

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session
Legislative Day # 12

BILL NO. 2011-07

Introduced by: Charles County Commissioners

Charles County Animal Regulations

Date introduced 10_ / 04 / 2011

Public Hearing: 11_ / 01_ / 2011_ @ 6:00 p.m.

Commissioners Action: 01_ / 10_ / 2012

Commissioner Votes: CK: Y, RC: Y, KR: Y, DD: Y, BR: Y

Pass/Fail: Pass

Effective Date: 02_ / 24_ / 2012

Remarks:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
Underlining indicated new matter added to existing law
[Brackets] indicate matter deleted from existing law

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session

Bill No. 2011-07

Chapter. No. 230

Introduced by: Charles County Commissioners

Date of Introduction: 10/04/2011

BILL

1 AN ACT concerning

2 **Charles County Animal Regulations**

3
4 FOR the purpose of

5 Adding new provisions and clarifying or modifying existing provisions of the Charles
6 County Animal Regulations.

7
8 BY repealing and reenacting, with amendments:

9 Chapter 230, Article I - Dogs and Other Animals

10 *Code of Charles County, Maryland*

11 (1994 Edition, 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

Underlining indicated new matter added to existing law

[Brackets] indicate matter deleted from existing law

1 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES
2 COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

3
4 **Chapter 230**
5 **Dogs and Other Animals**
6 **Article I – Animal Matters**
7

8
9 **§ 230-1. Statement of Purpose.**

10 These Animal Regulations are hereby established by the County Commissioners of Charles
11 County, Maryland to provide for the safety of the public, the humane care and treatment of
12 animals and to encourage responsible pet ownership.
13

14 **§ 230-2. Definitions.**

15 As used in these Regulations the following terms are defined below:
16

17 **Adult Animal** - Any animal four months of age or older.
18

19 **[Air, proper** - Enclosed areas must be constructed or modified to allow free flow of air
20 to control temperature, humidity and prevent air stagnation.]
21

22 **Animal** - Every non-human species of animal, both domestic and wild, including but not
23 limited to dogs, cats, livestock and fowl.
24

25 **Animal at Large** - Any animal off the premises of the owner OR CUSTODIAN, and not
26 under the restraint of a person capable of controlling the animal.
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28 **[Animal Control** - Charles County Animal Control shall include but not be limited to
29 any individual designated by the County Commissioners to enforce these regulations and

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the State Code.]

Animal Control Officer (ACO) - Any Animal Control Officer employed by Charles County Commissioners to enforce these regulations and [the] applicable State Code. [(Also referred to as an"ACO").]

[**Animal exposed to rabies** - Any animal which has been bitten by an animal which either has rabies or has been in proximity to or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which has rabies. The determination whether an animal is infected with rabies shall be made by the Health Officer for Charles County and the Maryland Department of Health and Mental Hygiene.]

ANIMAL FANCIER - ANY PERSON PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY THAT HARBORS OR KEEPS ANY COMBINATION OF MORE THAN 10 ADULT ANIMALS AND WHICH DOES NOT BREED AND SELL THE OFFSPRING OR USE MALES FOR STUD. THIS DEFINITION SHALL NOT INCLUDE FISH, LIVESTOCK, POULTRY AND OTHER FARM ANIMALS USED IN CUSTOMARY AND NORMAL AGRICULTURAL PRACTICES.

Animal Shelter - Any facility operated by a [municipal agency] PUBLIC ENTITY or its [agents] AGENT, for the purpose of impounding animals under the authority of these regulations or State Code for care, confinement, return to owner, adoption or euthanasia.

Animal/Veterinary Hospital - Any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery or diagnosis, prevention and treatment of diseases and injuries of animals.

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[Auction - Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in these regulations.]

Board - The Animal Matters Hearing Board established pursuant to these Regulations.

Cage - Any [enclosure] CONFINING DEVICE of limited space, enclosed on the bottom, top and all sides by a wall [or otherwise], in which animals are placed for any purpose, including confinement or display.

CHARLES COUNTY DIVISION OF ANIMAL CONTROL - CHARLES COUNTY ANIMAL CONTROL SHALL INCLUDE BUT NOT BE LIMITED TO ANY INDIVIDUAL DESIGNATED BY THE COUNTY COMMISSIONERS TO ENFORCE THESE REGULATIONS AND THE APPLICABLE STATE CODE.

Circus - A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment - Any person, partnership, [or] corporation or other legal entity [that has as a purpose] ENGAGED IN the TRAINING, GROOMING, BOARDING, sale, transfer, AUCTION, or other [conveyance] DELIVERY of any animal/animal services [for money]. Shall include but not be limited to any pet shop, grooming shop, [auction,] zoological park, circus, performing animal exhibition, boarding or breeding facility; [or establishment with the purpose of] AND any PERSON, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY ENGAGED IN THE training, leasing, or SALE OF [selling] guard dogs. Shall not include animal hospitals, animal shelters or humane societies.

[Commercial Boarding Facility - Any person, partnership, corporation or other legal entity establishment for the commercial animal sales, training, boarding, and grooming. sale or training of animals for which a fee is charged; provided that any animal or

1 hospitals maintained by a licensed veterinarian as part of the practice of veterinary
2 medicine for the treatment of animals shall not be considered a "Commercial Facility"
3 shall not include livestock, poultry and other farm animals used in customary and normal
4 agricultural husbandry practices.]

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6 **Commercial Breeding Facility** - Any person, partnership, [or] corporation or other legal
7 entity that owns [, keeps, harbors or is custodian of] OR POSSESSES BREEDING
8 STOCK OF four (4) or more unneutered male [animals] or [four or more] unspayed
9 female animals or [four or more of] any combination [of unneutered male, unspayed
10 female animals kept or used for stud or breeding for which a fee is charged and/or for
11 breeding for which a fee is charged for the offspring] THEREOF, FOR THE PURPOSE
12 OF CHARGING A FEE FOR STUD SERVICES OR OFFSPRING. This definition shall
13 not include livestock, poultry and other farm animals used in customary and normal
14 agricultural husbandry practices.

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16 **Cruelty** - As defined in § 230-8.

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18 **Custodian** - Any person, partnership, [or] corporation [having or taking temporary
19 responsibility of any animal as caretaker or otherwise] OR OTHER LEGAL ENTITY
20 THAT HARBORS, TAKES CARE OR CUSTODY OF, OR TAKES
21 RESPONSIBILITY FOR ANOTHER PERSON'S ANIMAL(S); OR ALLOWS THE
22 ANIMAL(S) TO REMAIN ON THEIR PREMISES.

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24 **Dangerous Animal** - As defined under § 230-12.5[.], AND AS LISTED IN THE
25 ANNOTATED CODE OF MARYLAND, CRIMINAL LAW SECTION 10-621(b):
26 PROHIBITED - A PERSON MAY NOT IMPORT INTO THE STATE OR CHARLES
27 COUNTY, OFFER FOR SALE, TRADE, BARTER, POSSESS, BREED, OR
28 EXCHANGE A LIVE:

29 1) FOX, SKUNK, RACCOON OR BEAR;

- 1 2) CAIMAN, ALLIGATOR OR CROCODILE;
- 2 3) MEMBER OF THE CAT FAMILY OTHER THAN THE DOMESTIC CAT;
- 3 4) HYBRID OF A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT
- 4 IF THE HYBRID WEIGHS OVER 30 POUNDS;
- 5 5) MEMBER OF THE DOG FAMILY OTHER THAN THE DOMESTIC DOG;
- 6 6) HYBRID OF A MEMBER OF THE DOG FAMILY AND A DOMESTIC DOG;
- 7 7) NONHUMAN PRIMATE, INCLUDING LEMUR, MONKEY, CHIMPANZEE,
- 8 GORILLA, ORANGUTAN, MARMOSSET, LORIS OR TAMARIN; OR
- 9 8) POISONOUS SNAKE IN THE FAMILY GROUPS HYDROPHIDAE,
- 10 ELAPIDAE, VIPERIDAE OR CROTOLIDAE.

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12 **Domestic Animal** - Any animal kept for pleasure rather than utility; an animal of a
13 species that has been bred and raised to live [in or about the habitation of] WITH OR IN
14 PROXIMITY TO humans, and WHICH is dependent on [people] HUMANS for food and
15 shelter. Domestic animals include but are not limited to farm animals, and pets such as
16 dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets, and
17 hedgehogs, nonpoisonous reptiles, fish, and amphibians, parakeets, cockatiels and other
18 [commercially raised] EXOTIC birds.

19
20 **FERAL ANIMAL** – A DOMESTIC ANIMAL LIVING IN A WILD STATE.

21
22 **Grooming Shop** - A commercial animal establishment where animals are bathed,
23 clipped, plucked or otherwise groomed.

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25 **Guard Dog** - Any dog that is trained specifically for and/or used to protect private
26 property or for personal protection.

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28 **Guard Dog Training Center** - Any establishment that trains, [and/or] brokers [and/] or
29 sells dogs to be used to protect [public/private] property or for personal protection.

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Humane Society - A non-profit organization chartered by the State of Maryland [dedicated] to ENGAGE IN THE CARE, TREATMENT, rehabilitation, rescue, and adoption of [injured and ailing pets. and in to the humane education of both adults and children] DOMESTIC ANIMALS AND IN THE HUMANE EDUCATION OF BOTH ADULTS AND CHILDREN.

Impound - Any animal in the custody of [animal control] THE CHARLES COUNTY DIVISION OF ANIMAL CONTROL or its agents.

INTIMIDATION - WHEN A REASONABLE PRUDENT PERSON UNDER THE SAME OR SIMILAR CIRCUMSTANCES WOULD HAVE BEEN THREATENED BY THE ACTIONS OF THE ANIMAL IN QUESTION.

Livestock - Cattle, equines, goats, sheep or swine unless otherwise provided.

Owner - Any person, partnership, corporation [owning, keeping or harboring] OR OTHER LEGAL ENTITY THAT OWNS, KEEPS OR HARBORS one (1) or more animals; OR ALLOWS THE ANIMAL(S) TO REMAIN ON THEIR PREMISES. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. IN THE EVENT THAT THE OWNER OR CUSTODIAN OF ANY ANIMAL IS A MINOR, THE PARENT OR GUARDIAN OF SUCH MINOR SHALL BE RESPONSIBLE TO ENSURE THAT ALL PROVISIONS OF THESE REGULATIONS AND APPLICABLE STATE CODE ARE COMPLIED WITH.

Performing Animal Exhibition - Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Pet Shop - Any person, partnership, [or] corporation OR OTHER LEGAL ENTITY,

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whether operated [separately] INDEPENDENTLY or in connection with another business enterprise that buys or brokers any species of animal for sale or resale as pets.

Petting Zoo - Any ESTABLISHMENT, activity or facility where a fee is charged [, whose purpose is to permit] FOR THE PURPOSE OF PERMITTING persons to come into physical contact with animals maintained within or upon such establishment, activity or facility.

Potentially Dangerous Animal - As defined under § 230-12.5.

Public Nuisance - As defined under § 230-12.4.

RABIES EXPOSURE - SHALL INCLUDE ANY INSTANCE WHEREIN A HUMAN OR AN ANIMAL HAS BEEN BITTEN BY ANOTHER ANIMAL FOR WHICH A RABIES DIAGNOSIS IS SUSPECTED OR CLINICALLY CONFIRMED; OR ANY HUMAN OR ANIMAL WHICH HAS BEEN EXPOSED TO OR IN CONTACT WITH ANOTHER ANIMAL FOR WHICH A RABIES DIAGNOSIS IS SUSPECTED OR CLINICALLY CONFIRMED. THE CLINICAL DETERMINATION AS TO WHETHER AN ANIMAL IS INFECTED WITH RABIES SHALL BE MADE BY THE CHARLES COUNTY DEPARTMENT OF HEALTH AND THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DHMH).

Rabies Vaccination - An anti-rabies vaccination using a Vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

[Restraint - Any animal humanely secured by a leash or lead and/or under the control of a responsible person and obedient to that person's commands.]

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Sanitary - A condition of good order and cleanliness which minimizes the probability of transmission of disease.

Space, Proper - Space available to the animal must be usable and safe (e.g. must be provided an area free from standing water, accumulated waste, sharp objects and debris and maintained in a safe and healthful manner). Space must be appropriate and sufficient for the age, breed/type, quantity, condition and size of the animal(s).

State Code - Any and all animal laws of the Annotated Code [for the State] of Maryland.

TRI-COUNTY ANIMAL SHELTER (TCAS) - THE DESIGNATED SHELTER AUTHORITY WITHIN CHARLES COUNTY, MARYLAND.

VENTILATION - AREAS CONSTRUCTED OR MODIFIED TO ALLOW THE FREE FLOW OF ADEQUATE AIR TO CONTROL TEMPERATURE, HUMIDITY AND PREVENT AIR STAGNATION.

Vicious Animal - As defined under § 230-12.5.

Wild Animal - [As defined in State and Federal Code] AN ANIMAL WHICH IS NOT DEFINED AS A DOMESTIC ANIMAL AND IS INCAPABLE OF BEING COMPLETELY DOMESTICATED OR TAMED. AN ANIMAL WHICH IN ITS NATURAL STATE IS WILD, DANGEROUS OR FEROCIOUS AND THOUGH IT MAY BE TRAINED AND HABITUATED BY THE OWNER OR CUSTODIAN WILL REMAIN DANGEROUS TO THE PUBLIC AT LARGE. ANY HYBRID OR CROSSBRED ANIMAL WHICH IS PART EXOTIC OR WILD.

Wolf Hybrid - Any animal that is advertised, registered, licensed, or otherwise described or represented as a wolf hybrid by its owner, POSSESSOR OR CUSTODIAN, or any

1 animal exhibiting primary physical and behavioral wolf characteristics.

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3 **Zoological Park** - Any facility operated by a person, partnership, corporation or other
4 [government agency] LEGAL ENTITY, other than a [pet shop or kennel]
5 COMMERCIAL ANIMAL ESTABLISHMENT, displaying or exhibiting one (1) or
6 more species of non-domesticated animals.
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8 **§ 230-3. Duties of [all] animal owners [to be responsible owners] OR CUSTODIANS.**

- 9 A. It shall be the duty of the [every] owner OR CUSTODIAN of any animal, or anyone
10 having any animal in his possession [or custody], to exercise reasonable care and to take
11 all necessary steps and precautions to protect [other] people, property and animals from
12 [injuries] INJURY or damage which might result from their animals' behavior, regardless
13 of whether such behavior is motivated by mischievousness, playfulness or ferocity.
- 14 B. In the event that the owner or [keeper] CUSTODIAN of any animal is a minor, the parent
15 or guardian of such minor shall be responsible to ensure that all provisions of these
16 regulations and [the] APPLICABLE State Code are complied with.
- 17 [C. No animal may be sold or given to a minor without the written consent of the minor's
18 parent or legal guardian.]
19

20 **§ 230-4. Animal Matters Hearing Board.**

21 A. Membership; rules; support.

22 (1) There is hereby created an Animal Matters Hearing Board which shall consist of
23 not more than nine (9) members to be appointed by the County Commissioners.
24 The Board shall consist of not less than four (4) [citizens] CHARLES COUNTY
25 RESIDENTS at large and one (1) representative each from the following agencies
26 and professions:

- 27 (a) Charles County Office of the Sheriff
28 (b) Charles County Humane Society
29 (c) A veterinarian licensed [to practice] BY MARYLAND THAT

PRACTICES in Charles County.

- (2) [The members shall all be Charles County citizens.]
- [(3)] The term of appointment is for four (4) years. Any person appointed to fill a vacancy created by resignation or otherwise shall be appointed only to fulfill the unexpired term of the member who has vacated the position. Of the members first appointed, two (2) must be appointed for [1-] ONE (1) year terms, two (2) must be appointed for [2-] TWO (2) year terms, two (2) must be appointed for [3-] THREE (3) year terms, and one (1) must be appointed for a [4-] FOUR (4) year term. Additional appointments shall be at the [pleasure] DISCRETION of the County Commissioners in accordance with applicable laws.
- [(4)](3) The members of the Board shall serve without compensation.
- (4) A BOARD MEMBER WHO MISSES THREE (3) REGULARLY SCHEDULED MEETINGS IN A ROLLING TWELVE MONTH PERIOD MAY BE REPLACED AT THE DISCRETION OF THE COUNTY COMMISSIONERS, UPON REQUEST OF THE CHAIRMAN OF THE BOARD.
- (5) Board members shall abide by the Charles County Code of Ethics.
- (6) The Chairman and Vice Chairman shall be appointed by the County Commissioners of Charles County, Maryland.
- (7) A quorum shall consist of a majority of the appointed members.
- (8) To the extent provided by the approved fiscal year budget, the County Commissioners of Charles County, Maryland shall provide for the Board such office space, supplies and equipment as may be required by the Board.
- (9) To the extent provided by the approved fiscal year budget the County Attorney's Office shall provide support personnel as may be required by the Board.
- (10) The Board shall use Roberts Rules of Order as a guide to conduct of any and all public hearings.
- B. Powers and/or duties of the Animal Matters Hearing Board.
- (1) The Board shall meet twice monthly or at the discretion of the Chairman to fulfill the duties and responsibilities of the Board.

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- (2) The Board shall submit an annual report to the County Commissioners concerning its responsibility hereunder.
- (3) The Board shall recommend to the County Commissioners changes in the law regarding the control of animals in Charles County.
- (4) [The Chairman shall notify the County Commissioners if a Board member misses three regularly scheduled meetings annually; this member may then be replaced at the discretion of the County Commissioners] THE BOARD SHALL CONDUCT PUBLIC HEARINGS TO DETERMINE WHETHER A VIOLATION OF THESE REGULATIONS HAS OCCURRED.
- (5) [Upon a written complaint or a request from a person receiving a violation notice, the Board shall conduct a public hearing after due notice to determine whether violations of these regulations have occurred and whether a person subject to an order of the Board has complied with that order.] THE BOARD MAY ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF ANY WITNESS, AS WELL AS THE PRODUCTION OF DOCUMENTS.
- (6) [At the close of all evidence in a case, if the Board finds that a violation of the Charles County Animal Regulations occurred, it may levy fines as provided in § 230-12.9. The Board may reduce or increase any fine imposed to an amount that the Board considers appropriate in accordance with §§ 230-4 and 230-12.9 of these regulations. If the Board finds that a violation did not occur, it shall dismiss the charges.] IN REACHING ITS DECISION, THE BOARD MAY CONSIDER PRIOR VIOLATION(S) AND PATTERNS OF BEHAVIOR.
- (7) [The Board shall have the power to issue subpoenas for the attendance of any witness(es) and the production of document(s) at a hearing of the Board.] THE BOARD MAY ISSUE ORDERS AND IMPOSE MONETARY FINES AS PROVIDED IN § 230-12.9 OF THESE

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REGULATIONS.

- [(8) Upon determination after notice and hearing that a violation of these regulations have occurred and that a public nuisance animal or condition exists, require the payment of penalties and the taking of other affirmative action to abate.
 - (9) Any animal that has been determined by the Board to be a public nuisance and/or vicious and or/ dangerous that is impounded for a repeat violation of the same charge may be held, at the Board's request, at the Sheltering Facility until the case can be heard by the Board.
 - (10) A complaint under these regulations shall be filed within one year and one day from the date of the alleged violation.]
- C. Hearing procedures: Findings and Orders. The Board shall conduct A public [hearings when] HEARING:
- (1) UPON RECEIPT OF A written complaint that a person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY has violated [or permitted his animal to violate] the provisions of these Regulations [is filed with the Board]. The complaint must [be specific, particularly with regard to identification of animals and dates and locations of particular incidents] SPECIFY THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR CUSTODIAN, AS WELL AS CLEARLY AND ACCURATELY DESCRIBE THE ANIMAL(S) INVOLVED AND THE DATE(S) AND LOCATION(S) OF THE ALLEGED INCIDENT(S). A COMPLAINT UNDER THESE REGULATIONS SHALL BE FILED WITHIN ONE (1) YEAR AND ONE (1) DAY FROM THE DATE OF THE ALLEGED VIOLATION.
 - (2) [A written complaint that a person] UPON RECEIPT OF NOTICE THAT A PARTY SUBJECT TO AN ORDER OF THE BOARD has failed to comply with [an outstanding] SUCH order [of the Board is filed with the Board].

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- (3) [A person who has been served with a citation failed to pay the fine before the required date; or] UPON NOTICE THAT A PARTY PERSON WHO HAS BEEN ISSUED A CITATION FOR A VIOLATION OF THESE REGULATIONS HAS FAILED TO COMPLY WITH THE REQUIREMENTS OF THAT CITATION IN THE TIME FRAME PRESCRIBED.
- (4) An Animal Control Officer [signs] FILES a written complaint.
- (5) ANY ANIMAL THAT HAS BEEN PREVIOUSLY DETERMINED BY THE BOARD TO BE A PUBLIC NUISANCE AND/OR VICIOUS AND/OR DANGEROUS THAT IS IMPOUNDED FOR A REPEAT VIOLATION OF THE SAME CHARGE MAY BE HELD, AT THE BOARD'S REQUEST, AT THE SHELTERING FACILITY UNTIL THE CASE CAN BE HEARD BY THE BOARD.
- (6) THE BOARD SHALL GIVE FOURTEEN (14) DAYS PRIOR WRITTEN NOTICE OF THE HEARING TO THE DEFENDANT OF A COMPLAINT THROUGH PERSONAL SERVICE, BY CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED.
- (7) FOLLOWING THE PRESENTATION OF ALL EVIDENCE, THE BOARD SHALL DELIBERATE AND SHALL ISSUE ITS WRITTEN DECISIONS AND ORDER WITHIN FOURTEEN (14) CALENDAR DAYS. THE ORDER SHALL CONTAIN FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF THE BOARD FINDS THAT A VIOLATION DID NOT OCCUR, IT SHALL DISMISS THE COMPLAINT OR CITATION. IN ADDITION TO IMPOSING PENALTIES, THE BOARD MAY REQUIRE APPROPRIATE AFFIRMATIVE ACTION, INCLUDING BUT NOT LIMITED TO:
 - (a) THE MANDATORY RESTRICTION OR CONFINEMENT OF THE ANIMAL UNDER SUCH CONDITIONS AS THE BOARD MAY REQUIRE IN ITS DISCRETION.

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- (b) THE MANDATORY DISPOSITION OF THE ANIMAL AS THE BOARD MAY DIRECT IN ITS DISCRETION.
- (c) THE CORRECTION OF CONDITIONS OR METHODS OF ANIMAL CARE, KEEPING, MAINTENANCE, HOUSING OR VETERINARY TREATMENT, AS THE BOARD MAY DETERMINE IN ITS DISCRETION; ALL COSTS ASSOCIATED WITH THE BOARD’S RECOMMENDATION SHALL BE THE RESPONSIBILITY OF THE OWNER.
- (d) ORDERING THE OWNER/CUSTODIAN OF AN ANIMAL, AFTER HAVING FOUND THEM IN VIOLATION OF THESE REGULATIONS OR THE STATE CODE, TO MAKE RESTITUTION OF EXPENSES INCURRED BY THE COUNTY FOR BOARD, VETERINARY CARE, ETC., TO THE CHARLES COUNTY DIVISION OF ANIMAL CONTROL SERVICES.
- (e) IF THE BOARD FINDS THAT A VIOLATION OF THE CHARLES COUNTY ANIMAL REGULATIONS HAS OCCURRED, THE BOARD IT MAY IMPOSE LEVY FINES AS PROVIDED IN § 230-12.9. THE BOARD MAY SUSPEND, REDUCE OR INCREASE ANY FINE IMPOSED TO AN AMOUNT THAT THE BOARD CONSIDERS APPROPRIATE IN ACCORDANCE WITH §§ 230-4 AND 230-12.9 OF THESE REGULATIONS.
- (f) ALL DECISIONS OF THE BOARD AUTHORIZED UNDER THESE REGULATIONS SHALL BE FINAL AND SUBJECT TO REVIEW ONLY BY THE CIRCUIT COURT FOR CHARLES COUNTY UPON A TIMELY APPEAL FILED PURSUANT TO THE MARYLAND RULES OF PROCEDURE BY ANY PARTY AGGRIEVED BY A DECISION WITHIN THE TIME PRESCRIBED FOR APPEALS FROM

ADMINISTRATIVE AGENCIES BY SUCH RULES OF
PROCEDURE.

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3 [D. The Board shall give notice in writing to the defendant of a complaint by either
4 personal delivery, or by certified mail, restricted delivery, return receipt requested. Said
5 notice shall be received by the defendant at least 14 days prior to the public hearing
6 regarding the alleged violation.

7 E. At the close of all the evidence, the Board shall deliberate and within 14 days, the
8 Board shall issue its written decision and order. The order shall contain findings of fact
9 and conclusions of law. If the Board finds that a violation did not occur, it shall dismiss
10 the complaint or citation. In addition to imposing penalties, the Board may require
11 appropriate affirmative action, including, but not limited to:

12 (1) The mandatory restriction or confinement of the animal under such
13 conditions as the Board may require in its discretion.

14 (2) The mandatory disposition of the animal as the Board may direct in its
15 discretion.

16 (3) The correction of condition or methods of animal care, keeping,
17 maintenance, housing or veterinary treatment, as the Board may determine in its
18 discretion; all costs associated with the Board's recommendation shall be the
19 responsibility of the owner.

20 (4) Ordering the owner/custodian of an animal, after having found them in
21 violation of these regulations or the State Code, to make restitution of expenses
22 incurred for board, veterinary care, etc., to Charles County Department of Animal
23 Control Services.

24 F. All decisions of the Board authorized under these regulations shall be final and
25 subject to review only by the Circuit Court for Charles County upon a timely appeal filed
26 pursuant to the Maryland Rules of Procedure by any party aggrieved by a decision within
27 the time prescribed for appeals from administrative agencies by such rules of procedure.

28 G] D. Orientation for the Board. At the beginning of each CALENDAR year, the
29 assigned County Attorney will conduct a briefing for the Board. [(The serious

1 consequences for all concerned makes it imperative that the hearing be conducted
2 properly and with fairness to all parties. Not only should the members of the Board, and
3 in particular the Chairman, know and follow the adopted rules of administrative
4 procedure, but the Board should be educated in the principles and practice of due process,
5 including but not limited to, how to examine and weigh evidence and testimony. The
6 briefing proposed above would serve as an orientation for new members and a "refresher"
7 for incumbents).]

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9 **§ 230-5. Chief of Animal Control Services.**

- 10 A. The Chief shall [ensure] BE RESPONSIBLE FOR the enforcement of the
11 provisions of these regulations, including but not limited to public safety, public
12 nuisance, prevention, cruelty to animals and minimum standards for animal care.
13 The Chief shall implement and maintain the following:
- 14 (1) A program of regular patrols and response to citizen complaints for the
15 purpose of enforcing these regulations and the State Code regarding
16 animals.
 - 17 (2) A program inspection of all COMMERCIAL AND NON COMMERCIAL
18 animal establishments required to have a special permit under the
19 provision of these regulations.
 - 20 (3) A program to maintain accurate records of licenses, impoundments,
21 dispositions and enforcement actions and animal bites.
 - 22 (4) Provision of twenty-four (24) hour, seven (7) day a week animal
23 emergency service to the extent provided by the current approved fiscal
24 year budget.
 - 25 (5) THE DEVELOPMENT AND PROVISION OF Public information
26 programs on these regulations, adoption, spay and neuter, health care, and
27 other programs as needed.
- 28 B. The Chief shall serve as an advisor to the Animal Matters Hearing Board.
29 C. The Chief shall carry out AND ENFORCE the orders resulting from the hearings

1 of the Animal Matters Hearing Board.

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3 **§ 230-6. Animal Control Officer.**

4 A. Any Animal Control Officer employed by the County Commissioners of Charles
5 County, Maryland, shall exercise that authority necessary to enforce the
6 provisions of these regulations and the State Code. Animal Control Officers are
7 specifically authorized and empowered by these regulations, without limitation,
8 to:

- 9 (1) [Humanely impound] IMPOUND any animal which has been observed by
10 an Animal Control Officer OR OTHER LAW ENFORCEMENT
11 OFFICIAL to be kept in violation of [those] THESE Regulations or the
12 State Code;
- 13 (2) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify
14 the owner or custodian of an impounded animal, including coordinating
15 with the shelter staff;
- 16 (3) MAY INVESTIGATE AND ISSUE [Issue] notices of violations to the
17 owner or custodian of an animal when it has been observed by an Animal
18 Control Officer OR ANY LAW ENFORCEMENT OFFICIAL to be in
19 violation of these regulations or the State Code.
- 20 (4) [Shall promptly] PROMPTLY respond [to] AND administer OR OBTAIN
21 emergency assistance, first aid and/or qualified medical assistance to
22 injured or diseased stray animals which come into the custody of the
23 County, without the consent of the owner or custodian of such animal.
24 For this purpose, neither the officer administering such assistance, Charles
25 County nor any of its employees or agents shall be liable for acts
26 committed or omitted while rendering such assistance unless such act or
27 omission constitutes gross negligence or malice.
- 28 (5) To investigate animal bites and make recommendations to the Animal
29 Matters Hearing Board and/or Health Department pursuant to these

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regulations.

(6) Receive and investigate complaints concerning dangerous and/or vicious animals. Whenever an animal complained against shall be reasonably deemed by an Animal Control Officer to be a dangerous and/or vicious OR A POTENTIALLY DANGEROUS animal as defined in § 230-12.5 of these regulations, the Animal Control Officer may issue a citation for violation of animal regulations to the owner and/or custodian of the animal citing § 230-12.5 and any other applicable sections of the Animal Regulations. A citation for the violation of § 230-12.5 requires the owner and/or custodian to appear before the Animal Matters Hearing Board on the date specified on the citation for a hearing to determine if the animal is to be designated as dangerous and/or vicious pursuant to these regulations.

(a) If the Animal Control Officer DEEMS AN ANIMAL TO BE DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS, AND THAT THE ANIMAL HAS OR CONTINUES TO POSE A THREAT TO PUBLIC SAFETY AND WELFARE [determines that an animal which has threatened the public safety and welfare continues to present a threat to the public safety and welfare], the Animal Control Officer may impound the animal. The Animal Control Officer may enter on private property upon probable cause in order to determine if the animal threatens the public safety and welfare and to impound the animal pursuant to this section. The animal shall remain impounded pending a hearing before the Animal Matters Hearing Board. Whenever an animal has been impounded pursuant to this section the owner and/or custodian, if known, shall be issued a citation for violation of animal regulations § 230-12.5 [with the date and time for the scheduled hearing by the Animal Matters Hearing Board. The

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Animal Control Officer, owner and/or custodian may petition the
Chairman of the Animal Matters Hearing Board to conduct a
special hearing on the matter prior to the next regularly scheduled
meeting of the Animal Matters Hearing Board in accordance with
§ 230-4 of these regulations]. SUCH CITATION SHALL
INCLUDE THE DATE AND TIME OF THE SCHEDULED
HEARING BY THE ANIMAL MATTERS HEARING BOARD.
THE ANIMAL CONTROL OFFICER, OWNER AND/OR
CUSTODIAN MAY PETITION THE CHAIRMAN OF THE
ANIMAL MATTERS HEARING BOARD TO CONDUCT A
SPECIAL HEARING ON THE MATTER PRIOR TO THE NEXT
REGULARLY SCHEDULED MEETING OF THE ANIMAL
MATTERS HEARING BOARD IN ACCORDANCE WITH §
230-4 OF THESE REGULATIONS.

- 15 (b) During the period of impoundment [under this section] the owner
16 and/or custodian may be held responsible for all costs and
17 maintenance expenses incurred. These expenses shall be itemized
18 and presented to the Animal Matters Hearing Board [to make a
19 decision on] AS TO THE amount of restitution to be paid TO THE
20 COUNTY BY the owner [and/or] OR custodian of the animal.
- 21 (7) Conduct public information programs REGARDING [on] these
22 regulations, adoption, spay neuter, health care, and other programs as
23 directed.
- 24 (8) Conduct inspections of commercial animal establishments as provided in
25 these regulations.
- 26 (9) [Receive] TAKE CUSTODY OF stray [and] or [unwanted]
27 SURRENDERED animals.
- 28 (10) Initiate a complaint [or] AND PROVIDE other [form] FORMS of
29 enforcement of these regulations and/or the State Code. Prior to a

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complaint being filed by an Animal Control Officer with either the Board or Court of the State of Maryland, the Animal Control Officer shall have probable cause of an alleged violation of these regulations or the State Code.

- (11) [To serve] SERVE subpoenas requiring appearance before the board.
- B. It shall be a violation of these regulations to interfere with, hinder, or molest an Animal Control Officer [performing the] IN THE PERFORMANCE OF THEIR duties as prescribed in these Regulations and the State Code. Such prohibited interference includes, but is not limited to: physically striking or attempting to strike the animal control officer; removing or attempting to remove any animal from the control of an Animal Control Officer; REMOVING OR INTENTIONALLY HIDING ANY ANIMAL UNDER INVESTIGATION BY AN ANIMAL CONTROL OFFICER; KNOWINGLY PROVIDING FALSE INFORMATION TO AN ANIMAL CONTROL OFFICER; removing or attempting to remove any animal from any vehicle used by an Animal Control Officer [in the lawful performance of his/her duties, and] ; AND, taking or damaging any county property used by an Animal Control Officer [in the lawful performance of his/her duties]. Certain violations of this section may also be subject to prosecution under the Annotated Code of Maryland.

§ 230-7. Powers and duties of THE TRI-COUNTY ANIMAL SHELTER (TCAS) [animal shelter].

- A. The TCAS animal shelter shall have the powers to:
 - (1) Receive stray and [unwanted] SURRENDERED animals;
 - (2) Ascertain the identity of the owner OR CUSTODIAN of any impounded animal, and as a precondition of release require the payment of all charges for the care, impoundment, board, veterinary treatment and unpaid license fees [from the animal owner] INCURRED PURSUANT TO AN IMPOUNDMENT;

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- (3) Place [for adoption unredeemed or unwanted] UNCLAIMED OR SURRENDERED animals FOR ADOPTION OR RESCUE in accordance with these regulations, the State Code, and the policies established by the [Sheltering Authority] TCAS;
 - (4) Humanely euthanize [unredeemed or unwanted] UNCLAIMED OR SURRENDERED animals in accordance with these regulations and the State Code.
- B. The [animal shelter] TCAS shall have the following duties[. It shall]:
- (1) Provide humane treatment of all animals, at all times, under its their care.
 - (2) Maintain and adhere to [comprehensive procedures prescribing] PRESCRIBED standards for the humane operation of the animal shelter, including, but not limited to, the housing, feeding, care, veterinary treatment, RESCUE, adoption and euthanasia of animals in the facility pursuant to these regulations and State Code.
 - (3) To the extent provided by the approved fiscal year budget, provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the [County] TCAS. Such veterinary care may be rendered without the consent of the owner. UNLESS CAUSED BY GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT, Charles County employees, [Shelter] TCAS Staff and its agents shall not be liable for acts committed or omitted in rendering such care.
 - (4) Post IN A CONSPICUOUS LOCATION AT THE ANIMAL SHELTER an approved schedule of fees for the housing, care, treatment, adoption and redemption of animals which come into the custody of the TCAS [animal shelter in a conspicuous place at the animal shelter].
 - (5) [Keep for a period of three years after such activity] MAINTAIN ALL records of impoundments, veterinary treatment, disposition of animals and other activities FOR A PERIOD OF THREE (3) YEARS. Animal records shall be complete and accurate AS to the [best ability of the] breed, sex,

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color, condition, how, when, and where the animal was obtained, and [identification as tattoos or tags] THE FINAL DISPOSITION OF THE ANIMAL.

- (6) Conduct public information programs on regarding these regulations, responsible pet ownership, adoption, spaying, neutering, healthcare and other programs as directed by the Sheltering Authority.
- (7) Make [a] prompt and reasonable [effort] EFFORTS to locate and notify possible [owners] OWNER OR CUSTODIAN of THE INTAKE OF a stray animal[; trace identification and provide for publication of the name, location, hours of operation and telephone numbers in a newspaper of general circulation in Charles County].

§ 230-8. Cruelty.

- A. It shall be a violation of these regulations for any individual to:
 - (1) Abandon any animal;
 - (2) Torture, torment, [cruelly beat/kill] BEAT, KILL, injure, [intentionally] mutilate, [run down with a vehicle intentionally] INTENTIONALLY STRIKE WITH ANY VEHICLE, overdrive, overload, or otherwise abuse any animal, EXCEPT IN DEFENSE OF PERSONS OR OTHER ANIMALS;
 - (3) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin;
 - (4) Use or permit any animal to be used for the purpose of fighting with any other animal;
 - (5) Cause, arrange or authorize these acts;
 - (6) [Have the charge or custody of an animal and inflict] INFLICT unnecessary suffering or pain upon an animal, or unnecessarily fail to provide the an animal with nutritious food in sufficient quantity, necessary

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veterinary care, proper drink, [air] VENTILATION, SPACE, SHADE, shelter [or] AND protection from the elements.

(7) Sell or distribute any dog or cat less than eight weeks of age unless accompanied by its dam. This does not apply to animals given to a government operated or supported animal shelter or animals accompanied by a statement signed by a licensed veterinarian stating that the dam is incapacitated for humane or medical reasons and cannot care for her offspring.

(8) [Sell or give away any warm-blooded animal as an inducement to enter a contest, game, or place of amusement] ANIMALS LEFT IN A STANDING OR PARKED VEHICLE.

(a) AN OWNER OR CUSTODIAN MAY NOT LEAVE AN ANIMAL UNATTENDED IN A STANDING OR PARKED MOTOR VEHICLE IN A MANNER THAT ENDANGERS THE HEALTH OR SAFETY OF THE ANIMAL.

(b) EXCEPT AS PROVIDED IN SUBSECTION (c) OF THIS SECTION, A PERSON MAY USE REASONABLE FORCE TO REMOVE FROM A MOTOR VEHICLE ANY ANIMAL LEFT IN A VEHICLE IN VIOLATION OF THE PROVISIONS OF SUBSECTION (a) OF THIS SECTION IF THE PERSON IS:

(1) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF THE STATE OR A LOCAL GOVERNING BODY;

(2) A LAW ENFORCEMENT OFFICIAL;

(3) A PUBLIC SAFETY EMPLOYEE OF THE STATE OR OF A LOCAL GOVERNING BODY.

(c) EXCEPTION - A PERSON MAY NOT USE FORCE OF ANY KIND TO REMOVE FROM A MOTOR VEHICLE:

(1) A DOG USED BY THE STATE OR A LOCAL

1 GOVERNING BODY FOR POLICE WORK WHILE THE
2 DOG IS ON DUTY; OR

3 (2) A CAT OR DOG IN THE CUSTODY OF AN ANIMAL
4 CONTROL OFFICER.

5 (9) SELL OR GIVE AWAY ANY ANIMAL AS AN INDUCEMENT TO
6 ENTER A CONTEST, GAME, OR PLACE OF AMUSEMENT,
7 UNLESS SUCH ACTIVITY HAS BEEN SPECIFICALLY PERMITTED
8 BY THE MARYLAND DEPARTMENT OF AGRICULTURE.

9 B. In the case of activities in which physical pain may unavoidably be caused to
10 animals, such as medical and scientific activities, food processing, customary and
11 normal veterinary and agricultural husbandry practices, and hunting, "cruelty"
12 means a failure to employ the most humane method reasonably available.

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14 **§ 230-9. Rabies prevention.**

15 A. It shall be the duty of every [resident of the County owning]OWNER OR
16 CUSTODIAN OF a dog, cat or ferret at least four (4) months [old or older] OF
17 AGE WITHIN CHARLES COUNTY to have such [dog, cat or ferret] ANIMAL
18 inoculated with an anti-rabies vaccine approved by the [Director of Public Health,
19 which] CHARLES COUNTY DEPARTMENT OF HEALTH. THIS inoculation
20 shall be [repeated] RE-ADMINISTERED as [often] FREQUENTLY as the
21 CHARLES COUNTY DEPARTMENT OF HEALTH [Director of Public Health]
22 may from time to time specify TO ENSURE THAT THE ANIMAL
23 MAINTAINS ITS RESISTANCE TO RABIES. [The inoculation shall be
24 administered by a licensed veterinarian. The rabies certificate issued by the
25 veterinarian shall be carefully preserved by the owner or custodian of the dog, cat
26 or ferret and exhibited promptly upon the request for inspection by the Animal
27 Control Officer, Health Officer, or any other law enforcement officer, or their
28 agents, to include shelter staff when redeeming an animal at the shelter. The
29 status of an animal in quarantine should always be verified in person either by a

1 health agent, Animal Control Officer or veterinarian exam.]

- 2 (1) THE INOCULATION SHALL BE ADMINISTERED BY A LICENSED
3 VETERINARIAN WHO SHALL ISSUE THE OWNER OR
4 CUSTODIAN A RABIES CERTIFICATE.
- 5 (2) THE RABIES CERTIFICATE ISSUED BY THE VETERINARIAN
6 SHALL BE PRESERVED BY THE OWNER OR CUSTODIAN OF THE
7 ANIMAL AND BE EXHIBITED UPON THE REQUEST FOR
8 INSPECTION BY AN ANIMAL CONTROL OFFICER, HEALTH
9 OFFICER, LAW ENFORCEMENT OFFICER, OR THEIR
10 AUTHORIZED AGENTS, TO INCLUDE SHELTER STAFF WHEN
11 THE OWNER OR CUSTODIAN SEEKS TO RECLAIM AN ANIMAL
12 AT FROM THE TCAS SHELTER.
- 13 (3) THE HEALTH STATUS OF AN ANIMAL IN QUARANTINE SHALL
14 ALWAYS BE VERIFIED IN PERSON BY EITHER BY A HEALTH
15 OFFICER, ANIMAL CONTROL OFFICER OR LICENSED
16 VETERINARIAN.

17 B. Quarantine Requirements. [As directed by the Health Department, an animal who
18 has bitten, been bitten by or otherwise exposes or has been exposed by another
19 animal, or who has bitten or otherwise exposes a human, or other animal, if not
20 euthanized and tested for rabies, shall be quarantined for a minimum of 10 days
21 following the exposure, that quarantine requires:] ANY DOMESTICATED
22 MAMMAL THAT HAS BITTEN A PERSON, OR ANY OTHER DOG, CAT
23 OR FERRET SHALL BE QUARANTINED FOR A PERIOD OF NOT LESS
24 THAN TEN (10) CALENDAR DAYS FOLLOWING THE DATE OF THE
25 BITE. ANY DOMESTICATED MAMMAL WHICH HAS BEEN BITTEN BY
26 OR OTHERWISE PHYSICALLY EXPOSED TO AN ANIMAL THAT IS
27 KNOWN OR SUSPECTED TO BE INFECTED WITH THE RABIES VIRUS
28 SHALL BE QUARANTINED FOR A PERIOD OF NOT LESS THAN TEN (10)
29 CALENDAR DAYS FOLLOWING THE DATE OF THE BITE OR

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EXPOSURE. A LONGER QUARANTINE PERIOD MAY BE MANDATED, OR THE ANIMAL MAY BE ORDERED TO BE EUTHANIZED AND TESTED FOR RABIES IN THE SOLE DISCRETION OF THE CHARLES COUNTY DEPARTMENT OF HEALTH. THE QUARANTINE REQUIREMENTS ARE:

- (1) Confinement of the animal to a house, garage or other escape proof enclosure or building approved by the CHARLES COUNTY DEPARTMENT OF Health [Department or its designated agent(s)] OR ITS DESIGNEE.
- (2) The QUARANTINED animal may not be removed from the QUARANTINE PREMISES [structure] unless on a leash, MUZZLED, and under the immediate control of an adult CAPABLE OF CONTROLLING THE ANIMAL.
- (3) Prevention of contact with other animals or persons other than the primary caretakers.
- (4) The animal may not be removed from the quarantine premise [unless permission is obtained from] WITHOUT WRITTEN AUTHORIZATION OF the [local] CHARLES COUNTY DEPARTMENT OF Health [Department Officer or his designated agent(s)] OR ITS DESIGNEE.
- (5) If the QUARANTINED animal becomes ill or begins to [show] EXHIBIT behavioral changes, the owner OR CUSTODIAN SHALL [must] immediately notify the [Department] CHARLES COUNTY DEPARTMENT OF Health, who shall determine the appropriate course of action [what shall be done].
- (6) If the QUARANTINED animal dies, the owner OR CUSTODIAN shall immediately notify the CHARLES COUNTY DEPARTMENT OF Health [Department] and make the animal available for rabies testing.
- (7) If the quarantined animal escapes, the owner OR CUSTODIAN shall immediately notify the CHARLES COUNTY Sheriff's OFFICE

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[Department, Department of Animal Control, and the Health Department],
THE CHARLES COUNTY DIVISION OF ANIMAL CONTROL AND
THE CHARLES COUNTY DEPARTMENT OF HEALTH
DEPARTMENT.

- (8) Until the animal is cleared by the CHARLES COUNTY DEPARTMENT OF Health [Department] from quarantine, the owner OR CUSTODIAN shall not EUTHANIZE, kill, give away, sell or otherwise dispose of the animal without written [permission] AUTHORIZATION from the CHARLES COUNTY DEPARTMENT OF Health [Department].
- (9) If a veterinarian's examination is not required on the [last] FINAL day of the quarantine, the owner OR CUSTODIAN shall [report by telephone to the Health Department the health status of the animal] TELEPHONE THE CHARLES COUNTY DEPARTMENT OF HEALTH TO REPORT THE STATUS OF THE ANIMAL.
- (10) If the animal is unvaccinated against rabies at the time [of exposure] IT WAS BITTEN OR EXPOSED, the animal shall not be vaccinated until released from quarantine.
- (11) If unvaccinated, the owner OR CUSTODIAN shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five (5) CALENDAR days of the FINAL DAY [end] of quarantine.
- (12) If an animal is not properly quarantined it shall be impounded by an Animal Control Officer or his designee.

§ 230-10. LICENSING.

A. The sale of licenses shall be through the [Charles County Treasurer,] Charles County DIVISION OF Animal Control, OR ITS [and/or] designees [of the Charles County Commissioners].

- (1) It shall be unlawful for any person, firm, [or] corporation OR OTHER LEGAL ENTITY to own, keep or harbor a dog OR CAT four months old or older without a current Charles County License. [The license shall

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- expire one year from the date of issuance.]
- (2) Owners OR CUSTODIANS of certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped shall not be required to pay the annual fee but shall be required to obtain and display the license.
 - (3) Animal shelters operated by chartered humane organizations or [the County] LOCAL GOVERNMENT for the purpose of housing stray, abandoned, sick or injured animals shall be exempt from licensing prior to adoption or return to owner.
 - (4) Applications for license(s) shall be made to the [County Treasurer or a duly authorized agent(s)] CHARLES COUNTY DIVISION OF ANIMAL CONTROL OR ITS DESIGNEE WITHIN (30) THIRTY DAYS OF RESIDENCY.
 - (a) Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog OR CAT is currently vaccinated against rabies.
 - (b) Before any unsexed license shall be issued, the owner shall produce a certificate of surgical sterilization issued by a licensed veterinarian proving that the dog OR CAT has been spayed or neutered.
 - (5) License certificates shall include the date of issuance, [and] expiration date, the owner's name and address, home and work telephone numbers, AS WELL AS THE ANIMAL'S sex, species, breed, age, color and markings; rabies expiration date, rabies tag number, issuing [veterinarian] VETERINARIAN'S NAME and [veterinarian's] telephone number.
 - (6) A license tag shall be issued with the license certificate. This tag shall be worn by the dog OR CAT at all times, except when confined in a HOME, kennel or when participating in a competition where such displays are prohibited.

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- (7) No person may use any license for any dog OR CAT other than the animal for which it was issued.
- (8) The license certificate shall be made available upon request by any health, [public safety] ANIMAL CONTROL OR LAW ENFORCEMENT officer, or their agents.
- (9) The annual fee for a dog OR CAT license shall be AS SET FORTH IN THE COMMISSIONERS' FEES AND CHARGES, APPROVED ON A YEARLY BASIS WITH THE ANNUAL BUDGET [:
 - (a) Unneutered male: \$15.
 - (b) Unspayed Female: \$15.
 - (c) Neutered Male: \$2.
 - (d) Spayed Female: \$2].

B. ANIMAL FANCIER LICENSING. ANY PERSON, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY THAT HARBORS OR KEEPS ANY COMBINATION OF MORE THAN 10 ADULT ANIMALS AND WHICH DOES NOT BREED AND SELL THE OFFSPRING OR USE MALES FOR STUD MAY NOT DO SO WITHOUT FIRST OBTAINING AN ANIMAL FANCIER'S LICENSE IN COMPLIANCE WITH THIS SECTION.

- (1) APPLICATION FOR AN ANIMAL FANCIER'S LICENSE SHALL BE MADE TO THE CHARLES COUNTY DIVISION OF ANIMAL CONTROL OR ITS DESIGNEE. THE APPLICATION SHALL BE ACCOMPANIED BY A PHOTOGRAPH, CURRENT RABIES VACCINATION CERTIFICATE AND DESCRIPTION OF EACH ANIMAL TO BE COVERED BY THE LICENSE.
- (2) THE LICENSE PERIOD SHALL RUN FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE. RENEWAL APPLICATIONS FOR LICENSES SHALL BE MADE THIRTY (30) DAYS PRIOR TO EXPIRATION OF SAID LICENSE.
- (3) AN ANNUAL ANIMAL FANCIER'S LICENSE WILL BE ISSUED

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ONLY UPON THE SUCCESSFUL COMPLETION OF AN INSPECTION OF THE PREMISES WHERE THE ANIMALS ARE KEPT OR HOUSED.

(a) AN APPOINTMENT FOR INSPECTION WILL BE MADE BY CHARLES COUNTY ANIMAL CONTROL SERVICES WITHIN (30) DAYS OF RECEIPT OF THE APPLICATION.

(b) WHEN THE LICENSE COVERS DOGS OR CATS, INDIVIDUAL TAGS FOR THE ANIMALS COVERED BY THIS LICENSE WILL BE ISSUED ALONG WITH THE LICENSE CERTIFICATE. THESE TAGS SHALL BE WORN BY THE INDIVIDUAL DOGS OR CATS AT ALL TIMES, EXCEPT WHEN CONFINED IN A HOME, KENNEL OR WHEN PARTICIPATING IN A COMPETITION WHERE SUCH DISPLAYS ARE PROHIBITED.

(4) A CURRENT RABIES VACCINATION CERTIFICATE ON EACH ANIMAL COVERED BY THE LICENSE SHALL BE MADE AVAILABLE AT THE TIME OF THE INSPECTION AND AT ANY TIME REQUESTED BY ANY ANIMAL CONTROL, HEALTH OR LAW ENFORCEMENT OFFICER.

(5) IF THE PROPERTY WHERE THE ANIMALS ARE TO BE KEPT OR HOUSED IS NOT OWNED BY THE APPLICANT, HE/SHE MUST SUBMIT WRITTEN, NOTARIZED PERMISSION FROM THE PROPERTY OWNER AUTHORIZING THE ACTIVITY REQUESTED AND THE MAXIMUM NUMBER OF ANIMALS TO BE KEPT ON THE PROPERTY.

(6) THE ANNUAL FEE FOR A FANCIER'S LICENSE SHALL BE AS SET FORTH IN THE COMMISSIONERS' FEES AND CHARGES, APPROVED ON A YEARLY BASIS WITH THE ANNUAL BUDGET. IF ALL OF THE ANIMALS COVERED BY THE LICENSE ARE

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STERILIZED, A 75% REDUCTION OF THE APPLICABLE FEE WILL BE APPLIED.

(7) NO PERSON, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY THAT HAS BEEN FOUND GUILTY OF CRUELTY TO ANIMALS SHALL BE ELIGIBLE FOR AN ANIMAL FANCIER'S LICENSE.

C. [B.] Commercial Animal Establishment Licensing. No person, partnership, corporation OR OTHER LEGAL ENTITY shall operate a commercial animal establishment without first obtaining a license in compliance with this section. License applications shall be accompanied by written verification from Charles County [Government] DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT that the [applicant] APPLICANT'S INTENDED USE OF THE PROPERTY complies with any and all [Zoning Ordinance and amendments thereto] APPLICABLE LOCAL AND STATE ZONING AND LAND USE STATUTES.

- (1) No fee may be required of any government operated zoological park.
- (2) All dogs and cats offered for sale or resale must be examined by a licensed veterinarian within the last three months prior to sale or resale.
 - (a) Any animal under veterinarian treatment may not be offered for sale without release from the veterinarian.
 - (b) Any owner or employee of a commercial animal establishment who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information prior to sale.
- (3) Records or forms must be maintained for a period of one (1) year for any animal offered for sale or sold. Records shall contain the following but are not limited to:
 - (a) Animal Description: breed, sex, color, and age.
 - (b) The origin of purchase, to include the supplier and the date of

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receipt.

- (c) Proof of sale
- (d) Medical Record and any required treatment program.
- (4) [An annual commercial animal establishment license] COMMERCIAL ANIMAL ESTABLISHMENT LICENSE shall be [issued] RENEWED ANNUALLY upon successful completion of an inspection and payment of the applicable fee, [and] THE LICENSE shall be displayed AT THE COMMERCIAL ANIMAL ESTABLISHMENT in a conspicuous [place] LOCATION SUITABLE FOR PUBLIC VIEWING.
- (5) Change in ownership or location.
 - (a) If there is a change in ownership of a commercial animal establishment, the new owner shall have the current license transferred to his/her name upon payment of a \$25 transfer fee and completion of a successful inspection of the premises.
 - (b) If there is a change in the location of a commercial animal establishment, the owner shall file for a change of address and pay a [\$25 fee] AS SET FORTH IN THE COMMISSIONERS' FEES AND CHARGES, APPROVED ON A YEARLY BASIS WITH THE ANNUAL BUDGET, and complete a successful inspection of the premises within 30 days of change of location.
- (6) Any commercial animal establishment who has a change in the category under which a license was issued shall notify the licensing authority and be subject to reinspection, reclassification and readjustment of the license fee.
- (7) Every [facility regulated by] COMMERCIAL ACTIVITY SUBJECT TO these Regulations shall be considered a separate enterprise requiring an individual license FEE.
- (8) The license period shall run for one year from the date of issuance. Renewal applications for licenses shall be made 30 days prior to

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expiration of said license.

D. [C.] Commercial animal establishment license issuance [or revocation] AND
SUSPENSION.

- (1) [Written application for a commercial animal establishment license shall be made to the County Treasurer. Application shall be accompanied by the license fee and written verification from Charles County Government that the establishment complies with County Zoning Ordinances.] IN THE CASE OF COMMERCIAL BREEDING FACILITIES, IF THE PROPERTY WHERE THE ACTIVITY IS TO TAKE PLACE IS NOT OWNED BY THE APPLICANT, LESSEE'S MUST SUBMIT WRITTEN NOTARIZED PERMISSION FROM THE PROPERTY OWNER AUTHORIZING THE COMMERCIAL ACTIVITY REQUESTED AND THE MAXIMUM NUMBER OF ANIMALS ALLOWED THE BE KEPT ON THE PROPERTY.
- (2) UPON RECEIPT OF THE APPLICATION AND LICENSE FEE [After an application is filed], the [license authority] CHARLES COUNTY DIVISION OF ANIMAL CONTROL shall inspect the facility prior to ISSUANCE OF [issuing] the license. A license may be DENIED [withheld or revoked] if the person, partnership, or corporation OR OTHER LEGAL ENTITY holding the license refuses or fails to comply with these regulations or any law governing the protection and keeping of animals.
- (3) It shall be a condition of [the issuance of] any license ISSUED PURSUANT TO THIS SUBSECTION that THE Charles County DIVISION OF Animal Control IS EXPRESSLY AUTHORIZED [to be permitted] to CONDUCT UNANNOUNCED POST-ISSUANCE COMPLIANCE INSPECTIONS [inspect upon demand] during normal COUNTY business hours. THE INSPECTORS WILL EXAMINE all animals AT THE PREMISES, all records required to be MAINTAINED

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[retained] under these regulations, [and] AS WELL AS the premises where animals are kept. If permission for such inspection is refused, the license [of the refusing owner] PREVIOUSLY ISSUED shall be [revoked] SUSPENDED.

- (4) If the applicant has withheld or falsified any information on the application, the CHARLES COUNTY DIVISION OF ANIMAL CONTROL [licensing authority] may [refuse to issue or may revoke] SUSPEND the license.
- (5) No person, partnership, or corporation [who] OR OTHER LEGAL ENTITY THAT has been found guilty of cruelty to animals shall be issued a license to operate a commercial animal establishment.
- (6) Any person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY HAVING ITS LICENSE REVOKED BY ORDER OF THE ANIMAL MATTERS HEARING BOARD [having been denied a license], shall not be eligible to reapply for a period of six (6) months FOLLOWING THE DATE OF THE REVOCATION. Each re-application shall be accompanied by a fee of [\$25] AS SET FORTH IN THE COMMISSIONERS' FEES AND CHARGES, APPROVED ON A YEARLY BASIS WITH THE ANNUAL BUDGET and SHALL INCLUDE WRITTEN VERIFICATION FROM THE CHARLES COUNTY DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT GOVERNMENT THAT THE APPLICANT'S INTENDED USE OF THE PROPERTY COMPLIES WITH ANY AND ALL APPLICABLE LOCAL AND STATE ZONING AND LAND USE STATUTES, AS WELL AS ANY AMENDMENTS THERETO [written verification from Charles County Government that the establishment complies with any and all County Zoning Ordinances and amendments thereto. Individuals who have been denied a license under Subsection C(5) shall be ineligible to hold a Commercial Animal Establishment

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License. may not reapply].

(7) Appeals for [withheld] DENIED₂ or [revoked] SUSPENDED licenses may be made to the ANIMAL MATTERS HEARING Board within FOURTEEN (14) CALENDAR days OF RECEIPT of [the] WRITTEN notice of such action. FAILURE OF THE LICENSEE TO APPEAL THE DENIAL OR SUSPENSION WITHIN THE TIME SPECIFIED SHALL CAUSE THE LICENSE DENIAL OR SUSPENSION TO STAND.

(8) THE FILING OF A TIMELY APPEAL OF A DENIAL OR SUSPENSION OF A LICENSE TO THE ANIMAL MATTERS HEARING BOARD SHALL NOT STAY NECESSARY ENFORCEMENT ACTIVITIES TO ENSURE THE HEALTH AND WELFARE OF ANIMALS OWNED OR IN THE CUSTODY OF THE APPELLANT. IN ADDITION, IN THE EVENT OF AN EMERGENCY SITUATION AN ANIMAL CONTROL OFFICE MAY PETITION THE CHAIRMAN OF THE ANIMAL MATTERS HEARING BOARD TO ISSUE AN IMMEDIATE "CEASE AND DESIST" ORDER [In the event of a timely appeal, the revocation of a license may not be effective until after the next scheduled public hearing except, in the event of an emergency situation an Animal Control Officer may make application before the Chairman of the Board, who is authorized to issue a cease and desist order. This case shall be heard at the next hearing of the Board].

E. [D.] Commercial animal establishment license fees. License fees shall be as SET FORTH IN THE COMMISSIONERS' FEES AND CHARGES, APPROVED ON A YEARLY BASIS WITH THE ANNUAL BUDGET₂ [follows:

- (1) Any Boarding/breeding facility Facilities:
 - (a) Boarding facility authorized to house fewer than 10 dogs or cats: \$75.
 - (b) Boarding facility authorized to house 10 or more but fewer than 50 dogs or cats: \$150.

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- (c) Boarding facility authorized to house 50 or more dogs or cats: \$200.
- (d) Breeding facility authorized to house fewer than 10 adult animals: \$75.
- (e) Breeding facility authorized to fouse 10 or more but fewer than fifty adult animals: \$150.
- (f) Breeding facility authorized to house 50 or more adult animals: \$200.
- (2) Pet shop: \$200.
- (3) Auction: \$300.
- (4) Zoological park: \$250.
- (5) Circus: \$250.
- (6) Grooming shop: \$150.
- (7) Petting zoo: \$300.
- (8) Guard dog training center: \$250.]

§ 230-11. **Animal care.**

- A. No owner or custodian of an animal shall fail to provide the animal with humane care and treatment; sufficient, [wholesome and] nutritious food; potable water in sufficient quantities; [proper air] VENTILATION, shelter, space, shade and protection from the weather; and, veterinary care when needed. In the case of farm animals, nothing in this section may be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.
- B. Minimum standards for indoor and outdoor enclosures for animals must:
 - (1) Be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal;
 - (a) FENCING SHALL BE APPROPRIATE SO AS TO KEEP THE INTENDED ANIMALS RESTRAINED WITHIN ITS

1 BOUNDARIES.

- 2 (2) Provide sufficient space to allow each animal adequate freedom of
3 movement; space must be appropriate and sufficient for the age,
4 breed/type, quantity, condition and size of the animal(s).
5 (3) Be usable and safe (e.g., must be provided an area free from standing
6 water, accumulated waste, sharp objects, trash and debris and maintained
7 in a safe and humane manner to minimize health hazards and obnoxious
8 odors);
9 (4) Provide [palatable] POTABLE water that is always available and that is
10 kept in a vessel secured to prevent tipping.

11 C. [Indoor] INTERIOR AND EXTERIOR housing facilities shall provide adequate
12 ventilation by natural or mechanical means, and the ambient temperature shall be
13 compatible with the health of the animal.

14 D. Outdoor shelter shall be as follows:

- 15 (1) [When] DURING THE SUMMER MONTHS BETWEEN JUNE 1 AND
16 SEPTEMBER 15 OR WHENEVER THE AMBIENT AIR
17 TEMPERATURE IS ABOVE 80 DEGREES FAHRENHEIT, OR WHEN
18 sunlight is likely to cause heat exhaustion, sufficient shade by natural or
19 artificial means shall be provided to protect the animal from direct
20 sunlight. UNDER NO CIRCUMSTANCES SHALL A DOG HOUSE,
21 REGARDLESS OF ITS DESIGN, BE CONSIDERED SHADE DURING
22 THE SUMMER MONTHS.
23 (2) If an animal is confined outdoors [unattended] FOR A CONTINUOUS
24 PERIOD OF A HALF HOUR OR MORE, it shall be the duty of [each and
25 every owner] THE OWNER OR CUSTODIAN to provide said animal
26 with proper shelter [for] FROM THE ELEMENTS CONSISTENT WITH
27 that species of animal. For livestock, poultry and other farm animals
28 proper shelter shall be CONSISTENT WITH customary and normal
29 agricultural husbandry practices. For dogs AND CATS proper shelter is

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described below:

- (a) Weatherproof. Shelter must be solid. There shall be no cracks or openings other than entrance. The shelter shall not have any metal or plastic primary interior surfaces. [(Commercially made shelters with insulation material between the inner and outer layers of fiberglass/plastic construction are generally acceptable)].
- (b) Elevated. Floor must be off the ground at least two (2) inches.
- (c) Door flap. BETWEEN DECEMBER 1 AND MARCH 15 AND WHENEVER THE AMBIENT AIR TEMPERATURE IS 35 DEGREES FAHRENHEIT OR LOWER, [The] THE entrance must be covered with a SELF CLOSING DOOR, AN OFFSET OUTER DOOR OR A flexible flap and/or THE entrance SHOULD FACE south or east, AWAY FROM THE PREVAILING WINDS to protect the animal from the elements [of weather].
- (d) Bedding. Bedding must be KEPT dry. Straw, leaves, hay, [cedar chips] WOOD SHAVINGS or other suitable material must be provided [as needed during cold and inclement weather] IN SUFFICIENT QUANTITY FOR INSULATION AGAINST COLD AND DAMP.
- (e) Size. The shelter must be large enough to allow the animal to enter, stand, turn around and lie down comfortably and small enough to allow the animal to warm the interior with its body.

E. THE OWNER OR CUSTODIAN OF A DOG MAY NOT TIE, CHAIN, CABLE OR IN ANY WAY TETHER A DOG OUTSIDE FOR A TOTAL OF MORE THAN FOUR (4) HOURS A DAY. If a chain, rope, line or other such item, is used to tie an animal, it shall be of sufficient length to safely and humanely allow the animal freedom of movement without becoming entangled with obstructions. A DOG MAY NOT BE TETHERED USING A COLLAR OR HARNESS THAT

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IS MADE PRIMARILY OF METAL AND IS NOT AT LEAST AS LARGE AS THE CIRCUMFERENCE OF THE DOG'S NECK PLUS ONE (1) INCH.

F. [A person may not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well- ventilated container, cage or other device designated to safely prevent the animal from falling or jumping from the motor vehicle.] A KENNEL/PEN FOR OUTSIDE DOGS SHALL BE A MINIMUM OF SIX (6) FEET IN HEIGHT AND MEET THE MINIMUM SPACE/SIZE REQUIREMENTS AS LISTED IN THE FOLLOWING TABLE. THESE REQUIREMENTS ARE NOT APPLICABLE TO ANIMAL SHELTERS, HUMANE SOCIETIES, COMMERCIAL BOARDING KENNELS, VETERINARY CLINICS & HOSPITALS, OR PET STORES.

Number of Dogs	Small (up to 25 lbs)	Medium (25 - 50lbs)	Large (over 50 lbs)
1	3' x 7' (21 sq. ft)	6' x 10' (60 sq. ft)	8' x 10' (80 sq. ft)
2	4' x 8' (32 sq. ft)	8' x 10' (80 sq. ft)	10' x 10' (100 sq. ft)
3	5' x 9' (45 sq. ft)	8' x 12' (96 sq. ft)	10' x 14' (140 sq. ft)
4	8' x 10' (80 sq. ft)	10' x 12' (120 sq. ft)	12' x 16' (192 sq. ft)

G. A PERSON MAY NOT ALLOW AN ANIMAL TO RIDE IN THE UNENCLOSED AREA OF A MOTOR VEHICLE UNLESS THE ANIMAL IS CONFINED BY A SECURELY AFFIXED, WELL- VENTILATED CONTAINER, CAGE OR OTHER DEVICE DESIGNATED TO SAFELY PREVENT THE ANIMAL FROM FALLING OR JUMPING FROM THE MOTOR VEHICLE.

§ 230-12. Animal at large.

A. It shall be unlawful for any person, partnership, or corporation OR OTHER LEGAL ENTITY to allow [their] AN animal to be at large.

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- B. This Section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person.
- C. Without permission of the proper authority the owner or custodian of any animal may not permit the animal to be on school grounds on a day when school is in session, in a public recreation area, any public property or thoroughfare or private property without the property owner's permission unless:
 - (1) The animal is controlled by a leash or similar restraining device.
 - (2) The presence of the animal is in an organized activity such as a dog show.
- D. No animal accidentally at large with a person capable of controlling the animal in immediate physical pursuit shall be deemed at large.
- E. A person who is aware of an animal being at large or who finds a stray animal shall report the condition to the [animal shelter or] TRI-COUNTY ANIMAL SHELTER, AN Animal Control Officer, OR OTHER LAW ENFORCEMENT OFFICIAL.
- F. An Animal Control Officer [and/]or authorized representative of Animal Control who observes an animal at large may pursue that animal on public and/or private property.

§ 230-12.1. Female in season.

Every female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with an unneutered male of the same species except for planned breeding. This does not exclude normal waste elimination while under physical restraint and direct supervision and on the owner/custodian's property.

§ 230-12.2. Allowing animal to urinate or defecate on private property prohibited.

It shall be unlawful for any owner or custodian to allow their animal to urinate or defecate on the property of another without the consent of the owner of said property.

1 **§ 230-12.3. Allowing animal to defecate on public property prohibited.**

2 It shall be unlawful for any owner or custodian to allow their animal to defecate on public
3 property unless the owner or custodian of the animal immediately thereafter removes and
4 disposes of it in a sanitary manner. [This does not apply to livestock.]
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6 **§ 230-12.4. Public nuisance.**

7 A. No person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY
8 shall keep or maintain any animal in such manner as to cause or permit the animal
9 to be a public nuisance. A public nuisance is when an owner or custodian allows
10 an animal to:

- 11 (1) Be at large;
- 12 (2) Damage the property of anyone other than its owner.
- 13 (3) Molest pedestrians, neighbors or passersby;
- 14 (4) Intimidate pedestrians, neighbors or passersby: [Intimidation should be
15 defined as a reasonable prudent person under same and/or similar
16 circumstances would have been intimidated by the actions of the animal in
17 question.]
- 18 (5) Chase vehicles;
- 19 (6) Bark or make other harsh or excessive noise so as to disturb the quiet,
20 comfort, or repose of members of the community as reflected by
21 reasonable persons with normal sensitivities;
- 22 (7) Foul the air by odor and thereby create unreasonable annoyance or
23 discomfort to neighbors or others in close proximity to the premises where
24 the animal is kept or harbored;
- 25 (8) Defecate on public property and/or urinate/defecate on private property; or
- 26 (9) Continue or repeat that behavior or activity for which the animal has
27 previously been determined by the Board, after notice to its owner and a
28 hearing, to be in violation of any of these regulations and/or a public
29 nuisance by virtue of being a menace to the public health, welfare or

1 safety.

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3 **§ 230-12.5. Dangerous and/or vicious animals and potentially dangerous animals.**

4 A. For the purpose of these Regulations, a dangerous and/or vicious animal shall be
5 defined as any animal:

- 6 (1) Which wounds, bites, or otherwise injures a human being without
7 provocation on public or private property. For the purposes of this section,
8 the term provoked shall mean any situation occurring in Subsection B, and
9 not the term as described in the Health Department bite report[.];
- 10 (2) Which has injured or killed a domestic animal, without provocation, on
11 public or private property[.];
- 12 (3) Which has a vicious nature, disposition and/or propensity which is known
13 or should be known by its owner or custodian[.];
- 14 (4) [Owned or harbored primarily or in part for the purpose of animal fighting
15 or any animal trained for animal fighting] WHICH HAS BEEN
16 PREVIOUSLY DETERMINED TO BE DANGEROUS AND/OR
17 VICIOUS BY OTHER COMPETENT AUTHORITY;
- 18 (5) [Not owned by a governmental or law enforcement unit, used primarily to
19 guard public or private property.] OWNED OR HARBORED
20 PRIMARILY OR IN PART FOR THE PURPOSE OF ANIMAL
21 FIGHTING OR ANY ANIMAL TRAINED FOR ANIMAL FIGHTING;
22 OR
- 23 (6) NOT OWNED BY A GOVERNMENTAL OR LAW ENFORCEMENT
24 UNIT, USED PRIMARILY TO GUARD PUBLIC OR PRIVATE
25 PROPERTY.
- 26 (7) ANY LIVE ANIMAL AS LISTED IN THE ANNOTATED CODE OF
27 MARYLAND, CRIMINAL LAW ARTICLE, §10-621(b) ENTITLED
28 IMPORT, OFFER OR TRANSFER OF DANGEROUS ANIMAL
29 (PROHIBITED).

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- B. No animal may be declared dangerous and/or vicious if:
 - (1) The threat, wound, bite, injury or damage was sustained by a person who:
 - (a) At the time was committing a willful trespass or other tort upon the premises occupied by the owner or custodian keeper of the animal; or
 - (b) Was tormenting, abusing, or assaulting the animal(s); or
 - (c) Has in the past been observed or reported to have tormented, abused, or assaulted the animal; or
 - (d) Was committing or attempting to commit a crime;
 - (2) [or] OR the animal was:
 - (a) Protecting or defending its young or other animal.
 - (b) Responding to pain or injury.
- C. POTENTIALLY DANGEROUS: The Board may make a determination that an animal is potentially dangerous. A potentially dangerous animal is any animal that [constitutes], by its actions, CONSTITUTES a physical threat to human beings, other domestic animals, or both.
- D. THE BOARD MAY CONSIDER PAST HISTORY AND ACTIONS OF THE ANIMAL IN THEIR DETERMINATIONS. [Upon determination of dangerous and/or vicious or potentially dangerous by the Board, the Board may require any or all of the following:
 - (1) No dangerous and/or vicious or potentially dangerous animal shall be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building outside of its own enclosure.
 - (2) For any owner of a dangerous and/or vicious or potentially dangerous animal who maintains their animal outside, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the animal shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secured sides; a

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secure top attached to all sides; the sides must either be buried two feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the kennel must be locked.

- (3) Whenever outside of its enclosure, but on the owner's property, a dangerous and/or vicious or potentially dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
- (4) The owner or custodian of any dangerous and/or vicious or potentially dangerous animal shall display in a prominent place on their premises where the animal is kept, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS DOG" or such other language as the Board may direct. The lettering on the signs shall be at least three-inch block on signs 8 ½ inches by 14 inches, easily readable, in bright colors.
- (5) Except when being transported in, and humanely and securely confined within, a vehicle, no dangerous and/or vicious or potentially dangerous animal shall be permitted off the property of its owner except when it is:
 - (a) Attended by his owner; and
 - (b) Is humanely restrained by a secure collar and lease (not to exceed six feet in length); both collar and leash to be of sufficient strength to prevent escape; and
 - (c) Is humanely muzzled by any means sufficient to prevent biting other persons or domestic animals.
- (6) The animal be neutered at the expense of the owner.
- (7) The animal be tattooed with a number to be issued by the Board, or microchipped, at the expense of the owner.
- (8) Ownership or custody of an animal deemed dangerous and/or vicious or potentially dangerous by the Board shall not be transferred without prior written approval of the Board.]

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E. [Upon determination of dangerous and/or vicious by the Board, the Board may require that the animal be humanely euthanized.] UPON DETERMINATION OF DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE BOARD, THE BOARD MAY REQUIRE ANY OR ALL OF THE FOLLOWING:

- (1) NO DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL BE CHAINED, TETHERED OR OTHERWISE TIED TO ANY INANIMATE OBJECT, SUCH AS A TREE, POST OR BUILDING OUTSIDE OF ITS OWN ENCLOSURE.
- (2) FOR ANY OWNER OR CUSTODIAN OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL WHO MAINTAINS THEIR ANIMAL OUTSIDE, A PORTION OF THEIR PROPERTY SHALL BE FENCED WITH A PERIMETER OR AREA FENCE. WITHIN THIS PERIMETER FENCE, THE ANIMAL SHALL BE HUMANELY CONFINED INSIDE A PEN OR KENNEL MEETING THE REQUIREMENT SPECIFIED IN THESE REGULATIONS. THE PEN OR KENNEL MAY NOT SHARE COMMON FENCING WITH THE AREA OR PERIMETER FENCE. THE KENNEL OR PEN MUST HAVE SECURED SIDES; A SECURE TOP ATTACHED TO ALL SIDES; THE SIDES MUST EITHER BE BURIED TWO FEET INTO THE GROUND, SUNKEN INTO A CONCRETE PAD, OR OTHERWISE SECURED TO PREVENT ESCAPE BY DIGGING. THE GATE TO THE PEN OR KENNEL MUST BE LOCKED.
- (3) WHENEVER OUTSIDE OF ITS ENCLOSURE, BUT ON THE OWNER'S OR CUSTODIAN'S PROPERTY, A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL MUST BE ATTENDED BY THE OWNER OR CUSTODIAN AND RESTRAINED BY A SECURE COLLAR AND LEASH OF SUFFICIENT STRENGTH TO PREVENT ESCAPE.

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- (4) THE OWNER OR CUSTODIAN OF ANY DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL DISPLAY IN A PROMINENT PLACE ON THEIR PREMISES WHERE THE ANIMAL IS KEPT, AND AT EACH ENTRANCE AND EXIT TO THE AREA WHERE SUCH ANIMAL IS CONFINED, A SIGN EASILY READABLE BY THE PUBLIC USING THE WORDS "DANGEROUS DOG". THE LETTERING ON THE SIGNS SHALL BE AT LEAST THREE-INCH BLOCK ON SIGNS 8 ½ INCHES BY 14 INCHES, LEGIBLE, IN BRIGHT COLORS.
- (5) EXCEPT WHEN BEING TRANSPORTED IN, AND HUMANELY AND SECURELY CONFINED WITHIN, A VEHICLE, NO DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL SHALL BE PERMITTED OFF THE PROPERTY OF ITS OWNER OR CUSTODIAN EXCEPT WHEN IT IS:
 - (a) ATTENDED BY ITS OWNER OR CUSTODIAN; AND
 - (b) IS HUMANELY RESTRAINED BY A SECURE COLLAR AND LEASH (NOT TO EXCEED SIX (6) FEET IN LENGTH); BOTH COLLAR AND LEASH TO BE OF SUFFICIENT STRENGTH TO PREVENT ESCAPE; AND
 - (c) IS HUMANELY MUZZLED BY ANY MEANS SUFFICIENT TO PREVENT BITING OTHER PERSONS OR DOMESTIC ANIMALS.
- (6) THE ANIMAL BE NEUTERED AT THE EXPENSE OF THE OWNER OR CUSTODIAN.
- (7) THE ANIMAL BE MICROCHIPPED AT THE EXPENSE OF THE OWNER OR CUSTODIAN AND THE MICROCHIP NUMBER PROVIDED TO CHARLES COUNTY DIVISION OF ANIMAL CONTROL.
- (8) OWNERSHIP OR CUSTODY OF AN ANIMAL PRESUMED OR

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DEEMED DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS SHALL NOT BE TRANSFERRED WITHOUT PRIOR WRITTEN APPROVAL.

F. [The owner or custodian of an animal deemed dangerous and/or vicious or potentially dangerous by the Board shall immediately notify the Sheriff's Department and Animal Control if the animal should become at-large or otherwise not meet any and all requirements set by the Board] UPON DETERMINATION OF DANGEROUS AND/OR VICIOUS BY THE BOARD, THE BOARD MAY REQUIRE THAT THE ANIMAL BE HUMANELY EUTHANIZED.

G. THE OWNER OR CUSTODIAN OF AN ANIMAL PRESUMED OR DEEMED DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS BY THE BOARD SHALL IMMEDIATELY NOTIFY THE CHARLES COUNTY SHERIFF'S OFFICE DEPARTMENT AND CHARLES COUNTY DIVISION OF ANIMAL CONTROL IF THE ANIMAL SHOULD BECOME AT-LARGE OR OTHERWISE NOT MEET ANY AND ALL REQUIREMENTS SET.

[Enforcement of the requirements set by the Board for the keeping of a dangerous and/or vicious or potentially dangerous animal.

- (1) In the event that the owner or custodian of a dangerous and/or vicious or potentially dangerous animal is in violation of any regulation, the ACO or other public safety officer may order the violation immediately corrected and issue a citation to the owner or custodian.
- (2) If the violation cannot be immediately corrected, the animal may be impounded, in which case the owner or custodian will be issued a citation and notified to appear before the Board for the violation. At the owners request and expense and upon approval by Animal Control, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing.
- (3) If the owner or keeper of a dangerous and/or vicious or potentially

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dangerous animal impounded for violation of these regulations presents proof that the animal will now be kept in compliance with these regulations, the animal shall be released upon payment of any fees and penalties due.

(4) If the owner or custodian of a dangerous and/or vicious or potentially dangerous animal fails to either provide proof that the animal shall now be kept restrained and/or confined in compliance with these regulations or fails to reclaim it within 72 hours from Animal Control after impoundment, the animal shall be humanely euthanized.]

H. [Repeat offenders of provisions relating to dangerous and/or vicious or potentially dangerous animals will be given an opportunity to fully explain to the Board why a violation has been repeated. The Board will consider such explanation in determining penalties and/or disposition.] ENFORCEMENT OF THE REQUIREMENTS SET FOR THE LAWFUL KEEPING OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL.

(1) IN THE EVENT THAT THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL IS IN VIOLATION OF ANY REGULATION, AN ANIMAL CONTROL OFFICER OR OTHER LAW ENFORCEMENT OFFICER MAY ORDER THE VIOLATION IMMEDIATELY CORRECTED AND ISSUE A CITATION TO THE OWNER OR CUSTODIAN.

(2) IF THE VIOLATION CANNOT BE IMMEDIATELY CORRECTED, THE ANIMAL MAY BE IMPOUNDED, IN WHICH CASE THE OWNER OR CUSTODIAN WILL BE ISSUED A CITATION AND NOTIFIED TO APPEAR BEFORE THE BOARD FOR THE VIOLATION. AT THE OWNER OR CUSTODIAN'S REQUEST AND EXPENSE AND UPON APPROVAL BY AN ANIMAL CONTROL OFFICER, SUCH IMPOUNDMENT MAY BE AT A VETERINARIAN OR LICENSED COMMERCIAL ANIMAL ESTABLISHMENT OF THE

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OWNER OR CUSTODIAN'S CHOOSING.

(3) IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL IMPOUNDED FOR VIOLATION OF THESE REGULATIONS PRESENTS PROOF THAT THE ANIMAL WILL NOW BE KEPT IN COMPLIANCE WITH THESE REGULATIONS, THE ANIMAL SHALL BE RELEASED UPON PAYMENT OF ANY FEES AND PENALTIES DUE.

(4) IF THE OWNER OR CUSTODIAN OF A DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMAL FAILS TO EITHER PROVIDE PROOF THAT THE ANIMAL SHALL NOW BE KEPT RESTRAINED AND/OR CONFINED IN COMPLIANCE WITH THESE REGULATIONS OR FAILS TO RECLAIM IT WITHIN SEVENTY-TWO (72) HOURS FROM THE TIME OF IMPOUNDMENT BY ANIMAL CONTROL, THE ANIMAL SHALL BE HUMANELY EUTHANIZED.

I. REPEAT OFFENDERS OF PROVISIONS RELATING TO DANGEROUS AND/OR VICIOUS OR POTENTIALLY DANGEROUS ANIMALS WILL BE GIVEN AN OPPORTUNITY TO FULLY EXPLAIN TO THE BOARD WHY A VIOLATION HAS BEEN REPEATED. THE BOARD WILL CONSIDER SUCH EXPLANATION IN DETERMINING PENALTIES AND/OR DISPOSITION.

§ 230-12.6 Impoundment; redemption; adoption.

- A. Any animal observed in violation of these regulations or the State Code [shall] MAY be immediately and humanely impounded and housed AT THE TRI-COUNTY ANIMAL SHELTER [with the animal shelter] or its designated agent. In addition to, or in lieu of, impounding an animal, the Animal Control Officer may issue to the known owner or custodian of such animal a notice of violation.
- B. Impounded STRAY domestic animals [shall be kept for not less than three

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working days unless said animal is contagiously ill or severely injured.] MAY NOT BE ADOPTED, RESCUED, PLACED, OR DESTROYED UNTIL:

- (1) SEVENTY-TWO (72) HOURS HAVE ELAPSED AFTER GIVING NOTICE TO THE OWNER; OR
- (2) IF THE OWNER CANNOT BE NOTIFIED, SEVENTY-TWO (72) HOURS HAVE ELAPSED AFTER THE ANIMAL IS IMPOUNDED;
- (3) UNLESS:
 - (A) THE ANIMAL IS SERIOUSLY DISEASED OR SEVERELY INJURED; OR
 - (B) THE ANIMAL IS UNDER THREE (3) MONTHS OF AGE

C. An owner OR CUSTODIAN reclaiming an impounded animal shall pay the fees established by the TRI-COUNTY ANIMAL SHELTER [Sheltering Authority]. The fees for subsequent impounds occurring within 12 months shall be doubled. Upon the third and any subsequent impoundments within 12 months, the animal shall remain in the shelter until the owner or custodian appears before the Board's next scheduled hearing. The Board shall determine the necessary means to abate the violations and may levy fines and fees.

D. [In addition to paying the established fees, an owner reclaiming an impounded animal shall show proof of a current rabies vaccination and county license, or shall pay the deposit fees required to comply with §§ 230-9 and 230-10 of these regulations and other expenses incurred by the County in caring for the impounded animal.] AS A PRECONDITION OF RELEASE THE OWNER OR CUSTODIAN RECLAIMING ANY IMPOUNDED ANIMAL WILL BE REQUIRED TO PAY ALL ESTABLISHED FEES AND OTHER EXPENSES FOR THE CARE, IMPOUNDMENT, BOARD AND VETERINARY TREATMENT INCURRED BY CHARLES COUNTY OR ITS AGENTS PURSUANT TO THE IMPOUNDMENT.

E. [Except as otherwise provided in these regulations, any animal impounded and not redeemed by its owner or custodian within three working days following

1 notice of impoundment shall be deemed abandoned. The animal shall then
2 become the property of the County, which shall place for adoption or euthanize
3 the animal in accordance with the State Code and shelter policy.] IN ADDITION
4 TO PAYING THE ESTABLISHED FEES, AN OWNER OR CUSTODIAN
5 RECLAIMING AN IMPOUNDED ANIMAL SHALL SHOW PROOF OF A
6 CURRENT RABIES VACCINATION AND COUNTY LICENSE, OR SHALL
7 PAY THE DEPOSIT FEES REQUIRED TO COMPLY WITH §§ 230-9 AND
8 230-10 OF THESE REGULATIONS.

- 9 F. [No unclaimed dog or cat shall be released for adoption without being sterilized,
10 or without written agreement from the adopter guaranteeing that such animal will
11 be sterilized within 30 days for adults or a specified date in the contract for
12 puppies and kittens.] ALL IMPOUNDED DOGS AND CATS BEING
13 RECLAIMED FROM THE TRI-COUNTY ANIMAL SHELTER WILL BE
14 MICRO-CHIPPED PRIOR TO RELEASE AT AN ESTABLISHED FEE TO BE
15 PAID BY THE OWNER OR CUSTODIAN RECLAIMING THE ANIMAL.
- 16 G. [Any animal considered by the Sheltering Authority to be unhealthy, dangerous or
17 otherwise unsafe may not be placed for adoption.] EXCEPT AS OTHERWISE
18 PROVIDED IN THESE REGULATIONS, ANY ANIMAL IMPOUNDED AND
19 NOT RECLAIMED BY ITS OWNER OR CUSTODIAN WITHIN THREE (3)
20 WORKING DAYS FOLLOWING IMPOUNDMENT SHALL BE DEEMED
21 ABANDONED. THE ANIMAL SHALL THEN BECOME THE PROPERTY
22 OF CHARLES COUNTY, AND BE MADE AVAILABLE FOR ADOPTION,
23 RESCUE OR EUTHANIZATION, IN ACCORDANCE WITH THESE
24 REGULATIONS, STATE CODE AND TRI-COUNTY ANIMAL SHELTER
25 POLICY.
- 26 H. [The Animal Shelter may deny applications for adoption as provided by
27 established shelter policy and procedure] NO UNCLAIMED DOG OR CAT
28 SHALL BE RELEASED FOR ADOPTION WITHOUT BEING STERILIZED,
29 OR WITHOUT WRITTEN AGREEMENT FROM THE ADOPTER

- 1 GUARANTEEING THAT SUCH ANIMAL WILL BE STERILIZED WITHIN
2 THIRTY (30) DAYS FOR ADULTS OR A SPECIFIED DATE IN THE
3 CONTRACT FOR PUPPIES AND KITTENS.
- 4 I. [No wild animal may be placed for adoption] ANY ANIMAL CONSIDERED
5 BY THE TRI-COUNTY ANIMAL SHELTER TO BE UNHEALTHY,
6 DANGEROUS OR OTHERWISE UNFIT MAY NOT BE PLACED FOR
7 ADOPTION.
- 8 J. [No animal shall be knowingly sold or given away for use in experimentation or
9 research] THE TRI-COUNTY ANIMAL SHELTER MAY DENY
10 APPLICATIONS FOR ADOPTION AS PROVIDED BY ESTABLISHED
11 SHELTER POLICY AND PROCEDURE.
- 12 K. [The County, its employees or agents shall not be liable for any damages to
13 person or property caused by an animal or reclaimed from the shelter] NO WILD
14 ANIMAL MAY BE PLACED FOR ADOPTION.
- 15 L. NO ANIMAL SHALL BE KNOWINGLY SOLD OR GIVEN AWAY FOR USE
16 IN EXPERIMENTATION OR RESEARCH.
- 17 M. CHARLES COUNTY, ITS EMPLOYEES OR AGENTS SHALL NOT BE
18 LIABLE FOR ANY DAMAGES TO PERSON OR PROPERTY CAUSED BY
19 AN ANIMAL ADOPTED, RESCUED OR RECLAIMED FROM THE
20 SHELTER.

21
22 **§ 230-12.7. Striking A domestic animal with A motor vehicle.**

23 As in THE Maryland ANNOTATED CODE, Transportation [Law,] Article § 20-106 [20, §§ 105
24 and 106], any person who, as the operator of a motor vehicle, strikes a domestic animal shall
25 immediately notify the owner OR CUSTODIAN of the domestic animal, or, if the owner OR
26 CUSTODIAN cannot be immediately notified, then the State or local police, OR ANIMAL
27 CONTROL of the accident.

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29 **§ 230-12.8. Fees.**

1 Any fees or fines established within these regulations may be evaluated and adjusted annually.

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§ 230-12.9. Fines.

- A. The Board may impose fines at the close of all evidence, at any hearing, as set forth below.
- B. The fines for subsequent violations within a ROLLING TWELVE (12) month period shall be doubled [for those violations with set penalties].

In Violation

of Section	[Subject] CATEGORY	Fine
§ 230-6B	Interference with an Animal Control Officer	\$ <u>250</u> [50]
230-8	Cruelty (requires an appearance before the Board)	\$50 to \$[500] <u>1,000</u>
230-9	Rabies prevention (requires an appearance before the Board)	
	A. Failure to vaccinate	\$[100] <u>150</u>
	B. Failure to quarantine	\$[100] <u>150</u>
230-10	Licensing	
	A. Individual	\$[35] <u>50</u>
	B. FANCIER	<u>150</u>
	C. Commercial animal establishment	\$[150] <u>250</u>
230-11	Animal care (per offense[; not to exceed \$100 per animal])	\$[25] <u>35</u>
230-11G	Animal riding in an open vehicle	\$[35] <u>50</u>
230-12	Animal at large	\$[35] <u>50</u>
230-12.1	Female in season	\$[35] <u>50</u>
230-12.2	Allowing an animal to urinate/defecate on private property	\$[35] <u>50</u>
230-12.3	Allowing an animal to defecate on public property	\$[35] <u>50</u>
<u>230-12.4</u>	<u>§A(1) THROUGH §A(8)</u>	<u>50</u>

1	230-12.4	<u>§A(9)</u> ; Public nuisance violation of the Board's	
2		order (requires an appearance before the Board)	\$50 to \$[100] <u>200</u>
3	230-12.5	Dangerous and/or vicious or potentially dangerous	
4		(requires an appearance before the Board)	\$50 to \$[500] <u>1000</u>
5	<u>230-12.5</u>	FAILING TO COMPLY WITH THE	
6		CHARLES COUNTY ANIMAL REGULATIONS	
7		IN THE KEEPING OF DANGEROUS AND/OR	
8		VICIOUS OR POTENTIALLY DANGEROUS	
9		ANIMALS (REQUIRES AN APPEARANCE	
10		BEFORE THE BOARD)	<u>\$200 - \$1,000</u>

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12 C. Violations covered under Section 230-12.11 BELOW are referred to, and

13 prosecuted by the State's Attorney in the District Court of Maryland for Charles

14 County.

15

16 **§ 230-12.10. Entering into contracts with outside services.**

17 No statement, provision or regulation set forth herein shall be construed to prevent the County

18 Commissioners of Charles County, Maryland, from entering into a contract with an outside

19 service FOR THE ENFORCEMENT OF THESE REGULATIONS.

20

21 **§ 230-12.11. Failure to pay fines; failure to appear before Animal Matters Hearing**

22 **Board; or failure to comply with lawful orders of Animal Matters Hearing Board.**

23 A. [Anyone] ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER

24 LEGAL ENTITY served with a citation for an alleged violation of any of the

25 provisions of these regulations shall be subject to payment of a fine as specified

26 on the citation form or must appear before the Animal Matters Hearing Board to

27 answer the complaint. [Any person willfully failing] FAILURE to appear before

28 the Board when [notified] ORDERED to do so, and/or after having failed to pay

29 the fine as specified on the citation form within the time specified on the citation

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shall be guilty of a misdemeanor punishable by not more than SIXTY (60) days in jail, a fine of \$300, or both.

B. Any person, PARTNERSHIP, CORPORATION OR OTHER LEGAL ENTITY willfully failing to comply with any lawful order of the Board shall be guilty of a misdemeanor punishable by not more than SIXTY (60) days in jail, a fine of \$300, or both.

C. Charges under this section will be referred to the State's Attorney's Office for prosecution in the District Court of Maryland for Charles County.

SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect 45 calendar days after it becomes law.

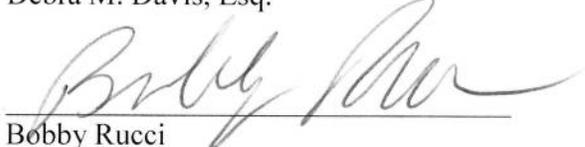
County Commissioners of
Charles County, Maryland

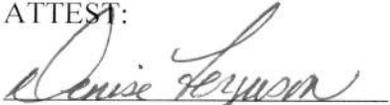

Candice Quinn Kelly, President


Reuben B. Collins, II, Esq., Vice President


Ken Robinson


Debra M. Davis, Esq.


Bobby Rucci

ATTEST:

Denise Ferguson, Clerk

NOTICE
Enactment of Bill 2011-07

Charles County Animal Regulations

The Charles County Commissioners enacted Bill 2011-07, Charles County Animal Regulations on January 10, 2012. The Bill adds new provisions and clarifies or modifies existing provisions of the Charles County Animal Regulations (Chapter 230 of the Code for Charles County). Bill 2011-07 becomes effective on February 27, 2012.

Please publish in the Maryland Independent 3 times

Send bill to: Denise Ferguson, Clerk
Charles County Commissioners
P.O. Box 2150
La Plata, MD 20646