

## Chapter 9. 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/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.

##### COMMERCIAL ANIMAL ESTABLISHMENT

See §9-13 of this Chapter.

##### 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 as a companion animal, as opposed to those kept for their production value as food or fiber.

**EUTHANIZE**

To put an animal to death humanely.

**FERAL ANIMAL**

Domesticated animal returned to the wild and descendants of such animals

**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 US 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

**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

## 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.

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 Sheriff 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, as provided in §9-11 of this Chapter.

## Article II. Animal Control Commission, Animal Control Department, Animal Services Center; Administration

### § 9-3. Establishment.

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.

A. Appointment. The County Commissioners shall appoint six (6) individuals to serve as members of the Commission. One member shall be the Sheriff of Queen Anne's County or his/her designee, one member shall be the County Health Officer or his/her designee, one shall be the director of the Animal Services Center or his/her designee, and one member shall be the Director of Emergency Service for Queen Anne's County or his/her designee. The other members shall be 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.

(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.

D. 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.

A. Chairperson; Vice Chairperson. The County Commissioners shall designate the Sheriff of

Queen Anne's County or his/her designee to serve as Chairperson. The members of the Commission shall designate one member to serve as Vice Chairperson.

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

## § 9-6. Meetings; office facilities.

A. Meetings, in general. The Commission shall meet at the call of the Chairperson or on the request of two (2) voting members.

B. Quorum. A quorum shall consist of four (4) voting members.

C. Missed meetings. The Chairperson shall notify the County Commissioners if a member of the Commission misses three (3) regularly scheduled meetings during a calendar year.

D. Office facilities; 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 update, as the Commission may deem appropriate, a comprehensive set of regulations necessary or appropriate to implement the provisions and purpose of this Chapter. Such regulations shall have the force and effect of law.

C. Fee structure; fines.

(1) The Commission shall promulgate and maintain a schedule of fees to be imposed under this Chapter for county dog, cat, and ferret registration and licensing of Commercial Animal Establishments.

(2) The Animal Services Center shall promulgate, publish, and maintain a schedule of fees for all services provided by it, including fees for transfer, reapplication, redemption, adoption, board, and other fees or charges authorized or required.

(3) The Commission shall establish and adopt a schedule of fines which shall be imposed for violations of this Chapter.

(4) Fees and fines established under this Chapter may be evaluated and adjusted on an annual basis by the Commission and the Animal Services Center.

## § 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 of an Animal Control Officer or a member of the Commission, the Commission shall 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.

B. Notice.

(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 ten (10) days prior to the public hearing regarding the alleged violation. The notice shall contain the nature of the complaint, 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. Subpoena power. The Commission may issue a subpoena for the attendance of a witness or the production of documents at a Commission hearing.

D. Decisions.

(1) The Commission shall render a decision within three (3) working 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. Costs.

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

F. Judicial review.

A decision of the Commission authorized under this Chapter is final. The decision is subject to review only by the Circuit Court for Queen Anne's County upon a timely appeal by a person aggrieved by the decision filed in accordance with the Maryland Code of Rules.

## § 9-9. Animal Control - Director.

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

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

C. The Director:

(1) Is the Chief Animal Control Officer; and

(2) Shall serve as an advisor to the Animal Control Commission.

D. Operational responsibility. The Director 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.

E. Patrols; complaint investigations. The Director 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.

F. Emergencies. The Director 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 Director.

G. Inspection of animal establishments. The Director shall implement a program of inspections of all animal establishments required to have a license under this Chapter.

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

I. Public information. The Director 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.

A. Authority, in general. Animal Control Officers employed by the County Commissioners through the Queen Anne's County Office of the Sheriff are authorized to exercise the authority necessary to enforce the provisions of this Chapter and Maryland State Law relating to animal control.

B. Impoundment/Seizure. Animal Control Officers and/or the Department of Animal Control within the Queen Anne's County Office of the Sheriff shall:

(1) Humanely 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 make a prompt and reasonable effort to locate and notify the owner or custodian of an 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 department 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 pre-licensing and or renewal 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.

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

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

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

C. 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, require the payment of all charges for the care, board, veterinary treatment, and any unpaid license fees from the animal's owner or custodian.

D. 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.

E. Humane treatment. The Animal Services Center shall provide humane treatment for all animals under its care.

F. 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.

G. Veterinary care.

(1) 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.

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

(3) 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.

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

I. Records.

(1) The Animal Services Center shall keep records of impoundments, veterinary treatment, disposition of animals, and other activities for a period of three (3) years after such records are initiated.

(2) 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.

J. 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.

## Article III. Registration 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 (4) 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 animal to another animal.

(4) A person found in violation of Civil or Criminal Animal Cruelty charges may not register an animal in Queen Anne's County for three (3) years from the date of violation. On conviction of subsequent offenses, registration must be approved by the Commission.

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

C. Rabies certificate. 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

D. Registration. 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; and

(7) Name of the issuing party.

E. Tag. A registration tag shall be issued with the registration certificate. 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. 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. 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. 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. Registration information. The Animal Services Center shall provide all registration information generated under this section to the Director and to any Animal Control Officer as may be required.

J. Feral animal colonies must be registered in accordance with the regulations set forth by the Commission.

## § 9-13. Licensing of Commercial Animal Establishments

A. A "Commercial Animal Establishment" is any business whose primary or secondary purpose is the sale, transfer, or conveyance of any animal or animal services for money, except animals or services deemed livestock or domestic livestock under this Chapter. Commercial Animal Establishments include, without limitation: an enterprise engaged in sale of animals; 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) 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. Zoological Parks. A zoological park owned and operated by any government agency is not required to obtain a license.

D. 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.

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 change in 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 completion of a successful inspection by an Animal Control Officer.

G. Individual facilities. Every facility subject to this Chapter shall be considered a separate enterprise requiring an individual license.

## § 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 (5) 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.

E. 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.

F. 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.

## § 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, by resolution, regulation standards, fees, fines 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.

## § 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

A. In general.

(1) No animal may be off the property of the owner or custodian without being under restraint.

(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.

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 a stray animal shall report the finding to the Department of Animal Control.

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. 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 on the 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 on public property unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all waste in a sanitary manner.

## § 9-19. Public nuisance animal.

A. Defined terms.

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

### INTIMIDATE

To act in a manner that a reasonable, prudent person under the same or similar circumstances would consider intimidating.

### PUBLIC NUISANCE

(a) An animal who

[1] Is repeatedly at large;

[2] Molests or intimidates pedestrians or passersby;

[3] Chases vehicles or bicycles;

[4] Barks or makes other harsh noise as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable person with normal sensitivities to noise;

[5] Defecates on private property without permission from the property owner;

[6] Molests, defaces or destroys the property of another;

[7] 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 to the public health,

welfare, or safety.

(b) "Public nuisance" does not include any activity 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.

B. Regulation of Public Nuisance Animal. A person who keeps any animal which is a public nuisance under this Chapter is subject to the regulations and orders set forth by the Commission.

C. Seizure and impoundment of a Public Nuisance Animal not covered under §9-20 of this Chapter.

- (1) Animal Control Officers are authorized to seize and impound an animal if;
  - (a) The Animal Control Officer has witnessed that the animal has engaged in conduct defined in sub section A of this section.
  - (b) The owner or custodian has been charged twice within the past twenty-four (24) consecutive months for the same offense.
- (2) The seized animal shall be held 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

## § 9-20. Dangerous animal.

A. Dangerous animal defined.

- (1) In this section, "dangerous animal" means:
  - (a) an animal that has inflicted serious physical injury or death to a human without provocation; or
  - (b) an animal that has inflicted 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 killed a domestic animal off the property of the owner or custodian without provocation; or
  - (d) an animal that has attacked and caused injury to a domestic animal 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 animal fighting.
- (2) An animal may not be deemed dangerous if a threat, injury, or damage has been sustained by any person:
  - (a) who 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 was teasing, tormenting, abusing, or assaulting the animal; or
  - (c) who has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal; or

- (d) who 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 Dangerous Animal.

(1) Any animal exhibiting behavior of a dangerous animal described in § 9-20A of this Chapter may be classified as a dangerous animal by the Director or his designee and seized. Within three (3) business days the owner or custodian shall appear before the Commission which shall conduct a hearing and, based on all evidence presented shall make a determination as to whether the animal is a dangerous animal.

(2) 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, or that the animal may be euthanized.

(3) 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 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 that the animal will now be kept in compliance with this Chapter, the animal may be released upon payment of all fees.

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, fails to appear at a hearing before the Commission, or fails to reclaim the animal within seventy-two (72) hours from the Animal Services Center, the animal may be humanely euthanized.

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

1. No individual shall:

(a) Abandon an animal;

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

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

2. Penalty: may be subject to such penalties as may be provided under Maryland State Law.

#### 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.

#### 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) 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 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.

### 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 ten (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 Sheriff's 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 is vaccinated against rabies at the time of exposure, the animal shall not be revaccinated until released from quarantine.

(11) If the quarantined animal is 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. Impoundment, redemption and seizure

### A. Animal in violation of law.

(1) An animal observed in violation of this Chapter or Maryland State Law may be impounded/seized and housed at the Animal Services Center or its designated facility.

(2) In addition to, or in lieu of, impounding and or seizing animal, an Animal Control Officer shall provide notice within twenty-four (24) hours after observing 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. Impoundment.

(1) Subject to Subsection B (2) of this section, an impounded domestic animal shall be kept for not fewer than seven (7) days, unless an owner or custodian redeems the impounded domestic animal, pursuant to §9-23D of this Chapter, within seven (7) days.

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

### C. Seizure

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

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

### D. Redemption. Before an owner or custodian can reclaim an impounded or seized animal, the owner or custodian shall:

(1) Pay all applicable fees;

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

(3) 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;

(4) Correct all violations of this Chapter which resulted in the impoundment or seizure of the animal.

### E. Abandoned animal.

Except as otherwise provided in this Chapter, an animal impounded and not redeemed by its owner or custodian within seven (7) days shall be deemed abandoned and become the property of the Animal Services 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.

A. 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 permit to keep the animal has been issued by the Maryland Department of Natural Resources, if required.

B. Registration. If a wild animal is kept in the County, the animal must be registered with the Animal Services Division of the Office of the Sheriff of Queen Anne's County, in accordance with the provisions of regulations issued by the Commission..

## Article IV. Miscellaneous Acts; Penalties

### § 9-26. Miscellaneous acts.

A. In general. A person may not:

- (1) Fail to comply with a lawful order or direction of the Commission;
- (2) Fail to comply with a lawful order or direction of an Animal Control Officer;
- (3) Interfere with an Animal Control Officer performing the duties as prescribed in this Chapter or Maryland State Law;
- (4) 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.

### § 9-27. Civil penalties.

A. In general.

- (1) A person who violates any provision of this Chapter shall be guilty of a civil infraction and subject to an original preset penalty as set forth in the schedule of penalties 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 thirty (30) days of a violation.
- (3) Failure to pay the monetary penalty 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 (36) month period. The maximum fine for such second or subsequent violations is \$1,000.00.

## § 9-28. Enforcement; duties of local officials.

A. Director; Animal Control Officers. The Director or an Animal Control Officer designated by the Director 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.