUS DOG — Any dog which has a known propensity, tendency or disposition to attack when unprovoked, chases or approaches or otherwise by its actions puts a person in fear while on public ground or in public places, or any dog which is kept for the purpose of dog fighting, or which has been attack trained.

KENNEL — Any place in which dogs or cats are kept and boarded for a fee.

OWNER OR KEEPER — Any person who keeps in temporary or permanent custody, possesses, harbors or exercises control over any dog or cat. The parents or guardians of a minor child shall be deemed the owner when the animal is in possession of or controlled by a minor child. Veterinary hospitals, boarding kennels, members of chartered humane

societies and similar organizations, pet shops and their employees shall not be considered to be owners or keepers to the extent hereinafter provided.

QUARANTINE — A strict confinement by a humane secure enclosure to prevent contact with humans or other animals.

SECURE ENCLOSURE — A humane place in which an animal may be housed to prevent it from coming in contact with any other animal (e.g., building, house).

§ 7-11. Enforcement authority.

The Board of County Commissioners of Calvert County hereby designates and appoints the Animal Control Officers, the town police of each incorporated town and the county law enforcement officers to perform those functions provided for in this article.

§ 7-12. Licensing of dogs, cats and kennels.

- A. It shall be unlawful for anyone to keep or own an unlicensed dog or cat over the age of six months within Calvert County. The annual license fee shall be \$15 per dog or cat. Owners who present a certificate issued by a licensed veterinarian showing evidence that a dog or cat has been spayed or neutered shall pay an annual fee of \$5 for each dog or cat.
- B. All licenses shall be issued for one year beginning the first day of July. At the time of application for a license, a certification of proof of rabies inoculation must be presented along with proof of spaying or neutering if applicable.
- C. A duplicate metal license tag to replace a lost tag shall be issued to the animal's owner upon application and the payment of \$1.
- D. If prior to becoming a resident of Calvert County, an animal owner obtained a valid license from another governmental jurisdiction with similar requirements to those therein, a new license shall be issued to the owner upon written application and payment of a transfer fee of \$1.
- E. It shall be unlawful for any person to use a license receipt or tag issued for another dog or cat other than the one described on the receipt.
- F. The metal license tag must be securely fastened to the dog's choke chain, collar or harness and worn by the dog at all times unless such dog is engaged in supervised hunting or other sport where a collar would endanger the animal's safety or adversely affect its hunting or sport purpose.
- G. The licensing requirements of this article shall not apply to any dog or cat belonging to a nonresident of the county and kept within the boundaries of the county for not longer than 30 days and while kept within the county must meet all other requirements of this article.
- H. Owners of dogs used for the purpose of assisting handicapped (e.g., seeing eye dogs) or governmental police dogs are exempt from the fee requirements imposed by this section.
- I. It shall be unlawful for anyone to operate a kennel, both commercial and private, within Calvert County without a kennel permit. The application for such permit shall be obtained

from the Department of Planning and Zoning with the final permit coming from the Department of Public Safety. A kennel permit shall permit the operation of the kennel. All dogs and cats over the age of six months kept in the kennel must possess an individual County dog or cat license as described in this section. Annual fees for kennel operators shall be as follows:

- (1) Kennel authorized to house less than 11 dogs or cats: \$50.
- (2) Kennel authorized to house 11 to 24 dogs or cats: \$100.
- (3) Kennel authorized to house more than 25 dogs or cats: \$200.

J. All kennels are subject to inspection before and after receiving their kennel permit.

§ 7-13. Dogs and cats running at large and impoundment.

- A. Dog and cat owners shall not allow a dog or cat, with or without proper license, to run at large within the confines of any part of Calvert County. Any dog or cat, when off the property of the owner, must be under the control of the owner or an authorized agent of the owner, capable of physically restraining the dog or cat. All dogs must be under control by leash, lead, cord or chain, when off the property of the owner. Any dog or cat found running at large is in violation of the law and may be deemed a public nuisance and is subject to seizure, detention and destruction.
- B. This section does not apply to dogs being used for supervised hunting or being professionally trained by a certified agent. This does not allow dogs to enter public or private property without prior consent of the property owner.
- C. The Animal Control Officers are authorized and directed, whenever possible, to seize and impound any dog or cat found running at large. If the Officers are unable to catch an animal running at large that is threatening a human being or another animal, and all other means have been exhausted to capture the animal, they are authorized to shoot or otherwise destroy the animal.
- D. All dogs and cats seized and impounded shall be held for the owner for a period of 72 hours, unless determined by the Animal Control Officer that it is unsafe for the animal to be held. During this period, any dog or cat impounded may be redeemed by the owner or his or her duly authorized representative upon satisfactory proof of ownership and tender of fee in such amount as charged by the animal shelter.
- E. Any owner not redeeming his or her dog or cat within 72 hours shall be deemed to have forfeited all rights of ownership and the dog or cat becomes the property of Calvert County. The dog or cat shall remain impounded for an additional 48 hours, during which time any person may obtain ownership by paying an adoption fee. Any dog or cat impounded and not redeemed may be destroyed in the most humane manner possible if no one adopts or rescues the animal.

§ 7-14. Dangerous dogs.

- A. In addition to being licensed, all dangerous dogs shall be registered with the Department of Public Safety. The owner or keeper of such a dog must meet the following criteria: **[Amended 5-28-2002 by Ord. No. 21-02]**
- (1) Present to Public Safety proof of public liability insurance in a single incident amount of \$50,000 covering bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance must be in effect when licensing is sought and must remain in effect for the licensing period.
 - (2) Notify Public Safety of any cancellation, termination or expiration of the policy.
- B. The owner or keeper shall, at his or her own expense, have the license number assigned to the dangerous dog. It must be tattooed by a licensed veterinarian or other person authorized by the county, and the tattoo shall be placed on the upper left rear inner thigh of the dog.
- C. All owners, keepers or harborers of registered dangerous dogs shall display, in a prominent place on their premises, a sign easily readable by the public, using the words "beware of dog." In addition, a similar sign is required to be posted on the kennel or pen of such an animal.
- D. The owner or keeper shall notify Public Safety immediately if the dangerous dog is loose or unattended, has attacked another animal or human being, has died, been sold, or given away. If the dangerous dog is sold or given away, the owner or keeper shall provide Public Safety with the name, address and telephone number of the new owner.
- E. When the dangerous dog is off the owner's premises it must be muzzled and restrained by a substantial chain or leash not exceeding three feet in length and under the control of a person over the age of 16 who is physically capable of restraining the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its breathing or respiration but must prevent it from biting any person or animal.
- F. While on the owner's property, if the dangerous dog is kept outside the home, it must be confined in a secure enclosure in a manner that it cannot come into contact with human beings or any domestic animal.
- G. In the event that an officer has probable cause to believe that a dangerous dog is being harbored or cared for, in violation of the registration section of this article, the Animal Control Officer will petition District Court to order the seizure and impoundment of the dangerous dog pending an adjudication of the offense. Notice shall be given to the owner within 48 hours of the impoundment.
- H. Whoever violates registration or control sections of this section shall be guilty of a misdemeanor and fined a minimum of \$50, a maximum of \$500. The fine may be determined by the District Court.
- I. Whoever is found guilty of a second offense of violating this section shall forfeit ownership of the dog and the dog shall be humanely euthanized in accordance with existing state law or local law.

- J. In the event that a dangerous dog attacks a human being or domestic animal, the dangerous dog will be destroyed if in the District Court's judgment; the dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.
- K. Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public and such other expenses as may be required for the destruction of any such dog.
- L. No dog may be declared dangerous if threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.
- M. All dogs trained or owned by bona fide law enforcement officers, which are used in the performance of law enforcement work, are exempt from the dangerous dog regulations.

§ 7-15. Animals in heat.

- A. All female dogs and cats in estrus, a condition commonly known as "in heat" or "in season," shall be prevented from contact with other male dogs or cats. Animals in heat shall be confined in a secure enclosure in such a manner that the female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.
- B. Female dogs or cats in heat may be taken outside of the secure enclosure on a leash and accompanied by the owner or custodian for the purpose of natural relief but may not be taken off the property of the owner or custodian.
- C. When necessary for medical treatment, boarding, or breeding and while under the direct control of the owner, the dog or cat may be conveyed to and left at a suitable place to be treated, boarded, bred or shown in an organized show or event. For purposes of this section, "suitable place" shall mean a licensed kennel, an establishment operated by a licensed veterinarian, or in the case of the dog or cat's breeding, a location at which the person assuming care and custody of the dog or cat prevents such animal from coming in contact with other animals except for planned breeding.

§ 7-16. Defecation; removal of excrement.

- A. No person owning, keeping or having custody of a dog or cat shall allow or permit excrement of such animal to remain on public property, private property without the consent of the owner or occupant thereof or allow the excrement to cause foul odor on the owner's property.
- B. Any person owning, keeping or having custody of an animal shall immediately remove the excrement deposited by the animal if deposited on property other than the owner.

§ 7-17. Public nuisance. [Amended 6-30-1998 by Ord. No. 16-98]

- A. Any dog or cat that barks or makes other harsh or excessive noises so as to disturb the quiet, comfort, and repose of a member or members of the community, as reflected by persons with normal sensitivities to noise, molests or bites passersby, runs at large, chases vehicles, attacks other domestic animals, deposits excretory matter on property other than that of the owner, shall be deemed a public nuisance.
- B. It shall be unlawful for anyone to own or harbor a public nuisance dog or cat as hereinbefore described.
- C. Impoundment.
 - (1) The animal control officer is authorized to impound any dog or cat that barks or makes other harsh or excessive noises so as to disturb the quiet, comfort, and repose of members of the community, as reflected by persons with normal sensitivities to noise, if:
 - (a) The animal control officer has reasonable grounds to believe that the offensive behavior of the dog or cat has disturbed the peace for two or more consecutive days; and
 - (b) The owner of the cat or dog has been convicted on at least two occasions within the preceding 12 months of owning or harboring a public nuisance dog or cat.
 - (2) Any dog or cat impounded by the animal control officer pursuant to Subsection C(1) above shall be maintained at the Animal Shelter until the citation issued to the owner of the impounded cat or dog is brought to trial and the court orders the return of the cat or dog to its owner. If the owner is found guilty, the court shall order the defendant to reimburse the Board of County Commissioners for the expenses of housing the cat or dog.
 - (3) In addition to imposing the fines provided for in this article, the court may order such equitable relief that it deems necessary to require the owner of the offending cat or dog to abate the activity making the cat or dog a public nuisance.
- D. Notwithstanding the foregoing provisions, hunting dogs barking while in the supervised pursuit of game shall not be considered a public nuisance.

§ 7-18. Quarantine and rabies.

This section is provided as a synopsis of the State of Maryland Rabies Prevention in Maryland regulation.

- A. All rabies and quarantine procedures will be carried out as set forth by the State Health Regulations.
- B. All animal bites must be reported immediately to the Animal Control Division. The duty to make this report rests both with the owner of the animal and the person bitten if a person was bitten, or the owner of any animal bitten by another animal if an animal was bitten. It shall be the duty of every physician, veterinarian and/or hospital to report to the Animal Control Division the names and addresses of persons treated for bites inflicted by animals,

together with any information that will be helpful in rabies control. Bites are to be reported within 24 hours of the incident.

- C. The Animal Control Division, upon receiving a report of an animal bite, shall take such action as it deems necessary, including but not limited to, the quarantine or destruction of the animal involved.
- D. The owner of the animal that has bitten must provide proof of rabies vaccination, if applicable. In addition, all animals must be quarantined in a secure enclosure to prevent any contact with other animals for 10 days. The Animal Control Division has the right to remove the animal from the premises for the duration of the quarantine period.
- E. If the owner of the animal which has bitten cannot show proof of the rabies inoculation it shall be required of the owner to get a rabies shot for the animal at the end of the ten-day quarantine period.
- F. The Animal Control Division and/or Health Department may require the testing of animals that have bitten another animal or a person.
- G. The owner of an animal, which has bitten a person, or animal shall be responsible for any expenses necessary for the quarantine, examination, treatment or destruction of an animal pursuant to this section.
- H. All dogs and cats four months of age or older shall be currently vaccinated against rabies. The owner shall provide a record of the vaccinations given the dog or cat, which shall constitute the only acceptable evidence of compliance with this subsection. This tag must be worn at all times.
- I. Any person or agency who neglects or refuses to comply with an order concerning the quarantine or destruction of an animal is guilty of a misdemeanor and upon conviction shall be punished.

§ 7-19. Violations and penalties.

- A. The Animal Control Officer shall have the right to enter upon any premises for the purpose of carrying out the duties imposed upon him or her by this article where there is reasonable belief that a violation of this article has been committed.
- B. The Animal Control Officer may accept a written affidavit from any person personally observing such violation and issue a citation for such violation. This person will be required to appear in court if needed.
- C. Any owner charged by citation might stand trial in District Court. If such citation is not paid by the assigned due date, then the owner must appear on the specified court date affixed on the citation. Any person desiring to plead guilty to such violation shall be subject to a fine as fixed by the summons payable by mail or in person at the Public Safety Office.
- D. No person shall interfere with, hinder or molest any appropriately authorized Animal Control Officer in the performance of his/her duties. Furthermore, no person shall seek to release any animal in the custody of the Officer.

- E. The States Attorney shall prosecute violations of rules and regulations contained herein.
- F. Any person found violating the provisions of this article shall be guilty of a misdemeanor and shall be fined up to \$500 and/or imprisoned in accordance with the Annotated Code of Maryland, Article 24, § 1 1-509.