

COUNTY ORDINANCE NO. 24-08

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne's County Animal Control Ordinance, Chapter 9 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of revising and updating the Animal Control Ordinance in Queen Anne's County, Chapter 9 of the Code of Public Local Laws; and dealing generally with Animal Control in Queen Anne's County;

BY REPEALING AND READOPTING Chapter 9 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 9 of the Code of Public Local Laws be and is hereby REPEALED and a new Chapter 9 as set forth on the attached Exhibit A be and is hereby ADOPTED.

SECTION II

BE IT FURTHER ENACTED that this Ordinance will take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Jack Wilson

DATE: February 27, 2024

PUBLIC HEARING HELD: March 26, 2024 @ 6:05

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: April 9, 2024

Exhibit B

Chapter 9 Animal Control Code

Queen Annes County, MD / Part III: Local Regulations / Animal Control

Article I Definitions; Purpose

§ 9-1 Terms defined.

In general, in this chapter, the following words have the meanings indicated.

ANIMAL

Any nonhuman species, whether domestic or wild, excluding insects and plants.

ANIMAL FIGHT

Any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

ANIMAL/VETERINARY HOSPITAL

An establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, diagnosis, prevention, and treatment of diseases and injuries to animals.

BREEDER

A person who breeds or raises dogs or cats to sell, exchange, or otherwise transfer to the public.

COMMERCIAL ANIMAL ESTABLISHMENT

See § 9-13 of this chapter.

COMMUNITY CAT

A free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.

[Added 2-8-2022 by Ord. No. 21-11]

COMMUNITY CAT CAREGIVER

A person who, in accordance with a good faith effort to conduct trap-neuter-return, provides care. This care includes providing food, shelter, or medical care for a community cat. However, community cat caregivers are not the owner, custodian, harbinger, controller, or keeper of a community cat.

[Added 2-8-2022 by Ord. No. 21-11]

COMPLAINANT

A person who makes a complaint in a legal or administrative action or proceeding under this Chapter.

CRUELTY or NEGLECTFUL ACT

Any act that would constitute a violation of § 9-21 of this chapter.

CUSTODIAN

A person who provides food, shelter, and care for an animal in the absence of the owner.

DANGEROUS ANIMAL

See § 9-20 of this chapter.

DOMESTIC ANIMAL

An animal of a species that has been bred and raised to live in or about the habitation of humans, is dependent on humans for food and shelter, is kept for pleasure rather than utility, and includes a bird, cat, dog, fish, hamster, ferret, mouse, reptile, and any other animals associated with human environment.

DOMESTICATED LIVESTOCK

Livestock kept, wholly or in part, as a companion animal, as opposed to those kept solely for their production value as food or fiber.

EARTIPPING

The removal of the 1/4-inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

[Added 2-8-2022 by Ord. No. 21-11]

EUTHANIZE

To put an animal to death humanely.

FERAL ANIMAL

Domesticated animal and it's descendants that live in the wild.~~returned to the wild and descendants of such animals.~~

[Amended 2-8-2022 by Ord. No. 21-11]

GUARD DOG

A dog that is trained specifically and/or used lawfully to protect a person, place or property.

HUMANE SOCIETY, ANIMAL RESCUE, or SIMILAR ORGANIZATION

A chartered organization that is operating as a tax-exempt organization in good standing pursuant to the provisions of § 501(c)(3) of the United States Internal Revenue Code.

IMPOUND

To confine and secure at a location determined by an Animal Control Officer.

INADVERTENT

~~Unintentional or happening by chance.~~

LIVESTOCK

An animal kept, raised, used, or intended for use as food or fiber, or used solely as a work or pack animal.

MALICIOUS

~~Having or showing intent to cause harm.~~

OWNER

A person or legal entity that has a superior possessory property right in an animal. A community cat caregiver shall not be considered the owner of a community cat.

~~[Amended 2-8-2022 by Ord. No. 21-11]~~

RESPONDENT

A person against whom a complaint is filed under this chapter, including the owner or custodian of an animal that is the subject of a complaint.

SEIZURE

An exercise of control that results in substantial interference with an individual's possessory interest in the property seized.

SERIOUS PHYSICAL INJURY

An injury that creates a substantial risk of or that causes death, significant disfigurement, impairment of health or serious loss and/or impairment of the function of any bodily organ. ~~Under the provisions of § 9-20A(1) of this chapter, such injury includes a wound that punctures the skin.~~

STRAY

A domestic animal, domesticated livestock, or livestock for which ownership has not been established. ~~by duly authorized Animal Control personnel.~~

TRAP-NEUTER-RETURN

The nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

~~[Added 2-8-2022 by Ord. No. 21-11]~~

WILD ANIMAL

An animal that is not included in the definition of "domesticated livestock," "domestic animal," or "livestock," and includes any offspring of wild animals crossbred with domestic animals.

§ 9-2 Purpose.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

The County Commissioners enact this chapter to provide for the safety of the public and the humane care and treatment of animals, and to encourage responsible pet ownership. Animal control functions shall be provided under the direction of the ~~Department of~~ Animal Control Office of Queen Anne's County, as provided in § 9-9 of

this chapter. Animal services shall be provided by and under the direction of the Animal Services Center of Queen Anne's County, as provided in § 9-11 of this chapter.

Queen Annes County, MD / Part III: Local Regulations / Animal Control

Article II Animal Control Commission, Animal Control ~~Department~~Office, Animal Services Center; Administration

§ 9-3 Establishment of Commission.

The Animal Control Commission for Queen Anne's County ("the Commission") shall exercise such powers and perform such functions as specifically provided in this chapter. Additionally, the Commission shall advise the County Commissioners on all questions of general policy relating to animal control in the County, and, when appropriate, shall bring matters of public interest within its jurisdiction to the attention of the County Administrator.

§ 9-4 Membership.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

- A. Appointment. The County Commissioners shall appoint seven individuals to serve as members of the Commission. One nonvoting member shall be the ~~Director of Environmental Health~~County Health Officer or his/her designee, and one nonvoting member shall be the Director of Emergency Services for Queen Anne's County or his/her designee. The other members shall be voting members of the general public. ~~These membership requirements may be phased in as the terms of members serving on the date of adoption of these requirements shall expire.~~
- B. Terms. The County Commissioners shall set the term of each member of the Commission. Terms may be staggered, and all terms need not be of equal duration.
- C. Compensation and expenses. Compensation for services and reimbursement for expenses of Commission members is at the discretion of the County Commissioners in accordance with the current fiscal budget.
 - ~~(1) Members of the Commission may not receive remuneration for their service.~~
 - ~~(2) The County Commissioners may reimburse members of the Commission for expenses in accordance with the current fiscal budget.~~

~~(3) Removal. The County Commissioners may, with or without cause, remove a member of the Commission prior to the expiration of the member's term.~~

§ 9-5 Officers; ~~secretary.~~

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

A. Election. At the first regular meeting of each calendar year, and at any time during the year when a vacancy occurs, the Commission shall elect a Chairperson, Vice Chairperson, and Secretary, each of whom will serve until the first regular meeting of the following year or until a successor is elected. Officers may be re-elected, and there are no term limits.

B. Chairperson; ~~Vice Chairperson.~~ The members of the ~~Animal Control~~ Commission shall designate one member to serve as Chairperson, ~~of the Animal Control Commission~~ subject to the approval of the County Commissioners of Queen Anne's County.

A.C. ~~Vice Chairperson.~~ The members of the Commission shall also designate one member to serve as Vice Chairperson.

B.D. ~~Secretary.~~ The Commission may appoint an individual other than a Commission member to serve as a nonvoting, recording secretary.

§ 9-6 Meetings; office facilities.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

A. Meetings, in general. The Commission shall meet at the call of the Chairperson or on the request of two voting members.

B. Quorum. A quorum shall consist of three voting members.

C. Missed meetings. The Chairperson shall notify the County Commissioners if a member of the Commission misses three regularly scheduled meetings during a calendar year.

D. Office facilities and; supplies. The County Commissioners may provide the Commission with office space, supplies, and equipment as may be required by the Commission in accordance with the current fiscal budget.

§ 9-7 Legislative recommendations; regulations; fees and fines.

- A. Legislative recommendations. The Commission shall recommend to the County Commissioners changes in this chapter, as the Commission may deem appropriate.
- B. Regulations. The Commission shall develop and periodically update, ~~as the Commission may deem appropriate,~~ a comprehensive set of regulations ~~necessary or appropriate~~ to implement, administer, and enforce the provisions and purpose of this chapter, ~~which.~~ ~~Such regulations~~ shall have the force and effect of law.
- C. Fees ~~and structure~~; fines.
- (1) The Commission shall ~~promulgate and maintain~~ establish and adopt a schedule of fees to be imposed under this chapter for County dog, cat, and ferret animal registration and licensing of commercial animal establishments.
 - (2) The Animal Services Center shall ~~promulgate, establish and~~ publish, ~~and maintain~~ a schedule of fees for all services provided by it, including but not limited to fees for transfer, reapplication, redemption, adoption, board, and other fees or charges authorized or required by this chapter.
 - (3) The Commission shall establish and adopt a schedule of pre-set fines which shall be imposed for violations of this chapter.
 - (4) Fees and pre-set fines established under this chapter may be evaluated and adjusted ~~on an annual basis~~ as necessary by the Commission and the Animal Services Center.

~~(5)~~

§ 9-8 Public hearings.

- A. In general.
- (1) On a written complaint of a citizen, the Commission may conduct a public hearing to determine whether a violation of this chapter has occurred. The Commission may set conditions to correct the violation and order the violator to abide by those conditions within a prescribed time limit. The Commission may provide for any disposition of any animal, including euthanasia, as provided in this chapter.
 - (2) The Commission may conduct hearings on whether an animal shall be deemed a dangerous animal under the provisions of this chapter. On finding that an animal is dangerous, the Commission may set any reasonable conditions or restrictions on release of the animal or order the animal euthanized.

(3) On a written complaint At the request of an Animal Control Officer or a member of the Commission, the Commission ~~shall~~may conduct a public hearing to determine whether a person has complied with an order of the Commission. If the Commission determines that the respondent has not complied with an order of the Commission, the Commission may impose a fine or other appropriate remedy, as provided in this chapter.

(3)(4) It shall be unlawful for any person to fail to comply with a decision, order, or directive of the Commission.

B. Notice. Except in the case of a Dangerous Animal hearing under § 9-20 of this chapter

(1) The Commission shall give written notice to the respondent of a complaint by either personal delivery or certified mail, restricted delivery, return receipt requested. The notice shall be mailed to the respondent at least 10 days prior to the public hearing regarding the alleged violation. The notice shall contain the nature of the complaint and the, time, date, and place of the hearing.

(2) The Commission shall notify the complainant, by first class mail, of the time, date, and place of the hearing.

C. Right to Counsel. A person shall have the right to retain their own counsel at their own cost for any matter before the Commission.

G.D. Subpoena power. The Commission may issue a subpoena for the attendance of a witness or the production of documents at a Commission hearing.

E. Evidence.

(1) Prior to the hearing, parties shall supply all evidence to the Commission and the other parties.

(2) The Commission may consider all relevant evidence without regard to any formal rules of evidence.

D.F. Decisions.

(1) The Commission shall render a decision within ~~three working~~ 15 calendar days after the conclusion of any public hearing.

(2) If the Commission finds that a violation did not occur, the Commission shall dismiss the complaint.

E.G. Costs. Any costs incurred by the respondent in order to comply with the Commission's rulings are the sole responsibility of the respondent.

H. Reconsideration, and Judicial review.

~~(1) A decision of the Commission authorized under this chapter is final. Reconsideration. Reconsideration of a decision may be made by request filed with the Commission by the complainant, respondent, or by the Commission on its own motion within 10 days of the decision.~~

~~(2)~~

~~F.—Judicial Review. Any appeal must be noted to The decision is subject to review only by the Circuit Court for Queen Anne's County within 30 days of the date of the decision in accordance with the Maryland Rules of Procedure upon a timely appeal by a person aggrieved by the decision filed in accordance with the Maryland Code of Rules.~~

§ 9-9 Manager of Animal Control Office.

[Amended 5-26-2015 by Ord. No. 15-01]

~~A. The Manager of Animal Control (the "Manager") shall be appointed by the County Commissioners of Queen Anne's County and shall administer any laws and regulations pertaining to animal control in the County.~~

~~B. The Manager, as well as any Animal Control Officer, shall operate under the authority and oversight of the County Commissioners of Queen Anne's County Office.~~

A. Animal Control Office.

~~(1) The Animal Control Office is hereby established.~~

~~(2) The Animal Control Office should be placed within the authority of a County department at the direction of the County Commissioners.~~

~~(3) The Director of the department may designate an individual or individuals to fulfill any and all requirements to manage the Animal Control Office under this chapter.~~

C.B. The Manager is the Chief Animal Control Officer charged with the following duties:

~~(1) Is the Chief Animal Control Officer; and~~

~~(1) Shall serve as an aAdvisor. The manager shall serve as a non-voting member of, and advisor to, to the Animal Control Commission;~~

~~(2)-~~

~~(2) Operational responsibility. The Manager has operational responsibility for carrying out duties prescribed in this chapter and enforcing its provisions, as well as regulations duly promulgated by the Commission, including (but not necessarily limited to) provisions concerning public safety, public nuisances, prevention, cruelty to animals, and minimum standards for animal care;~~

~~D.~~

~~(3)~~ Patrols; complaint investigations. The Manager shall implement a program of patrols and response to citizen complaints for the purpose of enforcing this chapter and Maryland State Law regarding animal control;

~~E.~~

~~(4)~~ Emergencies. The Manager shall provide a twenty-four-hour, seven-day-a-week animal emergency service to respond to any complaint concerning matters deemed an emergency by the Manager;

~~F.~~

~~(5)~~ Inspection of animal establishments. The Manager shall implement a program of inspections of all animal establishments required to have a license under this chapter.

~~G.~~

~~(6)~~ Recordkeeping. The Manager or the Manager's designee is responsible for maintaining accurate records of licenses, impoundments, dispositions, animal bites, and all enforcement actions taken by Animal Control Officers.

~~H.~~

~~(7)~~ Public information. The Manager shall make available to the general public information concerning the enforcement of this chapter as it pertains to animal control.

§ 9-10 Animal Control Officers.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

- A. Authority, in general. Animal Control Officers employed by the County Commissioners are authorized to exercise the authority necessary to enforce the provisions of this chapter and Maryland State Law relating to animal control.
- B. ~~Seizure/Impoundment/seizure~~. Animal Control Officers ~~shall~~may:
- ~~(1)~~ ~~H~~umanely ~~seize/impound/seize~~ an observed animal whose owner or custodian is in violation of this chapter and/or provisions of the Maryland Annotated Code relating to animal control, including impoundment/seizure from private or public property in accordance with Subsection ~~J.~~ of this section; or
- ~~(2)~~ ~~Impound an injured domestic animal found on a road or public land in the County or on private property if the owner of the property is not the owner or custodian of the animal.~~
- C. Notice. An Animal Control Officer shall, in coordination with Animal Services Center, make a prompt and reasonable effort to locate and notify the owner or

custodian of an seized or impounded animal. ~~The effort shall include coordination with the Animal Services Center staff.~~

- D. Citations. An Animal Control Officer may issue a citation to the owner or custodian of an animal when the animal is observed in violation of this chapter, ~~or Maryland State Law relating to animal control.~~
- E. Emergency assistance.
- (1) An Animal Control Officer shall promptly respond to administer emergency assistance, first aid, or qualified medical assistance to an injured or diseased stray animal that comes into the custody of the County without the consent of the owner or custodian of the animal.
 - (2) In carrying out Subsection E. (1) of this section, the Animal Control Officer administering assistance, Queen Anne's County, or any of its employees or agents, may not be held liable for acts committed or omitted while rendering assistance, unless the act or omission constitutes gross negligence or malice.
- F. Animal bite investigations. An Animal Control Officer may conduct investigations according to ~~Officedepartment~~ policy or assist the Department of Environmental Health in the investigation of animal bites concerning potential rabies exposures.
- G. Animals at large; discharge on property of others; ~~dangerous animals~~; public nuisance animals; dangerous animals. See § 9-17 through § 9-20 of this chapter.
- H. Inspection of commercial animal establishments. An Animal Control Officer shall conduct preclicensing and/or renewal inspections and may conduct random, unannounced inspections of commercial animal establishments as provided in this chapter or regulations adopted pursuant to this chapter.
- I. Enforcement actions.
- (1) If the owner or custodian of an animal is in violation of any requirements that the Commission establishes, an Animal Control Officer may order the violation immediately corrected and cite the owner or custodian for the violation.
 - (2) Subject to Subsection I. (3) of this section, an Animal Control Officer may initiate a complaint or other form of enforcement of this chapter or Maryland State Law.
 - (3) Before an Animal Control Officer files a complaint in a court of competent jurisdiction or before the Commission, the Animal Control Officer shall have probable cause to believe that a violation of this chapter or Maryland State Law has taken place.
- J. Access to private property. An Animal Control Officer may enter upon private property to verify compliance with orders of the Animal Control Commission and/or to investigate any observed or reported violations of this chapter and or

Maryland State Law. This access is limited to unenclosed places and structures which are open and the interior of which is readily visible to the Animal Control Officer.

§ 9-11 Animal Services Center.

- A. An Animal Services Center may be operated by the County Commissioners of Queen Anne's County or by a qualified organization operating under and in accordance with the terms of a contract with the County Commissioners.
- B. Scope of duties.

- (1) Stray and unwanted animals.

- (a) The Animal Services Center shall receive stray and unwanted domestic animals regardless of their medical condition.

- ~~(b) Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the center may be immediately euthanized.~~

- ~~(e)(b)~~ (b) The Animal Services Center shall make a prompt and reasonable effort to locate and notify owners of stray animals.

- ~~(d)(c)~~ (c) This section shall not apply to community cats. Community cats may be accepted by Animal Services Center if the ~~feral~~ cat is:

[Added 2-8-2022 by Ord. No. 21-11]

- [1] Under four months of age,

- [2] Severely injured and requires medical intervention, or,

- [3] Part of a TNR program.

- (2) Return of identified animals. The Animal Services Center shall ascertain the identity of the owner of an impounded animal and, as a precondition of release, may require the payment of all charges for the care, board, veterinary treatment, and any unpaid license registration and/or microchip fees from the animal's owner or custodian.

- (3) Animal adoption. The Animal Services Center shall place for adoption unredeemed or unwanted animals in accordance with the regulations established under this chapter and Maryland State Law.

- (4) Humane treatment. The Animal Services Center shall provide humane treatment for all animals under its care.

- (5) Standards of care. The Animal Services Center shall maintain and adhere to comprehensive procedures, as provided in regulations duly promulgated by the Commission, prescribing standards for the humane operation of the center, including standards for the housing, feeding, care,

veterinary treatment, adoption, quarantine, and euthanasia of animals in the facility pursuant to this chapter and Maryland State Law.

(6) Veterinary care.

(a) The Animal Services Center shall provide for necessary and appropriate veterinary care of ~~injured or sick~~ animals in the custody of the Animal Services Center.

~~(b)~~ Veterinary care of ~~injured or sick~~ animals may be rendered without the consent of the owner or custodian.

~~(b)~~(c) Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the Center may be immediately euthanized.

~~(e)~~(d) Animal Control Officers and the Animal Services Center staff and its agents are not liable for acts committed or omitted in rendering care under this subsection.

(7) Posting of ~~charges~~fees. The Animal Services Center shall post, in a conspicuous place, a schedule of ~~charges~~fees for the housing, care, treatment, adoption, and redemption of animals that are in the custody of the center.

(8) Records.

(a) The Animal Services Center shall keep records of impoundments, veterinary treatment, disposition of animals, and other activities for a period of three years after such records are initiated.

(b) Animal records shall be complete and accurate as to the breed, sex, color, condition, how, when, and where the animal was obtained, and any identification the animal may have been wearing.

(9) Unwanted animals. The Animal Services Center may humanely euthanize unredeemed and unwanted animals in accordance with the provisions of this chapter and Maryland State Law.

Queen Annes County, MD / Part III: Local Regulations / Animal Control

Article III Registration; Commercial Animal Establishment License; and Animal Care

§ 9-12 Animal registration.

A. Registration required.

- (1) A person may not own, keep, or harbor a dog, cat, or ferret four months old or older without a current Queen Anne's County registration.
- (2) Registration is permanent and remains with the animal for life.
- (3) Registration may not be transferred from one animal to another animal.
- (4) A person found in violation of civil or criminal animal cruelty charges by a court of law or in violation of §9-21 by the Commission may not register an animal in Queen Anne's County for three years from the date of violation. On conviction of subsequent offenses, registration must be approved by the Commission.
- (5) Community cats shall be exempt from this section.

[Added 2-8-2022 by Ord. No. 21-11]

B. Place of registration. Registrations shall be sold through the Animal Services Center, ~~the Office of Animal Control~~, or any location designated by the County Commissioners.

C. Rabies certificate required. Before a registration shall be issued, the owner or custodian shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog, cat, or ferret is currently vaccinated against rabies.

~~C-D.~~ Microchip required. Before a registration may be issued, animals shall have an implanted microchip. The Commission may, under appropriate circumstances, waive the microchip requirement.

~~D-E.~~ Registration information required. A registration shall include the following:

- (1) Date of issuance;
- (2) Owner's name, address, and ~~home and work~~ telephone numbers;
- (3) Name, breed, color, and sex of the animal;
- (4) Rabies vaccination and expiration date;
- (5) Rabies tag number;
- (6) Microchip number;
- ~~(6)~~(7) Photo of the animal, and
- ~~(7)~~(8) Name of the issuing party.

~~E-F.~~ Tag. A registration tag shall be issued with the registration certificate. ~~†~~ In the event that the microchip requirement has been waived by the Commission, tags shall be worn by dogs at all times, except when participating in a competition where such displays are prohibited, when hunting, or while undergoing organized training. Tags shall be worn on a collar or harness around the dog's neck or body and be easily visible. Owners and custodians of dogs,

cats, and ferrets must retain possession of tags and certificates of registration for the life of the registered animals or until such animals are transferred to another owner or custodian.

F.G. Inspections. The registration certificate shall be made available for inspection, upon request, by an Animal Control Officer, Environmental Health Officer, or any law enforcement officer.

G.H. Registration replacement. If a registration certificate and/or tag is lost, the owner or custodian may obtain a duplicate registration certificate and/or tag.

H.I. Change in dog, cat, or ferret ownership. If the ownership of a dog, cat, or ferret changes, the new owner may obtain a transfer registration if the dog, cat, or ferret has a valid Queen Anne's County animal registration and a current rabies vaccination at the time of transfer of ownership.

I.J. Registration ~~records~~information. The Animal Services Center shall provide all registration information generated under this section to the Director Animal Control Office, Environmental Health Department, and the Animal Control Commission and to any Animal Control Officer as may be requested~~required~~.⁽¹⁾

[4]

Editor's Note: Former Subsection J, which immediately followed and required the registration of feral animal colonies, was repealed 2-8-2022 by Ord. No. 21-11.

§ 9-13 Licensing of commercial animal establishments.

[Amended 5-26-2015 by Ord. No. 15-01]

A. A "eCommercial aAnimal eEstablishment" is any business whose primary or secondary purpose is the sale, transfer, or conveyance of any animal or animal service for money, except animals or services deemed livestock or domestic livestock under this chapter. Commercial aAnimal eEstablishments include, without limitation: an enterprise engaged in sale of animals; a breeder; a humane society, animal rescue, or similar organization; a pet shop; a petting zoo; a grooming shop; a mobile grooming establishment; an auction; a zoological park; a circus; a performing animal exhibition; a boarding or breeding kennel; or an establishment with the purpose of selling, training, or leasing guard dogs.

B. License required; ~~zoning approval~~.

(1) ~~Commercial Animal Establishments may not be operated without obtaining a license. Licenses must be renewed annually. A person may not operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this section.~~

- ~~(2) Written application for a commercial animal establishment license shall be made to the Animal Control Commission.~~
- ~~(3) License applications must be accompanied by the license fee and written verification from Queen Anne's County Planning and Zoning that the applicant complies with applicable zoning and use regulations.~~
- C.(2) Exemptions to license requirements. Any facility owned or operated by a government agency or entity shall be exempt from Commercial Animal Establishment license requirements.
- ~~(1) Zoological parks. A zoological park owned and operated by any government agency is not required to obtain a license.~~
- ~~(2) Tax-exempt organizations. An organization that has been approved for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code is not required to obtain a license.~~

D.C. Licensing procedure.

- ~~(1) An Animal Control Officer shall inspect the facility prior to issuing or renewing the license.~~
- ~~(2) A commercial animal establishment license shall be issued on successful completion of an inspection and payment of the applicable fee.~~
- ~~(3) Inspections. An Animal Control Officer shall be permitted to inspect at any time all animals and the premises where animals are kept, except that an Animal Control Officer may inspect a facility operated by an organization which has been approved for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code only upon a formal complaint.~~
- (1) Initial Commercial Animal Establishment License.
 - (a) Applications. Applications shall be submitted to the Animal Control Commission and include:
 - [1] Completed application form; and
 - [2] Written verification from the Queen Anne's County Department of Planning and Zoning that the application complies with zoning and land use regulations and is a permitted use, or that they do not apply to the use proposed.
 - (b) Fees. Applicable license fees as set forth in the Animal Control Regulations shall be submitted to the Animal Control Office.
 - (c) Inspection. Facility shall be inspected by an Animal Control Officer.
 - (d) Review. Application shall be reviewed by the Animal Control Commission.
 - (e) License. Upon approval, license shall be issued by the Animal Control Commission.
- (2) Renewal Commercial Animal Establishment License.

- (a) Applications. Applications shall be submitted to the Animal Control Commission.
- (b) Fees. Applicable license fees as set forth in the Animal Control Regulations shall be submitted to the Animal Control Office.
- (c) Inspection. Facility shall be inspected by an Animal Control Officer.
- (d) License. Upon approval, license shall be issued by the Animal Control Commission.

- D. Inspections. An Animal Control Officer shall be permitted to inspect, at any time and unannounced, all animals and all areas where animals are kept or have access. Failure to allow inspection may result in suspension or revocation of license.
- E. License display. A ~~Commercial~~ Animal ~~Establishment~~ license shall be displayed in a conspicuous place on the premises of the establishment.
- F. License transfer. ~~If there is a~~Upon change ~~in~~of ownership of a ~~Commercial~~ Animal ~~Establishment~~, the new owner may have the current license transferred to his/her name ~~on payment of a transfer fee and~~ upon completion of a successful inspection by an Animal Control Officer ~~and payment of a transfer fee to the Animal Control Office.~~
- G. Individual facilities. Every facility location subject to this chapter shall be considered a separate enterprise requiring an individual license.
- G-H. Previous Conviction. A person found guilty of cruelty to animals may not be issued a license to operate a commercial establishment without approval of the Commission.

§ 9-14 Suspension and revocation of license for commercial animal establishments.

- ~~A. Violation of law. The Animal Control Department may withhold or revoke a commercial animal establishment license if the person holding the license refuses or fails to comply with this chapter or any law governing the control, protection, and keeping of animals.~~
- ~~B. False information. If an applicant has withheld or falsified any information on the application, the Animal Control Department may refuse to issue or may revoke the license.~~
- ~~C. Appeals. Appeals from withheld or revoked licenses may be made to the Commission within five days after receipt of notice of such action.~~
 - ~~(1) In the event of a timely appeal of revocation of a license, the revocation will not be effective until after the next scheduled meeting of the Commission.~~

- (2) ~~In the event of an emergency situation, an Animal Control Officer may make application to the Chairperson of the Commission, who is authorized to issue a temporary cease and desist order pending a hearing at the next meeting of the Commission.~~
- D. ~~Previous conviction. A person found guilty of cruelty to animals may not be issued a license to operate a commercial animal establishment without approval of the Animal Control Commission.~~
- E. ~~Subsequent application.~~
- (1) ~~Except as provided in Subsection E above, any person who has been denied a license may reapply after a period of six months from said denial.~~
- (2) ~~Each reapplication shall be accompanied by a fee, in addition to the licensing fee, and written verification that the applicant complies with all applicable zoning and use regulations.~~
- A. Violation of law. An Animal Control Officer may apply to the Chairperson or designee of the Commission for a temporary cease and desist order against continued operation of an establishment if the Officer has reason to believe that a person holding a license for a Commercial Animal Establishment has done either of the following:
- (1) refuses or fails to comply with this chapter or any law governing the control, protection, and keeping of animals; or
- (2) has withheld or falsified any information on the application.
- B. Seizure. Upon issuance and delivery of such an order to the Commercial Animal Establishment, Animal Control Officers may immediately seize and impound animals in accordance with § 9-23 of this chapter.
- C. Hearing. The Animal Control Commission shall hold a hearing within 30 days to determine whether the license shall be suspended or revoked, or whether the cease and desist order shall be rescinded.
- D. Revocation. Licenses that have been revoked are fully terminated. Reapplication may be made following the licensing procedures set forth in § 9-13 C.(1).

§ 9-15 Standards of care.

- A. It shall be the duty of every owner of an animal, or anyone having an animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage that might result from his/her animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, ferocity, or any other motive.
- B. The Commission is empowered under § ~~9-7B~~ of this chapter to enact, ~~and~~ amend, and enforce standards of care by resolution, regulation standards, fees,

finances and schedules pursuant to this section, which shall be available to the public.

C. Minimum standards. The Commission shall develop and update a comprehensive set of regulations to be used for the enforcement of the following minimum standards. These regulations will be used by Animal Control Officers to ensure the proper and uniform enforcement of these standards.

(1) In general. An owner or custodian of an animal may not fail to provide the animal with:

- (a) Sufficient, wholesome, and nutritious food;
- (b) Potable water in sufficient quantities;
- (c) Proper air, shelter, space, light, and protection from weather;
- (d) Prompt veterinary care when needed to prevent suffering; and
- (e) Humane care and treatment.

(2) Livestock and domesticated livestock. Nothing in this section may be construed as imposing standards more stringent than normally accepted husbandry practices for such animals.

(3) ~~Open~~ vehicles. 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. Animals may not be tethered, chained, or loose in the unenclosed area of a vehicle.

(4) Extreme weather conditions. Any dog shall be brought inside a home, building or other suitable shelter within 30 minutes of the onset of extreme weather conditions which shall be defined for purpose of this provision as temperatures above 90° or below 32° Fahrenheit or during active weather warnings issued by the National Weather Service or the Queen Anne's County Department of Emergency Services.

~~[Added 6-12-2018 by Ord. No. 18-07]~~

§ 9-16 Minors who own or keep animals; parental responsibility.

The parent or guardian of a minor who owns or keeps an animal shall be responsible for ensuring compliance with the provisions of this chapter and Maryland State Law.

§ 9-17 Animals at large; ~~stray animals.~~

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

~~A. In general.~~

~~(1) No animal may be off the property of the owner or custodian without being under restraint, unless it is in a permitted or appropriate area. This shall not apply to community cats.~~

~~[Amended 2-8-2022 by Ord. No. 21-11]~~

~~a. "Under restraint" defined:~~

~~[1]— Secured by a leash/lead or under the effective control of its owner or other responsible person. "Under the effective control," as defined in this chapter, shall mean an animal must be at heel and directly beside its owner or custodian if not secured by a leash or lead; or~~

~~[2]— Within a vehicle being driven, or that is standing or parked in a manner that does not endanger the animal's health and safety.~~

~~b. Pertaining to unattended livestock or domesticated livestock, an animal is under restraint when confined within a fence or enclosure of suitable material if the fence or enclosure is capable of holding the animal within its confines.~~

~~(2) An animal accidentally at large with a person in immediate physical pursuit shall not be deemed at large. "Immediate pursuit" is defined as physically pursuing the animal at large.~~

A. Prohibited. Animals at large are prohibited.

(1) Includes any animal off the property of the owner or custodian without being under restraint.

(a) Domestic animals. Under restraint means:

[1] Secured by a leash or lead; or

[2] Under the effective control of its owner, custodian, or other responsible person (at heel and directly beside) by way of training of the animal and handler; or

[3] Within a vehicle being driven, standing, or parked in a manner that does not endanger the animal's health or safety.

(b) Unattended or domesticated livestock. Under restraint means confined within a fence or enclosure of suitable material capable of holding the animal.

(2) Does not include:

(a) An animal at large with a person in immediate pursuit.

(b) An animal that is unrestrained in a permitted or appropriate area.

(c) Community cats.

(d) An animal engaging in supervised obedience training or hunting activities in an authorized area and supervised by a competent person.

B. School and County property.

- (1) An animal may not be on school grounds on a day when school is in session without the permission of the proper authority.
- (2) If in a public recreation area, the animal must be controlled by a leash or other similar restraining device.
- (3) An animal may not be on any County property that is properly posted against such animals.

C. ~~Discovery of stray; duty to report.~~ A person who ~~finds~~observes an ~~stray~~ animal at large shall report the finding to the ~~Department of Animal Control Office.~~ A person who takes custody of an animal at large must surrender the animal to the Animal Control Office or the Animal Services Center.

D. Pursuit ~~of stray.~~ An Animal Control Officer who observes an animal at large may pursue that animal on public or private property.

~~E. Training and hunting activities. This section may not be construed to prevent supervised obedience training or hunting activities in an authorized area with animals supervised by a competent person.~~

F.E. Animal pursuing livestock, domesticated livestock, domestic animals or human beings. A person may kill any animal which he or she sees in the act of pursuing, attacking, wounding, or killing any poultry, livestock, domesticated livestock, any domestic animal, or a human being.

§ 9-18 Discharge on property of others.

- A. Private property. The owner or custodian of an animal may not allow his or her animal or any animal under his or her care to defecate or urinate on the private property of another without the consent of the owner of the property.
- B. Public property. The owner or custodian of an animal may not allow his or her animal or any animal under his or her care to defecate or urinate on public property unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all solid waste in a sanitary manner.

§ 9-19 Public nuisance animal.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

- A. ~~Defined terms~~Public nuisance animal.

(1) ~~In this section, the following words have the meanings indicated~~Includes any animal which has engaged in one or more of the following behaviors:-

PUBLIC NUISANCE

(1) An animal who:

(a) Is repeatedly at large, ~~except if the animal is a community cat;~~

[Amended 2-8-2022 by Ord. No. 21-11]

(b) Molests pedestrians or passersby;

(c) Chases vehicles or bicycles;

(d) Barks or makes other harsh noise as to disturb the quiet, comfort, or repose of members of the community as reflected by a reasonable person with normal sensitivities to noise;

(e) Defecates or urinates on private property without permission from the property owner;

(f) Molests, defaces or destroys the property of another;

(g) Does or performs any other acts which are determined by the Commission, after notice to the owner or custodian and a hearing, to be a public nuisance by virtue of being a menace acting in any manner which is injurious to the public health, welfare, or safety.

(2) ~~"Public nuisance"~~ Does not include:

(2)(a) Any activity or behavior resulting from a farm operation, including, but not limited to:

[1] Production of livestock;

[2] Pasturing;

[3] Raising of poultry and fowl;

[4] Production of eggs;

[5] Production of milk; or

[6] Production of bees and honey.

[6](b) Community cats.

~~e.B.~~ Regulation of public nuisance animal. A person who keeps any animal which is has been deemed a public nuisance under this chapter is subject to the regulations and orders set forth by the Commission.

~~d.C.~~ Seizure and impoundment of a public nuisance animal not covered under § 9-20 of this chapter.

1 Animal Control Officers are not authorized to seize and impound an animal that has engaged in the conduct defined in Subsections

~~A.(1)(d)a)(4)~~ and ~~(e5)~~ of this section, or community cats merely for being at large.

~~e-(2)~~ Animal Control Officers are authorized to seize and impound an animal if they have;

~~f. The Animal Control Officer has~~ witnessed that the animal has engaged in conduct defined in Subsection ~~A(1)(a)(1)~~ through ~~(c),(3) and (6) (f) and (g)(7)~~ of this section or if Animal Control Officers are not authorized to seize and impound community cats merely for being at large.

[Amended 2-8-2022 by Ord. No. 21-11]

The ~~the~~ owner or custodian has been charged twice found in violation within the past ~~24~~12 consecutive months for the same offense.

~~(a)-(3)~~

~~(2) The sSeized and/or impounded animals~~ shall be held and redeemed in accordance with § 9-23 at the designated sheltering facility pending the outcome of a hearing. Upon conviction, and in addition to any fines or penalties assessed, the owner or custodian shall be required to pay all expenses incurred for sheltering the animal to abate the activity.

~~(3) The Animal Control Commission shall promptly meet and adjudicate all matters involving seized animals.~~

§ 9-20 Dangerous animal.

[Amended 5-26-2015 by Ord. No. 15-01]

A. Dangerous animal defined.

(1) Includes any animal that has engaged in one or more of the following behaviorsIn this section, "dangerous animal" means:

- (a) ~~An animal that has i~~nflicted serious physical injury or death to a human without provocation;~~;~~ ~~or~~
- (b) ~~An animal that has i~~nflicted injury of any kind on a human being in more than one incident, without provocation, off the property of the owner or custodian;~~;~~ ~~or~~
- (c) ~~An animal that has k~~illed a domestic animal, domesticated livestock, or livestock off the property of the owner or custodian without provocation;~~;~~ ~~or~~
- (d) ~~An animal that has a~~ttacked and caused injury to a domestic animal, domesticated livestock, or livestock two or more times off the property of the owner or custodian, without provocation;~~;~~ or

(e) Is owned, trained, or harbored primarily or in part for the purpose of engaging in animal fighting.

(2) ~~An animal may not be deemed dangerous if a~~ Does not include an animal that has inflicted threat, injury, or damage ~~has been sustained by upon~~ any person who:

(a) ~~Who a~~ At the time was committing a willful trespass or other tort upon the premises occupied by the owner or custodian of the animal; ~~or~~

(b) ~~Who w~~ Was teasing, tormenting, abusing, or assaulting the animal; ~~or~~

(c) ~~Who h~~ Has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal; ~~or~~

(d) ~~Who w~~ Was committing or attempting to commit a crime; ~~or~~

(e) Was injured because the animal was protecting or defending its young or other animals; or

(f) Was injured because the animal was responding to its own pain or injury.

B. ~~Seizure of a~~ Procedure involving ~~potentially~~ dangerous animals.

(1) Any animal allegedly exhibiting behavior of a dangerous animal described in § 9-20 A. of this chapter may be classified as a potentially dangerous animal by the ~~Director or his designee~~ Manager and seized. ~~Within three business days~~

(1)(2) ~~As soon as practicable, the Commission shall conduct a hearing in which the owner or custodian shall appear before the Commission, which shall conduct a hearing and, b~~ Based on all evidence presented at the hearing, including the nature of the animal, the Commission shall rendermake a determination expeditiously as to whether the animal is a dangerous animal.

(2)(3) ~~If the Commission determines that the animal is a dangerous animal, the Commission may set appropriate conditions for the release of the animal to the owner or custodian, direct the animal be removed from the owner or custodian and rehomed, direct the animal be held for further evaluation, or that the animal may be euthanized.~~

(3)(4) ~~Animals seized under this section shall be held and redeemed in accordance with § 9-23. The owner or custodian of the animal is responsible for any fees incurred during the seizure.~~

C. Surrender required. A person may not refuse to surrender to an Animal Control Officer an animal that has been deemed potentially dangerous.

D. Violation uncorrectable.

- (1) If the violation cannot be immediately corrected, the animal may be impounded.
- (2) If the animal is impounded, the owner or custodian shall be notified to appear before the Commission to argue the disposition of the animal.
- ~~(3) At the request and expense of the owner or custodian, and with the approval of the Director, the impoundment may be at a veterinarian or licensed kennel of the owner or custodian's choosing. The veterinarian or kennel must be located in Queen Anne's County.~~

E. Proof of subsequent compliance. If the owner or custodian of a dangerous animal impounded for a violation of this chapter presents proof to the ~~Director~~Manager that the animal will now be kept in compliance with this chapter, the animal may be ~~released~~ redeemed in accordance with § 9-23 D.~~upon payment of all fees.~~

~~B.F.~~ Failure to respond. If the owner or custodian of a dangerous animal fails to provide proof that the animal ~~will now comply with this chapter~~will be in compliance with this chapter and all directives of the Commission, fails to appear at a hearing before the Commission, or fails to ~~redeem~~claim the animal ~~from the Animal Services Center~~ within 72 hours of notice that the animal may be redeemed from the Animal Services Center, the animal may be humanely euthanized upon approval of the Commission after a hearing.

G. Dangerous animal registration required.

- (1) Animals deemed to be dangerous by the Commission shall be registered as a dangerous animal with Animal Services prior to redemption from impoundment, or within 5 days of the Commission's decision if the animal is not impounded.
- (2) Dangerous animal registration must be renewed annually and for a period of not less than 5 years from the date of the decision by the Commission.
- (3) Owners who move to the County with an animal deemed dangerous by another jurisdiction are required to register.
- (4) Failure to register as a dangerous animal may result in seizure, impoundment and humane euthanization.

F.H. Notice. The owner or custodian of an animal deemed to be a dangerous animal shall immediately notify the Animal Control Office if the animal becomes at large for any reason.

G. Repeat offenders.

- ~~(1) A repeat offender of provisions relating to dangerous animals will be provided an opportunity to fully explain to the Animal Control Commission why a violation has been repeated.~~
- ~~(2) The Commission shall consider such explanation in determining an appropriate disposition for the animal.~~

§ 9-21 Cruelty.

A. Prohibited. Cruelty to animals is prohibited.
[Amended 2-9-2016 by Ord. No. 15-17]

~~(1)~~ (1) Includes any of the following acts or activities: ~~No individual shall:~~

~~(a)~~ (a) Abandon an animal. An eartipped community cat returned to their original location as part of a trap-neuter-return shall not be considered abandoned;
~~— [Amended 2-8-2022 by Ord. No. 21-11]~~

(b) Tease, torture, torment, deliberately incite, cruelly beat or kill, intentionally injure, mutilate, intentionally run down with a vehicle, overdrive, overload, or otherwise abuse an animal;

(c) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with the intent to injure or kill any animal other than vermin;

(d) Use or permit any animal to be used for the purpose of fighting, raise for the purpose of fighting, or organize or participate in any type of animal fighting;

(e) Inflict suffering or pain upon an animal under the individual's charge or custody;

(f) Breed an animal at an age and/or with the frequency that does not conform to the standards set out in the regulations propounded by the Commission;

~~(f)~~ (g) Fail to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements;

~~(g)~~ (h) Leave any domestic animal unattended in a manner that endangers the health or safety of the animal; or

~~(h)~~ (i) Shoot any domestic animal, except as provided under § 9-17 F of this chapter or to humanely destroy such animal because of sickness, disease, or injury.

(1) Does not include any of the following acts or activities:

(a) Legitimate medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting and trapping activities may not be

construed as prohibited by any provision of this section if such activities employ the most humane method reasonably available;

(b) Training of any animal for police work by the County, State or any political subdivision shall not be considered as teasing, tormenting, or deliberately inciting an animal; or

(c) Returning an eartipped community cat to their original location as part of a trap-neuter-return program.

(2) Penalty. A person who violates this section may receive a civil citation and be liable for the preset fine that is set forth for the civil infraction in the schedule of fines published by the Commission. Nothing herein shall prevent an Animal Control Officer from charging the conduct, instead, as a misdemeanor criminal violation of the Maryland State Cruelty Statute. A person found in violation of this section in either instance shall not be permitted to acquire or register an animal for a period of 3 years. Notwithstanding § 9-27 of this chapter, violation of this section shall be a misdemeanor and, upon conviction, a person shall be subject to incarceration for a period of up to 90 days and a fine of up to \$1,000 or both such fine and incarceration. In determining whether a violation of this section has occurred, consideration shall be given to the standards of care and regulations adopted pursuant thereto in § 9-15 of this chapter.

B. Seizure.

(1) If an Animal Control Officer determines that the health or safety of an animal is in immediate danger because of a cruel or neglectful act, the Animal Control Officer may remove the animal from any place, except the interior of a private residence, and seize the animal.

(2) For the purposes of this subsection, an Animal Control Officer may enter upon private property without the consent of the property owner.

~~(3) After seizing an animal under this subsection, the Animal Control Officer shall make a prompt and reasonable effort to notify the owner or custodian that the animal has been seized and give the reasons for the seizure. Notice shall also be given to the owner or custodian indicating the conditions for the release of the animal and a schedule for implementation. Animals seized under this section shall be held and redeemed in accordance with § 9-23.~~

C. Removal from vehicle.

(1) If an Animal Control Officer or any public safety officer finds an animal unattended as described in Subsection ~~A(1)(g)(h)~~ of this section, the

Animal Control Officer or public safety officer may use reasonable force to remove the animal from the vehicle.

- (2) Any Officer who uses reasonable force under this subsection may not be held liable for any damages resulting from the use of that force.

~~D. Construction of section.~~

- ~~(1) Legitimate medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting and trapping activities may not be construed as prohibited by any provision of this section if such activities employ the most humane method reasonably available.~~
- ~~(2) Training of any animal for police work by the state or any political subdivision shall not be considered as teasing, tormenting, or deliberately inciting an animal.~~

§ 9-22 Rabies prevention.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

A. Vaccination required.

- (1) Every resident of the County owning a dog, cat, or ferret four months old or older shall have the dog, cat, or ferret vaccinated with an anti-rabies vaccine approved by the Maryland Public Health Veterinarian.
- (2) The vaccination shall be administered by a licensed veterinarian as provided by Maryland State Law.

B. Rabies certificate.

- (1) The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of that dog, cat, or ferret.
- (2) The owner or custodian of the dog, cat, or ferret shall promptly exhibit the rabies certificate upon request for inspection by an Animal Control Officer, health officer, or any law enforcement officer, and shall also exhibit the certificate to the Animal Services Center staff when redeeming the animal at the Center.

C. Rabies tag. Rabies tags shall be issued with rabies certificates. Rabies tags shall be worn by dogs at all times in the same manner as described in § ~~9-12E~~ of this Chapter. ~~Exceptions granted under § 9-12E of this Chapter will be applicable to this section.~~

D. Exposure to rabies.

- (1) Any dog, cat, or ferret exposed to rabies shall be quarantined for 10 days following the exposure, or for a longer period as may be established by the Department of Environmental Health. The Maryland Department of

Agriculture Veterinarian shall determine the length and location of quarantine for affected livestock.

- (2) The quarantined animal shall be confined to a house, garage, or other escape-proof enclosure or building approved by the Department of Environmental Health.
- (3) The quarantined animal shall be prevented from having any contact with other animals or any person except its owner, custodian, or caretaker.
- (4) The quarantined animal may not be removed from the quarantine premises unless permission is first obtained from the Department of Environmental Health. Any removal is subject to any conditions set by the Department of Environmental Health.
- (5) If the quarantined animal becomes ill or begins to show behavioral changes, the owner or custodian shall immediately notify the Department of Environmental Health, which shall determine the proper course of action.
- (6) If the quarantined animal dies, the owner or custodian shall immediately notify the Department of Environmental Health and make the animal available for rabies testing.
- (7) If the quarantined animal escapes, the owner or custodian shall immediately notify the Animal Services Center, the ~~Department of~~ Animal Control Office, and the Department of Environmental Health.
- (8) Until the quarantined animal is released by the Department of Environmental Health from quarantine, the owner or custodian may not kill, give away, or sell, or otherwise dispose of the animal without the written permission of the Department of Environmental Health.
- (9) If a veterinarian's examination is not required on the last day of the quarantine, the owner or custodian shall report to the Department of Environmental Health the health status of the quarantined animal or make the animal available for inspection by the Department of Environmental Health or an Animal Control Officer.
- (10) If the quarantined animal has a current vaccination against rabies at the time of exposure, the owner or custodian should take the animal to a licensed veterinarian within 10 days of exposure for a physical rabies exam and the veterinarian will make a determination whether the animal needs a booster rabies shot. This vaccination procedure is optional for farm animals.~~is vaccinated against rabies at the time of exposure, the animal shall not be revaccinated until released from quarantine.~~
- (11) If the quarantined animal does not have a current vaccination against rabies at the time of exposure, the owner or custodian shall take

~~the animal to a licensed veterinarian within 10 days of exposure for a physical rabies exam and the animal should be vaccinated with inactive rabies vaccine. This vaccination procedure is optional for farm animals. If not vaccinated, the owner or custodian shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five days of the end of quarantine.~~

- (12) If an animal is not properly quarantined, it shall be impounded and a citation for failing to comply with this section may be issued by an Animal Control Officer.

§ 9-23 Seizure; impoundment; redemption and seizure.

A. Animal in violation of law.

- (1) An animal observed and/or found in violation of this chapter or Maryland State Law may be seized and impounded/~~seized~~ and housed at the Animal Services Center or its designated facility.
- (2) In addition to, or in lieu of, seizing or impounding ~~and or seizing~~ animal, an Animal Control Officer shall provide notice to its owner or custodian within 24 hours after observing and/or finding the animal in violation ~~to its owner or custodian~~, and may issue to the owner or custodian of the animal a citation for the violation or apply for criminal charges in reference to the violation.

B. Notification. Upon seizure or impoundment, Animal Control Office personnel, in conjunction with the Animal Services Center, shall promptly notify owners or custodians of the details of the seizure or impoundment and the conditions, if any, for redemption.

B.C. ~~Seizure; Impoundment.~~

- (1) Subject to Subsection ~~B(2) C.(3)~~ of this section, an impounded domestic animal shall be kept for not fewer than seven days, unless an owner or custodian redeems the impounded domestic animal, pursuant to § 9-23D of this chapter, within seven days. The holding period does not apply to animals under the age of three months.

~~[Amended 6-11-2019 by Ord. No. 19-06]~~

(2) At the request and expense of the owner or custodian, and with the approval of the Manager, the impoundment may be at a veterinarian or licensed kennel of the owner or custodian's choosing. The veterinarian or kennel must be physically located in Queen Anne's County.

- (2)(3) If the animal is contagiously ill or severely injured, it may be immediately humanely euthanized.

~~(3)~~(4) Any impounded community cat may immediately be sterilized, vaccinated, eartipped and returned to the location where they were trapped or may immediately be directed to a trap-neuter-return program.

[Added 2-8-2022 by Ord. No. 21-11]

C. Seizure.

~~(1) The owner or custodian has the right to file a replevin at the Queen Anne's County District Court within 10 days.~~

~~(2) If the animal is contagiously ill or severely injured, it may be immediately humanely euthanized.~~

D. Redemption.

~~D.~~(1) Before an owner or custodian can ~~redeem~~claim an impounded or seized animal, the owner or custodian shall:

~~(a) Pay all applicable fees;~~

~~(b)~~(a) Provide evidence of a current rabies vaccination and possess or purchase a valid County animal registration; and

~~(c) Pay any and all costs, including veterinary fees, incurred by the Animal Services Center or designated facility in connection with housing and care of the animal;~~

~~(b)~~ Comply with all directives of the Commission and correct all violations of this chapter which resulted in the impoundment or seizure of the animal.

~~(d)~~(2) In addition, Animal Services may require payment of all applicable fees and costs, including veterinary fees, incurred by the Animal Services Center or designated facility in connection with the housing and care of the animal.

~~(e)~~(c) Notwithstanding the above, community cat caregivers are empowered to reclaim impounded community cats without proof of ownership and without paying any fees and/or charges solely for the purpose of carrying out trap-neuter-return and/or returning eartipped community cats to their original locations.

[Added 2-8-2022 by Ord. No. 21-11]

E. Abandoned animal. Except as otherwise provided in this chapter, an animal impounded and not redeemed by its owner or custodian within seven days shall be deemed abandoned and become the property of the Animal Services Center. Animals being held pending a hearing before the Commission or any other legal proceeding shall not be considered abandoned.

F. Cruelty.

[Added 1-12-2016 by Ord. No. 15-15]

- (1) Notwithstanding any other provisions of this chapter, any animal seized or impounded as a result of an alleged violation of § 9-21 (Cruelty) shall not be redeemed unless approval is granted by the Animal Control Commission.
- (2) In such cases, the owner or custodian shall be notified by the person taking possession of the animal of the seizure and impoundment and of the administrative remedies available under this subsection.
- ~~(3) The owner or custodian may file, within 10 days of receiving notice, a petition in writing with the Animal Control Commission for the return of the animal.~~
- ~~(4)~~(3) The Animal Control Commission shall conduct a hearing and following such hearing, may allow return of the animal upon such conditions as the Commission may determine to be proper or make other appropriate disposition of the animal.
- ~~(5)~~(4) If the owner or custodian is notified and fails to file a petition within the prescribed time period, or if the owner and custodian is unknown and cannot with reasonable effort be ascertained for a period of 20 days from the date of impoundment or seizure, the animal shall be deemed abandoned and become the property of the Animal Service Center.

§ 9-24 Animal struck by vehicle.

A person who strikes a domestic animal with a motor vehicle shall immediately notify the State Police or local police and remain at the scene until help arrives for the injured animal.

§ 9-25 Wild animals.

~~[Amended 5-26-2015 by Ord. No. 15-01]~~

- (1) Restriction. A person may not keep a wild animal in Queen Anne's County unless:
 - ~~(1) An individual exemption is issued by the Department of Environmental Health;~~
~~and~~
 - (2) A a permit to keep the animal has been issued by the Maryland Department of Natural Resources, if required.
- (2) Registration. If a wild animal is kept in the County, the animal must be registered with the ~~Department of~~ Animal Control Office of Queen Anne's County, in accordance with the provisions of regulations issued by the Commission.

Article IV Miscellaneous Acts; Penalties; Enforcement

§ 9-26 Miscellaneous prohibited acts.

~~A.~~ In general. A person may not:

A. Fail to comply with a lawful order or direction of the Commission;

B. Fail to comply with a lawful order or direction of an Animal Control Officer;

or

C. Interfere (use physical force, verbally misdirect, file a false report, or fail to give appropriate information) with an Animal Control Officer performing the duties as prescribed in this chapter or Maryland State Law.;

~~D. Put, place, or leave an animal in a situation or circumstance that endangers the health, safety or welfare of the animal.~~

~~B. Interference described. Interference under Subsection A(3) of this section shall include the use of physical force, verbal misdirection, filing a false report, or failing to give appropriate information which would prevent an Animal Control Officer from carrying out his or her official duties.~~

§ 9-276.1 Trapping devices.

[Added 5-26-2015 by Ord. No. 15-01]

A. A-Devices.

(1) Each leg trap, foot-hold trap, snare, conibear trap, and other similar catching devices used in Queen Anne's County shall be identified with the owner or trapper's name. This identification shall be attached to the trap or device, by tag, label, or otherwise and combined with a trapping license number, or active phone number, affixed such that the owner or trapper can be readily identified and contacted. Failure to comply with this regulation shall result in seizure of the ~~device, and device and~~ may be subject to the pre-set fine that is set forth in the schedule of fines published by the Commission. a fine not to exceed \$100 per violation.

(2) Any trapping device (as referenced in Subsection A above) which entraps a domestic animal, prohibited species, or any animal not permitted to be trapped shall be subject to seizure of the device and may result in the imposition of the pre-set fine that is set forth in the schedule of fines by the Commission. a fine of \$500. Nothing herein shall be construed to limit any damages arising from wrongful damage to a domestic animal or property.

- (3) Any trapping device (referenced in Subsection **A** above) set or deployed in such fashion as to recklessly endanger a domestic animal, prohibited species, or other unintended wildlife, shall be subject to seizure of the device, and imposition of the per-set fine that is set forth in the schedule of fines by the Commission. a fine of \$250 per violation.
- (4) Nothing in this section shall be construed to apply to "Have-a-Heart," live or box-style traps.

B. Trap-neuter return.

- (1) Trap-neuter-return shall be permitted to be practiced by community cat caregivers, organizations, and Animal Control Officers, in compliance with any applicable Federal or State law. Animal Services or its designee and any contracted rescue organizations shall prioritize trap-neuter-return as the preferred disposition for impounded community cats.
- (2) As a part of trap-neuter-return, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.
- (3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership and without paying any fees and/or charges solely for the purpose of carrying out trap-neuter-return and/or returning eartipped community cats to their original locations.
- (4) A community cat caregiver who returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.

§ 9-286.2 Animal fighting paraphernalia.

[Added 1-12-2016 by Ord. No. 15-14]

A. Definitions. Prohibited. Animal fighting paraphernalia is prohibited.

(1) In general. In this section, the following terms have the meanings indicated.

ANIMAL FIGHT

Any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

ANIMAL FIGHTING PARAPHERNALIA

- (1) In—general Definition. "Animal fighting paraphernalia" means any equipment, product, drug, or other substance or material of any kind that is used or intended or designed for use in the training, preparation, conditioning, or breeding for, in conducting, or otherwise in furtherance of an animal fight.
- (2) Inclusions. "Animal fighting paraphernalia" includes:

- (a) A breaking stick or similar device that is designed for insertion behind the molars of a dog for the purpose of breaking the dog's grip on another animal or object;
- (b) A cat mill or similar device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;
- (c) A treadmill or similar device that is designed for animal exercise consisting of an endless belt on which an animal walks or runs without changing places;
- (d) A springpole or similar device with a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;
- (e) A fighting pit, walled area, or otherwise confined area that is used to contain an animal fight;
- (f) Any other instrument or device that is commonly used in the training, preparation, conditioning, or breeding for, in conducting, or otherwise in furtherance of an animal fight.

B. Prohibited conduct; animal fighting paraphernalia.

- (1) In general. No person may possess, sell, transfer, or manufacture any item of animal fighting paraphernalia with the intent to engage in or otherwise promote or facilitate an animal fight.
- (2) Relevant factors. To determine whether an object is an item of animal fighting paraphernalia, the court may consider, among other logically relevant factors, the following:
 - (a) Any statement by an owner or a person in control of the object concerning its use;
 - (b) Any prior conviction of an owner or a person in control of the object under a local, state, or federal law relating to animal cruelty or animal fighting;
 - (3) The proximity of the object, in time and space, to an animal fighting venue;
 - (4) Direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another person who the owner or the person in control knows or should reasonably know intends to use the object to facilitate a violation of this section;
 - (5) Any instructions, oral or written, provided with the object concerning its use;

- (6) Any descriptive materials accompanying the object that explain or depict its use;
- (7) The manner in which the object is displayed for sale;
- (8) The existence and scope of legitimate use for the object in the community;
- (9) Expert testimony concerning use of the object; and
- (10) Any other verifiable information that indicates that the object is intended or designed for use in violation of this section.

(3) Each item a separate offense. Each item of paraphernalia that is possessed, sold, transferred, or manufactured in violation of this section is a separate offense.

C. Penalties. Notwithstanding § ~~9-279~~ of this chapter, any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000, imprisonment not exceeding 90 days, or both.

§ ~~9-297~~ Civil penalties.

A. In general.

- (1) A person who violates any provision of this chapter ~~Chapter~~ shall be guilty of a civil infraction and subject to an original preset ~~penalty fines~~ as set forth in the schedule of ~~penalties fines~~ adopted by the Animal Control Commission under § ~~9-7C~~ of this Chapter.
- (2) The maximum fine for a violation of this chapter shall be \$1,000.
- (3) Each day that a violation continues shall constitute a separate violation.
- (4) Civil infractions under this chapter shall be governed by the procedures set forth in Subtitle 2 of Title 11 of the Local Government Article of the Annotated Code of Maryland.

B. Payment of fines.

- (1) All fines imposed under this chapter shall be payable to the Queen Anne's County Finance Department.
- (2) Fines shall be paid within 30 days of ~~the date of citation.~~ ~~a violation.~~
- (3) Failure to pay the ~~monetary penalty pre-set fines~~ within the prescribed time will result in a summons being issued for the violator to appear before the District Court of Maryland for the County of Queen Anne's.

C. Subsequent violations. Fines will be doubled for a second or subsequent violation of the same provision in any thirty-six-month period. The maximum fine for such second or subsequent violations is \$1,000.

§ ~~9-3028~~ Enforcement; duties of local officials.

- A. Manager; Animal Control Officers. The Manager or an Animal Control Officer designated by the Manager or any police officer or deputy sheriff has the authority to issue a civil citation and deliver it to a person believed to be committing a civil violation and is hereby declared to have the authority and the duty of enforcing this chapter for that purpose. A copy of each original citation shall be given to the Finance Director or his designee.
- B. Finance Director. The Finance Director or his designee is hereby declared to be the official with the duty of enforcing this chapter with respect to receiving and filing a copy of each original citation and any fines or notices of intention to stand trial; mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set forth in the citation; and notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice thereof has been given.
- C. Prosecution. The County Attorney and the State's Attorney for Queen Anne's County are each authorized to prosecute any civil violation under this chapter.

§ 9-29 ~~Trap-neuter-return.~~

~~[Added 2-8-2022 by Ord. No. 21-11]~~

- ~~(1) Trap-neuter-return shall be permitted to be practiced by community cat caregivers, organizations, and animal control, in compliance with any applicable federal or state law. Animal Services or its designee and any contracted rescue organizations shall prioritize trap-neuter-return as the preferred disposition for impounded community cats.~~
- ~~(2) As a part of trap-neuter-return, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.~~
- ~~(3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership and without paying any fees and/or charges solely for the purpose of carrying out trap-neuter-return and/or returning eartipped community cats to their original locations.~~
- ~~(4) A community cat caregiver who returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.~~