



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County (CSMC) will hold a Public Hearing on *Tuesday, April 30, 2024, at 6:30 p.m.* in the CSMC Meeting Room in the Chesapeake Building located at 41770 Baldrige Street in Leonardtown, Maryland to consider public input on *Revised Animal Control Ordinance*.

Public hearing information and related documents can be viewed online at:

<https://www.stmaryscountymd.gov/publichearings/> CSMC Public Hearings are televised live on St. Mary's County Government (SMCG) TV Channel 95 and available on the [SMCG YouTube Channel](#).

Citizens are encouraged to attend and participate in the public hearing. Those wishing to address the CSMC may participate in-person or provide their feedback via:

- Email: csmc@stmaryscountymd.gov
- Mail: P.O. Box 653, Leonardtown, MD 20650

All submissions must be received no later than 5 p.m. on *Tuesday, May 7, 2024*. Submissions will be considered by the CSMC at the Public Hearing and up to 7 days following the public hearing. Public Hearing guidelines are subject to change.

Note that because of the evidence and comments made at the public hearing, amendments may be made to the proposed ordinance.

Appropriate accommodation for individuals with special needs will be provided upon request. To meet these requirements, we respectfully request 1 week's prior notice. Please contact the CSMC Office at (301) 475-4200 ext. 1340. Proceedings are televised live and recorded for later broadcast. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic, electronic audio-visual broadcasting and recording devices are used during CSMC meetings. These are public meetings and attendance at these meetings automatically grants SMCG permission to broadcast your audio and visual image.

By: *Gerald Gardiner Jr, Deputy Director*

COMMISSIONERS OF ST. MARY'S COUNTY

Published on: **Friday, April 12, 2024**
Friday, April 19, 2024



Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

ORDINANCE

**TO REPEAL AND RE-ENACT CHAPTER 212 OF THE
CODE OF ST. MARY'S COUNTY, MARYLAND,
ESTABLISHING ANIMAL CONTROL REGULATIONS**

WHEREAS, pursuant to §13-129(c) of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to provide for the regulation, humane treatment and keeping of domestic animals; and

WHEREAS, a notice of a public hearing was advertised on _____, 2024 and _____, 2024 in *Southern Maryland News, the Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____, 2024 to receive public comment and consider the repeal and re-enactment of Chapter 212 of the *Code of St. Mary's County, Maryland*, to provide for the regulation, humane treatment and keeping of domestic animals; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to repeal and re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, to provide for the regulation, humane treatment and keeping of domestic animals,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §13-129(c) of the *Local Government Article* of the *Annotated Code of Maryland*, that:

SECTION I. Chapter 212 of the *Code of St. Mary's County, Maryland*, is repealed and re-enacted to read as follows:

CHAPTER 212. ANIMAL CONTROL

§212.1 APPLICABILITY

This Chapter applies to all animals kept in St. Mary's County except as specifically provided.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

§ 212-2. DEFINITIONS.

In this Chapter the following words have the meanings indicated:

- A. *“Adequate care”* or *“care”* means the responsible practice of good animal handling, feeding, watering, protection, shelter, ventilation, transportation, treatment appropriate for the age, species, condition, size, and type of animal, and the provision of veterinary care, including euthanasia, when needed to prevent suffering, impairment of health, poor quality of life, or any combination thereof.
- B. *“Adequate exercise”* or *“exercise”* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, condition, size, and type of the animal.
- C. *“Adequate food”* means access to sufficient quantity and quality of food or feed to maintain each animal in good health; prepared to be easily consumed for the age, species, condition, size, and type of each animal; provided in a clean and sanitary manner; placed to minimize contamination by excrement, pests, or both; and provided at suitable intervals for the age, species, condition, size, and type of animal, at least once daily, unless otherwise prescribed by a veterinarian.
- D. *“Adequate shelter”* means:
 - 1. For each animal, easy access to shelter that:
 - a. is suitable for the age, species, condition, size, and type,
 - b. provides adequate space,
 - c. is safe and protects from rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, or any other similar adverse weather condition,
 - d. is safe and protects from injury, physical suffering, toxic materials, or impairment of health,
 - e. is sanitary,
 - f. is ventilated,
 - g. enables each animal to be clean and dry, and

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

- h. provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner.
2. Shelters where the wire, grid, or slat floors allow the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not "adequate shelter."
3. "*Adequate shelter*" for dogs means meeting the requirements of §§ 212-2(D)(1) and (D)(2), and:
 - a. requires a moisture and wind-proof structure suitable to the age, species, condition, size, and type of dog,
 - b. allows for retention of body heat,
 - c. is made of durable materials with a solid floor raised at least two (2) inches from the ground,
 - d. has the entrance covered by a flexible wind-proof material or a self-closing door, and
 - e. has enough suitable non-toxic bedding consisting of straw, cedar shavings, blankets, or similar materials sufficient to provide insulation, protection against cold temperatures and dampness, and retention of body heat.

E. "*Adequate space*" means:

1. Sufficient space to allow each animal to:
 - a. Easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal, and
 - b. Interact safely with other animals in an enclosure.
2. When an animal is restrained or tethered, "adequate space" means a tether that:
 - a. permits the actions in § 212-2(E)(1),
 - b. is appropriate to the age, species, condition, size, and type of animal,

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

Page 4 of 22

- c. is attached to the animal by a properly applied collar of regulation material, halter, or harness that protects the animal from injury and prevents the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in strangling or injury to the animal,
 - d. prohibits the animal from accessing toxic materials,
 - e. has swivels at both ends to prevent kinking and knotting,
 - f. is at least four (4) times the length of the animal, as measured from the tip of its nose to the base of its tail, unless the animal is being walked on a leash or is attached by a tether to an overhead runner.
- F. “*Adequate water*” means provision of and access to clean, fresh, potable, and readily available water of a drinkable temperature which is provided in a suitable manner and sufficient volume to maintain normal hydration for the age, species, condition, size, and type of each animal, unless otherwise prescribed by a veterinarian; and is provided in clean, appropriated sized, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests.
- G. “*Domestic animal*” means any animal kept for any purpose other than agricultural use or production for consumption. Any animal kept as an animal companion or pet, but also used for an agricultural purpose or for consumption, is also considered a “domestic animal” for purposes of this Chapter.
- H. “*Agricultural animal*” includes any living creature kept for agricultural use or production for consumption.
- I. “*Agriculture*” or “*agricultural*” means the use of land for the production and initial processing of food or fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, aquaculture, animal and poultry husbandry, and for such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to agricultural activities. “*Agriculture*” or “*agricultural*” includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing.
- J. “*Dangerous dog*” means a potentially dangerous dog pursuant § 212-10 and, after the determination is made, without provocation the dog:
 - 1. bites a person,

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

2. kills or inflicts physical injury on a domestic animal, or
 3. attacks a person or domestic animal.
- K. *“Owner’s real property”* means real property, attached fixtures, mobile homes, or any combination thereof owned or leased by the owner or custodian of an animal. “Owner’s real property” excludes a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- L. *“Physical injury”* means an injury resulting in broken bones, concussions, contusions, lacerations, or any other injury that requires medical or veterinary treatment.
- M. *“Commercial Animal Establishment”* means an establishment for:
1. The commercial breeding of dogs, cats, or other domestic animals; or
 2. The boarding, grooming, sale, or training of dogs, cats, or other domestic animals for which a fee is charged; or
 3. Where five (5) or more dogs are kept.
 4. *“Commercial Animal Establishment”* excludes veterinary facilities, animal shelters, registered rescue organizations, or research facilities where bona fide medical, dental, veterinary, pharmaceutical, or biological research occurs.
- N. *“Owner”* means any person, partnership, corporation, or other legal entity that owns, keeps or harbors one or more animal(s) or allows animal(s) to remain on their premises. An animal shall be deemed “harbored” if it is fed or sheltered for three (3) or more consecutive days. If the owner or custodian of any animal is a minor, the parent or guardian of the minor shall be responsible to ensure compliance with all local and state laws, rules, and regulations. In this Chapter, an “owner” excludes a community cat caretaker or community cat colony caretaker.
- O. *“Animal”* means all living creatures but excludes both human beings.
- P. *“Animal Control”* means the St. Mary’s County Emergency Services Animal Control Division.
- Q. *“Animal Control Officer”* means an individual designated by the St. Mary’s County Commissioners to issue citations to enforce the St. Mary’s County Animal Control Ordinance and any State law relating to animals.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

- R. *“Animal Shelter”* means any facility operated by a governmental body, for the purpose of impounding animals under the authority of the St. Mary’s County Animal Control or any State law relating to an animal’s care, confinement, return to owner, adoption, or euthanasia.
- S. *“Animal Adoption and Resource Center”* means any Animal Shelter under the purview of the Commissioners of St. Mary’s County, Maryland.
- T. *“Custodian”* means any person, partnership, corporation, or other legal entity that harbors, takes care of, custody of, or takes responsibility for another person’s animal(s) or allows an animal(s) to remain on their premises.
- U. *“Director”* means the St. Mary’s County Emergency Services Director or their designee(s).
- V. *“Sanitary”* means a condition of good order and cleanliness which minimizes the probably of transmission of disease.
- W. *“Ventilate” or “Ventilation”* means areas constructed or modified to allow the free flow of adequate air to control temperature, humidity, and prevent air stagnation.
- X. *“Wild Dog” or “Wild Animal”* means any dog or animal, respectively, that is not a domestic or agricultural animal.

§ 212-2.1 DUTY OF ALL ANIMAL OWNERS TO BE RESPONSIBLE OWNERS

- A. Every owner and custodian shall exercise reasonable care by taking all necessary precautions to protect other people, property, and animals from injury or damage resulting from owner’s or custodian’s domestic animals’ behavior, regardless of the motive behind the behavior.
- B. No domestic animal may be sold, given to, or bought from a minor without the written consent of the minor’s parent or guardian.
- C. No domestic animal carcasses shall be disposed of at any county trash disposal facility or any public area.
- D. *Penalty.* A violation of this section is a civil offense and punishable by a fine not to exceed \$1000.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

§ 212-3. ANIMAL CARE.

A. The owner or custodian of any domestic animal must provide the animal with:

1. adequate food,
2. adequate water,
3. adequate shelter,
4. adequate space,
5. adequate exercise,
6. veterinary care when needed to prevent suffering, health impairment, or poor quality of life, or any combination thereof, and
7. grooming sufficient for humane care and treatment.

B. *Penalty.* Failure to comply with any of the enumerated items listed in § 212-3(A) constitutes a separate and distinct civil offense, and each offense may be punishable by a fine not to exceed \$250.

C. If a violation of this section is also a violation of Title 10 Subtitle 6 of the Criminal Law Article of the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen the penalties within that Subtitle.

§ 212-4 CRUELTY, ABUSE, OR NEGLECT OF ANIMAL

A. A person shall not:

1. torture, torment, cruelly beat or kill, injure, mutilate, run down with a vehicle, overload, or otherwise abuse or mistreat any domestic animal,
2. inflict unnecessary suffering or pain on any domestic animal,
3. poison, put, or cause to be put, poison or other harmful substance in any place with intent to injure or kill any domestic animal,

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

4. use any domestic animal, or permit any domestic animal to be used, for the purpose of fighting with any other animal,
 5. train any domestic animal for illegal fighting,
 6. fail to provide the domestic animal with adequate care,
 7. keep any domestic animal outdoors, without providing adequate shelter, when the wind chill index is 32 degrees Fahrenheit or lower,
 8. keep any domestic animal outdoors, without providing adequate shelter, when the heat index is 90 degrees Fahrenheit or higher, or
 9. keep any domestic animal outdoors during an active weather warning or advisory issued by the National Weather Service.
- B. Cause, arrange, procure, participate in, authorize, or fund any of the acts listed in § 212-4(A).
- C. *Exceptions.* Section 212-4 does not apply to any of the enumerated activities included in the Criminal Law Article, § 10-603 of the *Annotated Code of Maryland*.
- D. *Penalty.* Violations of this section are a civil offense punishable by a fine not to exceed \$1000.
- E. If a violation of this section is also a violation of Title 10 Subtitle 6 of the Criminal Law Article of the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any penalties available under that Subtitle.

§ 212-5. LEAVING DOGS OUTSIDE AND UNATTENDED BY USE OF RESTRAINTS OR TETHER

- A. *Definitions.* In this section the following words have the meanings indicated.
1. “*Collar*” means a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog.
 2. “*Restraint*” or “*Tether*” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

Page 9 of 22

- B. *Prohibited.* An owner or custodian shall not leave an unattended dog outside using a restraint that:
1. unreasonably limits the movement of the dog,
 2. uses a collar that is made primarily of metal or is not at least as large as the circumference of the dog's neck plus one (1) inch,
 3. restricts the dog's access to adequate shelter or adequate water,
 4. creates unsafe or unsanitary conditions, or
 5. causes injury to the dog.
- C. *Penalty.* Violations of this section are a civil offense punishable by a fine not to exceed \$1000.
- D. If a violation of this section is also a violation of Title 10 Subtitle 6 of the Criminal Law Article *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any penalties available under that Subtitle.

§212-6. DOMESTIC ANIMALS IN VEHICLES

- A. *Prohibited.* A person shall not leave a domestic animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.
- B. *Reasonable Force Permitted.* Except as provided in subsection C of this section, a person may use reasonable force to remove from a motor vehicle a domestic animal left in the vehicle in violation of the provisions of subsection A of this section if the person is:
1. a law enforcement officer;
 2. a public safety employee of the State or of a local governing body;
 3. an animal control officer under the jurisdiction of the State or a local governing body; or
 4. a volunteer or professional of a fire and rescue service.
- C. *Exceptions.* A person may not use force of any kind to remove from a motor vehicle:

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

Page 10 of 22

1. A dog used by the State or a local governing body for police work while the dog is on duty; or
 2. An animal in the custody of an Animal Control Officer.
- D. *Liability.* A person described in subsection B of this section may not be held liable for any damages directly resulting from actions taken under the provisions of subsection B of this section.
- E. *Penalty.* Violations of this section are a civil offense punishable by a fine not to exceed \$1000.
- F. If a violation of this section is also a violation of Title 21 Subtitle 10 of Transportation Article the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any criminal penalties available under that Subtitle.

§ 212-7. ABANDONING ANIMAL

- A. *Prohibited.* An owner or custodian shall not leave any domestic animal on a road, in a public place, or on private property with the intent to abandon the animal.
- B. *Penalty.* Violations of this section are a civil offense punishable by fine not to exceed \$100.
- C. If a violation of this section is also a violation of Title 10 Subtitle 6 of Criminal Law Article the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any criminal penalties available under that Subtitle.

§ 212-8. ANIMAL AT LARGE

- A. An owner or custodian shall keep domestic animals confined in a building or secure enclosure, or under physical restraint and direct supervision.
- B. *Exceptions.* An owner or custodian may allow a domestic animal to be outside of a building or secured enclosure, or released from physical restraint and not directly supervised if:
1. the animal is on property owned or occupied by the animal's owner;
 2. a dog is undergoing supervised obedience training by a certified professional;

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations*

3. a dog is being trained or used for hunting; or
 4. an animal is at large with a person in immediate pursuit with the purpose of reacquiring control of the animal.
- C. An owner or custodian shall not permit any domestic animal to be on public or private school grounds when school is in session, or in a public recreation area, excluding a public dog park, unless the animal is controlled by a leash.
- D. *Penalty.* Violations of subsection A or B of this section are a civil offense punishable by fine not to exceed \$1000.
- E. An Animal Control Officer who observes an animal at large that is posing a direct threat to public safety may pursue that animal on public or private property.
- F. A dog shall be deemed a “stray dog” if the dog’s owner violates this section three or more times and the dog is subsequently found at large.
- G. Stray dogs may be seized by Animal Control.
- H. Persons who are aware of any animal being at large or who find stray animals are encouraged to report the situation to Animal Control.
- I. If a violation of this section is also a violation of Title 10 Subtitle 6 of Criminal Law Article the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any criminal penalties available under that Subtitle.

§ 212-9. NUISANCE

- A. No owner or custodian shall keep or maintain any domestic animal in such manner as to cause or permit the animal to:
1. inflict injury on a person without provocation;
 2. injure or kill a domestic animal or agricultural animal without provocation;
 3. threaten or chase any person, other domestic animal, or agricultural animal without provocation;

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations*

4. damage the property, other than an animal, of another;
 5. chase a vehicle;
 6. bark or make other harsh or excessive noise continuously that unreasonably disturbs the quiet, comfort, or repose of another;
 7. defecate on the property of another; or
 8. become a stray dog
- B. An owner or custodian of a domestic animal must remove excrement deposited by the animal on a sidewalk, street, park, other public property, or private property of another.
- C. *Penalty.* Violations of this section are a civil offense punishable by fine not to exceed \$1000.
- D. If a violation of this section is also a violation of Title 10 Subtitle 6 of Criminal Law Article the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any criminal penalties available under that Subtitle.

§212-10. POTENTIALLY DANGEROUS DOG

- A. *Definition.* “Potentially dangerous dog” means a dog that:
1. bit a person while on public or private real property;
 2. when not on its owner’s real property, has killed or inflicted severe injury on a domestic animal;
 3. has attacked a person or animal without provocation;
 4. is owned, bred, or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
 5. any dog, not owned by a governmental or law enforcement unit, used primarily to guard public or private property; and
 6. Animal Control has notified the owner in writing of the reasons for determining the dog is potentially dangerous.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

- B. No dog shall be declared potentially dangerous if the threat, injury, or damage was sustained by a person who:
1. at the time was committing a willful trespass or other criminal act upon the premises of the owner or custodian of the dog;
 2. was teasing, tormenting, abusing, or assaulting the dog;
 3. was committing or attempting to commit a crime;
 4. deliberately placed the animal in the position of protecting or defending its young, another animal, person, or guardian; or
 5. caused pain or injury to the dog immediately prior to the attack.
- C. *Defensive Actions.*
1. any person may use any force necessary to defend against any dog(s) actively attacking a person.
 2. any person may use any force necessary to defend against any dog(s) found out of its enclosure, not under the owner or custodian's immediate care, and actively attacking any animal.
- D. *Public Liability Insurance for Potentially Dangerous Dogs.* Within ten (10) days of a dog being deemed potentially dangerous, the owner or custodian must present to Animal Control proof of public liability insurance with coverage of no less than \$50,000 per each occurrence of bodily injury or damage to property resulting from owning, keeping, or maintaining of said potentially dangerous dog.
- E. *Requirements.* Upon determination by the Director that a dog is potentially dangerous, the Director or an Animal Control Officer may require any or all, of the following:
1. keeping the potentially dangerous dog in its own enclosure;
 2. if the dog is kept outside, a portion of the owner's or custodian's property shall be fenced with a perimeter or area fence. Within this perimeter fence, the dog shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area of perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; and the sides must either

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

Page 14 of 22

- be buried two (2) 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. when on the owner or custodian's property and outside of its enclosure, a potentially dangerous dog shall be attended by the owner or custodian and restrained by a secure collar and leash of sufficient strength to prevent escape;
 4. the owner(s) or custodian(s) of any potentially dangerous dog shall display in a prominent place on their properties and at each entrance and exit to the area where such dog is confined, a sign easily readable by the public that reads "DANGEROUS ANIMAL" or "BEWARE OF DOG";
 5. except when being humanely and securely confined during transport in a vehicle, no potentially dangerous dog shall be permitted off the property of its owner or custodian unless it is:
 - a. attended by its owner or custodian;
 - b. humanely restrained by a secure collar and leash (not to exceed six (6) feet in length), both the collar and leash must be of sufficient strength to prevent escape, and all have been approved by Animal Control; and
 - c. humanely muzzled sufficient to prevent biting persons or domestic animals. The muzzle must be approved by Animal Control;
 6. microchipping and, neutering or spaying the potentially dangerous dog at the owner or custodian's expense;
- F. Ownership or custody of a potentially dangerous dog shall not be transferred without prior notification and approval by Animal Control;
- G. *Penalty.* Failure to comply with any condition outlined in this section is a civil offense and punishable by a fine not to exceed or \$1000. At the discretion of St. Mary's County Animal Control violations of this section may also result in the seizure of the potentially dangerous dog.
- H. *Potentially Dangerous Dog at Large.* An Animal Control Officer is authorized whenever possible to seize any potentially dangerous dog found to be running at large. When not able to capture the dog, and when all other reasonable options have been exhausted, an Animal Control Officer or Law Enforcement Officer is authorized to use the most reasonably available humane method to kill the dog.

Subject: **Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations***

Page 15 of 22

- I. *Dangerous Dog.* If the dog becomes a dangerous dog, then Animal Control may impose any requirement under subsection E, as well as require the dog be humanely euthanized at the sole cost and expense of the owner or custodian.
- J. *Wild Dogs.* Any law enforcement officer or Animal Control Officer is authorized to use the most human method to subdue or, if necessary, end the life of any destructive and harmful dog that is known to be living in St. Mary's County in a wild state. There shall be no liability on such law enforcement officers or Animal Control Officers for damages or otherwise for injuring or ending the life of such a dog as permitted by this Chapter.
- K. If a violation of this section is also a violation of Title 10 Subtitle 6 of Criminal Law Article the *Annotated Code of Maryland*, nothing in this section shall be construed to lessen any criminal penalties available under that Subtitle.

§ 212-11. INTERFERENCE WITH OFFICIAL

- A. No person shall hinder or obstruct the Director or an Animal Control Officer in the performance of his or her duties pursuant to this Chapter.
- B. No person shall remove an animal from a trap, remove a trap, or activate a trap set by an Animal Control Officer.
- C. *Penalty.* A violation of this section is a civil offense and punishable by a fine not to exceed \$250.

§ 212-12. VACCINATIONS – DOMESTIC DOGS, CATS, AND FERRETS

- A. Each person who owns a domestic dog, cat, or ferret that is four (4) months old or older shall have the dog, cat, or ferret vaccinated adequately against rabies.
- B. A dog, cat, or ferret may not be registered or licensed unless the owner submits, with the application for registration or license, proof that the dog, cat, or ferret has been vaccinated adequately against rabies.
- C. The St. Mary's County Health Department shall determine the proof of vaccination that is acceptable.
- D. Rabies vaccination must be administered by a licensed veterinarian.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, Establishing Animal Control Regulations

E. *Penalty.* A violation of this section is a civil offense and punishable by a fine not to exceed \$250.

§ 212-13. RESERVED.

§ 212.14. ADMINISTRATION AND ENFORCEMENT

- A. The Director and Animal Control Officers may administer and enforce the provisions of this Chapter, Title 6 of the Local Government Article, §§ 21-1101(c) and 21-1004.1 of the Transportation Article, § 19-105 of the Business Regulation Article, and Subtitle 6 of Title 10 of the Criminal Law Article of the *Annotated Code of Maryland*, this includes the authority to issue civil citations.
- B. The Director and Animal Control Officers may exercise the following powers in administering and enforcing this Chapter and related laws:
 - 1. Impound a domestic animal whose owner or custodian is in violation of this Chapter and transport any such animal to the Animal Adoption and Resource Center or to such other facilities as may be necessary;
 - 2. set traps and employ devices to impound a domestic animal at large;
 - 3. obtain veterinary treatment for injured or diseased impounded animals that may be reasonably expected to benefit from treatment;
 - 4. euthanize injured or diseased impounded animals that may not reasonably be expected to benefit from treatment; and
 - 5. conduct public information programs.
- C. Animal Control Officers shall make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal, by reviewing reports of lost domestic animals, carefully inspecting the animal for a tag, tattoo, microchip or other identification to ascertain the owner, and coordinating and posting an impoundment notice on the residence of any person believed to be the owner or custodian of the impounded animal.
- D. The Director and Animal Control Officers may perform such other duties with respect to animals as may be:

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations*

1. required to maintain public safety;
2. appropriate to assist members of the public in the removal of animals from a residence or business; or
3. assigned by the Commissioners of St. Mary's County.

§ 212-15 **RESERVED.**

§ 212-16 **RESERVED.**

§ 212.17. DOG LICENSING AND FEES

- A. St. Mary's County Dog Licenses shall be obtained by application through the Animal Control Division or the Animal Adoption and Resource Center.
- B. The license fee shall be set by the County Commissioners each year.
- C. It shall be unlawful for any person or business entity to own, keep, or harbor a dog four (4) months old, or older, without a current St. Mary's County dog license.
- D. Owners of governmental service dogs or certified service dogs that are trained to assist the physically disabled shall not be required to pay the licensing fee but shall be required to obtain and display the license.
- E. Animal shelters operated by chartered humane organizations or the Commissioners of St. Mary's County for the purpose of housing stray, abandoned, sick, or injured animals shall be exempt from licensing a dog prior to the dog's adoption or return its owner.
- F. Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a licensed veterinarian certifying that the dog is currently vaccinated against rabies.
- G. License certificates shall include an issue date and an expiration date; the owner's name and address; the owner's home or mobile telephone number; the dog's sex, breed, age, color, and markings; rabies vaccination date and rabies tag number; and dog's name.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations*

Page 18 of 22

- H. A license tag shall be issued with the license certificate. The dog shall always wear this tag, except when confined in a kennel or when participating in a competition where such displays are prohibited.
- I. No person shall use any license for any dog other than for the dog for which it was issued.
- J. The license certificate shall be made available upon request by any health officer, public safety officer, Animal Control Officer, or any of their agents.
- K. *Penalty.* A violation of this section is a civil offense and punishment by a fine not to exceed \$250.00.

§ 212.18. COMMERCIAL ANIMAL ESTABLISHMENT LICENSING.

- A. No person, partnership, or corporation shall operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this subsection.
- B. License applications shall be accompanied by written verification from St. Mary's County Government that the applicant complies with the St. Mary's County Zoning Chapter, as amended from time to time.
- C. An applicant must apply through the Animal Control Division for inspection prior to the opening of business.
- D. No fee shall be required of any government-operated zoological park.
- E. All animals offered for sale by a Commercial Animal Establishment must be examined by a Maryland licensed veterinarian within the last three (3) months prior to sale.
- F. Any animal under veterinarian treatment shall not be offered for sale without written release from the veterinarian.
- G. 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 in writing prior to sale.
- H. *Records.* For any dog presented for sale, the Commercial Animal Establishment must:

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the *Code of St. Mary's County, Maryland, Establishing Animal Control Regulations*

Page 19 of 22

1. maintain records for one (1) year from the date of acquiring the animal. Records shall contain the following but are not limited to:
 - a. animal description, including breed, sex, color, and age;
 - b. the origin of purchase, including the supplier and date of receipt; and
 - c. medical records and any required treatment program.
 2. for each license issued, submit to Animal Control prior to the close of business on December 15th each year:
 - a. name of the licensee
 - b. address of the licensee
 - c. number of dogs maintained by the licensee; and
 - d. number of puppies sold by the licensee in the preceding year.
- I. Every Commercial Animal Establishment regulated by these Ordinances shall be considered a separate enterprise requiring an individual license.
- J. 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.
- K. The license fee shall be set yearly by the County Commissioners.
- L. Every Commercial Animal Establishment must undergo a bi-annual inspection by the Animal Control Division.
- M. *Penalty.* A violation of this section shall be a civil offense and punishable by a fine not to exceed \$1000.00.

§ 212.20. IMPOUNDMENT, REDEMPTION, AND ADOPTION

- A. Any domestic animal observed in violation of this Chapter or related law shall be immediately and humanely impounded and housed at the St. Mary's County Animal Adoption and Resource Center or other facility as needed at the sole expense and cost of the owner or custodian. Such expenses and costs include, but are not limited to:

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

1. boarding,
 2. feeding,
 3. transportation,
 4. veterinary care, and
 5. legal fees, if necessary.
- B. In addition to, or in lieu of, impounding an animal, the Animal Control Officer may issue to the known owner or custodian a notice of violation.
- C. Impounded animals shall be kept for not less than three (3) working days unless said animal is contagiously ill or severely injured.
- D. An owner reclaiming an impounded animal shall pay the fees established by the St. Mary's County Animal Adoption and Resource Center to include the cost of micro-chipping.
1. The fees for subsequent impounds occurring within twelve (12) months shall be doubled.
 2. Upon the third impoundment within twelve (12) months, the animal shall remain at the St. Mary's County Animal Adoption and Resource Center until the owner or custodian appears before the Director. The Director shall determine the necessary means to address the violations and levy fines and fees.
- E. In addition to paying the established fees, an owner or custodian reclaiming an impounded animal shall show proof of a current rabies vaccination.
- F. If owner is a Commercial Animal Establishment, proof of paid license fees is required to comply with § 212-19 of this Chapter and other expenses incurred by the Commissioners of St. Mary's County in caring for the impounded animal.
- G. Except as otherwise provided in this Chapter, any animal impounded and not redeemed by its owner within three (3) working days following notice of impoundment shall be deemed abandoned. The animal shall become the property of the Commissioners of St. Mary's County. Animal Control may place for adoption or euthanize the animal in accordance with Maryland law and St. Mary's County Animal Adoption and Resource Center policy.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

Page 21 of 22

- H. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults or at a specified date in the contract for puppies and kittens. A deposit established by the St. Mary's County Animal Adoption and Resource Center shall be paid at the time of adoption and refunded once proof of sterilization is presented.
- I. Any animal considered by the St. Mary's County Animal Adoption and Resource Center to be unhealthy, dangerous, vicious, or otherwise unsafe shall not be placed for adoption.
- J. The St. Mary's County Animal Adoption and Resource Center may deny applications for adoption as provided by St. Mary's County Animal Adoption and Resource Center policy and procedure.
- K. No wild animal shall be placed for adoption.
- L. No animal shall be knowingly sold or given away for use in experimentation or research.
- M. The Commissioners of St. Mary's County, its employees, or agents shall not be liable for any damage to person or property caused by an animal adopted or reclaimed from the St. Mary's County Animal Adoption and Resource Center.

§ 212-21. FEEDING CATS IN PARKS.

No person shall feed any cat located in any park owned or operated by the Commissioners of St. Mary's County.

§ 212-22. FEMALE IN SEASON.

- A. Every domestic female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that the female dog or cat cannot encounter an unneutered male of the same species except for planned breeding. This excludes normal waste elimination while under physical restraint and direct supervision on the owner or custodian's property.
- B. *Penalty.* Violations of this section are a civil offense punishable by fine not to exceed \$250.

Subject: Public Safety - To Repeal and Re-enact Chapter 212 of the Code of St. Mary's County, Maryland, Establishing Animal Control Regulations

§ 212-23. CONSTRUCTION.

No provision in this Chapter shall be construed to permit or authorize any act or omission, including entry onto real property or seizure of property without such authorization as may be required by law, which act or omission would constitute a violation of a person's legal or constitutional rights by any elected official or agent or employee of the Commissioners of St. Mary's County, or any other person acting under color of law. In this Chapter, a singular term shall be construed to include the plural and plural terms to include the singular. All civil citations issued pursuant to this Chapter are payable in an amount set by the St. Mary's County Animal Control fee schedule as indicated on the citation without the need to appear in Court. Anyone desiring to challenge a citation may do so in Court. In Court, the maximum penalty detailed in the section may apply.

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____
Those voting Nay: _____
Those Abstaining: _____
Date of Adoption: _____
Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

David A. Weiskopf
County Administrator

James R. Guy, Commissioner President

Michale R. Alderson, Jr., Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Eric S. Colvin, Commissioner

Buffy Giddens
County Attorney

Mike Hewitt, Commissioner

Scott R. Ostrow, Commissioner