

PROPOSED

AMENDED
April 21, 2025

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 6

Bill No. 25-25

Introduced by Ms. Hummer, Chair
(by request of the County Executive)

By the County Council, March 17, 2025

Introduced and first read on March 17, 2025
Public Hearing set for and held on April 21, 2025
Public Hearing on AMENDED bill set for May 5, 2025
Bill Expires June 20, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Branches of County Government – Executive Branch –
2 Public Safety – Department of Animal Services – Boards, Commissions, and Similar
3 Bodies – Animal Welfare Council – Personnel – Exempt Service – Public Ethics –
4 Financial Disclosure – Director of Animal Services
5

6 FOR the purpose of creating the Department of Animal Services in the Executive Branch;
7 establishing the position, duties, qualifications, and method of appointment of the
8 Director of the Department of Animal Services in the exempt service as the head of the
9 Department of Animal Services; requiring the Director of Animal Services to file
10 financial disclosure statements required under the Public Ethics Article; creating the
11 Animal Welfare Council; establishing the purpose, composition, member terms,
12 method for appointing the chair, frequency of meetings, quorum, and duties of the
13 Animal Welfare Council; modifying the provisions of the Public Safety Article to
14 abolish Animal Care and Control in the Police Department and to assign all of its duties
15 to the newly created the Department of Animal Services; assigning duties to the
16 Director of the Department of Animal Services; modifying certain definitions relating
17 to the Department of Animal Services; providing for the modification of fees imposed
18 by the Department of Animal Services; modifying the composition of the Animal
19 Matters Commission; providing for a secretary and support for the Animal Matters
20 Commission; establishing the burden of proof for citations heard by the Animal Matters
21 Commission; removing a provision relating to the confidentiality of the records of the

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

Department of Animal Services; requiring ferrets to be vaccinated for rabies as required by State law; modifying the requirements for a waiver of rabies vaccination for dogs, cats, and ferrets; modifying what animals and establishments must be licensed by the Department of Animal Services; removing provisions related to petting zoos; allowing public contact with animals through farm and other agricultural uses; increasing the time before which an individual must deliver a stray dog or cat to the Department of Animal Services; making general modifications to Title 4 of the Public Safety Article; and generally relating to branches of County government, boards, commissions, and similar bodies, personnel, public ethics, and public safety.

BY repealing: §§12-4-311; Subtitle 7 and 12-4-701 through 12-4-718; and 12-4-806 Anne Arundel County Code (2005, as amended)

BY renumbering: §§ 12-4-807 and 12-4-808, respectively to be §§ 12-4-806 and 12-4-807, respectively
Anne Arundel County Code (2005, as amended)

BY adding: §§ 2-1-507; 3-27-101 through 3-27-107 to be under the new “Title 27. Animal Welfare Council”; 12-4-105; and 12-4-701 through 12-4-708 to be under the new “Subtitle 7. Animal Licenses”
Anne Arundel County Code (2005, as amended) (as amended by Bill No. 94-24)

BY repealing and reenacting, with amendments: §§ 2-1-103(b); 2-1-401; 2-1-402; 6-2-103(a); 7-6-101; 12-4-101 through 12-4-103; 12-4-201 through 12-4-203; 12-4-205; 12-4-206; 12-4-301 through 12-4-308; 12-4-310; 12-4-402(b) through (e); 12-4-403 through 12-4-405; 12-4-406(a) and (b); 12-4-501(a)(10) and (b); 12-4-502; 12-4-503; 12-4-504(a)(5), (b)(3), (c)(2), (d) through (i); 12-4-505; 12-4-601, 12-4-602; 12-4-604; 12-4-605(a); 12-4-608; 12-4-609(b); 12-4-611; 12-4-901(a) through (h), (i)(1), (i)(2), and (i)(6); 12-4-902(b) and (c); 12-4-905(c) and (d); 12-4-906(b); 12-4-907; 12-4-910 through 12-4-913; and 12-4-1001
Anne Arundel County Code (2005, as amended) (as amended by Bill No. 1-25)

BY repealing, reenacting, and renumbering, with amendments: § 12-4-312 to be § 12-4-311; and § 12-4-809 to be § 12-4-808

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §§ 12-4-311; Subtitle 7 and 12-4-701 through 12-4-718; and 12-4-806 of the Anne Arundel County Code (2005, as amended) are hereby repealed.

SECTION 2. *And be it further enacted,* That §§ 12-4-807 and 12-4-808, respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 12-4-806 and 12-4-807, respectively.

SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 94-24 and 1-25) read as follows:

ARTICLE 2. BRANCHES OF COUNTY GOVERNMENT

TITLE 1. EXECUTIVE BRANCH

1 **2-1-103. Offices and departments.**

2
3 (b) **Departments in Executive Branch.** There are the following departments in the
4 Executive Branch:

5
6 (1) Department of Aging and Disabilities (successor to the Department of Aging);

7
8 (2) DEPARTMENT OF ANIMAL SERVICES;

9
10 ~~[(2)]~~ (3) Department of Detention Facilities (successor to the Office of Detention
11 Facilities and the Office of Criminal Justice and Corrections);

12
13 ~~[(3)]~~ (4) Fire Department;

14
15 ~~[(4)]~~ (5) Department of Inspections and Permits;

16
17 ~~[(5)]~~ (6) Police Department;

18
19 ~~[(6)]~~ (7) Department of Public Works (successor to the Department of Public
20 Works and the Department of Utilities); and

21
22 ~~[(7)]~~ (8) Department of Recreation and Parks.

23
24 **2-1-401. Duties of offices and departments.**

25
26 The Offices of Administrative Hearings, Budget, Central Services, Finance,
27 Information Technology, Law, Personnel, Planning and Zoning, and Transportation, and
28 the Departments of Aging and Disabilities, ANIMAL SERVICES, Detention Facilities, Fire,
29 Inspections and Permits, Police, Public Works, and Recreation and Parks have the
30 authority, duties, responsibilities, and functions prescribed in the Charter and this Code.

31
32 **2-1-402. Office and department heads.**

33
34 The Administrative Hearing Officer, Budget Officer, Central Services Officer,
35 Controller, Information Technology Officer, County Attorney, Personnel Officer, Planning
36 and Zoning Officer, Transportation Officer, Director of Aging and Disabilities, DIRECTOR
37 OF ANIMAL SERVICES, Superintendent of Detention Facilities, Fire Chief, Director of
38 Inspections and Permits, Chief of Police, Director of Public Works, and Director of
39 Recreation and Parks are appointed by and serve at the pleasure of the County Executive.
40 They shall possess the qualifications required by the Charter and this Code and be
41 appointed solely on the basis of their qualifications for performing the duties of office.

42
43 **2-1-507. Department of Animal Services.**

44
45 (A) **Department.** THERE IS A DEPARTMENT OF ANIMAL SERVICES IN THE EXECUTIVE
46 BRANCH.

47
48 (B) **Duties.** THE DEPARTMENT OF ANIMAL SERVICES SHALL ADMINISTER THE
49 PROVISIONS OF THIS CODE AND STATE AND FEDERAL LAWS AND REGULATIONS RELATED

TO ANIMAL CARE, CONTROL, AND WELFARE AND SHALL PERFORM OTHER ANIMAL WELFARE RELATED DUTIES AS PERIODICALLY ASSIGNED BY THE COUNTY EXECUTIVE.

(C) Director.

(1) THE DEPARTMENT OF ANIMAL SERVICES SHALL BE ADMINISTERED BY THE DIRECTOR OF ANIMAL SERVICES.

(2) THE DIRECTOR OF ANIMAL SERVICES SHALL BE APPOINTED BY THE COUNTY EXECUTIVE ON THE BASIS OF KNOWLEDGE AND EXPERIENCE IN THE CARE, CONTROL, AND WELFARE OF ANIMALS, AS WELL AS THE OPERATION OF ANIMAL CARE AND WELFARE FACILITIES.

(3) THE DIRECTOR OF ANIMAL SERVICES SHALL REPORT DIRECTLY TO THE CHIEF ADMINISTRATIVE OFFICER.

ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES

TITLE 27. ANIMAL WELFARE COUNCIL

3-27-101. Established.

THERE IS AN ANIMAL WELFARE COUNCIL TO BE KNOWN AS THE "ANNE ARUNDEL COUNTY ANIMAL WELFARE COUNCIL".

3-27-102. Purpose.

THE PURPOSE OF THE ANIMAL WELFARE COUNCIL IS TO CONSIDER MATTERS FOR THE PROMOTION OF THE HUMANE TREATMENT OF ANIMALS IN ANNE ARUNDEL COUNTY AND TO PROVIDE ADVICE TO THE COUNTY EXECUTIVE AND COUNTY AGENCIES ON SUCH MATTERS.

3-27-103. Composition.

THE COUNCIL SHALL CONSIST OF UP TO 16 MEMBERS APPOINTED BY AND SERVING AT THE PLEASURE OF THE COUNTY EXECUTIVE.

3-27-104. Term of members.

(A) **Term.** EACH MEMBER SHALL BE APPOINTED FOR A TERM OF TWO YEARS AND SHALL NOT SERVE MORE THAN FOUR CONSECUTIVE TERMS.

(B) **Removal.** A MEMBER SHALL BE DEEMED REMOVED IF THE MEMBER MISSES MORE THAN ONE-HALF OF THE MEETINGS HELD DURING A TWELVE-MONTH PERIOD.

3-27-105. Chair.

THE COUNTY EXECUTIVE SHALL APPOINT ONE MEMBER AS CHAIR.

3-27-106. Meetings; quorum.

(A) **Meetings.** THE ANIMAL WELFARE COUNCIL SHALL MEET AS FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES, BUT NO LESS THAN ONE TIME PER QUARTER. ALL MEETINGS SHALL COMPORT TO THE MARYLAND OPEN MEETINGS ACT AND THIS CODE.

(B) **Quorum.** A MAJORITY OF THE MEMBERS OF THE ANIMAL WELFARE COUNCIL SHALL CONSTITUTE A QUORUM. AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT AT ANY MEETING AT WHICH THERE IS A QUORUM SHALL BE SUFFICIENT FOR ANY ACTION OF THE COUNCIL.

3-27-107. Duties.

(A) **Report.** THE ANIMAL WELFARE COUNCIL SHALL SUBMIT A REPORT BY DECEMBER 31 OF EACH YEAR TO THE COUNTY EXECUTIVE THAT SETS FORTH THE STATUS OF PLANS AND PROGRESS RELATED TO ITS PURPOSE, AS WELL AS GOALS AND PRIORITIES FOR THE NEXT YEAR.

(B) **Meeting.** THE ANIMAL WELFARE COUNCIL SHALL MEET ANNUALLY WITH THE COUNTY EXECUTIVE OR THE DESIGNEE OF THE COUNTY EXECUTIVE.

ARTICLE 6. PERSONNEL

TITLE 2. EXEMPT SERVICE

6-2-103. Additional exempt positions.

(a) **Additional positions by title.** In accordance with § 802(b) of the Charter, the positions described in this subsection are established as positions in the exempt service that are in addition to the positions established by § 802A of the Charter, with the compensation for the positions set forth in the exempt pay and benefit plan. Unless otherwise provided by this subsection, the number of positions under each title described in this subsection shall be approved as part of the annual budget and appropriation ordinance and may not be changed during a fiscal year except as provided by ordinance of the County Council. The positions are:

TITLES
EXECUTIVE BRANCH

Director, Equity and Human Relations
DIRECTOR OF ANIMAL SERVICES

ARTICLE 7. PUBLIC ETHICS

TITLE 6. FINANCIAL DISCLOSURE

7-6-101. Persons required to file statements. Any and all individuals in the following chart shall file with the Ethics Commission the statements provided for in this title:

EXECUTIVE BRANCH

Director of Aging and Disabilities
DIRECTOR OF ANIMAL SERVICES

ARTICLE 12. PUBLIC SAFETY

TITLE 4. DEPARTMENT OF ANIMAL SERVICES

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

12-4-101. Definitions.

In this title, the following words have the meanings indicated:

[[(1) “Agency” means the Animal Care and Control Agency.

(2) “Agency facility” means a facility owned or operated in the County by or under contract with the County for the care, confinement, disposition, or detention of animals.]]

[[(3)]] (1) “Animal” means a vertebrate species of animal other than a human, including a dog, a cat, livestock, and fowl.

[[(4) “Animal Care and Control Agency” means the section in the Police Department directed by the Chief of Police or otherwise authorized by law to administer and enforce this article.]]

[[(5)]] (2) “Animal exposed to rabies” means an animal that has been bitten by an animal that either has rabies or has been in proximity or contact with an animal that has rabies or has been exposed to an animal that has rabies.

[[(6)]] (3) “Animal fancier kennel” means a private kennel maintained by a CAT FANCIER OR DOG fancier on the fancier’s premises for the maintenance or training of animals owned by the fancier.

[[(7)]] (4) “Animal hospital” means an establishment maintained or operated by a veterinarian for immunization, hospitalization, surgery, or diagnosis, prevention, and treatment of disease and injuries of animals.

[[(8)]] (5) “At large” means off the property of an animal’s owner and IS not leashed [[and]] OR IS LEASHED BUT NOT under the control of a responsible person.

[[(9) “Attack dog” means a dog trained to attack only on command or to protect human beings or property.]]

1 ~~[(10)]~~ (6) “Boarding” means keeping an animal overnight in a commercial
2 establishment used for the keeping of animals or keeping an animal overnight at a
3 ~~[[licensed]]~~ pet care business as defined in ~~[[§§ 12-4-101(35) and 18-10-137 of this Code]]~~
4 THIS SECTION.

5
6 ~~[(11)]~~ (7) “Cage” means an enclosure of limited space IN WHICH ANIMALS ARE
7 PLACED that is enclosed on the bottom, top, and sides ~~[[and in which animals are placed]]~~.

8
9 ~~[(12)]~~ (8) “Cat fancier” means an individual who owns or keeps on the individual’s
10 premises 10 or more cats.

11
12 ~~[(13)]~~ “Chief” means the Chief of Police or the designee of the Chief of Police.]]

13
14 ~~[(14)]~~ (9) “Commercial establishment” means an establishment the primary
15 function of which is the sale of a product or service.

16
17 ~~[(15)]~~ (10) “Commercial kennel” means an animal boarding place or other
18 establishment for the commercial breeding of dogs or cats, or the boarding, grooming, or
19 sale of dogs or cats for which a fee is charged, but does not include ~~[[a dog]]~~ AN ANIMAL
20 fancier’s kennel or an animal hospital maintained by a licensed veterinarian as part of the
21 practice of veterinary medicine for the treatment of animals.

22
23 ~~[(16)]~~ (11) “Commission” means the Animal Matters Commission.

24
25 ~~[(17)]~~ (12) “Community cat” means an unowned, free-roaming cat, 12 weeks of
26 age or older who is cared for by one or more persons residing or working in the immediate
27 area who are known or unknown. A community cat may or may not be feral.

28
29 ~~[(18)]~~ (13) Community cat caregiver” means a person or group that, in accordance
30 with a good faith effort to conduct trap-neuter-return, provides food, shelter, ~~[[and]]~~ OR
31 medical care to a community cat. A community cat caregiver is not the owner of a
32 community cat.

33
34 ~~[(19)]~~ (14) “Cruelty” means an act or omission by which unjustifiable physical
35 pain, suffering, or death is caused or permitted, including a failure to provide proper drink,
36 air, space, shelter, or protection from the elements, veterinary care, or nutritious food in
37 sufficient quantity, a failure to employ the most reasonably humane method available with
38 respect to an activity in which physical pain is necessarily caused, such as food processing,
39 hunting, experimentation, or pest elimination, overdriving or overloading an animal,
40 inflicting unnecessary suffering or pain on an animal, or any act prohibited by §§ 10-606,
41 10-607, or 10-608 of the Criminal Law Article of the State Code.

42
43 ~~[(20)]~~ (15) “Dangerous animal” means an animal that has been designated as
44 dangerous by the ~~[[Agency]]~~ DEPARTMENT.

45
46 (16) “DEPARTMENT” MEANS THE DEPARTMENT OF ANIMAL SERVICES.

1 (17) "DEPARTMENT FACILITY" MEANS A FACILITY OWNED OR OPERATED IN THE
2 COUNTY BY OR UNDER CONTRACT WITH THE COUNTY FOR THE CARE, CONFINEMENT,
3 DISPOSITION, OR DETENTION OF ANIMALS.

4
5 (18) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF ANIMAL
6 SERVICES.

7
8 ~~[(21)]~~ (19) "Disposition" means placement of a pet in an approved home,
9 PLACEMENT OF A PET WITH AN APPROVED ANIMAL SHELTER OR RESCUE ORGANIZATION,
10 humane administration or performance of euthanasia, or, in the case of a wild animal,
11 release into a suitable habitat, but does not include selling or giving up an animal for
12 commercial or experimentation purposes.

13
14 ~~[(22)]~~ (20) "Dog fancier" means an individual who on residential property owns
15 or keeps five or more dogs primarily as pets, but the keeping of the dogs primarily as pets
16 may include noncommercial hunting or practice tracking, the breeding and sale of not more
17 than two litters in a 12-month period, and the exhibiting of a dog in dog shows in field or
18 obedience trials.

19
20 ~~[(23)]~~ (21) "Domesticated animal" means an animal that by long-continued
21 association with people has become thoroughly tame or domesticated, including a dog, cat,
22 horse, mule, goat, cow, bull, pig, domestic fowl, or other animal that, by habit or training,
23 lives in association with humans.

24
25 ~~[(24)]~~ (22) "Eartipping" means the deliberate removal ~~[[or]]~~ OF no more than one-
26 quarter of an inch from the tip of a community cat's left ear, performed by a licensed
27 veterinarian while the cat is under anesthesia. Eartips shall be used to identify a community
28 cat as being sterilized and vaccinated for rabies at least once, but does not serve as proof
29 of a current rabies vaccination.

30
31 ~~[(25)]~~ (23) "Exotic animal" means an animal introduced from another country and
32 not indigenous to the State.

33
34 ~~[(26)]~~ (24) "Facility" means a building or property other than a private residence
35 in which an animal is maintained.

36
37 ~~[(27)]~~ (25) "Farm" means land of 20 acres or more, all or part of which is used in
38 commercial cultivation or for raising animals.

39
40 ~~[(28)]~~ (26) "Feral cat" means a cat that shows no evidence of being owned, such
41 as wearing a collar or tag or appearing groomed and exhibits savage or wild behavior or is
42 living in the wild.

43
44 ~~[(29)]~~ (27) "Grooming parlor" means a commercial operation for the bathing,
45 dipping, cutting, or grooming of animals.

46
47 ~~[(30)]~~ (28) "Healthful" means being in a condition appropriate to the particular
48 species of animal involved that is hygienic and conducive to maintenance of the animal's
49 well-being and to prevention of disease.

1 [[(31)]] (29) “Keep” means to permit either feeding or sheltering an animal on the
2 premises of the occupant or owner who permits it.

3
4 [[(32)]] (30) “Minor injury” means any physical injury that is not a severe injury.

5
6 [[(33)]] (31) “Obedience trained animal” means an animal demonstrably trained to
7 obey on command, including to heel on or off a leash, obey a command to come to its
8 owner, or sit, lie, and stand until further command.

9
10 [[(34)]] (32) “Owner” means a person who keeps, has temporary or permanent
11 custody of, possesses, exercises control over, or has a property right in any animal,
12 livestock, or fowl, except that animal hospitals, commercial kennels, community cat
13 caregivers, and pet shops and their employees are not owners.

14
15 [[(35)]] (33) “Pet care business” means the temporary keeping of pets owned by
16 others in a residence for a fee, including day care, boarding or training, but not pet
17 grooming.

18
19 [[(36)]] (34) “Pet shop” means a separate commercial establishment that offers to
20 sell live animals with the intent that they be kept as pets.

21
22 [[(37)]] “Petting zoo” means a commercial establishment or activity a substantial
23 purpose of which is to permit human beings to come into physical contact with animals.]]

24
25 [[(38)]] (35) “Potentially dangerous animal” means an animal that has been
26 designated as potentially dangerous by the [[Agency]] DEPARTMENT.

27
28 [[(39)]] (36) “Public nuisance” means an act by an animal that substantially
29 interferes with the rights of citizens to enjoyment of life or property and that unreasonably
30 annoys humans, endangers the life or health of other animals or human beings, or offends
31 human senses, including the molesting of pedestrians, the chasing of vehicles, the
32 damaging of property of someone other than the owner of the animal, and continually and
33 repeatedly howling, barking, whining, or otherwise making noise that causes unreasonable
34 annoyance, disturbance, or discomfort to neighbors or others in close proximity to the
35 premises where a person keeps an animal.

36
37 [[(40)]] (37) “Public nuisance condition” means an unsanitary, dangerous, or
38 offensive condition caused by the extreme size or number of animals kept on any premises
39 or by the inadequacy of facilities or a continuing or periodically recurring public nuisance.

40
41 [[(41)]] (38) “Quarantine” means confinement in a secure house, garage, or other
42 escape-proof enclosure or structure.

43
44 [[(42)]] (39) “Sanitary” means being in a condition of good order and cleanliness
45 that precludes the probability of transmission of disease.

46
47 [[(43)]] (40) “Severe injury” means any physical injury requiring professional
48 medical treatment that is directly caused by an animal, and that results in multiple skin

punctures, one or more muscle tears, dislocated or broken bones or disfiguring lacerations, significant impairment of an essential bodily function; or that requires corrective or cosmetic surgery or hospitalization.

[(44)] (41) “Stray” means a domesticated animal off the property of its owner and not under the control of the owner or the authorized agent of the owner.

[(45)] (42) “Supervised” means in direct observation of an owner.

[(46)] (43) “Trap” means an animal-holding or animal-capturing device that is used for apprehending live animals and is approved by the [Agency] DEPARTMENT.

[(47)] (44) “Trap-neuter-return” means the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning a community cat to their original location, and includes a plan for revaccination of the community cat in accordance with State law.

[(48)] (45) “Vicious animal” means an animal that has been designated as vicious by the [Agency] DEPARTMENT.

[(49)] (46) “Wild animal” means an animal that is not a domesticated animal.

12-4-102. Notices.

Any notice requirement established in this title may be satisfied by personal delivery[, by forwarding] by certified mail, delivery restricted to the licensee[,], at the address shown on the license application on file with the [Agency] DEPARTMENT, or by posting the notice on the front door or in a conspicuous place on the property of the person to be served. If the person to be served has a known address outside of Anne Arundel County, the notice requirement may be satisfied in the same way as service within the County or by the [Agency] DEPARTMENT sending the notice by regular mail to the person's last known address and electronic mail to the person's electronic mail address. Service by electronic mail shall be complete upon the notice being successfully sent and not returned as undeliverable.

12-4-103. Injunctive relief.

The [Chief] DIRECTOR may request the Office of Law to seek a temporary restraining order and other relief in a court of competent jurisdiction to correct a condition by which the actions of an animal, or the actions or inactions of the owner of the animal, cause a substantial and immediate danger to a human being or to property.

12-4-105. Modification of fees in this Title.

(A) **Modification generally.** EXCEPT AS PROVIDED IN SUBSECTION (B), FEES SET FORTH IN THIS TITLE MAY BE MODIFIED BY THE DIRECTOR WITH THE APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER AFTER THE MODIFICATION OF THE FEE IS ADVERTISED ON THE COUNTY’S WEBSITE FOR A PERIOD OF AT LEAST 30 DAYS WITH THE OPPORTUNITY FOR PUBLIC COMMENT.

(B) **Council approval; when required.** ANY FEE INCREASE IN EXCESS OF THE GREATER OF \$1.00 OR 5% OF THE THEN CURRENT CHARGE SHALL BE SET BY THE COUNTY COUNCIL BY ORDINANCE.

SUBTITLE 2. ANIMAL MATTERS COMMISSION

12-4-201. Commission established.

There is an Animal Matters Commission in the [[Police Department]] DEPARTMENT OF ANIMAL SERVICES.

12-4-202. Composition; appointment; terms; compensation.

(a) **Composition.** The Commission consists of seven members. Of the seven members, one shall be the Health Officer or the Health Officer's representative; one shall be the Chief OF POLICE or the [[Chief's representative]] CHIEF OF POLICE'S DESIGNEE; and five shall be citizen members appointed by the County Executive. Of the five citizen members, one shall be a local veterinarian or an alternative veterinarian representative; one shall be appointed from Councilmanic District 1, 2, or 3; one shall be appointed from Councilmanic District 4 or 5; one shall be appointed from Councilmanic District 6 or 7; and one shall be appointed at large.

(b) **Term.** The term of a citizen member is two years. A citizen member appointed to fill an unexpired term serves only until the term expires and until a successor is appointed and qualifies. A citizen member may not serve more than two full consecutive terms.

(c) **Expenses.** Members are not entitled to compensation for their services, but are entitled to reimbursement for expenses as provided in the budget.

[[d) **Attendance by Director designee.** When required by the Chair of the Commission, the Chief shall attend meetings of the Commission.]]

12-4-203. Chair; Executive Secretary; Secretary; Counsel.

(a) **Chair.** The five citizen members shall elect the Chair of the Commission. The Chair serves for one year or until the expiration of the Chair's term on the Commission, whichever occurs first. The Chair may be reelected for consecutive terms.

(b) **Staff.** The [[Chief]] DIRECTOR shall: [[serve as the Executive Secretary of the Commission,]]

(1) DESIGNATE AN EMPLOYEE OF THE DEPARTMENT TO BE A NONVOTING SECRETARY TO THE COMMISSION;

(2) be responsible for providing staff support, schedule and arrange for meetings and hearings[[,]]; and

(3) be the official custodian of the records of the Commission.

(c) **[[Nonvoting secretary.** The County Executive shall appoint an individual who is not a member of the Commission to serve as nonvoting secretary.

(d) **]] Counsel.** The Office of Law shall serve as counsel to the Commission.

12-4-205. Meeting and duties of Commission.

The Commission shall meet at the call of the Chair to hear complaints or appeals as prescribed and authorized in this title and shall make recommendations to the **[[Chief]]** DIRECTOR concerning:

- (1) the suspension or revocation of licenses issued under this title;
- (2) the disposition of animals affected by violations of this title or other law;
- (3) criminal prosecution of violations of this title or other law; and
- (4) other disposition of or an election of a legal remedy to correct alleged violations of this title or offenses or conditions considered by the Commission.

12-4-206. Hearings before Commission.

(a) **Generally.** Within 30 days after receiving an appeal, petition, or a request for a hearing authorized under this article, the Commission shall convene to hear the matter. The person requesting the hearing shall be notified of the date, time, and place of the hearing.

(b) Hearing procedures.

- (1) A person shall have right to counsel before the Commission.
- (2) The hearing date may be postponed:
 - (i) by the **[[Chief]]** DIRECTOR on written request by either party at least five days before the scheduled hearing date for good cause shown; or
 - (ii) by the Commission on the hearing date if the requesting party appears and presents good cause for a postponement.
- (3) The hearing shall be open to the public.
- (4) The Commission may admit all relevant evidence without regard to the formal rules of evidence.
- (5) All witnesses shall testify under oath or affirmation administered by a designee of the Commission.

(c) **Findings and recommendations.** The Commission's duties for citations are governed by § 12-4-308. Within 15 days of a hearing on anything other than a citation, the Commission shall submit written findings and recommendations to the **[[Chief]]**

1 DIRECTOR. Within 15 days of receipt of the recommendation, the [[Chief]] DIRECTOR shall
2 issue a final decision, and the final decision shall be served on the owner as provided by §
3 12-4-102.

4
5 (d) **Appeals.** When appeals are considered by the Commission, the [[Chief]] DIRECTOR
6 may initiate corrective or enforcement action other than action relating to suspension,
7 denial, or revocation of licenses authorized by this title.

8
9 (e) **De novo appeal.** The [[Chief's]] DIRECTOR'S decision under §§ 12-4-403, 12-4-
10 706, 12-4-901, or 12-4-913 is subject to de novo review by the County Board of Appeals.
11 A person who appeared at the hearing and was aggrieved by the [[Chief's]] DIRECTOR'S
12 decision may file a written request for appeal with the Board of Appeals within 30 days of
13 the decision.

14 15 **SUBTITLE 3. DEPARTMENT OF ANIMAL SERVICES**

16 17 **12-4-301. Enforcement of Article.**

18
19 This title shall be enforced by the [[Agency]] DEPARTMENT and [[Agency]]
20 DEPARTMENT officers, or the authorized representatives of the [[Agency]] DEPARTMENT
21 under the supervision of the [[Chief]] DIRECTOR.

22 23 **12-4-302. Appointment and powers of Department officers.**

24
25 The [[Chief]] DIRECTOR may appoint [[Agency]] DEPARTMENT officers. In enforcing
26 this title, [[Agency]] DEPARTMENT officers shall have all powers necessary to enforce the
27 provisions of this title and §§ 10-601 et seq. of the Criminal Law Article of the State Code,
28 including the power to:

29
30 (1) issue and serve citations;

31
32 (2) seize, impound, or dispose of an animal;

33
34 (3) take action or order an owner to take any action necessary to protect the health
35 or safety of an animal, a person, or the public;

36
37 (4) search private property and seize evidence or animals by obtaining a search
38 warrant issued by a court;

39
40 (5) apply for a criminal summons or warrant; and

41
42 (6) conduct inspections of animal holding facilities, commercial kennels, pet
43 [[store]] STORES, and other facilities regulated by this title.

44 45 **12-4-303. Recordkeeping by Department.**

1 The [[Agency]] DEPARTMENT shall keep accurate and detailed records of animal
2 licenses, impoundments, dispositions, and other enforcement actions relating to animals in
3 the custody of the [[Agency]] DEPARTMENT. The records shall be retained for three years.

4
5 **12-4-304. Authority to charge; citation.**

6
7 (a) **Probable cause.** [[An Agency]] A DEPARTMENT officer, an authorized
8 representative of the [[Agency]] DEPARTMENT, or a law enforcement officer may charge a
9 person with a violation of this title if the individual issuing the charge has probable cause,
10 based on personal knowledge, observation, or a written affidavit of complaint, that the
11 person charged has committed or is committing the violation.

12
13 (b) **Issuance of citation.** A written citation shall be issued to the person charged under
14 this [[article]] ARTICLE. The citation shall be a sufficient charging document for the
15 prosecution of the offense for which it is issued.

16
17 (c) **Contents.** A citation issued to a person under this section shall be on a form
18 prescribed by the [[Agency]] DEPARTMENT and shall include:

- 19
20 (1) the name and address of the alleged violator;
21
22 (2) the violation alleged;
23
24 (3) a statement with a line for signature by the alleged violator acknowledging
25 receipt of the citation;
26
27 (4) a statement setting forth the requirement of VIOLATOR'S election of a choice of
28 action [[which the alleged violator shall make]] as specified in § 12-4-305; AND
29
30 (5) a statement signed under penalty of perjury that the person issuing the citation
31 has probable cause to believe the fact of the violation is correct[[; and
32
33 (6) other necessary information]].

34
35 **12-4-305. Elections available to person who receives citation.**

36
37 (a) **Generally.** A person who receives a citation may elect to:

- 38
39 (1) pay the fine provided for in the citation to the [[Agency]] DEPARTMENT before
40 the [[day]] DATE of A HEARING OR trial;
41
42 (2) within 15 days after service of the citation, submit a written request for a hearing
43 before the Commission for dismissal of the citation;
44
45 (3) pay the fine if the Commission does not dismiss the citation after the hearing;
46 or
47
48 (4) request [[to stand]] A trial in the District Court on the citation.

1 (b) **Default procedure.** Failure to pay the fine or to submit a written request to the
2 Commission within the required time period or to appear for the hearing before the
3 Commission so requested on the date specified for the hearing shall be deemed to be an
4 election **[[to be tried]]** OF A TRIAL in the District Court.

5
6 **12-4-306. Duties of individual issuing citation.**

7
8 Each person who issues a citation to an alleged violator shall:

- 9
10 (1) promptly file the original copy with the **[[Agency]]** DEPARTMENT;
11
12 (2) maintain or file other copies of the citation as required by the **[[Agency]]**
13 DEPARTMENT; and
14
15 (3) IF THERE IS A TRIAL IN THE DISTRICT COURT, appear **[[for the trial of the citation**
16 **should it proceed to trial]]** and **[[be responsible for subpoenaing]]** SUBPOENA necessary
17 witnesses **[[for the trial]]**.
18

19 **12-4-307. Duties of Department on receiving citation.**

20
21 On receiving the original copy of a citation issued to an alleged violator, the **[[Agency]]**
22 DEPARTMENT shall:

- 23
24 (1) maintain a record of the alleged violation;
25
26 (2) hold the citation for 15 days from the date of service to allow the alleged violator
27 an opportunity to request dismissal of the citation by the Commission, and, if the alleged
28 violator requests a hearing, hold the citation until the Commission issues a decision;
29
30 (3) if the alleged violator requests a hearing before the Commission, promptly
31 forward the original copy of the citation to the Commission; and
32
33 (4) if the alleged violator **[[elects to stand]]** REQUESTS A trial in the District Court
34 or does not request a hearing before the Commission within 15 days of service of the
35 citation, forward the citation to District Court for trial.
36

37 **12-4-308. Duties of Commission on receiving citation.**

38
39 (a) On receiving the original copy of a citation issued to an alleged violator from the
40 **[[Agency]]** DEPARTMENT, the Commission shall promptly schedule a hearing on the
41 citation.
42

43 (b) If, after a hearing, the Commission finds a violation did not occur, the Commission
44 shall dismiss the citation.
45

46 (c) If, after a hearing, the Commission finds that IT HAS PROBABLE CAUSE TO BELIEVE
47 THAT a violation did occur, or if the request for hearing is withdrawn, the Commission

1 shall forward the citation to District Court. The Commission may amend the fine FOR THE
2 CITATION to an amount not to exceed the face value of the citation.

3
4 **12-4-310. Application for criminal summons or warrant.**

5
6 [[An Agency]] A DEPARTMENT officer, an authorized representative of the [[Agency]]
7 DEPARTMENT, or a law enforcement officer shall make application for the issuance of a
8 criminal summons or warrant if:

9
10 (1) the person charged fails to acknowledge receipt of a citation issued under this
11 title; or

12
13 (2) the [[Agency]] DEPARTMENT officer, the authorized representative of the
14 [[Agency]] DEPARTMENT, or law enforcement officer has probable cause to believe that
15 the person has violated §§ 12-4-602, 12-4-603, 12-4-605, [[12-4-608]] 12-4-607, 12-4-609,
16 12-4-610, or 12-4-611.

17
18 **[[12-4-311. Confidentiality of records of violations.**

19
20 Except for the maintenance of records for use in enforcing this title and as provided in
21 § 12-4-406, including the determination of subsequent infractions for purposes of imposing
22 the penalties authorized under § 12-4-1001, a record of an infraction of this title may not
23 be made available to or distributed to persons other than Commission members, court
24 personnel, or staff designated by the District Court.]]

25
26 **[[12-4-312.]] 12-4-311. Interference with Department officer prohibited.**

27
28 A person may not interfere with [[an Agency]] A DEPARTMENT officer or an authorized
29 representative of the [[Agency]] DEPARTMENT engaged in the performance of duties under
30 this title.

31
32 **SUBTITLE 4. PUBLIC SAFETY**

33
34 **12-4-402. Public safety threats; potentially dangerous, dangerous, and vicious animal**
35 **criteria; defenses.**

36
37 ***

38
39 (b) **Potentially dangerous.** The [[Agency]] DEPARTMENT may designate an animal as
40 potentially dangerous if, after consideration of the animal's demeanor and prior history and
41 any evidence of mitigating circumstances, the [[Agency]] DEPARTMENT finds that the
42 animal:

43
44 (1) engaged in conduct that caused a minor or severe injury to a person or
45 domesticated animal;

46
47 (2) has been determined to be potentially dangerous or dangerous by another
48 jurisdiction for an [[attack or]] action that would subject the animal to a potentially
49 dangerous designation by the [[Agency]] DEPARTMENT; or

(3) while at large, chases or approaches a person or lawfully restrained domesticated animal in an aggressive manner and the [[Agency]] DEPARTMENT has received and verified information that the animal engaged in conduct that constitutes a public safety threat within the preceding twelve months in this or any other jurisdiction.

(c) **Dangerous.** The [[Agency]] DEPARTMENT may designate an animal as dangerous if, after consideration of the animal's demeanor and prior history and any evidence of mitigating circumstances, the [[Agency]] DEPARTMENT finds that the animal:

(1) killed or inflicted severe injury on a person or domesticated animal;

(2) has been determined to be potentially dangerous, dangerous, or vicious by another jurisdiction for an [[attack or]] action that would subject the animal to a dangerous designation by the [[Agency]] DEPARTMENT;

(3) has been documented as killing or inflicting severe injury on a person or domesticated animal in another jurisdiction; or

(4) has been determined to be potentially dangerous by the [[Agency]] DEPARTMENT and engages in a second incident that constitutes a public safety threat as described in subsection (a) of this section.

(d) **Vicious.** The [[Agency]] DEPARTMENT may designate an animal as vicious if, after consideration of the animal's demeanor and prior history and any evidence of mitigating circumstances, the [[Agency]] DEPARTMENT finds that the animal cannot be safely maintained without threatening members of the public or other animals and the animal:

(1) killed or inflicted severe injury on a person or domesticated animal;

(2) has been determined to be potentially dangerous or dangerous by the [[Agency]] DEPARTMENT and engages in a second incident that constitutes a public safety threat as described in subsection (a) of this section;

(3) has been determined to be dangerous or vicious by another jurisdiction for an [[attack or]] action that would subject the animal to a vicious designation by the [[Agency]] DEPARTMENT; or

(4) has engaged in documented behavior involving killing or inflicting severe injury on a person or domesticated animal in another jurisdiction.

(e) **Determinative factors.** The [[Agency]] DEPARTMENT may decline to issue a citation to an owner for an animal engaging in activity that constitutes a public safety threat or to designate an animal as potentially dangerous, dangerous, or vicious if the [[Agency]] DEPARTMENT finds that it is more likely than not that:

(1) the animal was provoked;

(2) the animal was reacting to pain or injury;

(3) the animal was protecting or defending a person in the immediate vicinity;

(4) the animal was defending itself, its litter, or another animal; or

(5) the animal was acting against a person or animal trespassing on the property of the owner of the animal.

12-4-403. Potentially dangerous, dangerous, or vicious animals; orders.

(a) **Issuance of order.** Upon a determination that an animal is potentially dangerous, dangerous, or vicious, the [[Agency]] DEPARTMENT shall issue a written order to the owner that explains the reasons for the [[Agency's]] DEPARTMENT'S determination. For potentially dangerous and dangerous animals, the order shall direct the owner to comply with conditions for maintaining the animal on the owner's property. Failure of the owner to comply with the conditions may result in temporary or permanent impoundment of the animal. An impounded animal designated as potentially dangerous or dangerous may only be redeemed after the owner presents the [[Agency]] DEPARTMENT with satisfactory proof of compliance with the issued order.

(b) **Conditions.** When an animal is determined to be potentially dangerous or dangerous by the [[Agency]] DEPARTMENT, the [[Agency]] DEPARTMENT may order the owner to abide by some or all of the following conditions in addition to the owner complying with all other relevant provisions of the County Code for the keeping and maintenance of animals:

(1) manage the animal and its environment in a manner that will abate the animal's problem;

(2) spay or neuter the animal;

(3) implant the animal with a microchip containing owner identification information;

(4) obtain an insurance policy providing for protection for bite victims in a minimum amount of \$300,000;

(5) remove the animal from the custody of an individual less than 21 years old;

(6) for a rental property, obtain the written permission of the landlord to maintain the animal on the property;

(7) confine the animal to a structure of a size and type specified by the [[Agency]] DEPARTMENT;

(8) maintain the animal exclusively on the owner's property except for medical treatment or examination;

(9) muzzle or leash the animal as required by the [[Agency]] DEPARTMENT;

(10) post on the premises where the animal is maintained a clearly visible warning sign that there is a dangerous animal on the property;

(11) a behavioral assessment for the animal;

(12) specialized training for the animal; or

(13) such other conditions as the [[Agency]] DEPARTMENT determines to be in the public interest.

(c) Appeal of orders.

(1) An owner of an animal designated as potentially dangerous, dangerous, or vicious may appeal that order to the Commission within 10 days of receipt of the order by filing a written request for appeal with the [[Agency]] DEPARTMENT.

(2) Prior to the commencement of a hearing before the Commission, the [[Agency]] DEPARTMENT shall transmit to the Commission members all documentation supporting the designation and order.

(3) The [[Agency]] DEPARTMENT shall provide written notice to the owner of the specific behavior of the animal at issue, and the date upon which a hearing will be held on the appeal. The notice shall advise the owner of the consequences of a determination of potentially dangerous, dangerous, or vicious. The burden of proof on the appellant shall be by a preponderance of the evidence.

(4) If the owner fails to appear at the hearing, the appeal shall be dismissed.

12-4-404. Authority to dispose of vicious animals.

The [[Agency]] DEPARTMENT shall order the ~~[[destruction]]~~ HUMANELY EUTHANIZE of an animal determined to be vicious.

12-4-405. Keeping of vicious animals prohibited.

No person may keep an animal designated as vicious by the [[Agency]] DEPARTMENT.

12-4-406. Dangerous animal registry.

(a) **Registry established.** The [[Agency]] DEPARTMENT shall establish and maintain a dangerous animal registry for the County to include all animals determined to be dangerous or potentially dangerous. The following information, if available, shall be included on the registry: the name of the animal, picture, sex, age, weight, primary breed, secondary breed, color and markings, whether spayed or neutered, the address or map where the animal is maintained, name of the owner, and address of the owner. The registry shall be made available to the public on the County website.

(b) **Annual registration.** Prior to the expiration of an animal license each year, and until the dangerous or potentially dangerous animal is deceased, the owner shall submit to the County a license renewal that includes all information contained in the original registration and any updates. The [[Agency]] DEPARTMENT shall post any updates to the registry within a reasonable period of time. In the event contact information for the owner changes, the owner shall update the [[Agency]] DEPARTMENT within 10 days of the change. The owner shall comply with notification requirements in the original order regarding the animal's location and disposition.

SUBTITLE 5. IMPOUNDMENT OF ANIMALS

12-4-501. Authority to impound.

(a) **Authority to impound.** The [[Agency]] DEPARTMENT may impound:

(10) a community cat, including an eartipped community cat, about which repeated complaints to the [[Agency]] DEPARTMENT from residents or business owners remain unresolved;

(b) **Best interest of the animal.** In determining appropriate daily care and shelter for an animal impounded, seized, surrendered, or owned by the [[Agency]] DEPARTMENT under Title 4, the [[Agency]] DEPARTMENT shall act in the best interest of the animal.

12-4-502. Right of entry.

On determination that the health or actions of an animal constitute an immediate and substantial danger to persons or property, or to protect an animal from cruelty or neglect as authorized by § 12-4-901, an [[Agency]] DEPARTMENT officer may enter onto public or private property and impound the animal. This section may not be construed to permit entry into a private building or residence without due process of law.

12-4-503. Notice; holding period.

When a domesticated animal is impounded, the [[Agency]] DEPARTMENT shall make a reasonable attempt to notify the owner or known community cat caregiver of the animal. Unless extremely aggressive, seriously diseased or injured, suffering, or under 3 months of age, an animal that is impounded or brought to the [[Agency]] DEPARTMENT for placement or ~~destruction~~ HUMANELY EUTHANIZE shall be held at the facility for at least five days unless sooner redeemed.

12-4-504. Redemption of impounded animals.

(a) **How done.** An owner may redeem an impounded animal by:

1 ***

2
3 (5) complying with the requirements of this section and any other conditions for
4 return of the animal as ordered by the[[Agency]] DEPARTMENT.

5
6 (b) **Fees.** Redemption fees include:

7
8 ***

9
10 (3) a \$5 shelter fee for each day that the animal is held at the [[Agency]]
11 DEPARTMENT facility; and

12
13 ***

14
15 (c) **Waiver of shelter or redemption fees.**

16
17 *** (1) Accrued shelter fees shall be waived by the [[Agency]] DEPARTMENT when
18 a delay in adjudication at the Commission, Board of Appeals, or Circuit Court occurs due
19 to a contested request for postponement by the County. Fees shall be waived for the time
20 between the request and the next hearing date.

21
22 (2) At the request of an animal owner, and upon a showing of good cause, the
23 [[Agency]] DEPARTMENT may waive some or all of the redemption fees.

24
25 (d) **Community cats.**

26
27 (1) Community cat caregivers may reclaim impounded eartipped community cats
28 without the proof of ownership or the payment of shelter fees and impoundment charges
29 required under THIS SECTION [[§ 12-4-504 and without complying with the licensing
30 requirements under § 12-4-702,]] if the community cat caregiver agrees, in writing and on
31 a form provided by the [[Agency]] DEPARTMENT, to abide by the trap-neuter-return
32 standards described under this title and to return the community cat to its original location
33 or provide for rehoming.

34
35 (2) If an impounded community cat has not been sterilized, vaccinated for rabies,
36 and undergone eartipping, the community cat may only be redeemed by a community cat
37 caregiver after receiving a rabies vaccination administered by the [[Agency]]
38 DEPARTMENT. Release from impoundment shall be conditioned on referral to a trap-neuter-
39 return program and a written agreement with the County. Documentation of sterilization
40 and eartipping shall be forwarded to the [[Agency]] DEPARTMENT within 60 days of release
41 from impoundment.

42
43 (e) **Active investigations.** If an animal is impounded under this subtitle as a danger to
44 persons or property, the [[Agency]] DEPARTMENT may deny redemption of the animal for
45 the lesser of 14 days or the duration of an active investigation into the incident for which
46 the animal was impounded.

1 (f) **Spay or neuter conditions.** If a dog or cat that is not spayed or neutered is
2 impounded two times within a 12-month period, the owner shall have the animal spayed
3 or neutered at the owner's expense prior to redemption unless the owner appeals to the
4 Commission within five days after the date of the condition being imposed and the
5 **[[Chief]] DIRECTOR**, following a recommendation from the Commission, waives this
6 requirement or orders other action.

7
8 (g) **Appeal.** The owner of an animal may appeal redemption conditions imposed by the
9 **[[Agency]] DEPARTMENT** under this section by filing a written appeal with the Commission
10 within five days of the conditions being imposed. At least five days prior to the hearing,
11 the owner of an animal shall be notified of the date, time, and location of the hearing.

12
13 (h) **Commission hearing.** The hearing before the Commission shall be governed by §
14 12-4-206. After a hearing on an appeal of redemption conditions, the Commission shall
15 submit a recommendation to the **[[Chief]] DIRECTOR** noting any conditions the
16 Commission recommends be upheld, amended, waived, or added.

17
18 (i) **Redemption pending appeal.** If the owner files a timely appeal to the Commission,
19 the **[[Chief]] DIRECTOR** may allow redemption of the animal by the owner while the appeal
20 is pending without the owner complying with the appealed condition. If a redemption
21 condition is upheld by the **[[Chief]] DIRECTOR** after the hearing, the owner shall present
22 satisfactory proof of compliance with all redemption conditions to the **[[Agency]]**
23 **DEPARTMENT** within 30 days of the final decision being issued.

24 25 **12-4-505. Disposition of animals.**

26
27 (a) **Property of County.** Any impounded animal held subject to § 12-4-503 and not
28 redeemed by its owner or community cat caregiver within five days of the owner being
29 notified or, if the owner cannot be notified, within five days of the animal being impounded
30 shall be deemed unwanted or unredeemed and shall become the property of the County.
31 Any animal that is impounded and exempt from the holding period in § 12-4-503 shall be
32 deemed unwanted or unredeemed and become property of the County immediately on
33 impoundment. An animal impounded and designated as potentially dangerous, dangerous,
34 or vicious may not be deemed unwanted or unredeemed until the process for appealing the
35 order is exhausted unless the owner transfers or surrenders ownership of the animal to the
36 **[[Agency]] DEPARTMENT**.

37
38 (b) **Methods of disposition.** The **[[Agency]] DEPARTMENT** may dispose of unwanted
39 or unredeemed domesticated animals by placement as a pet in an approved home, rescue
40 organization or shelter, or humanely administered euthanasia. The **[[Agency]]**
41 **DEPARTMENT** may dispose of wild animals by release into a suitable habitat, unless
42 otherwise prohibited by law, placement with a facility or individual permitted by law to
43 keep wild animals, or humanely administered euthanasia. As an alternative to euthanasia,
44 a seriously injured or suffering animal may be taken to a veterinarian for treatment. An
45 animal that is impounded for being a dangerous or vicious animal, and not redeemed by
46 the owner, may not be adopted, transferred, or placed with a rescue organization.

SUBTITLE 6. RABIES CONTROL

12-4-601. Vaccination of dogs, cats, and ferrets required.

(a) **Requirement.** A person may not own or keep a dog, [[or]] cat, OR FERRET over the age of four months unless the dog, [[or]] cat, OR FERRET has been vaccinated so as to provide the animal with continuous protection against rabies. The effective period of the various vaccines shall be established by the Health Officer or the authorized and trained representative of the Health Officer in accordance with the current “Compendium of Animal Rabies Vaccines” prepared and periodically revised by the National Association of State Public Health Veterinarians, Inc.

(b) **Certificate.** On request of the [[Agency]] DEPARTMENT, a person owning or keeping a dog, [[or]] cat, OR FERRET in the County shall promptly exhibit a currently valid rabies vaccination certificate indicating that the dog, [[or]] cat, OR FERRET has been vaccinated by a licensed veterinarian or approved governmental agency.

(c) **Sanction for violation.** A person who fails to provide satisfactory evidence of a current rabies vaccination shall be given a written citation and an order requiring the vaccination within a seven-day period.

(d) **Waiver.** The [[Agency]] DEPARTMENT may waive the requirements for vaccination if [[the dog or cat will not be exposed to rabies and]], in the written opinion of a veterinarian, a vaccination is not advisable due to the physical condition of the animal.

12-4-602. Required reports – In general.

If A warm-blooded animal bites, scratches, or attacks a human being or exposes a human being to a possible rabies infection, or if the animal is suspected of having rabies, an individual having knowledge of the facts, including a veterinarian, shall immediately report those facts to the County police or, in the City of Annapolis, to the City police. The police officer who receives such a report shall immediately notify the Health Officer, the authorized and trained representative of the Health Officer, or the [[Agency]] DEPARTMENT. The individual or agency notified shall inform the animal owner in writing that it is the responsibility of the animal owner to take the animal to a licensed veterinarian to have the animal examined for rabies within 24 hours of the bite or scratch.

12-4-604. Confirmed or highly likely cases of rabies.

If rabies has been diagnosed in an animal confined for clinical observation or if rabies is suspected by a veterinarian or [[Agency]] DEPARTMENT officer and the animal dies, the [[Agency]] DEPARTMENT officer shall immediately have the head sent to a laboratory recognized by the State Department of Health and Mental Hygiene for rabies examination. Within 24 hours of the laboratory findings indicating a presence of rabies, the laboratory shall notify the State Veterinarian and the Health Officer or the authorized and trained representative of the Health Officer of the finding and report human and animal contacts with the infected animal.

12-4-605. Confinement of animals that bite humans.

(a) **Requirement for confinement.** The Health Officer or the authorized representative of the Health Officer assigned to the [[Agency]] DEPARTMENT shall confine an animal that has bitten a human being for clinical observation for a period of 10 consecutive days from the date of the bite.

12-4-608. Quarantine – Animal suspected of being exposed to rabies.

After confirmation by a licensed veterinarian, a warm-blooded animal suspected of being an animal exposed to rabies shall be surrendered by the owner to a veterinarian or the [[Agency]] DEPARTMENT for supervised confinement completely isolated from other animals in a manner approved by the Health Officer or the [[Agency]] DEPARTMENT. The animal may be ~~[[destroyed]]~~ HUMANELY EUTHANIZE or confined in such a way and for such period, at the expense of the owner of the animal, as the Health Officer shall direct. Payment of boarding, hospital, and confinement fees and compliance with the licensing and animal management provisions of this subtitle shall be prerequisite to the release of a confined animal to the owner.

12-4-609. Quarantine – Animal diagnosed as having rabies.

(b) **Requirements during quarantine.** When a quarantine is effected under this section, a person may not take a domesticated animal from confinement or permit a domesticated animal in the streets or other public areas of the quarantine area unless the animal is properly leashed and is accompanied by an adult. During the quarantine, a farm animal suspected of having been exposed to rabies may be quarantined by the State Veterinarian. An individual may not remove a quarantined farm animal from the place where it is kept without the written permission of the State Veterinarian. An unclaimed animal impounded by reason of its being at large may not be placed by ~~[[an]]~~ [[Agency]] A DEPARTMENT facility during the period of quarantine.

12-4-611. Surrender and disposal of dead animal exposed to rabies.

The carcass of any dead animal exposed to rabies shall be surrendered to [[an Agency]] A DEPARTMENT officer, the County Health Officer, or the State Veterinarian on demand. [[An Agency]] A DEPARTMENT officer or an authorized representative of the [[Agency]] DEPARTMENT shall supervise the disposition of the carcass of any animal in his or her possession found to be infected with rabies or of any dead animal that the [[Agency]] DEPARTMENT officer or the authorized representative of the [[Agency]] DEPARTMENT considers to be a health menace or a hazard to the public health and welfare.

SUBTITLE 7. ANIMAL LICENSES

12-4-701. Definitions.

TERMS USED IN THIS TITLE HAVE THE MEANINGS STATED IN § 12-4-101.

12-4-702. Application.

AN APPLICATION FOR A LICENSE REQUIRED BY THIS TITLE SHALL BE MADE UNDER OATH ON THE FORMS REQUIRED BY THE DEPARTMENT.

12-4-703. Dog licenses.

(A) **Licenses generally.** A COUNTY RESIDENT, INCLUDING A COMMERCIAL KENNEL OWNER, SHALL HAVE AND MAINTAIN A LICENSE UNDER THIS SUBSECTION FOR EACH DOG FOR WHICH THE RESIDENT IS THE OWNER.

(1) A DOG OWNER SHALL APPLY FOR A LICENSE WITHIN 10 DAYS AFTER THE DOG REACHES THE AGE OF SIX MONTHS OR WITHIN 30 DAYS AFTER BRINGING THE DOG INTO THE COUNTY, WHICHEVER IS LATER.

(2) A DOG OWNER SHALL MAINTAIN AT ALL TIMES A CURRENT RABIES VACCINATION CERTIFICATE FOR EACH LICENSED DOG AND SHALL SUBMIT THE CURRENT CERTIFICATE WHEN APPLYING FOR AND RENEWING A LICENSE.

(3) (I) A LICENSE FOR A DOG SHALL BE RENEWED ANNUALLY ON A SCHEDULE DETERMINED BY THE DEPARTMENT.

(II) AN OWNER WHO IS NOT A COMMERCIAL KENNEL OWNER MAY OBTAIN A THREE-YEAR LICENSE IF THERE IS A CURRENT THREE-YEAR RABIES VACCINATION CERTIFICATE FOR THE DOG.

(III) AN APPLICATION FOR RENEWAL SHALL BE ACCOMPANIED BY THE REQUIRED LICENSE FEE.

(IV) FAILURE TO MAKE APPLICATION FOR RENEWAL WITHIN ONE MONTH OF THE LICENSE RENEWAL DUE DATE SHALL RESULT IN A LATE FEE OF \$10 PER MONTH.

(4) THE FEE FOR EACH LICENSE AND THE RENEWAL OF EACH REQUIRED BY THIS SUBSECTION IS AS FOLLOWS.

DOG LICENSE FEES – OTHER THAN A COMMERCIAL KENNEL - 1-YEAR LICENSE		
	COUNTY RESIDENTS UNDER THE AGE OF 60 YEARS	COUNTY RESIDENTS AT LEAST 60 YEARS OLD, OR RECEIVING DISABILITY BENEFITS AS A RESULT OF A FINDING OF PERMANENT AND TOTAL DISABILITY
FOR EACH UNSPAVED OR UNNEUTERED DOG	\$15	\$8

FOR EACH SPAYED OR NEUTERED DOG OR FOR A DOG FOR WHICH SPAYING OR NEUTERING WOULD POSE A THREAT TO THE ANIMAL'S HEALTH	\$2	\$0
FOR A SERVICE ANIMAL AS DEFINED IN THE AMERICANS WITH DISABILITIES ACT (ADA), TITLE III, CFR §36.104 OR A DOG TRAINED AND REGISTERED IN THE K-9 CORPS	\$0	\$0

1

DOG LICENSE FEES – OTHER THAN A COMMERCIAL KENNEL - 3-YEAR LICENSE		
	COUNTY RESIDENTS UNDER THE AGE OF 60 YEARS	COUNTY RESIDENTS AT LEAST 60 YEARS OLD, OR RECEIVING DISABILITY BENEFITS AS A RESULT OF A FINDING OF PERMANENT AND TOTAL DISABILITY
FOR EACH UNSPAYED OR UNNEUTERED DOG	\$40	\$20
FOR EACH SPAYED OR NEUTERED DOG OR FOR A DOG FOR WHICH SPAYING OR NEUTERING WOULD POSE A THREAT TO THE ANIMAL'S HEALTH	\$5	\$0
FOR A SERVICE ANIMAL AS DEFINED IN THE AMERICANS WITH DISABILITIES ACT (ADA), TITLE III, CFR §36.104 OR A DOG TRAINED AND REGISTERED IN THE K-9 CORPS	\$0	\$0

2

DOG LICENSE FEES – COMMERCIAL KENNEL - 1-YEAR LICENSE - IN ADDITION TO FEES REQUIRED UNDER THIS TITLE		
	A COMMERCIAL KENNEL OWNER UNDER THE AGE OF 60 YEARS	A COMMERCIAL KENNEL OWNER, AT LEAST 60 YEARS OLD, OR RECEIVING DISABILITY BENEFITS AS A RESULT OF A FINDING OF PERMANENT AND TOTAL DISABILITY
FOR EACH UNSPAYED OR UNNEUTERED DOG	\$10	\$4
FOR EACH SPAYED OR NEUTERED DOG OR FOR A DOG FOR WHICH SPAYING OR NEUTERING WOULD POSE A THREAT TO THE ANIMAL'S HEALTH	\$4	\$2
FOR A SERVICE ANIMAL AS DEFINED IN THE AMERICANS WITH DISABILITIES ACT (ADA), TITLE III, CFR § 36.104 OR A	\$0	\$0

DOG TRAINED AND REGISTERED IN THE K-9 CORPS		
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(5) IN THE EVENT A DOG DIES PRIOR THE EXPIRATION OF THE THREE-YEAR LICENSE, THE OWNER OF THE DECEASED ANIMAL MAY APPLY FOR A REFUND FROM THE DEPARTMENT BY SUBMITTING AN AFFIDAVIT OF THE ANIMAL'S DEATH AND A REFUND REQUEST. A REFUND SHALL BE BASED ON A PRORATED AMOUNT BASED ON THE DOG'S DATE OF DEATH. ALL REFUNDS SHALL BE ISSUED BY THE COUNTY IN THE FORM OF A CHECK.

(B) Dangerous and potentially dangerous animal licenses.

(1) AN OWNER OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL SHALL APPLY FOR AND MAINTAIN A SPECIAL LICENSE FOR EACH DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL WITHIN THIRTY DAYS FROM THE ENTRY OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL ORDER PURSUANT TO ARTICLE 12, TITLE 4, SUBTITLE 4.

(2) (I) AN OWNER OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL SHALL MAINTAIN A CURRENT RABIES VACCINATION CERTIFICATE FOR EACH DANGEROUS AND POTENTIALLY DANGEROUS ANIMAL.

(II) AN OWNER OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL SHALL SUBMIT A CURRENT RABIES VACCINATION CERTIFICATE FOR EACH ANIMAL OWNED AND SHALL COMPLY WITH ANY OTHER RABIES VACCINATION REQUIREMENTS ESTABLISHED IN AN ORDER ISSUED PURSUANT TO ARTICLE 12, TITLE 4, SUBTITLE 4.

(3) (I) THE SPECIAL LICENSE FEE FOR A DANGEROUS ANIMAL IS \$125 FOR THE FIRST YEAR ISSUED, AND SHALL REVERT TO THE APPLICABLE RATE SET FORTH IN PARAGRAPH (A)(4) FOR EACH YEAR THEREAFTER ON AN ANNUAL BASIS.

(II) THE SPECIAL LICENSE FEE FOR AN ANIMAL FOUND TO BE POTENTIALLY DANGEROUS IS \$100 FOR THE FIRST YEAR ISSUED, AND SHALL REVERT TO THE APPLICABLE RATE SET FORTH IN PARAGRAPH (A)(4) FOR EACH YEAR THEREAFTER ON AN ANNUAL BASIS.

(4) ALL SPECIAL LICENSES ISSUED UNDER THIS SUBSECTION SHALL EXPIRE ONE YEAR FROM THE LAST DAY OF THE MONTH IN WHICH THE SPECIAL LICENSE WAS ISSUED.

(5) (I) ALL SPECIAL LICENSES ISSUED UNDER THIS SUBSECTION SHALL BE RENEWED ANNUALLY FOR AS LONG AS THE OWNER IS THE OWNER OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL.

(II) AN APPLICATION FOR RENEWAL OF A SPECIAL LICENSE SHALL BE ACCOMPANIED BY THE REQUIRED LICENSE FEE.

(III) FAILURE TO MAKE APPLICATION WITHIN ONE MONTH OF THE DUE DATE SHALL RESULT IN A LATE FEE OF \$10 PER MONTH.

(6) POTENTIALLY DANGEROUS ANIMAL ORDERS ISSUED PRIOR TO OCTOBER 1, 2017, SHALL REMAIN IN FULL FORCE AND EFFECT, AND SPECIAL LICENSES ISSUED FOR POTENTIALLY DANGEROUS ANIMALS SHALL BE RENEWED ANNUALLY AS PROVIDED HEREIN.

(C) License and tags. EACH OWNER OF A LICENSED ANIMAL SHALL BE ISSUED A LICENSE AND NUMBERED METAL LICENSE IDENTIFICATION TAG. THE LICENSE TAG SHALL

BE SECURELY FASTENED TO THE ANIMAL AT ALL TIMES EXCEPT WHEN THE ANIMAL IS ON THE PREMISES OF ITS OWNER OR CUSTODIAN OR WHEN A DOG IS ENGAGED IN SUPERVISED HUNTING OR OTHER SPORT WHERE A COLLAR WOULD ENDANGER THE DOG'S SAFETY OR ADVERSELY AFFECT ITS HUNTING OR SPORT PURPOSE. A REPLACEMENT LICENSE TAG SHALL BE ISSUED TO THE OWNER ON APPLICATION AT A COST OF \$1.

12-4-704. Fancier licenses.

(A) **Dog fancier license.** IN ADDITION TO MEETING THE LICENSING REQUIREMENTS IMPOSED BY § 12-4-703, A DOG FANCIER SHALL ANNUALLY OBTAIN A DOG FANCIER LICENSE FROM THE COUNTY. THE APPLICATION FOR A DOG FANCIER LICENSE SHALL STATE THE NAME AND HOME ADDRESS OF THE DOG FANCIER, THE ADDRESS OF THE ESTABLISHMENT IF IT DIFFERS FROM THE HOME ADDRESS OF THE DOG FANCIER, AND THE MAXIMUM NUMBER OF DOGS TO BE MAINTAINED. A DOG FANCIER SHALL PROVIDE PROOF THAT EACH DOG HAS A CURRENT RABIES VACCINATION. THE ANNUAL FEE TO BE PAID TO THE COUNTY FOR A DOG FANCIER LICENSE IS \$100.

(B) **Cat fancier license.** A CAT FANCIER SHALL ANNUALLY OBTAIN A CAT FANCIER LICENSE FROM THE COUNTY. THE APPLICATION FOR A CAT FANCIER LICENSE SHALL STATE THE NAME AND HOME ADDRESS OF THE CAT FANCIER, THE ADDRESS OF THE ESTABLISHMENT IF IT DIFFERS FROM THE HOME ADDRESS OF THE CAT FANCIER, AND THE MAXIMUM NUMBER OF CATS TO BE MAINTAINED. A CAT FANCIER SHALL PROVIDE PROOF THAT EACH CAT HAS A CURRENT RABIES VACCINATION. THE ANNUAL FEE TO BE PAID TO THE COUNTY FOR A CAT FANCIER LICENSE IS \$100.

12-4-705. Commercial kennel license.

(A) When required.

(1) IN ADDITION TO THE LICENSING REQUIREMENTS UNDER §12-4-703, THE OPERATOR OF A COMMERCIAL KENNEL SHALL OBTAIN A COMMERCIAL KENNEL LICENSE.

(2) THE FOLLOWING ARE NOT CONSIDERED COMMERCIAL KENNELS:

(I) VETERINARY HOSPITALS OR CLINICS; AND

(II) ~~RESEARCH FACILITIES WHERE BONA FIDE MEDICAL, DENTAL, VETERINARY, PHARMACEUTICAL, OR BIOLOGICAL RESEARCH IS BEING CONDUCTED; AND~~

(III) ~~OTHER ANIMAL ESTABLISHMENTS OPERATED BY STATE OR LOCAL GOVERNMENTS OR LICENSED~~ ANY RESEARCH FACILITY REGULATED BY FEDERAL LAW.

(B) **Application.** THE APPLICATION FOR A COMMERCIAL KENNEL LICENSE SHALL STATE THE NAME AND ADDRESS OF THE COMMERCIAL KENNEL, THE NAME AND HOME ADDRESS OF OPERATOR OF THE COMMERCIAL KENNEL, AND THE MAXIMUM NUMBER OF DOGS OR CATS OR BOTH TO BE HOUSED IN THE COMMERCIAL KENNEL.

(C) **Fee.** THE ANNUAL LICENSE FEE FOR A COMMERCIAL KENNEL IS:

(1) \$250 FOR A COMMERCIAL KENNEL AUTHORIZED TO HOUSE A COMBINED TOTAL OF 15 TO NOT MORE THAN 50 DOGS; AND

(2) \$500 FOR A COMMERCIAL KENNEL AUTHORIZED TO HOUSE A TOTAL OF MORE THAN 50 DOGS OR CATS OR BOTH.

1 (D) **Expiration and renewal.** A COMMERCIAL KENNEL LICENSE SHALL BE VALID
2 FROM THE DATE ISSUED UNTIL THE FOLLOWING JUNE 30, AND SHALL BE RENEWED WITHIN
3 90 DAYS AFTER JUNE 30 UPON PAYMENT OF THE ANNUAL LICENSE FEE. FAILURE TO MAKE
4 TIMELY APPLICATION FOR THE INITIAL LICENSE OR FOR RENEWAL SHALL RESULT IN A
5 LATE FEE OF \$25 PER MONTH. THE DEPARTMENT MAY REFUSE TO ISSUE OR RENEW ANY
6 LICENSE REQUIRED BY THIS TITLE IF THE APPLICANT OR LICENSEE HAS FAILED TO
7 COMPLY WITH THE PROVISIONS OF THIS TITLE, TITLE 4 OF ARTICLE 12, OR PROVISIONS OF
8 ARTICLE 18 OF THIS CODE APPLICABLE TO COMMERCIAL KENNELS.

9
10 (E) **Revocation.** THE DEPARTMENT, THE HEALTH OFFICER, OR THE AUTHORIZED AND
11 TRAINED REPRESENTATIVE OF THE HEALTH OFFICER MAY REVOKE OR SUSPEND A
12 COMMERCIAL KENNEL LICENSE ISSUED UNDER THIS TITLE ON FINDING THAT THE
13 LICENSEE HAS FAILED TO COMPLY WITH THIS TITLE, TITLE 4 OF ARTICLE 12, PROVISIONS
14 OF ARTICLE 18 OF THIS CODE APPLICABLE TO COMMERCIAL KENNELS, OR ANY OTHER
15 APPLICABLE LOCAL, STATE, OR FEDERAL LAW GOVERNING THE PROTECTION AND
16 KEEPING OF ANIMALS. WHEN A LICENSE IS REVOKED OR SUSPENDED PURSUANT TO THIS
17 SECTION, THE LICENSEE SHALL IMMEDIATELY CEASE ALL OPERATIONS AND ACTIVITIES
18 AUTHORIZED BY THE LICENSE.

19
20 **12-4-706. Denial, nonrenewal, revocation, or suspension of license.**

21
22 (A) **Notice.** BEFORE DENYING ISSUANCE OR RENEWAL OF, SUSPENDING, OR REVOKING
23 ANY LICENSE, THE DIRECTOR SHALL GIVE NOTICE TO THE LICENSEE WHICH:

- 24
25 (1) SPECIFIES THE VIOLATION OR OTHER BASIS FOR THE ACTION;
- 26
27 (2) STATES A TIME WITHIN WHICH THE LICENSEE SHALL TAKE CORRECTIVE
28 ACTION TO ABATE THE VIOLATION OR CURE OTHER DEFECTS, IF THE VIOLATION OR
29 DEFECT IS SOMETHING THAT CAN BE CURED; AND
- 30
31 (3) INFORMS THE LICENSEE OF THE RIGHT TO APPEAR BEFORE THE DEPARTMENT
32 TO SHOW CAUSE WHY THE LICENSE SHOULD BE ISSUED OR RENEWED OR SHOULD NOT BE
33 SUSPENDED OR REVOKED .

34
35 (B) **Finality.** A DECISION BY THE DEPARTMENT TO NOT ISSUE OR RENEW, TO SUSPEND,
36 OR TO REVOKE A LICENSE SHALL BE FINAL EXCEPT AS PROVIDED IN SUBSECTION (C).

37
38 (C) **Appeals.** A PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT RELATING
39 TO ISSUANCE, SUSPENSION, REVOCATION, DENIAL, OR NONRENEWAL OF A LICENSE
40 REQUIRED BY THIS TITLE MAY APPEAL THE DECISION TO THE COUNTY BOARD OF APPEALS
41 WITHIN 30 DAYS AFTER THE DECISION. A DECISION TO REVOKE A LICENSE SHALL BE
42 STAYED PENDING A DECISION OF THE BOARD OF APPEALS.

43
44 (D) **Effect of suspension or revocation.** IN THE CASE OF SUSPENSION OR REVOCATION
45 OF A LICENSE, NO PART OF THE LICENSE FEE MAY BE REFUNDED. A LICENSE OR LICENSE
46 RENEWAL THAT HAS BEEN DENIED, SUSPENDED, OR REVOKED MAY NOT BE ISSUED OR
47 RENEWED UNTIL ONE YEAR FROM THE DATE OF FINALITY OF THE DENIAL, SUSPENSION,
48 OR REVOCATION.

49
50 (E) **Enforcement.** IF CORRECTIVE ACTION IS NOT TAKEN BY THE VIOLATOR WITHIN
51 THE TIME SPECIFIED IN A NOTICE ISSUED PURSUANT TO THIS SECTION AND AN APPEAL IS
52 NOT TAKEN, THE DEPARTMENT MAY REQUEST THE OFFICE OF LAW TO INSTITUTE LEGAL
53 ENFORCEMENT PROCEEDINGS.

12-4-707. Licenses not transferable.

LICENSES REQUIRED BY THIS TITLE ARE NOT TRANSFERABLE.

12-4-708. Burden and standard of proof with respect to licensing.

THE BURDEN OF PROOF FOR THE FACT THAT AN ANIMAL OR COMMERCIAL KENNEL HAS BEEN LICENSED OR IS NOT REQUIRED TO BE LICENSED SHALL BE ON THE OWNER OF THE ANIMAL OR THE OWNER OR OPERATOR OF THE COMMERCIAL KENNEL. THE STANDARD OF PROOF SHALL BE BY A PREPONDERANCE OF THE EVIDENCE.

SUBTITLE 8. STANDARDS FOR CARE AND KEEPING OF ANIMALS

[[12-4-806. Petting zoos.

Cages and enclosures in a petting zoo shall be of sufficient size to allow each animal to move around with ease and shall be maintained in a sanitary condition with sufficient clean, dry bedding to prevent odor. Fresh water for the animals in a petting zoo shall always be available. Food that is palatable and of sufficient quantity and quality to meet the normal nutrient requirements for the type, condition, and size of the animal shall be provided daily for each animal in a petting zoo. Adequate ventilation and healthful temperature for every species of animal shown in a petting zoo shall be provided.]]

[[12-4-809.]] 12-4-808. Severe weather emergencies and alerts.

(a) **Weather emergency.** In the event of a severe weather emergency declared by the County Executive, the [[Agency]] DEPARTMENT may issue a severe weather animal alert advising the public of certain animal safety precautions.

(b) **Notice.** The severe weather animal alert will be posted on the [[Agency's]] DEPARTMENT'S website and social media pages, and a public press release will be issued by the [[Agency]] DEPARTMENT.

(c) **Violation.** Failure to comply with § 12-4-801 or § 12-4-802(b) during a severe weather emergency declared by the County Executive is a Class C civil offense.

SUBTITLE 9. MISCELLANEOUS PROVISIONS

12-4-901. Cruelty.

(a) **Scope.** On notification of a possible violation of §§ 10-601 et seq. of the Criminal Law Article of the State Code, the [[Agency]] DEPARTMENT shall:

- (1) determine whether or not a probable violation has occurred;
- (2) notify the appropriate authority of the alleged violation; and
- (3) recommend or take action necessary to rectify the situation.

1 (b) **Seizure.** Subject to the limitations contained in § 10-615(f) of the Criminal Law
2 Article of the State Code, and as necessary for the health of the animal or to protect the
3 animal from cruelty, [[an Agency]] A DEPARTMENT officer, authorized agent of the
4 [[Agency]] DEPARTMENT, police officer, or other public official required to protect animals
5 may seize, remove, or impound an animal that:

6
7 (1) does not have access to sufficient food or water;

8
9 (2) is subjected to cruelty; or

10
11 (3) is abused or neglected as defined in § 10-604 of the Criminal Law Article of the
12 State Code.

13
14 (c) **Surrender of animals.** Any person charged under §§ 10-604 through 10-618 of the
15 Criminal Law Article of the State Code shall immediately surrender to the [[Agency]]
16 DEPARTMENT all animals in the person's ownership or custody.

17
18 (d) **Notice.** If an animal is seized or surrendered under this section, the owner of the
19 animal shall be served with written notice that advises that a written petition for return of
20 the animal may be filed with the Commission within 10 days of service of the notice, and
21 the estimated costs of care for a 30-day period as required in subsection (i).

22
23 (e) **Unidentified owner.** If the owner of an animal seized or surrendered under this
24 section cannot be identified after reasonable efforts by the [[Agency]] DEPARTMENT, the
25 animal shall be deemed unwanted or unredeemed, and final disposition shall be made as
26 provided in this title.

27
28 (f) **Petition.** The owner of an animal seized or surrendered pursuant to this section may
29 file a petition in writing for the return of the animal with the Commission within 10 days
30 of service or posting of the notice. At least 10 days prior to the hearing, the [[Agency]]
31 DEPARTMENT shall provide written notice to the owner of the specific allegations, and the
32 date, time, and location of the hearing. If the owner fails to file a petition with the
33 Commission within 10 days of being served with the notice, the animal shall be deemed
34 unwanted or unredeemed and final disposition shall be made as provided in this title.

35
36 (g) **Commission hearing.** The hearing before the Commission shall be governed by §
37 12-4-206. The [[Agency]] DEPARTMENT shall establish a violation of this section by a
38 preponderance of the evidence. If the petitioner fails to appear at the hearing, the petition
39 shall be dismissed and the animal shall be deemed unwanted or unredeemed as provided
40 in this title.

41
42 (h) **Director's determination.** If the [[Chief]] DIRECTOR determines that prohibiting
43 the owner of the animal from redeeming the animal is necessary for the health of the animal
44 or is necessary to protect the animal from cruelty, the [[Agency]] DEPARTMENT shall deem
45 the animal unwanted or unredeemed and may dispose of the animal as permitted in § 12-
46 4-505(b).

1 (i) **Care for seized or surrendered animals.** Any animal seized by or surrendered to
2 the [[Agency]] DEPARTMENT under this section shall be maintained, or humanely
3 euthanized if unable to be maintained, by the [[Agency]] DEPARTMENT at the expense of
4 the owner.

5
6 (1) If an owner files a petition under subsection (f), the owner shall pay all costs of
7 care beginning on the date the animal was seized or surrendered.

8
9 (2) The costs of care shall be \$15 per day per animal, plus the costs of necessary
10 medical care for the animal, including necessary humane euthanasia, as determined by a
11 licensed veterinarian and the [[Agency]] DEPARTMENT, and documented by invoices, up
12 to a maximum of \$50 per day per animal.

13
14 ***

15
16 (6) The owner shall continue to make costs of care payments for 30-day periods
17 until the seizure or surrender is terminated, the animal is deemed unwanted or unredeemed,
18 or the animal dies. The payment due dates in paragraph (4) or (5) may be extended by
19 request of the owner if the [[Agency]] DEPARTMENT determines that extraordinary
20 circumstances are demonstrated, such as serious injury or death to the owner or an
21 immediate family member, or fire or flood affecting the owner's residence.

22
23 ***

24
25 **12-4-902. Keeping of wild animals, exotic animals, and vicious animals prohibited.**

26
27 ***

28
29 (b) **Public contact.** The collection of animals on any premises whereby the public is
30 permitted or encouraged to have physical contact with animals on display, but not including
31 pet shops, is prohibited. This section does not apply to zoological parks, and performing
32 animal exhibitions or circuses if the animal exhibitions or circuses are licensed under the
33 provisions of [[§ 12-4-806 and]] § 11-2-401 of this Code AND DOES NOT APPLY TO
34 ACTIVITIES ANCILLARY TO FARMING AND OTHER AGRICULTURAL USES PERMITTED
35 UNDER ARTICLE 18 OF THIS CODE.

36
37 (c) **Exclusion.** The prohibitions of this section do not apply to a wild animal or exotic
38 animal owned, maintained, or kept on premises before September 5, 1980, if a permit for
39 the animal was issued by the [[Agency]] DEPARTMENT not later than November 4, 1980,
40 but the prohibitions apply to the offspring of the animals. The provisions of this section do
41 not apply to any wild or exotic animal or its owner if such animal or owner is specifically
42 registered or licensed under express provisions of a federal or State statute or regulation
43 enacted or adopted for the purpose of animal regulation and protection.

44
45 **12-4-905. Animals running at large prohibited.**

46
47 ***

1 (c) **Reporting.** A person who is aware of an animal running at large shall report the
2 condition to the [[Agency]] DEPARTMENT by telephone.

3
4 (d) **Pursuit.** [[An Agency]] A DEPARTMENT officer or an authorized representative of
5 the [[Agency]] DEPARTMENT may pursue an animal running at large on public property or
6 on the exterior premises of private property.

7
8 ***

9
10 **12-4-906. Animals prohibited on school grounds and in public recreation areas.**

11
12 ***

13
14 (b) **Violation.** [[An Agency]] A DEPARTMENT officer is authorized and directed upon
15 observing an unrestrained animal upon school grounds or in a public recreation area or
16 upon receiving the sworn affidavit of an individual having made such observation to issue
17 a written notice of violation of this section to the owner of the animal. In the absence of
18 [[an Agency]] A DEPARTMENT officer, a law enforcement officer may issue the notice.

19
20 **12-4-907. Stray dogs and cats to be surrendered to County.**

21
22 An individual who finds a stray dog or cat shall deliver the dog or cat to [[an Agency]]
23 A DEPARTMENT facility or to [[an [[Agency]] A DEPARTMENT officer or an authorized
24 representative of the [[Agency]] DEPARTMENT within [[24]] 72 hours after finding the dog
25 or cat. This section does not apply to an individual who traps a community cat as part of a
26 trap-neuter-return.

27
28 **12-4-910. Disposal of animal carcasses and sick animals.**

29
30 The owner of a dead animal may not deposit or leave the animal on public property or
31 the property of another person. Dead animals shall be promptly disposed of by cremation,
32 burial, or other sanitary means. On request, the [[Agency]] DEPARTMENT shall pick up
33 dead dogs, cats, and other small domestic animals for disposal for a fee not to exceed the
34 actual cost of the disposal. In addition to other assigned duties, [[an Agency]] A
35 DEPARTMENT officer or an authorized representative of the [[Agency]] DEPARTMENT shall
36 collect dead animals found on public grounds or County roads and dispose of the carcasses
37 and ~~[[destroy]]~~ HUMANELY EUTHANIZE critically sick and injured animals found on public
38 property or on the request of the owner of the animal.

39
40 **12-4-911. Reporting of sale or disposition of animals.**

41
42 The holder of a commercial kennel license shall notify the [[Agency]] DEPARTMENT
43 in writing of the names and addresses of persons who buy or otherwise receive dogs from
44 the kennels within two weeks of the sale or disposition. The holder of a pet shop license
45 shall notify the [[Agency]] DEPARTMENT in writing of the names and addresses of persons
46 who buy or otherwise receive dogs within two weeks of the sale or disposition.

12-4-912. Adopted animals – spaying or neutering fees; waiver of fees.

(a) **Scope.** This section does not apply to animals purchased from pet shops, commercial kennels, or other commercial establishments.

(b) **Conditions for adoption.** An animal may not be adopted from [[an Agency]] A DEPARTMENT facility except on:

(1) approval by the [[Chief]] DIRECTOR at the [[Chief's]] DIRECTOR'S discretion;

(2) execution of any adoption contract established by the [[Chief]] DIRECTOR; and

(3) provision for spaying or neutering of the animal as provided in subsection (c).

(c) **Spaying and neutering.** Each animal adopted from [[an Agency]] A DEPARTMENT facility or a private, nonprofit animal shelter operated by a humane society or association shall be spayed or neutered:

(1) by a licensed veterinarian at the expense of the adopter within 30 days of adoption or such other date as specified in the adoption agreement under the authority of the [[Chief]] DIRECTOR or the shelter operator; or

(2) if the animal is adopted from [[an Agency]] A DEPARTMENT facility, as provided for by the [[Chief]] DIRECTOR before the adoption.

(d) **Expenses.** If the adopter provides for the spaying or neutering of the animal under subsection (c)(1), the adopter shall provide evidence of the spaying or neutering as required by the [[Police]] Department or the shelter operator.

(e) **Waiver.** The [[Agency]] DEPARTMENT may waive adoption fees or the cost of spaying or neutering upon a showing of good cause or as deemed appropriate.

12-4-913. Reckless animal owner.

(a) **Reckless animal owner designation.**

(1) Any person who is found guilty of violating the provisions of this article three or more times from separate incidents within a 24 month period may be designated by the [[Chief]] DIRECTOR as a reckless animal owner.

(2) For the purposes of this section, a person is considered to be found guilty of violating the provisions of this article if the person is found guilty, is placed on probation before judgment, or pays a civil fine for a violation of this article, or owns an animal designated by the [[Agency]] DEPARTMENT as potentially dangerous, dangerous, or vicious within the preceding 24 months.

(b) **Notice.** Upon designation by the [[Chief]] DIRECTOR, the [[Agency]] DEPARTMENT shall issue a written notice to the reckless animal owner that includes:

- 1 (1) the name and address of the reckless animal owner;
- 2
- 3 (2) a description of the circumstances that led to the designation;
- 4
- 5 (3) the name, description, and license number, if any, of any animals owned or in
- 6 the custody of the reckless animal owner; and
- 7
- 8 (4) notice of the right to appeal the designation.
- 9

10 (c) **Appeal.** A person designated as a reckless animal owner may appeal the designation
11 by filing a written notice of appeal with the Commission within 10 days of service of the
12 reckless animal owner notice.

13
14 (d) **Commission hearing.** The hearing before the Commission shall be governed by §
15 12-4-206. The [[Agency]] DEPARTMENT shall establish a violation of this section by a
16 preponderance of the evidence. If the petitioner fails to appear at the hearing, the appeal
17 shall be dismissed.

18
19 (e) **Prohibition.** An owner designated as a reckless animal owner may not own, keep,
20 possess, or harbor any animal for four years from the date of the designation, all licenses
21 issued under [[§ 12-4-702]] SUBTITLE 7 OF TITLE 4 OF THIS ARTICLE to the reckless animal
22 owner shall be revoked, all animals owned or in the custody of the reckless animal owner
23 shall be impounded and seized by the [[Agency]] DEPARTMENT and shall be immediately
24 considered unwanted or unredeemed.

25 26 SUBTITLE 10. CIVIL PENALTIES

27 28 12-4-1001. Civil penalties.

29
30 A person who violates an order issued under §§ 12-4-401, et seq. is subject to a civil
31 fine of \$250 for the first offense and \$500 for each subsequent offense. Otherwise, a person
32 who violates any provision of this title is subject to civil fines as provided in § 9-2-101 of
33 this Code. Each day that a violation continues constitutes a separate offense. The [[Chief]]
34 DIRECTOR may enforce the provisions of this title through injunctive proceedings or any
35 other appropriate actions.

36
37 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
38 from the date it becomes law.