

**ORDINANCE NO.     -08**

[Pertaining to the repeal and reenactment with amendments of Chapter 7 of the Code of Calvert County]

**For** the purpose of enacting a comprehensive ordinance pertaining to the humane treatment and control of animals in Calvert County.

**By** repealing and reenacting with amendments Chapter 7 of the Code of Calvert County, (2000 Edition and September 2006 Supplement, as amended).

**Pursuant** to authority granted in Article 24, §11-504(p), of the Annotated Code of Maryland, as may be amended from time to time, and following a duly advertised public hearing held on October 23, 2007.

**Be** it Ordained by the Board of County Commissioners of Calvert County, Maryland, that Chapter 7 of the Code of Calvert County **Be** and the same hereby **Is** repealed and reenacted with amendments as follows:

**Calvert County Chapter 7 - Animals  
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**CHAPTER 7**

**ANIMALS**

**Part 1**

**Introduction**

**ARTICLE I**

**Scope; Objectives**

**§7-1-101. Scope.**

Chapter 7 of the Calvert County Code, originally adopted on May 28, 2002, establishes the regulations for the keeping of animals in Calvert County; except the provisions of this chapter do not apply to the incorporated towns or municipalities in Calvert County.

**§7-1-102. Purpose.**

It is the intent of the Board of Calvert County Commissioners that these Animal Regulations shall provide for the safe, humane care and treatment of animals and livestock, protection from cruelty, abuse, neglect, and the safety of the public.

**§7-1-103. Rules of construction; savings clause.**

Nothing contained in this chapter is intended to conflict with State law; where this chapter and State law differs, the more stringent provision shall apply. Any section, part of a section, or provision of this chapter declared invalid or unconstitutional by a court of competent jurisdiction shall only affect the part so declared to be invalid or unconstitutional and shall not affect the validity of the chapter as a whole.

**ARTICLE II**

**Terminology**

**§7-1-201. Definitions.**

The terms used in this chapter shall have the following meanings:

**AGRICULTURAL PROPERTY** - Land that is currently being used for agricultural purposes.

**AGRICULTURAL PURPOSES** - The raising and keeping of livestock for its production value or with the intent to sell it for consumption.

**ANIMAL** - Any living creature excluding human beings and livestock.

**ANIMAL CONTROL OFFICER** - A person authorized by the Board of County Commissioners to administer, enforce, and carry out the provisions of this chapter and the Annotated Code of Maryland regarding animals.

**ANIMAL ENCLOSURE** - Structures designed to be used by an animal or to contain an animal that (a) have four or more sides, (b) are made of wire, metal, plastic, fiberglass or other material that is vented, (c) do not meet the requirements of shelter. Examples of animal enclosures include, but are not limited to: cages, crates, pens and open kennels and runs.

**ANIMAL TRANSPORT CONTAINER** - A portable enclosure with openings or holes for ventilation that is used to temporarily confine an animal (a) while the animal is being moved from one location to another and (b) during a disaster, rescue, when participating in a qualified activity or when hunting. Examples include, but are not limited to: portable cages and crates, and airport or hunting transport containers.

**AT-LARGE** - When off the real property of the owner, keeper or custodian, (a) a dog that is not on a leash, accompanied by a person capable of controlling and physically restraining the dog, and (b) an animal or livestock that is not accompanied by a person capable of controlling and physically restraining the animal.

**BREEDER** - A person who mates animals with the intention of selling the offspring.

**BREEDING FACILITY** - A place used to mate animals with the intention of selling the offspring.

**CHIEF OF ANIMAL CONTROL** - The person designated by the Board of County Commissioners, responsible for the administration of the Animal Control Division and the enforcement of the provisions of this chapter and the Annotated Code of Maryland regarding animals.

**COLLAR** - A device designed to be used around the neck of an animal, constructed of nylon, leather or similar material. A properly fitted collar shall be defined as one that allows a minimum of two (2) adult fingers to be inserted between the collar and the animals' throat.

**CROSS-TETHERING** - A manner of securing an animal from two different directions.

**CRUELTY** - The unnecessary or unjustifiable infliction of physical pain or suffering, allowed by an act, omission, abuse or neglect to an animal.

**COMMERCIAL ANIMAL ESTABLISHMENT** - A place that temporarily cares for, breeds, or provides services to animals for a fee, except veterinarian clinics, humane and rescue organizations and agricultural properties.

**CUSTODIAN** - A person, partnership, or corporation that harbors, takes care or custody of, or takes responsibility for another person's animal.

**DANGEROUS ANIMAL** - An animal that without provocation, wounds, bites, injures, or kills a human being, another animal, or livestock; is being trained or has been trained to attack. Animals owned by a governmental agency or law enforcement unit are exempt.

**DOGHOUSE** - Proper shelter for dogs as described in Part 8, Article II.

**DOMESTICATED LIVESTOCK** - Livestock kept as a companion animal, as opposed to those kept for their production value.

**DWELLING** - A building, or portion of a building, that provides complete living facilities for humans, including facilities for cooking, sanitation, and sleeping. Dwelling does not include a garage, or extended or separate structures from the dwelling.

**EQUINE** - Any of the various equine mammals bred in a number of varieties, kept as a domesticated animal or used for riding or racing.

**EQUINE HEALTH CARE** - The regular routine care of equine including, but not limited to: worming, dental, farrier care and veterinarian care, and immediate attention, care and treatment if it becomes sick, injured or lame.

**EXTREME WEATHER** - The following conditions issued by the National Weather Service: Heat Advisory, Wind Chill Advisory, Ice Storm Warning, Wind Chill Warning or Winter Storm Warning.

**FARRIER CARE** - A regular program of foot and hoof care for equine.

**HARBOR** - To provide food or shelter to an animal.

**HARNESS** - A device designed to be used around the body of an animal, constructed of nylon, leather or similar material. A properly fitted harness shall be defined as one that allows a minimum of two (2) adult fingers to be inserted between the harness and the body of the animal.

**HUMANE OFFICER** - A certified officer of a humane society or association incorporated under the laws of this State for the prevention of cruelty to animals.

**KENNEL FACILITY** - A place that boards animals for a fee.

**LIVESTOCK** - Cattle, sheep, swine poultry, goats, bison, llamas, alpacas and other animals that are being kept and raised for agricultural purposes on agricultural property.

**MICROCHIP** - An electronic device containing an integrated circuit that is inserted under the skin of an animal and when scanned, identifies the animal by reference to stored data, in a "database" or "registry." The Animal Control Division and the sheltering facility can scan both encrypted and non-encrypted 125 kHz microchips.

**OBEDIENCE TRAINED** - An animal trained to heel on and off a leash and obey commands to come to its owner, sit, lie, and stand until further commanded.

**OWNER OR KEEPER** - A person having custody of, possessing, harboring, or exercising control over an animal. The parents or guardians of a minor shall be deemed the owner when the animal is owned by, in the possession of, or controlled by a minor.

**OUTSIDE AREAS** - The owner, keeper or custodian's real property used by an animal or where an animal is confined. Examples include, but are not limited to: fenced areas, invisible fencing areas and tethering areas.

**PERSON** - An individual, association, corporation or partnership.

**QUALIFIED ACTIVITY** - A legal, supervised animal activity, demonstration, or show using humane practices including, but not limited to: hunting, chasing, obedience or agility training, herding, and tracking. To be legal, written consent from the property owner must be obtained.

**QUARANTINE** - Strict confinement within a dwelling or secure enclosure that prevents contact with humans or other animals.

**REAL PROPERTY** - Land owned or leased by an owner, keeper or custodian. Real property, unless otherwise specified, excludes dwellings and the common areas of a homeowner's association, condominium, apartment complex, and townhouse development.

**SANITARY** - A condition of good order and cleanliness that reduces the spread of disease or odors.

**SECURE ENCLOSURE** - A structure used to humanely contain an animal and prevent the animal from coming in contact with humans or other animals.

**SHELTER** - Defined in Part 8.

**SHELTERING FACILITY** - A facility, operated by a governmental agency or its agents for the purpose of impounding animals for care, confinement, redemption by the owner, adoption or euthanasia.

**SUFFICIENT SHADE** - A source of protection from direct sunlight by artificial or natural means that produces an area large enough to completely cover each animal's body throughout the entire day.

**TETHER** - (a) the act of attaching an animal to a tether, pulley run or trolley (b) a rope or cable, attached at one end to the collar or harness on an animal and at the other end to a stationary object, pulley run or trolley.

VETERINARIAN CARE - Medical attention given to an animal by a licensed veterinarian, including, but not limited to, the regular and routine care, examination and administering of immunizations required to maintain a healthy animal and the immediate attention, care and treatment of sick or injured animals.

**Part 2**  
**Enforcement Authority**

**ARTICLE I**  
**Animal Control Division**

**§7-2-101. Authority.**

The Board of County Commissioners hereby designates and appoints the Chief of Animal Control and the Animal Control Officers, law enforcement officers working in Calvert County, and the health officer to enforce the provisions of these regulations and the Annotated Code of Maryland regarding animals and livestock in Calvert County.

**§7-2-102. Duties, responsibilities.**

- A. The Animal Control Division shall administer and enforce this chapter including the responsibility to:
- (1) Provide for the safe, humane care and treatment of animals and livestock, protection from cruelty, abuse, neglect and the safety of the public;
  - (2) Enforce State laws regarding animals and livestock, to the extent allowed by State law;
  - (3) Provide twenty-four hour, seven-day-a-week emergency service to the extent provided by the Board of County Commissioners' annual budget;
  - (4) Receive stray animals;
  - (5) As permitted by law, enter property where there is probable cause or reasonable belief that a violation of this chapter has been or is being committed;
  - (6) Perform any other duties or acts as may be required to administer and enforce the provisions of this chapter and State law regarding animals and livestock.
- B. The Animal Control Division and the Sheltering Facility may contact and coordinate with other governmental agencies, humane or rescue organizations, humane officers and veterinarians as required for additional resources, expertise and assistance. Said contact and coordination may include, but is not limited to: the safe, humane capture, transport, care, treatment of stray, abandoned, injured, relinquished, abused or neglected animals or livestock, and temporary shelter when needed.

ARTICLE II  
**Reserved**

**Part 3**  
**Sanctions**

ARTICLE I  
**Types; Payment; Notice**

**§7-3-101. Types of sanctions.**

- A. When a violation of this chapter has occurred, the Animal Control Officer may issue a person a warning or a citation.
- B. The Animal Control Officer may, after conducting an investigation, issue a citation based on a written affidavit received from any person personally observing violations of this chapter.

**§7-3-102. Subsequent sanctions.**

A violation constitutes a second, third or subsequent violation if:

- A. A violation of the same offense occurs within twelve (12) months of the issuance of a warning;
- B. Within the past twelve (12) months, the violator was issued and paid a previous citation or was found guilty of a violation for the same offense.

**§7-3-103. Payment; notice of intent to stand trial; doubling of fines.**

- A. If a citation issued to a person for violation includes a fine, a person may:
  - (1) Pay the fine within twenty (20) days of service of the citation; or
  - (2) Execute the citation indicating the person's intent to stand trial and return the citation to the Animal Control Division within twenty (20) days of the issuance of the citation.
- B. If the fine imposed by a citation is not paid or a written notice of intent to stand trial is not delivered in the manner required, or if the fine imposed by a citation served with a summons is not paid and the defendant fails to appear in court, the fine shall be doubled to an amount not to exceed One Thousand Dollars (\$1,000).

ARTICLE II  
Warnings

**§7-3-201. Discretionary use; education; subsequent offenses.**

- A. At the discretion of the Animal Control Officer, a warning may be issued to any person for a violation of these regulations.
- B. The Animal Control Officer may issue the warning to first time offenders when there is a less extreme case of cruelty or neglect. "Less extreme cruelty or neglect" is defined as any unintentional act of cruelty or neglect, which has no permanent effect on the animal and the aforementioned behavior of the owner or custodian is subsequently corrected through education.
- C. When issuing a warning, the Animal Control Officer shall provide detailed educational guidance specific to the violation and a copy of these regulations.
- D. The Animal Control Division shall retain a record of the warning.
- E. If a violation of this chapter occurs within twelve (12) months of the date of the warning, the warning will become a first offense and at the discretion of the Animal Control Officer, a citation may be issued as a second violation.

ARTICLE III  
Classes of Violations

**§7-3-301. Class A violation.**

A Class A violation shall be punishable by a fine not to exceed Fifty Dollars (\$50) for a first violation; One Hundred Dollars (\$100) for a second violation occurring within twelve (12) months of the first violation; and Two Hundred Dollars (\$200) for a third violation, doubling for subsequent violations up to a maximum of One Thousand Dollars (\$1,000).

**§7-3-302. Class B violation.**

A Class B violation is a misdemeanor and shall be punishable by a fine not to exceed One Hundred Dollars (\$100) for a first violation, Two Hundred Dollars (\$200) for a second violation occurring within twelve (12) months of the first violation; and Four Hundred Dollars (\$400) for a third violation, doubling for subsequent violations up to a maximum of One Thousand Dollars (\$1,000). In addition, a person convicted of a Class B violation is subject to imprisonment not to exceed thirty (30) days.

**§7-3-303. Class C violation.**

A Class C violation is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Dollars (\$300) for a first violation. A subsequent violation shall be punishable by a fine of not less than Six Hundred Dollars (\$600) and not more than One thousand Dollars (\$1,000) or imprisonment not to exceed thirty (30) days, or both.

**§7-3-304. Class D violation.**

A Class D violation is a misdemeanor and shall be punishable by a fine of up to One Thousand Dollars (\$1,000) for a first violation. A subsequent violation shall be punishable by a fine of up to One Thousand Dollars (\$1,000) or imprisonment not to exceed thirty (30) days, or both.

**§7-3-305. Class E violation.**

A Class E violation is a misdemeanor and shall be punishable by a fine of One Thousand Dollars (\$1,000) for a first violation. A subsequent violation shall be punishable by a fine of One Thousand Dollars (\$1,000) or imprisonment not to exceed thirty (30) days, or both.

**Part 4  
Licensing**

**ARTICLE I  
Animal Licenses**

**§7-4-101. Dog and cat licenses.**

- A. All dogs and cats in Calvert County five (5) months of age or older shall be licensed. Dog and cat licenses may be issued simultaneously with the required rabies vaccination at the age of four (4) months.
- B. Within thirty (30) days after any dog or cat over the age of five (5) months is adopted, acquired or brought into the county, its owner shall obtain a license.
- C. All dogs and cats kept within the boundaries of the County for less than thirty (30) days are exempt from licensing; however, while kept within the County all dogs and cats shall meet all other requirements of this chapter.
- D. Dogs and cats kept at the Sheltering Facility, animal rescue organizations and humane society organizations are exempt from licensing until they are adopted.

**§7-4-102. Applications, fees and locations.**

- A. The application for a license shall include:
- (1) The certification of rabies inoculation;
  - (2) Proof of spaying or neutering, if applicable;
  - (3) The owner's certification that the animal has not been deemed dangerous in any jurisdiction or state; and
  - (4) If applicable, the owner's certification that the animal has been professionally trained to aid the blind or visually handicapped or deaf or hearing impaired, or mobility impaired and is actually in use for such purpose.
- B. The license fee shall be determined by the Board of County Commissioners and may be amended from time to time.
- (1) The fees for licenses are:
    - (a) For dogs and cats that have not been neutered or spayed is \$20;
    - (b) For dogs and cats that have been neutered or spayed is \$7.
- C. If the license fee is collected by an agency approved by the Board of County Commissioners to dispense licenses, Two Dollars (\$2) of each license fee shall be retained by the agency. No other fee is to be collected or charged.
- D. License fees are not pro-rated or refundable.
- E. The Board of County Commissioners shall designate and publish the agencies and locations where licenses can be purchased.

**§7-4-103. Waiver of license fee.**

- A. Animals owned by a governmental agency or law enforcement unit are exempt from paying the licensing fee.
- B. Animals professionally trained and currently assisting individuals as specified in §7-4-102(5) and in Article 24, §11-502 of the Annotated Code of Maryland, as amended from time to time, are exempt from paying the licensing fee.

**§7-4-104. License certificates and tags.**

A. License certificates shall include:

- (1) The date of issuance and expiration date;
- (2) The owner's name, address, home and work telephone numbers;
- (3) The animal's sex, species, breed, age, color, whether neutered or spayed and the microchip number if applicable; and
- (4) The expiration date of the rabies vaccination, tag number and the issuing veterinarian's name, trade name, telephone number and license number.

B. An owner shall make the license certificate available upon request by an Animal Control Officer, law enforcement officer, health officer, public safety officer, or their agents.

C. Licenses issued shall include a metal tag that must be securely fastened to the animal's collar or harness and worn by the animal when off the real property of the owner, except that animals engaged in qualified activity where a collar or harness would endanger the animal's safety, are exempt from wearing the tag during the qualified activity.

D. A duplicate metal license tag to replace a lost tag shall be issued to the animal's owner upon presentation of the license and payment of a fee, determined by the Board of Calvert County Commissioners, and as may be modified from time to time. At the time of the adoption of these regulations, the replacement tag fee shall be One Dollar (\$1).

**§7-4-105. Alteration, obliteration of tags.**

It shall be unlawful for a person to:

- A. Transfer registration tags from one animal to another;
- B. Affix a registration tag to an animal other than the animal for which the tag was originally issued;
- C. Affix a registration tag to an animal that has not been vaccinated against rabies;
- D. Counterfeit, alter, obliterate, or attempt to counterfeit, alter, or obliterate any rabies tag or license tag.

**§7-4-106. Violations.**

A. A violation of §7-4-101, §7-4-102, and §7-4-104 are Class A violations, except that the fine for a citation issued to a person for failing to obtain a license shall be waived if:

- (1) The person issued the citation has not had any other violation in the past twelve (12) months;
  - (2) At the time of the violation, the person issued the citation is not receiving any other citations for violations of these regulations;
  - (3) A license is purchased and presented to the Animal Control Division within fourteen (14) business days of the date the citation was issued.
- B. A violation of §7-4-105 is a Class B violation.

**ARTICLE II**  
**Commercial Animal Establishment Licenses**

**§7-4-201. Animal establishments requiring a license.**

- A. Kennel facilities and breeding facilities located in Calvert County shall be required to obtain a commercial animal establishment license issued by the Board of County Commissioners through the Animal Control Division on an annual basis.
- B. Equine facilities and equine breeding facilities are exempt from the requirements of paragraph A, above.

**§7-4-202. Applications.**

- A. The application for a commercial animal establishment shall include:
  - (1) Upon the initial issuance of a license, evidence of an approved permit from the Department of Planning and Zoning or, a certification from the Department of Planning and Zoning stating the commercial animal establishment is in compliance with the Zoning Ordinance and a permitted use at the stated location;
  - (2) Evidence of all required State licenses; and
  - (3) The owner's certification that they have not been found guilty of cruelty to animals in any jurisdiction or State.
- B. No person, partnership, or corporation found guilty of cruelty to animals in any jurisdiction or State shall be issued a license to operate a commercial animal establishment in Calvert County.

**§7-4-203. Fees.**

- A. The annual licensing fees shall be established by the Board of County Commissioners and may be modified from time to time.
- B. The annual licensing fees for kennel facilities and breeding facilities shall be as follows:
  - (1) \$100 for up to eleven (11) animals;
  - (2) \$200 for twelve (12) to twenty-four (24) animals;
  - (3) \$400 for twenty-five (25) or more animals.

**§7-4-204. Licenses.**

- A. Commercial animal establishment licenses:
  - (1) Shall be displayed in a conspicuous place;
  - (2) Are not transferable.
- B. Commercial animal establishments that change criteria, size or use shall be subject to re-inspection, re-classification, and re-adjustment of the license fee.
- C. Separate licenses are required for each facility.

**§7-4-205. Inspections.**

- A. Except for establishments operated by a licensed and regularly practicing veterinarian, Animal Control Officers are authorized to inspect animal establishments:
  - (1) To determine if the establishment is operating in accordance with the license issued;
  - (2) To determine if animals are being treated or kept in violation of this chapter or State law.
  - (3) On demand during normal business hours when the Animal Control Officer is responding to a complaint that the:
    - (a) Animals are being treated inhumanely or in violation of this chapter or law;
    - (b) Facility is being maintained in an unsanitary manner; or
    - (c) Animals are being kept or the facility is being maintained in violation of any provision of this chapter or law.

- B. It shall be unlawful for a person to refuse to allow an inspection of a commercial animal establishment.

**§7-4-206. Denial, suspension and revocation.**

- A. Any person, partnership, corporation, or other entity denied a license shall not be eligible to re-apply for a period of six (6) months from the date of denial.
- B. In addition to any sanction imposed by a court or other entity having jurisdiction to enforce this chapter, a license may be suspended for up to thirty (30) days if a licensee is convicted of a Class A, B or C violation of this chapter.
- C. A license may suspended for up to sixty (60) days or revoked if a licensee is convicted of a Class D or E violation or a subsequent Class A, B or C violation of this chapter.
- D. A license shall be revoked if the licensee is found to have withheld or falsified any information on the application for the license.
- E. A license may not be suspended or revoked without notice to the licensee and an opportunity for a hearing. The Director of the Department of Public Safety shall conduct the hearing. Notice of the proposed suspension or revocation shall be served upon the licensee at least thirty (30) days before the hearing by certified mail or by personal service and shall specify the reasons for the proposed suspension or revocation.
- F. At the conclusion of the hearing, the Director of Public Safety shall issue a written finding of facts, conclusions of law and order.
- G. The decision of the Director may be appealed to the Circuit Court for Calvert County pursuant to Title 7, Chapter 200 of the Maryland Rules of Procedure as amended from time to time.
- H. (1) A licensee who has had a license previously issued under this chapter revoked shall not be eligible for another license unless approval for the new license is granted by the Director of Public Safety after a hearing.
  - (2) A licensee who has had a license previously issued under this chapter may not apply for another license unless one year has passed between the revocation of the previous license and application to the Director for a new license.
  - (3) The applicant shall meet any conditions placed on the issuance of the license by the Director prior to the issuance of the license by the Animal Control Division.

**§7-4-207. Violations.**

- A. A violation of this article is a Class D violation.
- B. A citation issued for a commercial animal establishment operating with an expired license shall be waived if:
  - (1) The owner has not received any other citations within the preceding twenty-four (24) months;
  - (2) At the time of the violation, the owner issued the citation is not receiving any other citations for violations of these regulations;
  - (3) The license has not been expired more than thirty-days; and
  - (4) Within fourteen (14) business days from the date the citation was issued, the owner presents evidence of a valid license to the Animal Control Division.

**ARTICLE III  
Equine Facilities**

**§7-4-301. Requirements.**

The Maryland Horse Industry Board regulates various equine facilities pursuant to Title 2, Subtitle 7 of the Agriculture Article of the Annotated Code of Maryland.

**Part 5  
Disease; Prevention, Exposure and Quarantine**

**ARTICLE I  
Disease Prevention**

**§7-5-101. Rabies.**

- A. It shall be the duty of every owner, keeper or custodian of a dog, cat, or ferret four (4) months old or older to have such dog, cat, or ferret inoculated with the anti-rabies vaccine approved by the Secretary of the Department of Health and Mental Hygiene. The inoculation shall be repeated as often as the Secretary of the Department of Health and Mental Hygiene may, from time to time, specify.
- B. A licensed veterinarian must administer the rabies vaccine.
- C. The rabies certificate issued by the veterinarian shall be preserved by the owner or custodian of the dog, cat or ferret and promptly presented upon request by any Animal Control Officer, health officer, law enforcement officer, or their agents.

- D. The rabies certification tag issued at the time of inoculation must be worn by the inoculated dog or cat at all times, except that a dog or cat engaged in a qualified activity where a collar or harness would endanger the animal's safety, is exempt from wearing the tag during the qualified activity.
- E. Violation of this section is a Class B violation.

ARTICLE II  
**Exposure; Animal Bites, Scratches**

**§7-5-201. Animal bites and scratches.**

- A. In addition to the requirements of §18-316 of the Health-General Article of the Annotated Code of Maryland, as amended from time to time;
  - (1) All animal bites and scratches that break the skin must be reported immediately to the Animal Control Division and the health officer, but in no event more than twenty-four (24) hours after the incident.
  - (2) The duty to report animal bites rests with both the owner of the animal and the person bitten.
  - (3) It shall be the duty of every physician, veterinarian and hospital to report to the Animal Control Division and the health officer the names and addresses of persons treated for animal bites and scratches that break the skin.
- B. Violation of this article is a Class A violation.

ARTICLE III  
**Quarantine; Seizure and Impoundment**

**§7-5-301. Animals requiring quarantine.**

An animal that has bitten, been bitten by, or has otherwise been exposed to another animal, or who has bitten, scratched or otherwise exposed a human, if not euthanized and tested for rabies, shall be quarantined.

**§7-5-302. Quarantine requirements.**

- A. In addition to the requirements of §18-320 of the Health-General Article of the Annotated Code of Maryland, as amended from time to time, the following shall apply to an animal quarantined pursuant to that section.

- B. A quarantined animal shall not be removed from the quarantine premise or permitted to come into contact with other animals or persons other than the owner(s) or primary caretaker(s);
- C. If the animal becomes ill or begins to show behavioral changes, the owner shall immediately notify the public health veterinarian or local health officer.
- D. If the animal dies, the owner shall immediately notify the public health veterinarian or local health officer and make the animal available for rabies testing.
- E. If the animal escapes, the owner shall immediately notify the Animal Control Division, law enforcement agencies and the public health veterinarian or local health officer.
- F. The animal shall not be killed, transferred, sold or otherwise disposed of without written permission from the public health veterinarian or local health officer.
- G. The owner shall report the status of the animal to the public health veterinarian or local health officer at such times and frequency as the public health veterinarian or local health officer requires.
- H. The owner shall contact the public health veterinarian or local health officer at the end of the quarantine and, if required, have the animal examined by a veterinarian.
- I. If the animal was not vaccinated against rabies prior to exposure, the animal shall not be vaccinated until released from quarantine, unless the quarantining agency is advised to vaccinate by order of the public health veterinarian or the local health officer under the rabies compendium .
- J. An unvaccinated animal shall be taken to a licensed veterinarian for a physical, rabies exam and vaccination within five (5) days of being released from quarantine.
- K. The owner(s) of an animal that has bitten or scratched a person or animal shall be responsible for all expenses incurred for the quarantine, examination, treatment, or destruction of an animal pursuant to this section.

**§7-5-303. Seizure and impoundment.**

- A. An Animal Control Officer is authorized to seize and impound any animal requiring quarantine that is not properly quarantined.
- B. A person that fails to properly quarantine their animal shall be responsible for all expenses associated with the quarantine.

**§7-5-304. Violations.**

A violation of this article is a Class B violation

**Part 6  
Prohibited Acts**

**ARTICLE I  
Cruelty; Abuse, Neglect**

**§7-6-101. Applicability.**

The provisions of this article do not apply to:

- A. Customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking and limit feeding;
- B. An activity that may cause unavoidable physical pain to an animal, including food processing and pest elimination, if the person performing the activity uses the most humane method reasonably available; or
- C. Normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

**§7-6-102. Cruelty.**

A. A person may not:

- (1) Intentionally mutilate, torture, torment, cruelly beat, cruelly kill, injure, or run down an animal with a vehicle;
- (2) Subject an animal to conditions detrimental to its health and general welfare;
- (3) Administer poison to, or knowingly place or leave in a place accessible to animals any poisonous or other harmful substance with the intent to injure or kill any animal;
- (4) Possess, own, sell, transport, or train any animal with the intent to use or permit the animal to be used for the purpose of fighting with any other animal;
- (5) Allow a premises under the person's ownership, charge or control to be used for any illegal game, exhibition, contest, fight or combat between one or more animals;
- (6) Promote, stage, hold, manage, conduct, carry on, or attend any illegal game, exhibition, contest, fight or combat between one or more animals;
- (7) Inflict unnecessary suffering or pain upon any animal;

- (8) Hoard animals, defined as accumulating or maintaining a number of animals in a single location if the number of animals overwhelms a person's ability to provide nutrition, sanitation and veterinary care to maintain healthy animals or the person fails to acknowledge the deteriorating health of the animals or condition of the dwelling or facility;
- (9) Overdrive or overload an animal;
- (10) Confine, tether or otherwise allow an animal to remain in outside areas during periods of extreme weather without access to proper shelter;
- (11) Fail to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, or space; or
- (12) Cause, arrange, permit or authorize any of the above acts.

B. A violation of this section is a Class E violation.

**§7-6-103. Abuse, neglect.**

A. While under his or her care, control or custody, a person shall not:

- (1) Fail to provide an animal with necessary veterinarian care or equine health care;
- (2) Fail to provide animals with food in sufficient quantity and quality to allow for healthy growth and for the maintenance of body weight;
  - (a) If more than one animal is fed at one time or in one place, it shall be the responsibility of the owner, keeper or custodian to ensure that each animal receives nutrition and water in sufficient quantity;
  - (b) In addition to food and water, equine shall be provided salt;
  - (c) Food shall be properly stored, served free of mold and other contaminants.
- (3) Fail to provide food and water served in a clean receptacle, appropriate for the species and number of animals, and securely affixed to prevent the contents from spilling;
- (4) Fail to provide a supply of potable water of a drinkable temperature;
- (5) Drive or ride equine if a veterinarian has provided the owner, keeper or custodian with written notice advising against such activity; or
- (6) Cause, arrange, permit or authorize any of the above acts.

B. A violation of this section is a Class B violation.

ARTICLE II  
**Abandoning; Sales or Other Conveyance**

**§7-6-201. Abandoning animals.**

- A. A person who owns, possesses, or has custody of an animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.
- B. A violation of this section is a Class B violation.

**§7-6-202. Sales or other conveyance.**

A person shall not:

- A. Sell, give away, or otherwise distribute a dog or cat less than eight weeks of age unless accompanied by its dam, except for a dog or cat given to a government operated or supported animal shelter, a humane society, or a dog or cat accompanied by a statement, signed by a licensed veterinarian, stating that the dam is incapacitated for humane or medical reasons and cannot care for or accompany her offspring;
- B. Sell or give away an animal as an inducement to enter a contest, game, or place of amusement;
- C. Give away, transfer or sell an animal that is undergoing treatment by a veterinarian for an illness or injury without obtaining a written release from the veterinarian;
- D. Cause, arrange, permit or authorize any of the above acts.
- E. A violation of this section is a Class A violation.

ARTICLE III  
**Public Nuisance; Seizure and Impoundment**

**§7-6-301. Public nuisance.**

- A. A person shall not allow an animal under his or her care, custody and control to:
  - (1) Have unwanted contact with another person or animal. Unwanted contact shall be defined as the unwelcome or unsolicited physical contact or proximity to a person that occurs when an animal is off the real property of the owner, keeper, or custodian and includes inhibiting the movement, chasing, or jumping on a person or other animal;
  - (2) Interfere with the freedom of movement of any person while the animal is off the property of the owner. Freedom of movement shall be defined as the unsolicited

contact or close proximity to a person that inhibits a persons' movement, including jumping, growling, or otherwise threatening a person;

- (3) Chase vehicles or bicyclists;
- (4) Make disturbing noises including, but not limited to: continued and repeated howling, barking, whining, or other utterances, thereby disturbing the quiet, comfort, and repose of a person(s).

B. A person shall not allow an animal or livestock under his or her care, custody and control to:

- (1) Be at-large;
- (2) Damage property other than the owner's;
- (3) Defecate or urinate on property other than the owner's.

**§7-6-302. Seizure and impoundment of a public nuisance.**

A. Animal Control Officers are authorized to seize and impound an animal if:

- (1) The Animal Control Officer has reasonable grounds to believe that the animal has initiated unwanted contact with a person or animal, interfered with the freedom of movement of any person while off the property of the owner, or has chased any vehicle or bicyclist not on the property of the animal's owner; or
- (2) (i) The Animal Control Officer has reasonable grounds to believe that the animal has made disturbing noises prohibited by §7-6-301 A. (4), and  
(ii) The owner has been convicted twice within the past twenty-four (24) months for the same offense.

B. The seized animal shall be held at the sheltering facility pending the outcome of a hearing.

C. Upon conviction, and in addition to any fines or penalties assessed, the owner shall be required,

- (1) To pay all expenses incurred for sheltering the animal; and
- (2) To abate the activity.

**§7-6-303. Violations.**

A violation of this article is a Class B violation.

ARTICLE IV  
**At-Large; Trespass**

**§7-6-401. Animals at-large.**

A. Except as provided in paragraph B below:

- (1) When an animal is off the real property of the owner, keeper or custodian, the animal shall be accompanied by and under the control of a person who is capable of controlling and physically restraining the animal.
- (2) When a dog is off the real property of the owner, keeper or custodian, the dog shall be on a leash, accompanied by and under the control of a person who is capable of controlling and physically restraining the dog.

B. (1) When a person is in physical pursuit of an animal that is accidentally at-large, the animal shall not be deemed at-large.

- (2) Animals participating in a qualified activity are not at-large unless the animal leaves the qualified activity.
- (3) Dogs located within the designated fenced area of a public park or dog park are not required to be on a leash.

C. An at-large animal that is threatening a human being, other animal or livestock without provocation shall be deemed a dangerous animal. If the Animal Control Officer(s) is unable to catch the animal, after exhausting all other means to capture the animal, the Animal Control Officer or a law enforcement officer is authorized to shoot the animal.

**§7-6-402. Animal trespass.**

It shall be unlawful for an owner, keeper or custodian to permit an animal to enter private property without the property owner's permission.

**§7-6-403. Violations.**

A violation of this article is a Class A violation.

ARTICLE V  
**Motor Vehicles**

**§7-6-501. Transporting animals.**

A person shall not:

- A. Place, confine or allow an animal to be placed or confined inside a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of the animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death;
- B. Permit an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined in an animal transport container, well-ventilated container, cage or other enclosure that is securely affixed to the vehicle, appropriately sized for the animal or number of animals and designed to safely transport the animal;
- C. Cross-tether a dog as a means of securing a dog in a motor vehicle or the unenclosed portion of a motor vehicle; or
- D. Allow an animal to extend beyond the window frame of a moving vehicle.

**§7-6-502. Violations.**

- A. A violation of §7-6-501 (A) is a Class C violation.
- B. A violation of §7-6-501 (B) or (C) is a Class B violation.
- C. A violation of §7-6-501 (D) is a Class A violation.

ARTICLE VI  
**Interfering with Enforcement Agencies**

**§7-6-601. Interference, false statements.**

- A. It shall be unlawful for a person to:
  - (1) Interfere with, hinder, or molest an Animal Control Officer, law enforcement officer, or their designee in the performance of their duties;
  - (2) Remove or attempt to remove any animal from any vehicle or trap used by an Animal Control Officer or their designee;
  - (3) Release or attempt to release any animal in a vehicle, trap, or in the custody of an Animal Control Officer, or their designee; or

- (4) Conceal or falsely deny ownership of an animal to any person authorized to enforce this chapter or State law regarding animals.

B. A violation of this article is a Class C violation.

## ARTICLE VII Other Prohibited Acts

### **§7-6-701. Dogs or cats in heat.**

A. Except as provided in paragraph B below, a female dog or cat in estrus, a condition commonly known as “in heat” or “in season,” shall be confined in a dwelling. Secure enclosures may be utilized if the enclosure is capable of limiting the attraction of other animals and prohibiting the female from coming in contact with other animals.

B. (1) A female dog “in heat” may be taken outside on a leash for the purpose of natural relief but may not be taken off the owner’s real property. The dog must be accompanied by the owner, keeper or custodian who is capable of controlling and physically restraining the dog. For the purpose of this regulation, the owner’s real property shall include the common areas of a homeowner’s association, condominium, apartment complex, and townhouse development if the owner shares an interest in the common areas. This paragraph does not affect any right of a common ownership community to regulate or ban animals from the community’s property.

(2) A dog or cat “in heat” may be conveyed to a veterinarian, custodian, breeder, breeding facility, kennel, or grooming shop.

C. A violation of this section is a Class A violation.

### **§7-6-702. Defecation and excrement.**

A. Except as provided by paragraph B below, the owner, keeper or custodian of an animal shall not allow the animal to defecate or excrete on property other than the owner’s.

B. (1) Animals may defecate and excrete on property other than the owner’s with the consent of the property owner.

(2) Animals participating in a qualified activity may defecate and excrete on public property or property other than the owner’s if the feces are immediately removed by a sanitary method and disposed of in an appropriate trash receptacle.

(3) Animals may defecate and excrete on public property or the common area of property in which the owner shares an interest if the feces are immediately removed by a sanitary method and disposed of in an appropriate trash receptacle. This paragraph

does not affect any right of a common ownership community to regulate or ban animals from the community's property.

- C. A person shall not allow animal feces to accumulate on any property causing unsanitary conditions or conditions detrimental to the health and well-being of animals or humans.

**§7-6-703. Violations.**

- A. A violation of paragraph A or B is a Class A violation.
- B. A violation of paragraph C is a Class B violation.

**Part 7  
Outside Areas, Enclosures, Tethering**

**ARTICLE I  
Outside Areas**

**§7-7-101. Scope.**

For purposes of this article, an "outside area" is the portion of an owner's, keeper's or custodian's real property used by an animal or where an animal is confined. Examples of outside areas include, but are not limited to: fenced areas, invisible fencing areas, and tethering areas.

**§7-7-102. Prohibited acts.**

- A. A person shall not:
  - (1) Confine, tether or otherwise allow an animal to remain in outside areas without access to proper shelter;
  - (2) Allow an animal to use, or confine an animal in, an outside area that is not clean and safe, maintained to:
    - (a) Prevent the accumulation of fecal matter;
    - (b) Prevent standing water;
    - (c) Be free of sharp objects, trash and debris; and
    - (d) Minimize health hazards and obnoxious odors.
  - (3) Confine or tether a dog in an outside area that is not large enough to allow the dog to defecate or urinate in a separate area from the area where it must eat, drink, or lie down;

- (4) Fail to properly maintain all fencing used to confine an animal;
  - (5) Confine an animal to an outside area without sufficient shade by natural or artificial means at all times to protect the animal from direct sunlight.
- B. It shall be unlawful for a doghouse to be the only source of sufficient shade to protect a dog from direct sunlight.

**§7-7-103. Violations.**

A violation of this article is a Class B violation.

**ARTICLE II**  
**Animal Enclosures**

**§7-7-201. Scope.**

Animal enclosures can be located inside a dwelling, other structure, or in outside areas. Examples of animal enclosures include, but are not limited to: cages, crates, pens, open kennels, and runs.

**§7-7-202. Prohibited acts.**

- A. A person shall not permit an animal to use or confine an animal in an animal enclosure that:
- (1) Is not structurally sound and maintained in good repair, protecting the animal from injury;
  - (2) Does not provide interior space that allows each animal adequate freedom of movement. Freedom of movement shall be defined and measured by the ability of each animal to freely turnaround while standing inside and lie down with sufficient room to fully extend inside the enclosure;
  - (3) Is not appropriate and sufficient for the age, breed, type, quantity, and size of the animal;
  - (4) Is not clean and usable, free of:
    - (a) Fecal matter;
    - (b) Standing water;
    - (c) Sharp objects, trash and debris; and
    - (d) Maintained to minimize health hazards and obnoxious odors;

- (5) Does not provide adequate ventilation by natural or mechanical means and the ambient temperature shall:
  - (a) Not cause stress to the animal;
  - (b) Allow the animal to maintain its normal body temperature; and
  - (c) Be conducive to maintaining a healthy animal.

**§7-7-203. Violations.**

A violation of this article is a Class B violation.

**ARTICLE III  
Tethering**

**§7-7-301. Prohibited acts.**

- A. A person shall not tether a dog under such conditions, including harsh or extreme weather conditions, that endanger its health, safety, or well-being.
- B. A person shall not tether a dog:
  - (1) Without a properly fitted collar or harness;
  - (2) With a choke collar, training collar, collar with metal spikes, chain or the tether;
  - (3) With a tether:
    - (a) That does not have swivels at both ends to prevent kinking and knotting;
    - (b) That weighs more than 1/8th of the dog's body weight, if the weight and length of the tether prevents the dog from freely moving within the intended area;
    - (c) That is not properly positioned to prevent the:
      - i) Tether from becoming entangled in or around objects;
      - ii) Dog from reaching or climbing a fence to avoid strangulation;
      - iii) Dog from entering any property other than the owner's;
    - (d) That does not permit the dog to safely enter, exit and turn around inside a shelter or doghouse;

- (4) With a ground-level tether less than five (5) times the length of the dog, nose to tail or fifteen (15) feet, whichever is greater;
  - (5) By securing the dog from two different directions, known as cross-tethering.
- C. A violation of this article is a Class A violation.

**Part 8  
Shelter**

**ARTICLE I  
Shelter for Animals Other Than Dogs**

**§7-8-101. Scope.**

- A. When animals are not provided shelter inside a dwelling, proper shelter shall be provided. Examples of proper shelter include, but are not limited to: extended or separate structures from a dwelling (such as garages and sheds), outbuildings, barns, hutches, lean-to, run-in sheds, partially enclosed kennels and modified playhouses.
- B. Animal enclosures that are not inside a dwelling are not proper shelter.
- C. Except when an animal is temporarily confined during transport, a disaster or rescue, or while participating in a qualified activity, animal transport containers are not proper shelter.

**§7-8-102. Shelter requirements.**

Proper shelter for an animal other than a dog shall:

- A. Have four (4) sides and a roof except shelter for equine shall have three (3) sides and a roof (also known as a run-in shed);
- B. Provide each animal protection from the weather;
- C. Be structurally sound and maintained in good repair; protecting the animal from injury;
- D. Be appropriate and sufficient for the species, age, breed, type, quantity, and size of the animal;
- E. Provide ample dry bedding, such as straw, wooden chips and/or sawdust or other similar material;
- F. Provide interior space that allows each animal adequate freedom of movement. Freedom of movement shall be defined and measured by the ability of each animal to freely turn around

while standing inside under the same conditions that would exist during normal use (as in the case of multiple animals);

G. Be clean and usable and free of:

- (1) Fecal matter;
- (2) Standing water;
- (3) Sharp objects, trash and debris;

H. Be maintained to minimize health hazards and obnoxious odors.

**§7-8-103. Violations.**

A violation of this article is a Class A violations.

ARTICLE II  
**Shelter for Dogs**

**§7-8-201. Scope.**

When a dog is not provided shelter inside a dwelling, a doghouse is considered proper shelter; however, garages, sheds, enclosed porches and partially enclosed kennels may qualify as proper shelter for dogs.

**§7-8-202. Shelter requirements for dogs.**

A. Proper shelter for a dog shall:

- (1) Be an enclosed structure;
- (2) Be structurally sound and maintained in good repair to protect the dog from injury;
- (3) Be water-resistant;
- (4) Be constructed of any material except metal or plastic, except that a commercially manufactured doghouse may be constructed of plastic;
- (5) Have a solid, level floor that is a minimum of two (2) inches off the ground;
- (6) Have a flexible windproof and water-resistant flap covering the entrance that:
  - (a) Permits the dog to safely enter and exit;

- (b) Protects the dog from the weather; and
    - (c) Ensures a water-resistant and windproof interior;
  - (7) Provide interior space:
    - (a) Appropriate and sufficient for the age, breed, type, quantity, and size of the dog;
    - (b) Large enough that, while inside, the dog is able to freely turn around while standing, but not so large that the dog is unable to warm the interior of the structure and retain body heat;
  - (8) Contain ample dry bedding, such as straw, wooden chips and/or sawdust or other similar material;
  - (9) Be clean and usable, free of:
    - (a) Fecal matter;
    - (b) Standing water;
    - (c) Sharp objects, trash and debris; and
  - (10) Be maintained to minimize health hazards and obnoxious odors;
- B. When a dog is provided shelter in an unheated structure, such as a garage, shed or enclosed porch, a shelter for the purpose of retaining body heat shall be provided. The shelter shall be an enclosed structure with ample padding or other barrier on the floor to insulate the dog from the floor.
- C. When a doghouse is provided as shelter, and multiple dogs are present, each dog over 12 weeks of age, shall be provided a doghouse.
- D. Animal transport containers are not proper shelter, except for when a dog is:
- (1) Provided shelter inside a dwelling, or
  - (2) Temporarily confined during transport, a disaster or rescue, or while participating in a qualified activity.

**§7-8-203. Violations.**

A violation of this article is a Class A violation.

**Part 9**  
**Dangerous and Prohibited Animals**

**ARTICLE I**  
**Dangerous Animals**

**§7-9-101. Determination; notification; intent to appeal.**

- A. Except as provided in §7-9-102, any animal that without provocation, wounds, bites, injures, or kills a human being, another animal or livestock, or is being trained or has been trained to attack shall be designated by the Animal Control Division as dangerous.
- B. The Animal Control Division shall notify the owner that their animal has been designated as dangerous. The notice shall:
  - (1) Be personally delivered or sent certified mail;
  - (2) Include the:
    - (a) Date and summary of the incident;
    - (b) Requirements for keeping the dangerous animal;
    - (c) Time frame the requirements must be completed by.
- C. The owner may execute the notice, indicating their intent to appeal the dangerous designation and return the notice to the Animal Control Division within twenty (20) day of the issuance of the notice.

**§7-9-102. Exceptions.**

- A. Animals shall not be declared dangerous if threat, injury, or damage was sustained by a person who, at the time:
  - (1) Was committing a willful trespass or other tort upon the premises occupied by the owner, keeper or custodian of the animal;
  - (2) Was teasing, tormenting, abusing, or assaulting the animal;
  - (3) Has been observed or reported to have teased, tormented, abused, or assaulted the animal; or
  - (4) Was committing or attempting to commit a crime.
- B. Animals shall not be declared dangerous if the animal was protecting or defending its young, another animal, or responding to pain or injury.

- C. Animals owned by a governmental or law enforcement unit are exempt from being declared dangerous.

**§7-9-103. Requirements.**

- A. Animals deemed dangerous by another jurisdiction or State shall automatically be deemed dangerous in Calvert County and the owner shall, in addition to licensing, immediately register the animal as dangerous with the Animal Control Division. If the jurisdiction making the determination that the animal is dangerous uses a term other than “dangerous,” the animal shall be considered dangerous if the criteria used in the other jurisdiction for determining that the animal posed a threat to the safety and well-being of other animals or people were the same or substantially the same as those set forth in this chapter for determining whether an animal is dangerous.
- B. The owner of a dangerous animal shall:
  - (1) At the expense of the owner, have a microchip inserted in the animal;
  - (2) Provide the Animal Control Division with written evidence of a One Hundred Thousand (\$100,000) public liability insurance policy per single incident. The policy shall cover bodily injury to a person(s), the debts of any person(s) and damage to property owned by any person(s) caused by the animal. The insurance shall remain in effect for the life of the animal. The owner shall notify the Animal Control Division if the policy is cancelled, terminated, or expires;
  - (3) Install a perimeter fence on the property or a portion of the property if the animal is kept outside the dwelling. Within the perimeter fence, the animal shall be further confined inside a secure enclosure. The perimeter fence and secure enclosure shall be constructed in such a manner that ensures the animal cannot come in contact with other human beings or animals and cannot escape;
  - (4) Display “Dangerous Animal” signs as follows:
    - (a) Eight and one-half inch by fourteen (8 ½” x 14”) inch signs shall be securely affixed to the perimeter fence, in prominent places along the property line and at the entrance and exit of the property where the animal is located;
    - (b) The lettering on the signs shall be at least three-inch (3”) block lettering that is visible at all times, especially at night (white lettering on red or black background are the recommended colors);
  - (5) Not transfer ownership or custody without notifying the Animal Control Division.

C. When off the owner's real property, the dangerous animal shall be:

- (1) Muzzled. The muzzle must be made and affixed in such a manner that will not cause injury to the animal or interfere with its breathing or respiration, but must prevent the animal from biting;
- (2) Restrained. The animal shall be on a leash that does not exceed three (3) feet in length and under the control of a person over the age of 18 who is physically capable of controlling and restraining the animal.

**§7-9-104. Notification of certain acts.**

The owner or keeper of a dangerous animal shall immediately notify the Animal Control Division, the State police, and local law enforcement agencies if the animal:

- A. Is loose or unattended;
- B. Has attacked another animal or human being;
- C. Has died;
- D. Is being relocated to another jurisdiction.

**§7-9-105. Impoundment and euthanasia.**

- A. In the event that an Animal Control Officer has probable cause to believe a dangerous animal is being harbored or cared for in violation of the registration section of this article, the Animal Control Officer shall file a petition in a court of appropriate jurisdiction seeking the seizure and impoundment of the animal pending an adjudication of the offense.
- B. In the event that a dangerous animal attacks a human being, animal or livestock, the dangerous animal shall be euthanized if, in the judgment of the District Court judge, the dangerous animal represents a continuing threat of serious harm to human beings, livestock and animals.

**§7-9-106. Violations.**

A violation of this article is a Class D violation.

ARTICLE II  
**Prohibited Animals**

**§7-9-201. Scope.**

This article does not apply to:

- A. Exhibitors licensed under the Federal Animal Welfare Act;
- B. A person who possesses a valid license or permit issued by the Department of Natural Resources;
- C. A nonprofit 501(c)(3) animal sanctuary that operates a place of refuge for abused, neglected, impounded, abandoned, orphaned or displaced animals;
- D. A person who holds a valid license to practice veterinary medicine in the State and is treating a seized or lawful animal in accordance with this article; or
- E. As specified in §10-621(2)(i) of the Annotated Code of Maryland, a person who had lawful possession of a prohibited animal on May 31, 2006, and provided written notification to the Animal Control Division on or before August 1, 2006, may continue to possess that animal.

**§7-9-202. Prohibited animals and acts.**

- A. In addition to the provisions of §10-621(b) of the Annotated Code of Maryland, as may be amended from time to time, a person may not possess or import into the County, offer for sale, trade, barter, breed, or exchange a live:
  - (1) Animal that has been trained to fight other animals;
  - (2) Fox, skunk, raccoon, or bear;
  - (3) Caiman, alligator, or crocodile;
  - (4) Member of the cat family other than the domestic cat;
  - (5) Hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;
  - (6) Member of the dog family other than the domestic dog;
  - (7) Hybrid of a member of the dog family and a domestic dog;
  - (8) Non-human primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

- (9) Poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.
- B. (1) Animal Control Officers are authorized to immediately seize and impound, at an appropriate shelter facility, any prohibited animal or any animal trained to fight other animals.
- (2) If the Animal Control Division does not know or cannot reasonably determine the owner of the impounded animal, the Animal Control Division shall
    - (a) Humanely euthanize any animal that it reasonably believes has been trained to fight other animals; or
    - (b) Humanely euthanize or find permanent placement for an animal prohibited pursuant to subsections 7-9-202 A. (2)-(9), at an appropriate facility that is equipped for the continued care of the particular species.
  - (3) If the owner of an impounded animal is known, and a court has determined that the animal has been trained to fight other animals, the animal shall be humanely euthanized.
  - (4) If the owner of an impounded animal is known, and the animal is a prohibited animal pursuant to subsections 7-9-202 A. (2)-(9), euthanization of the animal or placement of the animal shall be permitted only by the consent of the owner or pursuant to a court order.
- C. The owner of the prohibited animal shall be required to pay for all expenses incurred for sheltering and if required, euthanizing the prohibited animal.

**§7-9-203. Violations.**

A violation of this section is a Class E violation.

**Part 10  
Seizure; Impoundment**

**ARTICLE I  
Seizure**

**§7-10-101. Authority.**

In addition to the other provisions of this chapter and the powers granted in §10-615 of the Criminal Law Article of the Annotated Code of Maryland, as amended from time to time, the following shall apply.

- A. If an animal is impounded, yarded, confined without necessary food, water, proper attention, is subject to cruelty, abuse, or is neglected;
- (1) Animal Control Officers, humane officers, law enforcement officers, other public officials authorized to protect animals, or any invited and accompanying veterinarian licensed in the State may enter the real property where the animal is located and
    - (a) Supply the animal with necessary food, water, and attention; or
    - (b) Remove the animal if removal is necessary for the health of the animal or to protect it from cruelty.
  - (2) A person who enters real property under this section is not liable because of the entry.
  - (3) A person who removes an animal under this section shall notify the owner, keeper or custodian of the removal and any administrative remedies that may be available to the owner or custodian.
  - (4) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal within ten (10) days after the removal.
- B. Animal Control Officers are authorized to seize and impound at-large, stray, abandoned animals and prohibited animals.
- C. If the Animal Control Officer determines that an animal has threatened, may continue to present a threat, or continues to present a threat to the public safety and welfare, the Animal Control Officer may:
- (1) Seize and impound the animal if the animal is on public property or property other than the owner's;
  - (2) As permitted by law, enter real property and seize and impound the animal;
  - (3) Obtain a search warrant or other legal remedy to seize and impound the animal;
- D. Animals seized and impounded for threatening the public's safety and welfare shall remain impounded at the Sheltering Facility or other facility as may be required, pending the outcome of a hearing. The owner shall be notified of the date, time, and place for the scheduled hearing.
- E. If a person has been issued two (2) citations within the past twelve (12) months for the same offense and the owner, keeper or custodian has failed to abate the activity, the Animal Control Officer is authorized to seize and impound the animal pending the outcome of a hearing.

**§7-10-102. Disposition of seized animals.**

- A. The Animal Control Officer shall make a prompt and reasonable effort to locate and notify the owner, keeper or custodian of an impounded animal.
- B. The Animal Control Officer shall make the initial determination if the seized animal is contagious, seriously ill, severely injured, or if it is unsafe to be taken to the Sheltering Facility and is authorized to take, or arrange for, the animal to be examined by a licensed veterinarian.
  - (1) In the event that a licensed veterinarian examines a seized animal, the veterinarian shall:
    - (a) Provide care and treatment deemed necessary by the veterinarian;
    - (b) Provide the Animal Control Officer with a written statement that shall include:
      - i) The initial condition of the animal;
      - ii) Care and treatment provided;
      - iii) Future care and treatment, if required;
      - iv) Recommendation(s) for the disposition of the animal, including humane euthanasia, if required.
- C. In addition to the costs incurred for sheltering the animal, the owner shall be responsible for all veterinarian expenses.

**ARTICLE II  
Impoundment**

**§7-10-201. Time period; disposition.**

- A. Except as otherwise provided in this chapter, any animal impounded subject to a hearing shall be held pending the outcome of the hearing.
- B. Impounded animals not subject to a hearing:
  - (1) Shall be held for the owner for a period of not less than three (3) business days, excluding holidays, at the Sheltering Facility or other facility as may be required.
  - (2) Any owner not redeeming their animal within three (3) business days, excluding holidays, shall be deemed to have forfeited all rights of ownership and the animal becomes the property of Calvert County.

- C. Animals that become the property of Calvert County shall remain impounded for an additional two (2) business days, excluding holidays, during which time any person may obtain ownership by paying an adoption fee.
- D. Impounded animals not redeemed, adopted or rescued may be destroyed in the most humane manner possible.

**§7-10-202. Redemption of impounded animals.**

- A. The owner or their duly authorized representative may redeem their impounded animal from the Sheltering Facility upon authorization from the Animal Control Division to release the animal.
  - (a) If a hearing was required, upon receipt of the authorization to release the animal issued at or subsequent to the hearing;
  - (b) Upon confirmation that all required conditions of the hearing have been satisfied;
  - (c) Upon receipt of any fines, fees, or expenses required to be satisfied by the owner.
- (2) The Sheltering Facility may release the animal upon authorization from the Animal Control Division and:
  - (a) Satisfactory evidence of:
    - i) Proof of ownership;
    - ii) A current County license for dogs and cats;
    - iii) Up-to-date rabies vaccinations for dogs, cats and ferrets;
  - (b) Tendering a fee in the amount charged by the Sheltering Facility, including any veterinarian expenses incurred.

**Part 11  
Livestock Compensation**

**ARTICLE I  
Scope; Purpose**

**§7-11-101. Scope.**

It is the intent of the Board of County Commissioners that this Part shall only apply to livestock injured or killed by a dog, where the owner of the dog is unknown.

**§7-11-102. Purpose.**

The purpose of this Part is to compensate the owner for the loss of livestock, injured or killed by a dog, where the owner of the dog is unknown.

**ARTICLE II  
Notification and Application**

**§7-11-201. Notice to Animal Control Division.**

- A. The owner or keeper of any livestock that has been injured or killed shall notify the Animal Control Division as soon as possible, but in no case more than 24 hours after discovering the injured or killed livestock.
- B. The Animal Control Officer shall complete an incident report to include the cause of the injury or death of the livestock and if the owner of the dog(s) are known.
- C. Upon notification that the owner or keeper has made written application for compensation, the Animal Control Officer shall obtain three independent appraisals to establish the value of the injured or killed livestock.
- D. The completed incident report and the three (3) appraisals shall be forwarded to the Board of County Commissioners.

**§7-11-202. Application to Board of County Commissioners.**

- A. The owner or keeper of injured or killed livestock shall make written application to the Board of County Commissioners for compensation under this article.
- B. The application must be made within 45 days after notification to the Animal Control Officer.
- C. The application must include the owner's affidavit that the:
  - (1) Injured or killed livestock was used for agricultural purposes; and
  - (2) The owner(s) of the dog(s) that caused the injury or death is unknown.

ARTICLE III  
**Proof Required; Findings and Compensation**

**§7-11-301. Proof required for compensation.**

- A. The findings of the independent appraisals shall be prima facie evidence of the fairness of the compensation by the Board of County Commissioners.
- B. The Animal Control Officer's incident report.
- C. The burden is upon the owner of the livestock to show Article II paragraph C in order to be eligible for compensation under this article.

**§7-11-302. Findings by the Board of County Commissioners.**

- A. The Board of County Commissioners must find, by majority vote, that the elements of §7-11-301 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 injury or death was accurate.
- C. Failure to find either paragraph A or B of this section shall prevent an award of compensation.

**§7-11-303. Compensation; source and limitations.**

- A. Compensation under this article shall only be paid out of the fees collected in the current fiscal year from the sale of dog tags.
- B. In the event that there are no funds in the account at the time of the request for compensation, there can be no award.
- C. In the event that there are insufficient funds in the account at the time of the request for compensation, compensation shall be limited to the amount of money in the account at the time of the award.

**And Be It Further Ordained by the Board of County Commissioners of Calvert County, Maryland,** that this ordinance shall take effect upon its execution and recordation.

**Approved and Done** this \_\_\_\_\_ day of March, 2008.

Attest:

Board of County Commissioners of  
Calvert County, Maryland

\_\_\_\_\_  
Corinne J. Cook, Clerk

\_\_\_\_\_  
Wilson H. Parran, President

\_\_\_\_\_  
Gerald W. Clark, Vice-President

\_\_\_\_\_  
Linda L. Kelley

\_\_\_\_\_  
Susan Shaw

\_\_\_\_\_  
Barbara A. Stinnett

Approved for Legal  
Sufficiency on \_\_\_\_\_  
By: \_\_\_\_\_  
Emanuel Demedis, County Attorney