

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

LEGISLATIVE SESSION, 2018

LEGISLATIVE BILL 2018-01

Introduced: January 2, 2018

By: The Council President

AN ACT to repeal the current Chapter 133 of the Wicomico County Code, entitled “Dogs and Other Animals” and enact a new Chapter 133 titled “Animal Control”.

WHEREAS, the Animal Control Authority has determined that the current Chapter 133 required significant revision and updating; and

WHEREAS, the County Council deems it advisable to repeal Chapter 133 and replace it with a new Chapter 133.

SECTION I; BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 133 entitled “Dogs and Other Animals” be repealed and that Chapter 133 entitle “Animal Control” be enacted.

~~CHAPTER 133 DOGS AND OTHER ANIMALS~~

~~ARTICLE I General Provisions (§ 133-1 — § 133-2)~~

~~§ 133-1 Authority and purpose.~~

~~A. Under and by the virtue of the authority contained in Article 25A of the Annotated Code of Maryland (1957 Edition) and the amendments thereto and further for the protection and promotion of the health, safety, comfort and general welfare of the citizens of Wicomico County, the following rules, regulations and provisions are enacted, adopted and established.~~

~~B. Wicomico County, Maryland, is hereby authorized and empowered to delegate by written contract the enforcement and administration of the provisions of this chapter to any organization, association of persons or municipal corporation in Wicomico County, provided that in any such contract, the county shall reserve the right of cancellation thereof, such cancellation to be without previous notice or recourse if done for a stated cause, or to be on 30 days' notice if without any stated cause.~~

~~§ 133-2 Definitions.~~

~~As used in this chapter, the following terms shall have the meanings indicated:~~

~~ABANDONMENT, ANIMAL~~

~~Disposal of any animal in a manner not allowed by law.~~

~~ANIMAL CONTROL AUTHORITY~~

~~Any officer or agency, public or private, designated by the County Executive as having the responsibility for the administration of any or all provisions of this chapter.~~

~~AT LARGE~~

~~Any animal upon the property of a person other than the owner or within the traveled portion of any public road while unleashed. An animal shall not be considered at large if the animal is under the control of a responsible person to whom the animal is obedient, is in a vehicle, or is confined within the property limits of its owner.~~

~~CARE, OF ANIMAL~~

~~Providing an animal with:~~

- ~~A. Food and water in sufficient quantities to maintain animals in healthy condition;~~
- ~~B. Proper air and ventilation;~~
- ~~C. Adequately sized dog house, shade and protection from the weather;~~
- ~~D. Veterinary care when needed to provide treatment and to prevent suffering;~~
- ~~E. Humane care and treatment; and~~
- ~~F. A fully contained area free of fecal buildup, debris and infestation.~~

~~CHAINS~~

~~See definition of "restraints."~~

~~COLLARS~~

~~Shall be made of leather or nylon material.~~

~~DANGEROUS DOG~~

~~Is defined as:~~

- ~~A. A dog that attacks without provocation and kills or inflicts severe injury on a person, domestic animal; or~~

~~B. A dog which, after having been deemed a potentially dangerous dog under § 133-6, subsequently engages in one or more behaviors prohibited by this chapter.~~

~~DOGHOUSE~~

~~A structure with secured sides and tops to protect the animal from the weather. There must be a floor, free from rot, dry and clear of debris. The doghouse must be of a size appropriate to the size of the dog living in it.~~

~~DOMESTIC ANIMAL~~

~~An animal of a tamed species commonly kept as a pet, such as a dog or cat.~~

~~FENCED AREA~~

~~A fully contained area that is comfortable and safe for the animal to walk around.~~

~~IMPOUNDMENT~~

~~The act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to the animal control facility.~~

~~OWNER~~

~~Any person owning, keeping, harboring or acting as custodian of an animal. Any animal owned by a minor shall be deemed to be owned, for the purposes of this chapter, by the parents or guardians with whom the minor resides.~~

~~PET SHOP~~

~~Any person, entity, sole proprietorship, partnership or corporation, whether operated separately or in connection with another business enterprise, that sells or offers to sell two or more species of animals to the general public with the intent that they be kept as pets.~~

~~POTENTIALLY DANGEROUS DOG~~

~~Any dog that without provocation attacks, bites, or injures a person, or domestic animal, either on public or private property.~~

~~PROVOCATION~~

~~The act of hitting, kicking, taunting or striking a dog by a person with any object or part of a person's body, or the act of pulling, pinching or squeezing any part of a dog's body by a person.~~

~~PUBLIC NUISANCE~~

~~A dog shall be deemed a public nuisance when it is a danger to any person or when it engages in activities which disturb the peace and quiet of any neighborhood, including, but not limited to: excessive barking, whining or howling, chasing vehicles, attacking other domestic animals or damaging property.~~

~~RESTRAINTS~~

~~Secure chain, cable or trolley, invisible containment system, or other tether of sufficient strength to prevent escape. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be not less than 15 feet in length and positioned to prevent tangling and hanging.~~

~~SECURE ENCLOSURE~~

~~Two chain link mesh enclosures, one which fits inside the other, both having the following:~~

- ~~A. A chain link mesh or wood ceiling and chain link mesh sides.~~
- ~~B. The ceiling of the inner enclosure must be securely attached to the sides of the inner enclosure and the ceiling of the outer enclosure must be securely attached to the sides of the outer enclosure.~~
- ~~C. The gates for both enclosures shall be securely locked.~~
- ~~D. The inner enclosure must also have a solid impenetrable floor.~~

~~SEVERE INJURY~~

~~Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.~~

~~TETHERED~~

~~Fastening a dog to a stationary object or stake as a means of keeping the animal under control.~~

~~UNSAFE WEATHER CONDITIONS~~

~~Shall be when the temperature is below freezing or above 100°.~~

~~ARTICLE II Vaccinations and Licensing (§ 133-3 — § 133-5)~~

~~§ 133-3 Vaccination and tag required.~~

~~A. The owners of all dogs, cats and ferrets four months of age or over in Wicomico County shall have their pets vaccinated with an approved anti rabies vaccine, which inoculation shall be repeated as often as the Wicomico County Health Officer may from time to time specify.~~

~~B. The vaccination shall be administered by a licensed veterinarian or at a rabies clinic conducted by the Health Department. Fees for vaccinations at the rabies clinic shall be as established by resolution of the County Council.~~

~~C. Any person bringing a dog, cat or ferret into Wicomico County from any other county or state shall impound the pet or keep the pet on a leash for a period of 30 days and have the pet vaccinated as provided above within 30 days, unless said owner can furnish satisfactory evidence to the animal control authority that the dog, cat or ferret has a current vaccination.~~

~~D. Nothing herein shall be construed to require the vaccination of animals brought into Wicomico County for a period of not over five days or for field trials, shows or exhibits.~~

~~E. The animal control authority shall prepare and furnish annually to all licensed veterinarians in Wicomico County, or to those regularly engaged in the practice of veterinary medicine in Wicomico County, a tag to be given to the owner for each dog, cat and ferret so vaccinated.~~

~~(1) This tag will serve as proof of vaccination.~~

~~(2) The cost of this tag shall be as established by the County Council and shall be paid by the veterinarian to the animal control authority upon the delivery of said tags.~~

~~(3) The tag shall be dispensed by the veterinarians mentioned above at the same time the rabies vaccination is given.~~

~~(4) Said tag shall be of metal, bear the year, a statement, "Rabies Vaccine, Wicomico County," and a number, all of which shall be stamped on the face of the tag.~~

~~(5) Said tag shall be attached to the collar worn by the dog at all times.~~

~~F. Each veterinarian shall fill out a form, approved by the animal control authority, in triplicate for each dog, cat and ferret vaccinated hereunder, said forms to set forth the name of the owner, the owner's address, the number of the tag issued and the name and breed of the animal. When filled in, a copy of the form shall be retained by the veterinarian, the original copy shall be given to the owner of the animal and one copy shall be forwarded within 10 days of vaccination to the animal control authority. Such records shall be kept in a separate file marked "Vaccination Records" for a period of three years from the date appearing on same, after which said records may be destroyed.~~

~~§ 133-4 Licensing and fees.~~

~~A. The owner of any dog, four months of age or over, shall obtain a license for each such dog owned or kept by him.~~

~~B. The term of the dog license shall be for that period which coincides with the strength of the rabies vaccine administered in accordance with § 133-3A of this chapter.~~

~~C. Dog license fees shall be as established by the County Council.~~

~~D. The animal control authority shall make licenses available at its principal place of business, subject to payment of a reasonable administration fee for processing said license. This administration fee shall be established by resolution of the County Council. Proof of vaccination shall be required at the time the owner applies for the license.~~

~~E. The authority to issue dog licenses may be delegated to any licensed veterinarian practicing in Wicomico County upon such terms and conditions as the County Executive deems appropriate.~~

~~§ 133-5 Tampering with identification.~~

~~No person in Wicomico County shall remove or alter the identification worn by any animal without the permission of the owner of that animal.~~

~~ARTICLE III Animal Control (§ 133-6 — § 133-14)~~

~~§ 133-6 Potentially dangerous dog.~~

~~A. If an animal displays behavior which qualifies as a potentially dangerous dog, the Health Officer or selected designee shall deem the dog to be potentially dangerous and shall notify the owner, in writing, within 48 hours, giving the reasons for the determination. The written notification shall be date stamped and posted on the owner's front door and sent by regular mail. The Health Officer or selected designee shall photograph the posting.~~

~~B. Upon receipt of written notification that the owner's dog is a potentially dangerous dog, the owner shall:~~

~~(1) Immediately confine the dog in an enclosure and the dog shall be securely restrained.~~

~~(2) Ensure that the dog shall be under the control of a responsible person and obedient to that person's commands at all times.~~

~~(3) Allow the dog to be photographed by the animal control authority.~~

~~C. No dog may be declared a potentially dangerous dog if:~~

~~(1) The threat, injury or damage was sustained by a person who:~~

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

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

~~(c) Was committing or attempting to commit a crime.~~

~~(2) The injury or damage sustained by another domestic animal occurred while on the premises occupied by the owner or keeper of the animal.~~

~~D. The owner of a dog deemed potentially dangerous may appeal the decision to the Animal Appeal Board as follows:~~

~~(1) A written notice of appeal shall be submitted to the animal control authority within five days from the notification that the dog has been deemed potentially dangerous.~~

~~(2) An appeal stays all proceedings against the dog until the Animal Appeal Board issues its decision. (See Article VI, Enforcement and the Animal Appeal Board.)~~

~~§ 133-7 Dangerous dog.~~

~~A. The animal control officer is authorized and empowered to seize and impound a dog which the officer reasonably believes is a dangerous dog or which has been deemed a dangerous dog under this chapter.~~

~~B. If an animal displays behavior which qualifies as a dangerous dog, the Health Officer or selected designee shall deem the dog to be dangerous, pending euthanization and shall notify the owner in accordance with this section.~~

~~C. Notification to the owner shall be in writing and given within 48 hours of the designation of the dog as dangerous. The written notification shall be date stamped and posted on the owner's front door and sent by regular mail. The Health Officer or selected designee shall photograph the posting. The notice shall contain the following:~~

~~(1) The reasons for this determination.~~

~~(2) A statement that the dog shall be quarantined pending euthanization.~~

~~(3) The right to appeal this decision to the Animal Appeal Board.~~

~~D. No dog may be declared a dangerous dog if:~~

~~(1) The threat, injury or damage was sustained by a person who:~~

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

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

~~(c) Was committing or attempting to commit a crime.~~

~~(2) The injury or damage sustained by another domestic animal occurred while on the premises occupied by the owner or keeper of the animal.~~

~~E. The owner of the dog deemed dangerous may appeal the decision to euthanize the dog to the Animal Appeal Board as follows:~~

~~(1) A written notice of appeal shall be submitted to the animal control authority within five days from the notification that the dog has been deemed dangerous.~~

~~(2) An appeal stays all proceedings against the dog, until the Animal Appeal Board issues its decision.~~

~~§ 133-8 Dogs at large prohibited.~~

~~A. No owner of a dog, whether licensed or unlicensed, shall permit said dog to run at large.~~

~~B. Hunting, herding and tracking dogs are not at large when the dog is hunting, herding or tracking, if the dog is under the control of the owner or responsible party, and on land the owner is permitted to be on.~~

~~§ 133-9 Dogs on school grounds prohibited.~~

~~It shall be unlawful for any owner or custodian to permit his dog to be on any school grounds on any day school is in session or on any public recreation area where organized activity is being conducted, unless such dog is controlled by a leash or similar device.~~

~~§ 133-10 Impoundment and redemption provisions.~~

~~A. An animal control officer shall seize and apprehend any dog found running at large contrary to the provisions of this chapter and shall confine said animal in a humane manner until the matter is resolved in accordance with this section.~~

~~(1) Dogs, cats or ferrets not wearing a current Wicomico County rabies tag shall be confined for a period of not less than six days, unless sooner claimed by the owner. If the animal is not claimed within six days it shall become the property of the animal control authority and shall be adopted or euthanized.~~

~~(2) Dogs, cats or ferrets wearing a current Wicomico County rabies tag shall be confined for a period of not less than six days, unless sooner claimed by the owner. The owner of the licensed animal shall be notified of the impoundment. The written notice shall be given within three business days of the impoundment and shall give the owner three days from the date of the notice in which to redeem the dog, cat or ferret. Thereafter, the animal shall become the property of the animal control authority and shall be adopted or euthanized.~~

~~(3) When dogs are found at large and their ownership is known to the animal control officer, such animals may, at the discretion of the officer, be returned to the owner, who shall also be served a civil violation notice.~~

~~B. The animal control officer, upon apprehending and impounding any dog, cat or ferret, shall make a complete registry, entering the breed, color and sex of such animal and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Furthermore, the animal control authority shall maintain a complete record of all dogs, cats and ferrets euthanized. Barking dogs shall not be euthanized based on this section.~~

~~C. The owner shall be entitled to resume possession of any impounded dog, tagged or untagged, cat or ferret upon compliance with the vaccination and licensing provisions of this chapter and payment of such sum for board and care as the animal control authority shall determine reasonable. The owner must present satisfactory proof of ownership, which may include the vaccination receipt, affidavits of neighbors, a photograph or other appropriate identification.~~

~~D. No dog that the animal control authority has reason to believe has potentially dangerous tendencies shall be sold, released or permitted to be redeemed unless or until the animal control authority is satisfied that it is safe to release said animal. Any potentially dangerous dog, having bitten a person or running at large, may be impounded by the county until such time as the owner or custodian of said dog has submitted satisfactory evidence to the animal control authority that adequate provisions have been made to protect the public from said animal.~~

~~E. Under all circumstances, the owner of a dog impounded by the county must pay for the dog's board and care while the dog is impounded.~~

~~§ 133-11 Confinement and destruction of certain animals.~~

~~A. When the animal control authority is unable, after reasonable effort, to seize and impound wild or rabid dogs, it may kill any such wild or rabid dogs in as humane a manner as possible.~~

~~B. Any dog, cat or ferret which appears to be suffering from rabies or affected with hydrophobia, mange or other infections or dangerous diseases shall not be released but may be forthwith destroyed.~~

~~C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the dog or cat will not attract or come into contact with male dogs or cats, except for a planned breeding. If a dog or cat, belonging to the same owner, is impounded in heat twice within 12 months, said dog or cat shall not be released to its owner unless the owner pays for the spaying or neutering of said dog or cat within one week after notice.~~

~~§ 133-12 Nuisances.~~

~~A. It shall be unlawful for any owner to allow his dog to become a public nuisance, as defined in § 133-2 of this chapter.~~

~~B. The following specific acts, deeds or conditions shall also constitute a public nuisance within the meaning of this chapter:~~

~~(1) Allow a domestic animal to repeatedly soil, defile, defecate or commit any other nuisance upon any public property, recreation areas or private property other than the owner's.~~

~~(2) Allow a dog to enter private property without the property owner's permission.~~

~~(3) Allow a female dog in heat to be outside a building or other secure enclosure to prevent attraction of other animals.~~

~~(4) Allow a domestic animal to cause an unsanitary, dangerous, or offensive condition because of the size or number of animals in a single location or because a facility is not appropriate for the domestic animal or properly maintained.~~

~~C. Barking dog.~~

~~(1) It shall be unlawful for any owner, possessor or keeper of any dog to permit such dog to disturb any person or neighborhood by excessively making disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, yelping or other utterances causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.~~

~~(2) Any dog which has been allowed or permitted to persistently and chronically violate this section is declared to be a public nuisance, after the second offense, and may be impounded under the procedures outlined in § 133-10.~~

~~(3) At the time any dog is impounded, the animal control officer shall notify, within 48 hours, the owner, possessor or keeper of the dog, or the owner, occupant, person in possession, person in charge or person in control of the premises where the dog is located. When none of the above persons can be found at the premises, written notice shall be posted at such premises and shall be signed by the animal control officer. Such notice shall state that the dog has been impounded as a chronic barking dog under this section.~~

~~§ 133-13 Adoption.~~

~~No dog or cat shall be released for adoption without written agreement from the adopter guaranteeing that such animal will be neutered or spayed by a date specified on an agreement contract. A deposit shall be paid at the time of adoption.~~

~~§ 133-14 Liability.~~

~~The county, the animal control authority and its officers and employees shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal control facility or any facility designated by the animal control authority to house such animal.~~

~~ARTICLE IV Animal Care (§ 133-15 — § 133-18)~~

~~§ 133-15 Abandonment of animals.~~

~~No person shall abandon any animal on property within the boundaries of Wicomico County.~~

~~§ 133-16 Poisoning prohibited; killing by owner.~~

~~It shall be unlawful for any person to administer poison to any domestic animal or to knowingly place or leave any poisonous substance of any kind or ground glass in any place with intent to injure or kill any domestic animal; however, nothing contained in this chapter shall prohibit an owner or his representative from mercifully putting to death his own domestic animal or from delivering it to the animal control authority for disposition.~~

~~§ 133-17 Animal care and/or animal neglect.~~

~~A. It shall be unlawful for any person or owner to fail to provide his or her animal with proper animal care as defined in § 133-2 of this chapter.~~

~~B. For the purpose of this section, the following standards shall apply:~~

~~(1) There must be drinkable water in adequate supply.~~

~~(2) The food shall be free from contamination and provided in sufficient quantity.~~

~~(3) The space shall be an area sufficient to enable an animal to stand to its full height, turn around, lie down, and make normal postural adjustments comfortably. Space and provision of exercise must be appropriate for the species and sufficient to meet the needs of the animal.~~

~~(4) The shelter shall provide protection from weather, i.e., sun, wind, precipitation or other inclement or unsafe weather conditions and shelter that is maintained in a clean, sanitary condition, free from extreme and unreasonable objectionable odor.~~

~~(5) Necessary veterinary care shall be provided appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibit signs of disease such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.~~

~~(6) It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion. If an animal is found to be in distress by the animal control officer, he or she has the right to remove said animal by any means necessary.~~

~~(7) Neither chains, ropes, nor choke collars shall be accepted as collars for a tethered dog. There must be at least a one-inch space between the dog's neck and the collar.~~

~~C. Any animal control officer or other officer empowered to act by law may impound any animal found to be neglected, as defined by this section.~~

~~§ 133-18 (Reserved)~~

~~ARTICLE V Pet Shops (§ 133-19)~~

~~§ 133-19 Pet shop standards.~~

~~All pet shops shall, in addition to any other requirement of law, comply with the following minimum standards:~~

~~A. No puppies or kittens shall be sold or given away that are under eight weeks of age.~~

~~B. Any animal which exhibits symptoms of disease or illness shall be physically separated to the greatest extent possible from other healthy animals.~~

~~C. Any animal which is known to have or is suspected of having a disease contagious or communicable to humans shall be treated by a licensed veterinarian and shall not be offered for sale.~~

~~D. Fresh water shall be available to all animals at all times.~~

~~E. Fresh food shall be available to all animals and replaced frequently and appropriately to their age.~~

~~F. All areas of confinement, display areas, storage areas and sales areas shall be maintained in a sanitary condition.~~

~~(1) Any cages with wire floors shall be in good repair so animals will not be injured. The structure must be made so the animal's feet will not pass through any opening on the floor. The floor shall not bend or sag between the supports. If the structure is of metal strands, they must be no greater than 1/8 inch in diameter (9 gauge wire) or coated with a material such as plastic or fiberglass. The animal must have a ten- to twelve-inch clearance when standing in the cage. The sides and length of the enclosure must be wide enough to allow the animal to completely turn around. If housed indoors, the air must be sufficiently heated or cooled to maintain the animal's health and well-being.~~

~~(2) Dogs must be housed separately or only with dogs of similar temperament.~~

~~ARTICLE VI Enforcement and the Animal Appeal Board (§ 133-20 — § 133-22)~~

~~§ 133-20 Powers of animal control authority and enforcement.~~

~~It shall be the duty of the animal control authority of Wicomico County to enforce the provisions of this chapter. The animal control authority is empowered and authorized to employ such~~

~~additional animal control officers, with the consent of the County Executive, as may be deemed necessary for the enforcement of the provisions of this chapter, and the County Executive is authorized and directed to reimburse said animal control authority for its actual expense in enforcing the provisions of this chapter, including the payment of the salary of any animal control officers appointed for that purpose.~~

~~§ 133-20.1 Establishment of the Animal Appeal Board.~~

~~A. The Board shall consist of five members, plus two alternates. The term of office on the Board is three years, with no limit on the number of terms a Board member can serve.~~

~~B. There shall be one representative from each of the following:~~

~~(1) Sheriff's office;~~

~~(2) Health department;~~

~~(3) Licensed veterinarian;~~

~~(4) American Kennel Club certified canine good citizen evaluatory/animal behaviorist/or trainer (with a minimum of 10 years experience); and~~

~~(5) Member of the general public knowledgeable of dogs.~~

~~C. Each category shall submit a list of names of persons available, willing and experienced enough to serve to the County Executive. The County Executive will from this list appoint the members of the Animal Appeal Board subject to confirmation by the County Council.~~

~~D. A chairman shall be appointed annually by the majority vote of the members of the Board. The Chairman shall then appoint a Secretary.~~

~~E. The Board is to meet as needed for appeals.~~

~~F. A quorum shall be three members.~~

~~§ 133-20.2 Duties of the Animal Appeal Board.~~

~~A. The Animal Appeal Board shall make advisory recommendations to the County Council regarding changes, implementation, and administration of the animal control laws of the county.~~

~~B. The Animal Appeal Board shall, as part of the annual budget process, make advisory recommendations to the County Executive and approved by the County Council concerning a schedule of fines authorized or required by this chapter.~~

~~C. The Board shall promptly hear and decide appeals from determinations made by the Health Officer or designee concerning the classification of an animal as dangerous.~~

~~§ 133 20.3 Procedures on appeal.~~

~~The following procedures shall be applicable to matters submitted to the Animal Appeal Board:~~

~~A. The Secretary of the Board shall schedule matters before the Board.~~

~~B. All matters authorized to be heard by the Board pursuant to any provision of this Code shall be heard by not fewer than three members.~~

~~C. The Chairman shall administer or cause to be administered oaths.~~

~~D. Hearings shall be open to the public and notice shall be published in a newspaper of general circulation in the county at least five days before the hearing will be held.~~

~~E. The hearing shall be conducted in an informal manner, without strict adherence to rules of evidence. All parties with relevant and probative evidence shall have an opportunity to be heard. The owner has the burden of going forward with the production of evidence before the Board.~~

~~F. A tie vote by the Animal Appeal Board shall constitute a failure to achieve the required majority and the previous decision shall stand approved.~~

~~G. The Animal Appeal Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Secretary of the Board.~~

~~H. All actions or decisions by the Board shall, be determined by motions approved by at least a majority of the Board members in attendance. The motions shall contain a statement of the grounds and findings forming the basis of such action or decision, and the full text of said motion and record of members' votes shall be incorporated in the minutes of said Board.~~

~~I. The Chairman of the Board may vote on any matter to come before it.~~

~~J. The Board shall request the Secretary to prepare or cause to be prepared written findings of fact and conclusions, and an appropriate order for Board approval within 10 days explaining their decision.~~

~~§ 133 20.4 Orders by the Animal Appeal Board.~~

~~A. If the Animal Appeal Board determines that the dog is a dangerous dog, it may require:~~

~~(1) The mandatory restriction or confinement of the animal under such conditions as the Board may direct, provided that the Board believes that the owner of the animal is capable of restraining the animal from attacking, biting, or injuring any human being or other domestic animal.~~

~~(a) If the Animal Appeal Board determines the dog will not be euthanized as above, the owner shall not leave the dangerous dog unattended on the owner's property unless the dog is confined indoors or in a secure enclosure. The dog shall be muzzled and leashed at all times, unless confined indoors. The dog must also be microchipped at the direction of the animal control authority.~~

~~(2) The mandatory euthanization or other disposition of the animal for the protection of the public health, safety, and welfare, without regard to any restriction or holding period otherwise established herein.~~

~~(3) If the Animal Appeal Board orders euthanization and the dog has not been seized, the Board must order the seizure of the dog from the location where the dog is being held.~~

~~(4) A dog may not be euthanized pursuant to this subsection if the behavior was a result of an activity described in § 133-7B.~~

~~B. Any person aggrieved by a final decision of the Animal Appeal Board under this chapter may file an appeal to the Circuit Court for Wicomico County in accordance with the Maryland Rules of Procedure. No action will be taken while appeal is pending.~~

~~§ 133-21 Interference with animal control officers.~~

~~No person shall interfere with, hinder or molest an animal control officer in the performance of his duties or release any animal from any trap set or placed by an officer of the animal control authority.~~

~~§ 133-22 Police dogs.~~

~~The provisions of this chapter do not apply to a dog owned by and working for a governmental or law enforcement agency while said dog is on duty.~~

~~ARTICLE VII Penalty and Fines (§ 133-23)~~

~~§ 133-23 Civil penalty.~~

~~A. Any person who shall violate any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a fine not to exceed \$1,000 per violation. Each day the violation continues shall constitute a separate violation.~~

~~B. Animal control officers and other appropriate law enforcement officers are hereby authorized to issue citations for civil infractions of this chapter.~~

~~C. The following fines shall be imposed:~~

	Section	Violation	First Offense	Second Offense
	§ 133-3	Vaccination and tags	\$100	\$500
	§ 133-4	Licensing fees	\$100	\$500
	§ 133-5	Tampering	\$100	\$500
	§ 133-6	Potentially	\$500	\$1,000
	§ 133-7	Dangerous	\$1,000	\$1,000
	§ 133-8	Dogs at large	\$100	\$500
	§ 133-9	School grounds	\$100	\$500
	§ 133-11	Destruction	\$100	\$500
	§ 133-12	Nuisances	\$100	\$500
	§ 133-15	Abandonment	\$100	\$500
	§ 133-16	Poisoning	\$500	\$1,000
	§ 133-17	Animal care	\$100	\$500
	§ 133-12A(2)	Animal waste	\$100	\$500
	§ 133-19A through F	Pet shop	\$100 per animal	\$500 per animal

§ 133-21	Interference	\$500	\$1,000
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CHAPTER 133 ANIMAL CONTROL

ARTICLE I GENERAL PROVISIONS (§ 133-1 — § 133-2)

§ 133-1 AUTHORITY AND PURPOSE.

A. UNDER THE AUTHORITY CONTAINED IN THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND CODE AND FOR THE PROTECTION AND PROMOTION OF THE HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE OF THE CITIZENS OF WICOMICO COUNTY, THE FOLLOWING ORDINANCE IS ADOPTED.

B. THE COUNTY EXECUTIVE IS AUTHORIZED TO DELEGATE BY WRITTEN CONTRACT THE ENFORCEMENT AND ADMINISTRATION OF THE PROVISIONS OF THIS CHAPTER TO ANY ORGANIZATION, ASSOCIATION OF PERSONS, OR MUNICIPAL CORPORATION IN WICOMICO COUNTY. THE COUNTY HAS THE RIGHT TO CANCEL THE CONTRACT IMMEDIATELY FOR CAUSE OR WITHIN 30 DAYS IF FOR CONVENIENCE.

§ 133-2 DEFINITIONS.

AS USED IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

ANIMAL

AN ANIMATE BEING (OTHER THAN A HUMAN BEING) CAPABLE OF VOLUNTARY MOVEMENT.

ANIMAL CONTROL AUTHORITY

THE ENTITY DESIGNATED BY THE COUNTY EXECUTIVE TO ADMINISTER ALL PROVISIONS OF THIS CHAPTER.

BREEDER

A PERSON SELLING DOGS OR CATS THAT:

- (1) OWNS MORE THAN 5 UNSPAYED FEMALES; OR
- (2) SELLS FROM MORE THAN 5 LITTERS PER YEAR.

COMMUNITY CAT

A FREE-ROAMING CAT THAT IS STERILIZED AND EAR-TIPPED.

DOMESTIC ANIMAL

AN ANIMAL OF A TAMED SPECIES COMMONLY KEPT AS A PET OR LIVESTOCK, INCLUDING CATS, DOGS, COWS, FOWL, FERRETS, HORSES, OR SWINE.

IMPOUND

TO TAKE POSSESSION OF AN ANIMAL BY AN ANIMAL CONTROL OFFICER (OR OTHER OFFICER EMPOWERED TO ACT BY LAW).

OWNER

A PERSON WHO OWNS OR IS THE CUSTODIAN OF AN ANIMAL. AN ANIMAL OWNED BY A MINOR WILL BE CONSIDERED TO BE OWNED BY THE PARENTS OR GUARDIANS WITH WHOM THE MINOR RESIDES.

PET SHOP

A PERSON, ENTITY, SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION THAT SELLS OR OFFERS TO SELL TWO OR MORE SPECIES OF ANIMALS TO THE GENERAL PUBLIC WITH THE INTENT THAT THEY BE KEPT AS PETS.

TRAP-NEUTER-RETURN PROGRAM

A PROGRAM APPROVED IN WRITING BY THE ANIMAL CONTROL AUTHORITY FOR HUMANELY TRAPPING, STERILIZING, VACCINATING FOR RABIES, EAR-TIPPING, AND RETURNING COMMUNITY CATS TO THEIR ORIGINAL LOCATION.

UNSAFE WEATHER CONDITIONS

WHEN THE TEMPERATURE IS BELOW 32°F OR ABOVE 90°F OR DURING ACTIVE WEATHER WARNINGS ISSUED BY THE NATIONAL WEATHER SERVICE OR WICOMICO COUNTY DEPARTMENT OF EMERGENCY SERVICES.

ARTICLE II VACCINATIONS AND LICENSING (§ 133-3 – § 133-5)

§ 133-3 VACCINATION AND TAG REQUIRED.

A. ALL DOGS, CATS, AND FERRETS OVER 4 MONTHS OLD MUST BE VACCINATED WITH AN ANTI-RABIES VACCINE APPROVED BY THE ANIMAL CONTROL AUTHORITY. VACCINATIONS MUST BE REPEATED AS OFTEN AS THE WICOMICO COUNTY HEALTH OFFICER SPECIFIES.

B. THE VACCINATION MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR AT A RABIES CLINIC CONDUCTED BY THE HEALTH DEPARTMENT. FEES FOR VACCINATIONS AT THE RABIES CLINIC WILL BE ESTABLISHED BY THE HEALTH DEPARTMENT.

C. A PERSON BRINGING A DOG, CAT, OR FERRET INTO WICOMICO COUNTY MUST IMPOUND THE ANIMAL OR KEEP THE ANIMAL ON A LEASH FOR 30 DAYS AND HAVE THE ANIMAL VACCINATED AS PROVIDED ABOVE WITHIN 30 DAYS.

OWNERS WHO PROVIDE SATISFACTORY EVIDENCE TO THE ANIMAL CONTROL AUTHORITY THAT THE DOG, CAT, OR FERRET HAS A CURRENT VACCINATION ARE EXEMPT FROM THIS PROVISION.

D. ANIMALS BROUGHT INTO WICOMICO COUNTY FOR LESS THAN 5 DAYS OR FOR FIELD TRIALS, SHOWS, OR EXHIBITS ARE EXEMPT FROM THIS SECTION.

E. THE ANIMAL CONTROL AUTHORITY MUST ANNUALLY PROVIDE TO ALL LICENSED VETERINARIANS OR OTHER AUTHORIZED PERSONNEL IN WICOMICO COUNTY A TAG TO BE GIVEN TO THE OWNER FOR EACH VACCINATED DOG, CAT, AND FERRET.

(1) THE TAG WILL SERVE AS PROOF OF VACCINATION.

(2) THE COST OF THE TAG WILL BE AS ESTABLISHED BY THE ANIMAL CONTROL AUTHORITY AND MUST BE PAID BY THE VETERINARIAN TO THE ANIMAL CONTROL AUTHORITY UPON DELIVERY.

(3) THE TAG MUST BE GIVEN TO THE ANIMAL OWNER WHEN THE RABIES VACCINATION IS GIVEN.

(4) THE TAG MUST BE MADE OF METAL AND MUST BE STAMPED WITH THE YEAR, THE STATEMENT "RABIES VACCINE, WICOMICO COUNTY", AND A LICENSE NUMBER.

(5) THE TAG MUST BE ATTACHED TO THE COLLAR WORN BY THE ANIMAL AT ALL TIMES.

F. EACH VETERINARIAN MUST COMPLETE A FORM, APPROVED BY THE ANIMAL CONTROL AUTHORITY FOR EACH DOG, CAT, AND FERRET VACCINATED. THE COMPLETED FORM MUST CONTAIN THE NAME OF THE OWNER, THE OWNER'S ADDRESS, THE NUMBER OF THE TAG ISSUED, AND THE NAME AND BREED OF THE ANIMAL. THE VETERINARIAN MUST KEEP A COPY, GIVE THE OWNER A COPY, AND SEND A COPY TO THE ANIMAL CONTROL AUTHORITY WITHIN 10 DAYS OF THE VACCINATION. THE ANIMAL CONTROL AUTHORITY MUST KEEP THE COMPLETED FORM FOR THREE YEARS.

§ 133-4 LICENSING AND FEES.

A. A PERSON WHO OWNS A DOG MUST HAVE THE DOG LICENSED WHEN THE DOG REACHES 4 MONTHS OLD.

B. THE TERM OF THE DOG LICENSE WILL BE FOR A PERIOD THAT COINCIDES WITH THE STRENGTH OF THE RABIES VACCINE ADMINISTERED UNDER § 133-3A OF THIS CHAPTER.

C. DOG LICENSE FEES WILL BE ESTABLISHED BY THE COUNTY COUNCIL.

D. THE ANIMAL CONTROL AUTHORITY WILL ISSUE A LICENSE UPON PAYMENT OF THE FEE AND PRESENTATION OF PROOF OF VACCINATION.

E. UPON THE DISCRETION OF THE COUNTY EXECUTIVE, THE AUTHORITY TO ISSUE DOG LICENSES MAY BE DELEGATED TO A LICENSED VETERINARIAN PRACTICING IN WICOMICO COUNTY.

§ 133-5 TAMPERING WITH IDENTIFICATION.

IT IS UNLAWFUL TO REMOVE OR ALTER THE IDENTIFICATION WORN BY AN ANIMAL WITHOUT THE PERMISSION OF THE ANIMAL'S OWNER.

ARTICLE III ANIMAL CONTROL (§ 133-6 — § 133-14)

§ 133-6 POTENTIALLY DANGEROUS ANIMALS AND DANGEROUS ANIMALS

A. DEFINITIONS:

(1) "DANGEROUS ANIMAL" MEANS AN ANIMAL THAT:

(A) WITHOUT PROVOCATION CAUSES DEATH OR SEVERE INJURY TO A PERSON; OR

(B) AFTER HAVING BEEN DETERMINED TO BE A POTENTIALLY DANGEROUS ANIMAL BY THE ANIMAL CONTROL AUTHORITY, CAUSES INJURY TO A PERSON OR DEATH OR SEVERE INJURY TO AN ANIMAL.

(2) "POTENTIALLY DANGEROUS ANIMAL" MEANS AN ANIMAL THAT WITHOUT PROVOCATION:

(A) CAUSES INJURY LESS THAN A SEVERE INJURY TO A PERSON; OR

(B) CAUSES SEVERE INJURY TO OR KILLS A DOMESTIC ANIMAL.

(3) "PROPER ENCLOSURE" MEANS

(A) SECURE CONFINEMENT INDOORS; OR

(B) SECURE CONFINEMENT OUTDOORS IN A LOCKED STRUCTURE WITH SECURE SIDES, ROOF, AND FLOOR THAT PROVIDES PROTECTION FROM THE ELEMENTS FOR THE ANIMAL, IS SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN, IS DESIGNED TO PREVENT THE ANIMAL FROM ESCAPING, AND IS APPROVED BY THE ANIMAL CONTROL AUTHORITY.

(4) PROVOCATION

AN ACT BY A PERSON OR ANIMAL THAT A REASONABLE PERSON WOULD CONCLUDE IS LIKELY TO PRECIPITATE A BITE OR ATTACK BY AN ORDINARY ANIMAL.

(5) "SEVERE INJURY" MEANS:

A PHYSICAL INJURY THAT RESULTS IN BROKEN BONES OR DISFIGURING LACERATIONS REQUIRING MULTIPLE SUTURES OR COSMETIC SURGERY.

B. DETERMINATION OF A POTENTIALLY DANGEROUS ANIMAL OR DANGEROUS ANIMAL.

(1) THE ANIMAL CONTROL AUTHORITY (OR DESIGNEE) MAY DETERMINE IF AN ANIMAL IS A POTENTIALLY DANGEROUS ANIMAL OR A DANGEROUS ANIMAL.

(2) IF AN ANIMAL IS DETERMINED TO BE A POTENTIALLY DANGEROUS ANIMAL OR A DANGEROUS ANIMAL, THEN THE ANIMAL CONTROL AUTHORITY MUST NOTIFY THE OWNER BY REGULAR MAIL AND POSTING NOTICE AT THE OWNER'S PROPERTY. NOTICE MUST BE POSTED WITHIN 48 HOURS OF THE DETERMINATION.

(3) IF THE ANIMAL CONTROL AUTHORITY FINDS THAT AN ANIMAL DETERMINED TO BE DANGEROUS OR POTENTIALLY DANGEROUS ALSO POSES A THREAT TO PUBLIC SAFETY, THEN THE ANIMAL CONTROL AUTHORITY MAY IMPOUND THE ANIMAL PENDING THE FINAL DISPOSITION OF THE CASE. THE ANIMAL'S OWNER MUST REIMBURSE THE ANIMAL CONTROL AUTHORITY FOR THE COSTS OF BOARDING THE ANIMAL. BOARDING COSTS THAT ARE NOT PAID MAY BE COLLECTED IN THE SAME MANNER AS A JUDGMENT OR DEBT MAY BE COLLECTED.

(4) AN OWNER MAY APPEAL A DETERMINATION THAT AN ANIMAL IS A POTENTIALLY DANGEROUS ANIMAL OR DANGEROUS ANIMAL BY REQUESTING A HEARING BEFORE THE ANIMAL APPEAL BOARD. AN OWNER MUST FILE A WRITTEN NOTICE OF APPEAL WITH THE ANIMAL CONTROL AUTHORITY WITHIN 7 CALENDAR DAYS OF THE POSTING OF NOTICE.

C. EXCEPTIONS: NO ANIMAL MAY BE DECLARED POTENTIALLY DANGEROUS OR DANGEROUS IF

(1) THE INJURY OR DEATH WAS SUSTAINED BY A PERSON WHO:

(A) AT THE TIME WAS UNLAWFULLY UPON THE PREMISES OCCUPIED BY THE OWNER OR KEEPER OF THE ANIMAL;

(B) WAS TORMENTING, ABUSING, OR ASSAULTING THE ANIMAL; OR

(C) WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIME; OR

(2) THE INJURY OR DEATH SUSTAINED BY ANOTHER DOMESTIC ANIMAL OCCURRED WHILE ON THE PREMISES OCCUPIED BY THE OWNER OR KEEPER OF THE ANIMAL THAT ATTACKED, BIT, OR INJURED THE OTHER ANIMAL.

D. CONSEQUENCES OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL DETERMINATION.

(1) IF THE ANIMAL CONTROL AUTHORITY DETERMINES THAT AN ANIMAL IS A POTENTIALLY DANGEROUS ANIMAL AND NOT A THREAT TO PUBLIC SAFETY IF RETURNED TO ITS OWNER, THE OWNER MUST COMPLY WITH THE PROVISIONS OF THIS ORDINANCE AND ANY OTHER SECURITY OR CARE REQUIREMENTS THAT THE ANIMAL CONTROL AUTHORITY MAY ESTABLISH, INCLUDING REQUIRING:

(A) THAT THE OWNER OF THE POTENTIALLY DANGEROUS ANIMAL IS 18 YEARS OF AGE OR OLDER;

(B) A PROPER ENCLOSURE TO PREVENT THE ENTRY OF ANY PERSON OR ANIMAL AND THE ESCAPE OF THE POTENTIALLY DANGEROUS ANIMAL; OR

(C) THE ANIMAL TO BE PHOTOGRAPHED BY THE ANIMAL CONTROL AUTHORITY.

(2) IF THE ANIMAL CONTROL AUTHORITY DETERMINES THAT AN ANIMAL IS A DANGEROUS ANIMAL, THE OWNER MUST COMPLY WITH THE PROVISIONS OF THIS ORDINANCE AND ANY OTHER SECURITY OR CARE REQUIREMENTS THE ANIMAL CONTROL AUTHORITY MAY ESTABLISH, INCLUDING REQUIRING:

(A) THAT THE OWNER OF THE DANGEROUS ANIMAL IS 18 YEARS OF AGE OR OLDER;

(B) A PROPER ENCLOSURE TO PREVENT THE ENTRY OF ANY PERSON OR ANIMAL AND THE ESCAPE OF THE DANGEROUS ANIMAL;

(C) THE ANIMAL TO BE PHOTOGRAPHED BY THE ANIMAL CONTROL AUTHORITY;

(D) THE OWNER OF THE DANGEROUS ANIMAL TO HAVE WRITTEN PERMISSION OF THE PROPERTY OWNER, LANDLORD, OR PROPERTY MANAGER TO MAINTAIN THE ANIMAL ON THE PREMISES WHERE THE DANGEROUS ANIMAL WILL BE KEPT;

(E) THE OWNER OF THE DANGEROUS ANIMAL TO POST ON THE PREMISES A CLEARLY VISIBLE WRITTEN WARNING SIGN THAT THERE IS A DANGEROUS ANIMAL ON THE PROPERTY WITH A CONSPICUOUS WARNING SYMBOL THAT INFORMS CHILDREN OF THE PRESENCE OF A DANGEROUS ANIMAL. THE SIGN WILL BE VISIBLE FROM THE PUBLIC ROAD OR 50 FEET—WHICHEVER IS LESS;

(F) THE OWNER OF THE ANIMAL TO HAVE THE ANIMAL SPAYED OR NEUTERED WITHIN 30 DAYS OF BEING DETERMINED DANGEROUS; OR

(G) THE OWNER TO HAVE THE ANIMAL IMPLANTED WITH A MICROCHIP CONTAINING OWNER IDENTIFICATION INFORMATION.

(3) THE ANIMAL CONTROL AUTHORITY MAY HUMANELY EUTHANIZE AN ANIMAL THAT HAS BEEN DETERMINED TO BE A DANGEROUS ANIMAL AND A THREAT TO PUBLIC SAFETY IF RETURNED TO ITS OWNER.

(4) THE ANIMAL CONTROL AUTHORITY MAY IMPOUND THE DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL UNTIL THE ANIMAL'S OWNER HAS SATISFIED ALL REQUIREMENTS IMPOSED BY THE ANIMAL CONTROL AUTHORITY. IF THE OWNER FAILS TO SATISFY THE REQUIREMENTS WITHIN 30 DAYS, THE ANIMAL CONTROL AUTHORITY MAY HUMANELY EUTHANIZE THE ANIMAL.

E. IT IS UNLAWFUL FOR THE OWNER OF A DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL TO:

(1) ALLOW A POTENTIALLY DANGEROUS ANIMAL OFF THE OWNER'S REAL PROPERTY UNLESS THE POTENTIALLY DANGEROUS ANIMAL IS UNDER THE IMMEDIATE PHYSICAL CONTROL OF A RESPONSIBLE ADULT AND RESTRAINED BY A CHAIN OR LEASH;

(2) FAIL TO KEEP A DANGEROUS ANIMAL WITHIN THE OWNER'S REAL PROPERTY EXCEPT FOR MEDICAL TREATMENT OR EXAMINATION. WHEN REMOVED FROM THE OWNER'S PROPERTY FOR MEDICAL TREATMENT OR EXAMINATION, THE DANGEROUS ANIMAL MUST BE CAGED OR UNDER THE CONTROL OF A RESPONSIBLE ADULT CAPABLE OF PHYSICALLY RESTRAINING THE ANIMAL AND MUZZLED AND RESTRAINED WITH A CHAIN OR LEASH NOT EXCEEDING 4 FEET IN LENGTH. THE MUZZLE MUST BE APPROVED BY THE ANIMAL CONTROL AUTHORITY.

(3) FAIL TO NOTIFY THE ANIMAL CONTROL AUTHORITY WITHIN 24 HOURS IF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL IS ON THE LOOSE, IS UNCONFINED, HAS ATTACKED ANOTHER DOMESTIC ANIMAL, HAS ATTACKED A HUMAN BEING, HAS DIED, HAS BEEN SOLD, OR HAS BEEN GIVEN AWAY. IF THE DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL HAS BEEN SOLD OR GIVEN AWAY, THE OWNER MUST PROVIDE THE ANIMAL CONTROL AUTHORITY WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE NEW OWNER OF THE DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL.

(4) FAIL TO SURRENDER A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL TO THE ANIMAL CONTROL AUTHORITY FOR SAFE CONFINEMENT PENDING A DISPOSITION OF THE CIRCUMSTANCES WHEN THERE IS REASON TO BELIEVE THAT THE DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL POSES A THREAT TO PUBLIC SAFETY AFTER AN INVESTIGATION IS CONDUCTED BY ANIMAL CONTROL.

§ 133-7 TETHERING

A. PROHIBITED CONDUCT. IT IS UNLAWFUL TO TETHER AN ANIMAL UNDER CIRCUMSTANCES THAT ENDANGER ITS HEALTH, SAFETY, OR WELL-BEING, INCLUDING:

- (1) TETHERING THAT CAUSES INJURY, STRESS, OR DEMONSTRABLE SOCIALIZATION PROBLEMS;
- (2) UNATTENDED TETHERING OF AN ANIMAL DURING UNSAFE WEATHER CONDITIONS;
- (3) USING A TETHER THAT WEIGHS MORE THAN 1/8 OF THE ANIMAL'S BODY WEIGHT;
- (4) USING A TETHER THAT DOES NOT HAVE A SWIVEL ATTACHED ON EACH END;
- (5) USING A TETHER THAT IS LESS THAN 3 TIMES THE LENGTH OF THE ANIMAL, AS MEASURED FROM THE TIP OF ITS NOSE TO THE BASE OF ITS TAIL OR OTHER SIMILAR MEASUREMENT;
- (6) TETHERING THAT UNREASONABLY LIMITS AN ANIMAL'S MOVEMENT;
- (7) TETHERING UNDER CONDITIONS WHERE AN ANIMAL OR TETHER CAN BECOME ENTANGLED ON THE TETHER OR SOME OTHER OBJECT;
- (8) TETHERING THAT RESTRICTS AN ANIMAL'S ACCESS TO SUITABLE AND SUFFICIENT FOOD, CLEAN WATER, AND APPROPRIATE SHELTER;
- (9) TETHERING IN UNSAFE OR UNSANITARY CONDITIONS; OR
- (10) TETHERING THAT DOES NOT ALLOW AN ANIMAL TO DEFECATE OR URINATE IN AN AREA SEPARATE FROM THE AREA WHERE IT MUST EAT, DRINK, OR LIE DOWN.

B. DEFINITION OF TETHERING: "TETHERING" MEANS ATTACHING AN ANIMAL TO A STATIONARY OBJECT OR PULLEY RUN BY MEANS OF A CHAIN, ROPE, TETHER, CABLE, OR SIMILAR RESTRAINT. TETHERING DOES NOT INCLUDE THE USE OF A LEASH TO WALK A DOG.

§ 133-8 ANIMALS AT LARGE PROHIBITED.

A. IT IS UNLAWFUL TO ALLOW AN ANIMAL TO RUN AT LARGE.

B. DEFINITION OF "AT LARGE": "AT LARGE" MEANS WHEN AN UNLEASHED ANIMAL IS:

- (1) ON THE PROPERTY OF A PERSON OTHER THAN THE OWNER; OR
- (2) WITHIN THE TRAVELED PORTION OF A PUBLIC ROAD.

B. EXCEPTIONS: AN ANIMAL WILL NOT BE CONSIDERED AT LARGE IF THE ANIMAL IS:

- (1) UNDER THE CONTROL OF A RESPONSIBLE PERSON TO WHOM THE ANIMAL IS OBEDIENT;
- (2) IN A VEHICLE;
- (3) CONFINED WITHIN THE OWNER'S REAL PROPERTY; OR
- (4) THE ANIMAL IS A HUNTING, HERDING, OR TRACKING DOG THAT IS HUNTING, HERDING, OR TRACKING UNDER THE CONTROL OF THE OWNER AND ON LAND THAT THE OWNER IS PERMITTED TO BE ON.

§ 133-9 DOGS ON SCHOOL GROUNDS AND PUBLIC RECREATION AREAS.

A. IT IS UNLAWFUL FOR AN OWNER TO PERMIT A DOG TO BE ON A SCHOOL'S PROPERTY WHEN SCHOOL IS IN SESSION UNLESS AUTHORIZED BY THE SCHOOL ADMINISTRATION.

B. WHEN AT A PUBLIC RECREATION AREA WHERE ORGANIZED ACTIVITY IS BEING CONDUCTED, A DOG MUST BE ON A LEASH NO LONGER THAN 6 FEET.

§ 133-10 IMPOUNDMENT AND REDEMPTION PROVISIONS.

A. AN ANIMAL CONTROL OFFICER IS AUTHORIZED TO IMPOUND AN ANIMAL FOUND RUNNING AT LARGE UNTIL THE MATTER IS RESOLVED IN ACCORDANCE WITH THIS SECTION.

(1) ANIMALS NOT WEARING A CURRENT WICOMICO COUNTY RABIES TAG MUST BE CONFINED FOR AT LEAST 3 DAYS, UNLESS CLAIMED EARLIER BY THE OWNER. IF THE ANIMAL IS NOT CLAIMED WITHIN 3 DAYS, IT WILL BECOME THE PROPERTY OF THE ANIMAL CONTROL AUTHORITY, WHO IS AUTHORIZED TO DETERMINE THE ANIMAL'S DISPOSITION.

(2) ANIMALS WEARING A CURRENT WICOMICO COUNTY RABIES TAG MUST BE CONFINED FOR AT LEAST 6 DAYS, UNLESS CLAIMED EARLIER BY THE OWNER. THE ANIMAL'S OWNER MUST BE NOTIFIED WITHIN 3 BUSINESS DAYS OF THE IMPOUNDMENT. THE OWNER HAS 3 DAYS FROM THE DATE OF THE NOTICE TO REDEEM THE ANIMAL. IF THE ANIMAL IS NOT CLAIMED WITHIN 3 DAYS FROM THE DATE OF THE NOTICE, IT WILL BECOME THE PROPERTY OF THE ANIMAL CONTROL AUTHORITY, WHO IS AUTHORIZED TO DETERMINE THE ANIMAL'S DISPOSITION.

B. THE ANIMAL CONTROL OFFICER, UPON IMPOUNDING AN ANIMAL, MUST RECORD THE BREED, COLOR, SEX, AND LICENSE-STATUS OF THE ANIMAL. IF LICENSED, THE OFFICER MUST RECORD THE NAME AND ADDRESS OF THE OWNER AND THE NUMBER OF THE LICENSE TAG.

C. THE OWNER MAY BE ENTITLED TO RESUME POSSESSION OF AN IMPOUNDED ANIMAL UPON COMPLIANCE WITH THE VACCINATION AND LICENSING

PROVISIONS OF THIS CHAPTER AND PAYMENT OF THE SUM FOR BOARD AND CARE AS THE ANIMAL CONTROL AUTHORITY DETERMINES REASONABLE. THE OWNER MUST PRESENT SATISFACTORY PROOF OF OWNERSHIP, SUCH AS A VACCINATION RECEIPT, AFFIDAVITS OF NEIGHBORS, A PHOTOGRAPH, OR OTHER APPROPRIATE IDENTIFICATION.

D. ANIMALS DETERMINED BY THE ANIMAL CONTROL AUTHORITY TO BE POTENTIALLY DANGEROUS OR DANGEROUS MUST NOT BE SOLD, RELEASED, OR PERMITTED TO BE REDEEMED.

E. BEFORE RELEASE OF THE ANIMAL, THE OWNER OF AN IMPOUNDED ANIMAL MUST PAY FOR THE COSTS OF THE ANIMAL'S BOARD AND CARE THAT ARE INCURRED WHILE THE ANIMAL IS IMPOUNDED. BOARDING COSTS THAT ARE NOT PAID MAY BE COLLECTED IN THE SAME MANNER AS A JUDGMENT OR DEBT MAY BE COLLECTED.

F. DISPOSITION: THE ANIMAL CONTROL AUTHORITY MAY DISPOSE OF UNCLAIMED ANIMALS BY PLACEMENT FOR ADOPTION OR EUTHANASIA. IF AN ANIMAL ENDANGERS THE SAFETY OF ANIMAL CONTROL AUTHORITY PERSONNEL, THE ANIMAL CONTROL AUTHORITY IS AUTHORIZED TO EUTHANIZE THE ANIMAL IMMEDIATELY. THE ANIMAL CONTROL AUTHORITY MUST MAINTAIN A COMPLETE RECORD OF ALL ANIMALS THAT ARE EUTHANIZED.

§ 133-11 CONFINEMENT AND EUTHANIZATION OF CERTAIN ANIMALS.

A. WHEN THE ANIMAL CONTROL AUTHORITY IS UNABLE, AFTER REASONABLE EFFORT, TO IMPOUND WILD OR SUSPECTED RABID ANIMALS, IT MAY HUMANELY EUTHANIZE THE ANIMALS.

B. AN ANIMAL THAT APPEARS TO BE SUFFERING FROM RABIES OR AFFECTED WITH HYDROPHOBIA, MANGE, OR OTHER DISEASE MUST NOT BE RELEASED AND MAY BE EUTHANIZED.

C. EXCEPT FOR A PLANNED BREEDING, EVERY FEMALE DOG OR CAT IN HEAT MUST BE CONFINED IN A BUILDING OR PROPER ENCLOSURE SO THAT THE DOG OR CAT WILL NOT ATTRACT OR COME INTO CONTACT WITH MALE DOGS OR CATS. IF A DOG OR CAT BELONGING TO THE SAME OWNER IS IMPOUNDED IN HEAT TWICE WITHIN 12 MONTHS, THE DOG OR CAT MUST NOT BE RELEASED TO ITS OWNER UNLESS THE OWNER PAYS FOR THE SPAYING OR NEUTERING OF THE DOG OR CAT WITHIN ONE WEEK AFTER NOTICE.

§ 133-12 NUISANCES.

IT IS UNLAWFUL TO ALLOW AN ANIMAL TO BECOME A PUBLIC NUISANCE, INCLUDING TO ALLOW:

- A. AN ANIMAL TO BE A DANGER TO A PERSON;
- B. AN ANIMAL TO DISTURB THE PEACE AND QUIET OF A NEIGHBORHOOD WITH EXCESSIVE BARKING, WHINING, HOWLING, CHASING VEHICLES, ATTACKING OTHER DOMESTIC ANIMALS, OR DAMAGING PROPERTY;
- C. AN ANIMAL TO REPEATEDLY SOIL, DEFILE, DEFECATE, OR COMMIT A OTHER NUISANCE UPON PUBLIC PROPERTY, RECREATION AREAS, OR PRIVATE PROPERTY OTHER THAN THE OWNER'S;
- D. AN ANIMAL TO ENTER PRIVATE PROPERTY WITHOUT THE PROPERTY OWNER'S PERMISSION;
- E. A FEMALE DOG IN HEAT OUTSIDE OF A BUILDING OR OTHER PROPER ENCLOSURE; OR
- F. AN ANIMAL TO CAUSE AN UNSANITARY, DANGEROUS, OR OFFENSIVE CONDITION BECAUSE OF THE SIZE OR NUMBER OF ANIMALS IN A SINGLE LOCATION OR BECAUSE A FACILITY IS NOT APPROPRIATE OR PROPERLY MAINTAINED.

§ 133-13 ADOPTION.

TO ADOPT AN ANIMAL, THE ADOPTER MUST AGREE IN WRITING TO NEUTER OR SPAY THE ANIMAL BY A DATE SPECIFIED IN WRITING. THE ADOPTER MUST PAY ALL APPLICABLE FEES TO TAKE POSSESSION OF THE ANIMAL.

§ 133-14 LIABILITY.

THE COUNTY, THE ANIMAL CONTROL AUTHORITY, AND ITS OFFICERS AND EMPLOYEES ARE IMMUNE FROM LIABILITY FOR ACCIDENTS, DISEASES, INJURIES, OR DEATHS TO AN ANIMAL WHILE BEING IMPOUNDED OR BOARDED AT THE ANIMAL CONTROL FACILITY OR A FACILITY DESIGNATED BY THE ANIMAL CONTROL AUTHORITY TO HOUSE THE ANIMAL.

ARTICLE IV ANIMAL CARE (§ 133-15 — § 133-18)

§ 133-15 ABANDONMENT OF ANIMALS.

IT IS UNLAWFUL TO LEAVE AN ANIMAL ON A ROAD, IN A PUBLIC PLACE, OR ON PRIVATE PROPERTY WITH THE INTENT TO ABANDON THE ANIMAL, UNLESS THE ANIMAL IS A COMMUNITY CAT BEING RELEASED AS PART OF AN APPROVED TRAP-NEUTER-RETURN PROGRAM.

§ 133-16 POISONING PROHIBITED; KILLING BY OWNER.

IT IS UNLAWFUL TO WILLFULLY GIVE OR EXPOSE POISON OR GROUND GLASS TO AN ANIMAL WITH THE INTENT THAT AN ANIMAL INGEST IT, EXCEPT THAT AN

OWNER MAY MERCIFULLY PUT TO DEATH THE OWNER'S DOMESTIC ANIMAL OR DELIVER IT TO THE ANIMAL CONTROL AUTHORITY FOR DISPOSITION.

§ 133-17 ANIMAL CARE.

A. ANIMALS MUST BE PROVIDED WITH:

- (1) SUFFICIENT FOOD AND WATER THAT IS FREE FROM CONTAMINATION;
- (2) PROPER AIR AND VENTILATION;
- (3) SPACE FOR EXERCISE SUFFICIENT FOR THE SPECIES;
- (4) VETERINARY CARE WHEN NEEDED TO PROVIDE TREATMENT AND TO PREVENT SUFFERING;
- (5) HUMANE CARE AND TREATMENT;
- (6) A SHELTER CONSTRUCTED AS FOLLOWS:
 - (A) THE INTERIOR AREA MUST BE LARGE ENOUGH FOR AN ANIMAL TO STAND TO ITS FULL HEIGHT, TURN AROUND, LIE DOWN, AND MAKE NORMAL POSTURAL ADJUSTMENTS COMFORTABLY;
 - (B) THE FLOOR MUST BE RAISED 3 INCHES OFF THE SURFACE OF THE GROUND;
 - (C) PROVIDING PROTECTION FROM WEATHER (E.G., SUN, WIND, OR PRECIPITATION) AND BE MAINTAINED IN A CLEAN, SANITARY CONDITION, FREE FROM EXTREME AND UNREASONABLE OBJECTIONABLE ODOR; AND
 - (D) BETWEEN NOVEMBER 1 AND MARCH 31, THE STRUCTURE MUST HAVE A WINDBREAK ON THE ENTRANCE. BETWEEN APRIL 1 AND OCTOBER 31, THE SHELTER MUST BE POSITIONED TO PREVENT EXPOSURE TO DIRECT SUNLIGHT; AND
- (7) A FULLY CONTAINED AREA FREE OF FECAL BUILDUP, DEBRIS, AND INFESTATION.

B. IT IS UNLAWFUL TO LEAVE ANIMALS UNATTENDED IN A PARKED VEHICLE WITHOUT PROPER VENTILATION TO PREVENT THE ANIMAL FROM SUFFERING PHYSICAL DISTRESS FROM HEAT EXHAUSTION. IF AN ANIMAL IS FOUND TO BE IN DISTRESS BY THE ANIMAL CONTROL OFFICER, THE OFFICER HAS THE RIGHT TO REMOVE THE ANIMAL BY ANY MEANS NECESSARY.

C. IF A VIOLATION OF THIS SECTION OCCURS, THE VICTIM ANIMAL MAY IMPOUNDED.

§ 133-18 BREEDER LICENSES

ALL BREEDERS MUST OBTAIN A LICENSE FROM THE ANIMAL CONTROL AUTHORITY AND PAY AN ADMINISTRATIVE FEE TO BE DETERMINED BY THE

ANIMAL CONTROL AUTHORITY. ALL BREEDERS MUST ALLOW THE ANIMAL CONTROL AUTHORITY TO CONDUCT INSPECTIONS DURING NORMAL BUSINESS HOURS TO ENSURE COMPLIANCE WITH ALL APPLICABLE LAWS.

ARTICLE V PET SHOP (§ 133-19)

§ 133-19 PET SHOP AND BREEDER STANDARDS.

A. PET SHOPS AND BREEDERS MUST COMPLY WITH THE FOLLOWING MINIMUM STANDARDS:

1. MUST NOT SELL OR GIVE AWAY PUPPIES OR KITTENS THAT ARE UNDER 8 WEEKS OF AGE;
 2. AN ANIMAL WITH SYMPTOMS OF DISEASE MUST BE PHYSICALLY SEPARATED TO THE GREATEST EXTENT POSSIBLE FROM OTHER HEALTHY ANIMALS;
 3. AN ANIMAL WITH OR SUSPECTED OF HAVING A DISEASE COMMUNICABLE TO HUMANS MUST BE TREATED BY A LICENSED VETERINARIAN AND MUST NOT BE OFFERED FOR SALE;
 4. FRESH WATER MUST ALWAYS BE AVAILABLE TO ALL ANIMALS;
 5. FRESH FOOD MUST BE AVAILABLE TO ALL ANIMALS AND REPLACED FREQUENTLY AND APPROPRIATELY TO THEIR AGE;
 6. ALL AREAS OF CONFINEMENT, DISPLAY AREAS, STORAGE AREAS, AND SALES AREAS MUST BE MAINTAINED IN A SANITARY CONDITION, INCLUDING:
 - (A) CAGES WITH WIRE FLOORS MUST BE IN GOOD REPAIR SO ANIMALS WILL NOT BE INJURED. THE FLOOR MUST BE MADE SO THE ANIMAL'S FEET WILL NOT PASS THROUGH OPENINGS. THE FLOOR MUST NOT BEND OR SAG BETWEEN THE SUPPORTS;
 - (B) IF A CAGE IS MADE OF METAL STRANDS, THE STRANDS MUST BE NO GREATER THAN 1/8 INCH IN DIAMETER (9-GAUGE WIRE) OR COATED WITH A MATERIAL SUCH AS PLASTIC OR FIBERGLASS;
 - (C) THE ANIMAL MUST HAVE A TEN- TO TWELVE-INCH CLEARANCE WHEN STANDING IN THE CAGE. THE SIDES AND LENGTH OF THE ENCLOSURE MUST BE WIDE ENOUGH TO ALLOW THE ANIMAL TO COMPLETELY TURN AROUND; AND
 - (D) INDOOR AREAS HOUSING ANIMALS MUST BE SUFFICIENTLY HEATED OR COOLED; AND
 7. DOGS MUST BE HOUSED SEPARATELY OR ONLY WITH DOGS OF SIMILAR TEMPERAMENT;
- B. A PET SHOP OR BREEDER MUST PROVIDE A PURCHASER OF AN ANIMAL WITH COMPLETE MEDICAL RECORDS OF THE ANIMAL.

C. IF A VIOLATION OF THIS SECTION OCCURS, ALL ANIMALS IN THE FACILITY MAY BE IMPOUNDED.

ARTICLE VI ENFORCEMENT AND THE ANIMAL APPEAL BOARD (§ 133-20 — § 133-22)

§ 133-20 POWERS OF ANIMAL CONTROL AUTHORITY AND ENFORCEMENT.

THE ANIMAL CONTROL AUTHORITY IS AUTHORIZED TO ENFORCE THIS CHAPTER.

§ 133-20.1 ANIMAL APPEAL BOARD.

A. THE BOARD CONSISTS OF 5 MEMBERS, PLUS 2 ALTERNATES. THE TERM OF OFFICE ON THE BOARD IS 3 YEARS, WITH NO LIMIT ON THE NUMBER OF TERMS A BOARD MEMBER CAN SERVE.

B. THERE MUST BE AT LEAST 1 MEMBER FROM EACH OF THE FOLLOWING GROUPS (ALTERNATES MAY BE FROM ANY GROUP):

(1) SHERIFF'S OFFICE;

(2) LICENSED VETERINARIANS WHO PRACTICE IN WICOMICO COUNTY;

(3) AMERICAN KENNEL CLUB-CERTIFIED CANINE GOOD CITIZEN EVALUATOR, ANIMAL BEHAVIORIST, OR TRAINER (WITH A MINIMUM OF 10 YEARS EXPERIENCE); AND

(4) THE GENERAL PUBLIC.

C. THE COUNTY EXECUTIVE WILL APPOINT QUALIFIED INDIVIDUALS FROM THESE GROUPS SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.

D. A CHAIRMAN WILL BE APPOINTED ANNUALLY BY THE MAJORITY VOTE OF THE MEMBERS OF THE BOARD. THE CHAIRMAN WILL APPOINT A SECRETARY.

E. THE BOARD IS TO MEET AS NEEDED FOR APPEALS.

F. A QUORUM OF 3 MEMBERS IS NEEDED TO HEAR AND DECIDE AN APPEAL.

§ 133-20.2 DUTIES OF THE ANIMAL APPEAL BOARD.

A. THE ANIMAL APPEAL BOARD MAY MAKE ADVISORY RECOMMENDATIONS TO THE COUNTY COUNCIL REGARDING CHANGES, IMPLEMENTATION, AND ADMINISTRATION OF THE ANIMAL CONTROL LAWS OF THE COUNTY.

B. THE ANIMAL APPEAL BOARD MAY, AS PART OF THE ANNUAL BUDGET PROCESS, MAKE ADVISORY RECOMMENDATIONS TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL CONCERNING A SCHEDULE OF FINES AUTHORIZED BY THIS CHAPTER.

C. THE BOARD WILL PROMPTLY HEAR AND DECIDE APPEALS OF DETERMINATIONS MADE BY THE ANIMAL CONTROL AUTHORITY OR DESIGNEE CONCERNING THE CLASSIFICATION OF AN ANIMAL AS POTENTIALLY DANGEROUS OR DANGEROUS.

§ 133-20.3 PROCEDURES ON APPEAL.

THE FOLLOWING PROCEDURES ARE APPLICABLE TO MATTERS SUBMITTED TO THE ANIMAL APPEAL BOARD:

A. THE SECRETARY OF THE BOARD SCHEDULES MATTERS BEFORE THE BOARD.

B. ALL MATTERS MUST BE HEARD BY AT LEAST THREE MEMBERS.

C. THE CHAIRMAN WILL ADMINISTER OR CAUSE TO BE ADMINISTERED OATHS.

D. HEARINGS MUST BE OPEN TO THE PUBLIC.

E. THE HEARING WILL BE CONDUCTED IN AN INFORMAL MANNER, WITHOUT STRICT ADHERENCE TO RULES OF EVIDENCE. ALL PARTIES WITH RELEVANT AND PROBATIVE EVIDENCE WILL HAVE AN OPPORTUNITY TO BE HEARD. THE OWNER HAS THE BURDEN OF PROOF BEFORE THE BOARD.

F. A TIE VOTE BY THE ANIMAL APPEAL BOARD IS A FAILURE TO ACHIEVE THE REQUIRED MAJORITY AND THE PREVIOUS DECISION STANDS APPROVED.

G. THE ANIMAL APPEAL BOARD MUST KEEP MINUTES OF ITS PROCEEDINGS, RECORDING ALL VOTES EXAMINATIONS, AND OTHER OFFICIAL ACTIONS, ALL OF WHICH MUST BE FILED WITH THE ANIMAL CONTROL AUTHORITY.

H. AN ACTION OR DECISION BY THE BOARD MUST BE DETERMINED BY A MOTION APPROVED BY A MAJORITY OF THE BOARD MEMBERS IN ATTENDANCE. THE MOTION MUST CONTAIN A STATEMENT OF THE FACTS FORMING THE BASIS OF THE ACTION OR DECISION. THE FULL TEXT OF THE MOTION AND RECORD OF MEMBERS' VOTES WILL BE INCORPORATED IN THE BOARD'S MINUTES.

I. THE CHAIRMAN OF THE BOARD MAY VOTE ON ANY MATTER BEFORE THE BOARD.

J. THE SECRETARY MUST PREPARE OR CAUSE TO BE PREPARED WRITTEN STATEMENT OF FACT AND AN APPROPRIATE ORDER FOR BOARD'S APPROVAL WITHIN 10 DAYS EXPLAINING ITS DECISION.

§ 133-20.4 ORDERS BY THE ANIMAL APPEAL BOARD.

A. THE ANIMAL APPEAL BOARD MAY UPHOLD OR REVERSE THE DETERMINATION THAT AN ANIMAL IS DANGEROUS OR POTENTIALLY DANGEROUS.

B. IF THE ANIMAL APPEAL BOARD UPHOLDS THE DETERMINATION THAT AN ANIMAL IS A POTENTIALLY DANGEROUS ANIMAL, IT MAY ORDER ANY OF THE FOLLOWING:

- (1) THAT THE OWNER OF THE POTENTIALLY DANGEROUS ANIMAL BE 18 YEARS OF AGE OR OLDER;
- (2) A PROPER ENCLOSURE TO PREVENT THE ENTRY OF ANY PERSON OR ANIMAL AND THE ESCAPE OF THE POTENTIALLY DANGEROUS ANIMAL; OR
- (3) THE ANIMAL TO BE PHOTOGRAPHED BY THE ANIMAL CONTROL AUTHORITY.

C. IF THE ANIMAL APPEAL BOARD UPHOLDS THE DETERMINATION THAT THE DOG IS A DANGEROUS ANIMAL, IT MAY ORDER ANY OF THE FOLLOWING:

- (1) THAT THE OWNER OF THE DANGEROUS ANIMAL BE 18 YEARS OF AGE OR OLDER;
- (2) A PROPER ENCLOSURE TO PREVENT THE ENTRY OF ANY PERSON OR ANIMAL AND THE ESCAPE OF THE DANGEROUS ANIMAL;
- (3) THE ANIMAL TO BE PHOTOGRAPHED BY THE ANIMAL CONTROL AUTHORITY;
- (4) THE OWNER OF THE DANGEROUS ANIMAL TO HAVE WRITTEN PERMISSION OF THE PROPERTY OWNER, LANDLORD, OR PROPERTY MANAGER TO MAINTAIN THE ANIMAL ON THE PREMISES WHERE THE DANGEROUS ANIMAL WILL BE KEPT;
- (5) THE OWNER TO MAINTAIN THE DANGEROUS ANIMAL EXCLUSIVELY ON THE OWNER'S PROPERTY EXCEPT FOR EXAMINATION OR MEDICAL TREATMENT;
- (6) THE OWNER OF THE DANGEROUS ANIMAL TO POST ON THE PREMISES A CLEARLY VISIBLE WRITTEN WARNING SIGN THAT THERE IS A DANGEROUS ANIMAL ON THE PROPERTY WITH A CONSPICUOUS WARNING SYMBOL THAT INFORMS CHILDREN OF THE PRESENCE OF A DANGEROUS ANIMAL. THE SIGN WILL BE VISIBLE FROM THE PUBLIC HIGHWAY OR 50 FEET WHICHEVER IS LESS;
- (7) THE OWNER OF THE ANIMAL TO HAVE THE ANIMAL SPAYED OR NEUTERED WITHIN 30 DAYS OF BEING DETERMINED DANGEROUS;
- (8) THE OWNER TO HAVE THE ANIMAL IMPLANTED WITH A MICROCHIP CONTAINING OWNER IDENTIFICATION INFORMATION. THE MICROCHIP INFORMATION MUST BE REGISTERED AND PROVIDED TO THE ANIMAL CONTROL AUTHORITY WITHIN THREE DAYS OF BEING DETERMINED DANGEROUS; OR
- (9) THE MANDATORY SEIZURE AND EUTHANIZATION OF THE ANIMAL FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, WITHOUT REGARD TO ANY RESTRICTION OR HOLDING PERIOD OTHERWISE ESTABLISHED IN THIS CHAPTER.

D. UPON THE POSTING OF A BOND CALCULATED BY WICOMICO COUNTY FOR THE COSTS OF THE DOG'S BOARD PENDING APPEAL, A PERSON AGGRIEVED BY A FINAL DECISION OF THE ANIMAL APPEAL BOARD UNDER THIS CHAPTER MAY FILE AN APPEAL TO THE CIRCUIT COURT FOR WICOMICO COUNTY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE. NO ACTION WILL BE TAKEN WHILE APPEAL IS PENDING, BUT THE OWNER WILL BE RESPONSIBLE FOR THE ENTIRE COSTS OF BOARDING NO MATTER THE OUTCOME OF THE APPEAL. BOARDING COSTS THAT ARE NOT PAID MAY BE COLLECTED IN THE SAME MANNER AS A JUDGMENT OR DEBT MAY BE COLLECTED.

§ 133-21 INTERFERENCE WITH ANIMAL CONTROL OFFICERS.

A. IT IS UNLAWFUL TO INTERFERE WITH AN ANIMAL CONTROL OFFICER WHO IS PERFORMING OFFICIAL DUTIES.

B. IT IS UNLAWFUL TO RELEASE AN ANIMAL FROM A TRAP SET OR PLACED BY AN ANIMAL CONTROL OFFICER.

§ 133-22 ANIMALS USED FOR LAW ENFORCEMENT.

THIS CHAPTER DOES NOT APPLY TO AN ANIMAL OWNED BY AND WORKING FOR A GOVERNMENTAL OR LAW ENFORCEMENT AGENCY WHILE THE ANIMAL IS ON DUTY.

ARTICLE VII PENALTY AND FINES (§ 133-23)

§ 133-23 CIVIL PENALTY.

A. A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER WILL BE GUILTY OF A CIVIL INFRACTION AND WILL BE SUBJECT TO A FINE UP TO \$1,000 PER VIOLATION. EACH DAY THE VIOLATION CONTINUES WILL BE A SEPARATE VIOLATION.

B. ANIMAL CONTROL OFFICERS AND OTHER APPROPRIATE LAW ENFORCEMENT OFFICERS ARE AUTHORIZED TO ISSUE CITATIONS FOR CIVIL INFRACTIONS OF THIS CHAPTER.

C. FINES FOR CIVIL INFRACTIONS ARE AS FOLLOWED:

	SECTION	VIOLATION	FIRST OFFENSE	SECOND OFFENSE
	§ 133-3	VACCINATION AND TAGS	\$100	\$500
	§ 133-4	LICENSING FEES	\$100	\$500
	§ 133-5	TAMPERING	\$100	\$500
	§ 133-6	POTENTIALLY OR DANGEROUS ANIMAL	\$1,000	\$1,000
	§ 133-7	TETHERING	\$100	\$500
	§ 133-8	ANIMAL AT LARGE	\$100	\$500
	§ 133-9	SCHOOL GROUNDS	\$100	\$500
	§ 133-11	CONFINEMENT/ EUTHANIZATION	\$100	\$500
	§ 133-12	NUISANCES	\$100	\$500
	§ 133-15	ABANDONMENT	\$100	\$500
	§ 133-16	POISONING	\$500	\$1,000
	§ 133-17	ANIMAL CARE	\$100	\$500
	133-18	BREEDER LICENSE	\$500	\$500
	133-19	PET SHOP	\$500	\$1,000

133-21	INTERFERENCE	\$500	\$1,000
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SECTION II: BE IT FURTHER ENACTED THAT this Legislative bill will be known as Legislative Bill No. _____ of Wicomico County, Maryland and will take effect 60 days after its final passage, unless a timely petition for referendum is filed. If a timely petition is filed, then the bill will not take effect until 30 days after the approval of this bill by a majority of the qualified voters of the County voting in the referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland on _____.

WICOMICO COUNTY, MARYLAND

_____(SEAL)

By: John T. Cannon, President

_____(SEAL)

By: Laura Hurley, Secretary

I certify that copies of this Bill are available to the public, the press, and other news media at the time of its introduction.

_____(SEAL)

By: Laura Hurley, Secretary

Explanation:

“Strike-out” indicates matters deleted from existing law.

“All Capital” indicates matters added to existing law.