

## CHAPTER THREE

### ORDINANCE AMENDING A RESOLUTION/ORDINANCE ADOPTING THE WASHINGTON COUNTY ANIMAL CONTROL ORDINANCE AND MAKING SAME APPLICABLE WITHIN THE CORPORATE LIMITS OF KEEDYSVILLE, MARYLAND

#### RECITAL

The Mayor and Council of the Town of Keedysville, Maryland, are the duly constituted legislative body for said municipal corporation. The Board of County Commissioners of Washington County, Maryland, is the duly constituted governing body of Washington County, Maryland, (hereinafter referred to as "Board").

The Town pursuant to the provisions of the Charter of said municipality and Article 23A (2)(B) of the Annotated Code of Maryland requested and authorized the Board to enforce and regulate said Animal Control Ordinance in addition to the provisions applicable to the Town of Keedysville as enacted.

The Mayor and Council of the municipality have deemed it to be in the best interest of the citizenry of said town and the community in general and in the interest of efficiency to adopt and pass certain amendments to said Ordinance.

Each and every paragraph of this recital is incorporated in the remainder of this Resolution and constitutes a part thereof. Each and every paragraph of the remainder of this Resolution is included in this Recital and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED, ENACTED and ORDAINED** that an Ordinance regulating and controlling animals effective May 7, 2001 recorded at Liber 9, folio 0402 among the Acts, Ordinances, Resolutions - Towns in the Office of the Clerk of the Circuit Court for Washington County, Maryland, be and is hereby amended as follows:

#### **AN ORDINANCE REGULATING AND CONTROLLING ANIMALS**

#### **DEFINITIONS**

When used in this Ordinance, the following words, terms and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. **Animal** means any live creature, both domestic and wild, except humans. Animal includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.
- B. **Exotic animal** means any live monkey, alligator, crocodile, cayman, racoon, skunk, fox, bear, sea mammal, poisonous snake, reptiles of any kind, members of the feline species other than domestic cat, member of the canine species other than domestic dog, or any other animal that would require a standard of care and control greater than required for customary household pets.
- C. **Owner** means any person having temporary or permanent custody of control of, or sheltering or having charge of any animal covered in this Ordinance.
- D. **Public nuisance animal** means an animal that unreasonably annoys humans, endangers the life or health of persons or other persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall include, but not be limited to:
- 1) All those animals included within the purview of §32 of the of County Animal Control Ordinance which is a part hereof and all of the following definitions of nuisance:
    - A. Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
    - B. Any animal that makes disturbing noises, including but not limited to, contained and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
    - C. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
    - D. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
    - E. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
    - F. Any animal that attacks domestic animals;
    - G. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;’

- H. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- I. **Kennel** - as defined in Washington County Animal Control Ordinance.
- J. **Cattery** means any building, structure or land used for the housing, boarding, breeding or caring for more four (4) cats either for profit for non-profit.

All of the definitions included in the attached Washington County Animal Control Ordinance are included herein and made a part hereof. In the event of any conflict between the definitions and/or terms, the more stringent shall be applicable.

### **SECTION 1: PROHIBITED ANIMALS/USES/CORPORATE LIMITS**

- (A) **Prohibited Animals.** It shall be and is unlawful for any person, corporation, legal entity, or resident to keep, raise maintain, exhibit, or utilize any farm animal, wild animal, exotic animal, fowl or reptile for either profit or non-profit purposes within the limits of the Town of Keedysville.
- (B) **Prohibited Uses.** The operation or maintenance of a cattery, animal shelter, animal rescue shelter, or kennel is prohibited within the corporate limits.
- (C) **Nuisances:** It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the Town when the keeping of such animal constitutes a public nuisance or menace to public health or safety as defined in this Ordinance.
- (D) **Limitation on Number of Animals.** It shall be unlawful for any person to keep more than four (4) dogs, cats or other animals at any time.

### **SECTION 2: ADOPTION - ANIMAL CONTROL ORDINANCE FOR WASHINGTON COUNTY, MARYLAND**

An Ordinance entitled "Animal Control Ordinance for Washington County, Maryland" enacted January 30, 2001 by the Board of County Commissioners for Washington County, Maryland is hereby adopted as it now exists, and as it may be subsequently amended from time to time in the future except as may be hereinafter set forth.

Said Ordinance is attached hereto and incorporated herein by reference.

### **SECTION 3: APPLICABILITY**

The provisions of this Ordinance shall apply and be applicable and enforceable within the corporate limits of the municipality. This Ordinance is not to be construed as in derogation of any existing zoning, health regulations, or any other applicable State, federal statutes or regulations, except as hereunder set forth.

- (a) Exceptions:
  - (i) Section 1 of this Ordinance or any other provision of this Ordinance does not pertain to any establishment maintained and/or operated by a veterinarian for purposes of treatment.
  - (ii) Section 53, Exception of Farm Animals, as set forth in the Animal Control Ordinance for Washington County, Maryland is not adopted and is not applicable within the corporate limits of the municipality.

### **SECTION 4: ENFORCEMENT**

Pursuant to the provisions of Article 23A,(2)(B) of the Annotated Code of Maryland, the Mayor and Council of the Town hereby request and authorizes the Board of County Commissioners of Washington County, Maryland, its employees, agents, representatives, servants and/or contract representatives to implement, enforce, and regulate the applicable provisions of this Ordinance within the corporate limits of the municipality in accordance with the provisions set forth herein.

### **SECTION 5: INTERPRETING AND APPLYING THIS ORDINANCE**

The provisions of this Ordinance shall be held to be minimum requirements to meet the stated purpose and intent of said Ordinance. Where the provisions of this Ordinance impose greater restrictions than those of any Federal, State, County, Town statute, Ordinance or regulations, the provisions of this Ordinance shall govern. Where the provisions of any Federal, State, County, Town statute, Ordinance or regulations impose greater restrictions than those of this Ordinance, the provisions of such Federal, State, County, Town statute, Ordinance or regulations shall prevail.

### **SECTION 6: SEVERABILITY**

Should any section or provision of this Ordinance be declared by the Court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereto other than the part so declared to be invalid or unconstitutional.

**SECTION 7: EXECUTION OF AGREEMENTS**

The Mayor and/or Town Manager, or their successors in office, are hereby authorized and directed to enter into any Agreements or Memorandums of Understanding that may be requisite to consummate the purposes of this Ordinance and to execute any documents necessary to effectuate the purposes thereof.

**SECTION 8: EFFECTIVE DATE**

The effective date of this Ordinance shall be May 7, 2001. Amended July 7, 2003.

**BE IT FURTHER RESOLVED, ENACTED and ORDAINED** that the remainder of the Ordinance enacted and effective on May 7, 2001, remains in full force and effect and is incorporated herein and made a part hereof by reference.

The effective date of this Ordinance is the date of passage.

Amy Simmons, Clerk

K. Lee Brandenburg, II, Mayor

**A RESOLUTION/ORDINANCE ADOPTING THE WASHINGTON COUNTY  
ANIMAL CONTROL ORDINANCE AND MAKING SAME APPLICABLE WITHIN  
THE CORPORATE LIMITS OF KEEDYSVILLE, MARYLAND**

DJW WAG2  
Jul 11, 2001 01:54 PM

**R E C I T A L**

The Mayor and Council of the Town of Keedysville, Maryland, are the duly constituted legislative body for said municipal corporation. The Board of County Commissioners of Washington County, Maryland, is the duly constituted governing body of Washington County, Maryland, (hereinafter referred to as "Board").

The Board of County Commissioners of Washington County on January 30, 2001 enacted and passed an Ordinance entitled "**ANIMAL CONTROL ORDINANCE FOR WASHINGTON COUNTY, MARYLAND**", (hereinafter "Ordinance"). A copy of same is attached hereto and incorporated herein "in toto".

The Town pursuant to the provisions of the Charter of said municipality and Article 23A, 2B of the Annotated Code of Maryland has the authority to request and authorize the Board to enforce and regulate Ordinances within the corporate limits of the municipality.

The Mayor and Council of the municipality have deemed it to be in the best interest of the citizenry of said Town and the community in general and in the interest of uniformity and efficiency to adopt and pass an Ordinance authorizing and directing the Board of County Commissioners to enforce said Ordinance within the corporate limits of the Town.

Each and every paragraph of this Recital is incorporated in the remainder of this Resolution and constitutes a part thereof. Each and every paragraph of the remainder of this Resolution is included in this Recital and made a part hereof.

**NOW, THEREFORE**, be it **RESOLVED, ENACTED**, and **ORDAINED** that any existing municipal animal control ordinance(s) are hereby revoked; and be it further

**RESOLVED, ENACTED**, and **ORDAINED** that the following Ordinance adopting the Washington County Animal Control Ordinance and making same applicable within the corporate limits of the municipality is hereby enacted:

**AN ORDINANCE REGULATING AND CONTROLLING ANIMALS**

**§1. Prohibited Animals - Corporate Limits**

It shall be and is unlawful for any person, corporation, legal entity, or resident to keep, raise, maintain, exhibit, or utilize any farm animal, wild animal, exotic animal, fowl or reptile for either profit or non-profit purposes within the limits of the Town of Keedysville.

**§2. Adoption - Animal Control Ordinance for Washington County, Maryland**

An Ordinance entitled "Animal Control Ordinance for Washington County, Maryland" enacted January 30, 2001 by the Board of County Commissioners for Washington County, Maryland is hereby adopted as it now exists, and as it may be subsequently amended from time to time in the future except as may be hereinafter set forth.

Said Ordinance is attached hereto and incorporated herein by reference.

**§3. Applicability**

The provisions of this Ordinance shall apply and be applicable and enforceable within the corporate limits of the municipality. This Ordinance is not to be construed as in derogation of any existing zoning, health regulations, or any other applicable State, federal statutes or regulations, except as hereunder set forth.

(a) Exceptions:

(i) Section 1 of this Ordinance or any other provision of this Ordinance does not pertain to any establishment maintained and/or operated by a veterinarian for purposes of treatment.

(ii) Section 53, Exception of Farm Animals, as set forth in the Animal Control Ordinance for Washington County, Maryland is not adopted and is not applicable within the corporate limits of the municipality.

**§4. Enforcement**

Pursuant to the provisions of Article 23A, 2B of the Annotated Code of Maryland, the Mayor and Council of the Town hereby request and authorizes the Board of County Commissioners of Washington County, Maryland, its employees, agents, representatives, servants and/or contract representatives to implement, enforce, and regulate the applicable provisions of this Ordinance within the corporate limits of the municipality in accordance with the provisions set forth herein.

**§5. Interpreting and Applying this Ordinance**

The provisions of this Ordinance shall be held to be minimum requirements to meet the stated purpose and intent of said Ordinance. Where the provisions of this Ordinance impose greater restrictions than those of any Federal, State, County, Town statute, Ordinance or regulations, the provisions of this Ordinance shall govern. Where the provisions of any Federal, State, County, Town statute, Ordinance or regulations impose greater restrictions than those of this Ordinance, the provisions of such Federal, State, County, Town statute, Ordinance or regulations shall prevail.

**§6. Severability**

Should any section or provision of this Ordinance be declared by Court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereto other than the part so declared to be invalid or unconstitutional.

**§7. Execution of Agreements**

The Mayor and/or Town Manager, or their successors in office, are hereby authorized and directed to enter into any Agreements or Memorandums of Understanding that may be requisite to consummate the purposes of this Ordinance and to execute any documents necessary to effectuate the purposes thereof.

**§8. Effective Date**

The effective date of this Ordinance shall be May 7, 2001.

Acts, Ordinances, Resolutions-Towns  
Clerk of the Circuit Court  
Washington County

TOWN OF KEEDYSVILLE, MARYLAND

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

Amy Simmons  
Amy Simmons, Town Clerk

By: K. Lee Brandenburg, III  
K. Lee Brandenburg, III, Mayor

Date of Introduction: March 5 2001

Date of Passage: May 7, 2001

Effective Date: May 7, 2001

Record and return to: Ms. Amy Simmons  
Town of Keedysville  
P. O. Box 359  
Keedysville, MD 21756

**MAILED** JUL 17 2001

Liber 9 Folio 0405

Acts, Ordinances, Resolutions-Towns  
Clerk of the Circuit Court  
Washington County

ANIMAL CONTROL ORDINANCE  
FOR WASHINGTON COUNTY, MARYLAND

Adopted May 15, 1990  
Effective May 15, 1990

Revision 1 - February 19, 1991  
Revision 2 - December 10, 1991  
Revision 3 - January 30, 2001

**ANIMAL CONTROL ORDINANCE**  
**FOR WASHINGTON COUNTY, MARYLAND**

Adopted May 15, 1990  
Effective May 15, 1990

Revision 1 - February 19, 1991  
Revision 2 - December 10, 1991  
Revision 3 - January 30, 2001

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**ANIMAL CONTROL ORDINANCE FOR WASHINGTON COUNTY,  
MARYLAND**

**ARTICLE I. DEFINITIONS**

**Section 1. Definitions.**

[Note: terms defined in this section are capitalized elsewhere in the Ordinance]

The following words and phrases as used in this Ordinance (the "Ordinance") and any regulations adopted pursuant hereto, unless a different meaning is plainly required by the context, shall have the following meanings:

**Agency.** The animal control agency that is responsible for the enforcement of this Ordinance. The Agency may be a department of Washington County government or an outside agency under contract with the County.

**Animal.** Any living, nonhuman, vertebrate creature.

**Animal at Large.** Any animal off the premises of the Owner, and not under the immediate control, charge or possession of the Owner or other responsible person capable of physically restraining the animal. See Section 27.

**Animal Control Officer.** That Individual designated as such by the Agency to perform animal control duties described by this Ordinance.

**Animal Control Shelter.** Any facility owned or operated by or under contract with the County, for the care, confinement, adoption, detention and euthanasia of animals pursuant to the authority of this Ordinance or state law.

**Animal Under Restraint.** Any animal secured by a leash or confined within a vehicle or within the real property limits of its Owner or, when used for hunting, under control of a responsible person and obedient to that person's command.

**Authority.** The duly appointed Animal Control Authority. See Article II.

**Board.** The Board of County Commissioners of Washington County, Maryland.

**Citation.** A charge filed by an Animal Control Officer with either the Authority or the District Court of Maryland for Washington County, charging a Person with a violation of the Ordinance. A Citation shall be entered on a form approved by the County.

**Complaint.** A writing filed by a Person with the Authority, charging another Person with a violation of the Ordinance. A Complaint may but need not be entered on a form approved by the County. The Authority may ask for additional information concerning the charge in a Complaint.

**County.** Washington County, Maryland.

**Department.** The Washington County Department of Permits and Inspections.

**Domesticated Animal.** Any such animal that is accustomed to live in or about the habitation of humans, including but not limited to cats, dogs, cows, fowl, horses or swine, but not to include any Wild Animal or Farm Animal.

**Exotic Animal.** Any animal of any species that is not indigenous to the State and is not bred or raised as a Domesticated Animal. Exotic Animal includes any hybrid animal that is part exotic. See Section 34. This definition shall not include Farm Animals. See Section 53.

**Farm Animal.** Any animal maintained or used for the production of food or fiber or for other agricultural purposes.

**Health Officer.** The Health Officer of the County and duly authorized designees.

**Individual.** A human being; a natural living Person. See definition of "Person" below.

**Kennel.** Any building, structure or land used, designed, or arranged for housing, boarding, breeding, or care of more than five dogs over the age of four (4) months kept or bred for hunting, sale, exhibition, or domestic use, but not including Farm Animals. For licensing of Kennels, see Section 21.

**Owner.** Any Person owning, keeping, harboring or acting as custodian of a Domesticated Animal. Any animal owned by a minor shall be deemed to be owned, for the purpose of this Ordinance, by the parent, guardian, or adult with whom such minor resides.

**Person.** Any Individual, corporation, business trust, general or limited partnership, limited liability company, limited liability partnership, firm, joint stock company, unincorporated association, trust, estate or other legal entity. See definition of "Individual" above.

**Pet Shop.** A separate commercial establishment that offers to sell live animals as pets, without outside areas or runways. A pet shop license is required. See Section 25.

**Public Nuisance Animal.** An animal found to be or have been in one or more of the conditions set forth in Section 32.

**State.** The State of Maryland.

**Treasurer.** The duly elected or appointed Treasurer for Washington County, Maryland.

**Veterinarian.** A veterinarian licensed and registered to practice in the State.

**Veterinary Hospital.** Any establishment maintained or operated by a Veterinarian for immunization, hospitalization, surgery, diagnosis, prevention and treatment of diseases and injuries of animals.

**Vicious and Dangerous Animal.** Any animal that constitutes a physical threat to human beings or animals or any animal that, due to its disposition and demonstrated hostile behavior, might reasonably be expected to cause injury to human beings or animals, or any animal that has bitten or attacked a human being or animal without provocation. See Section 35. This definition shall not include Farm Animals. See Section 53.

**Wild Animal.** Any animal of a species that in its natural life is wild, dangerous or ferocious and, though it may be trained and domesticated by the owner, will remain dangerous to the public at large. See Section 34. This definition shall not include Farm Animals. Section 53.

## **ARTICLE II. ANIMAL CONTROL AUTHORITY**

### **Section 2. Animal Control Authority - Creation; duties, powers.**

(a) There is an Animal Control Authority for the County. The Authority shall be vested with and shall possess all of the powers and duties specified in this Ordinance and all powers necessary to properly carry out fully the provisions of this Ordinance. The jurisdiction and powers created under this Ordinance shall extend to any and all Persons owning, leasing, harboring, sheltering or controlling any animal within the County, whether resident or nonresident.

(b) The Authority shall meet as necessary to conduct hearings, as set forth in Section 6. of this Ordinance.

(c) The Authority may adopt a set of rules to govern its own hearings and procedures, and shall make them readily available to the public. These rules and procedures shall be approved by the Board.

(d) The Authority shall submit an annual report to the Board and the Agency concerning the performance of its responsibilities hereunder.

### **Section 3. Animal Control Authority - Composition; term of office.**

(a) The Authority shall consist of five (5) members, all of whom shall be residents of the County. Members shall be appointed by the Board and shall be governed by certain County ordinances and policies, including without limitation the Boards and Commissions Policy and the Ethics Ordinance.

(b) The Authority shall be made up of one member who is a Veterinarian, one member of the agricultural community, one member of the legal profession, and two members from the public at large. If, after reasonable efforts to recruit a Veterinarian to serve as a member of the Authority the Board is unable to find a Veterinarian, the Board may appoint a veterinary technician who is registered in the State.

(c) The members of the Authority shall be appointed by the Board for a term of three (3) years or to fill the unexpired term of a member who has vacated a position before the end of his or her term. No member shall serve more than two (2) consecutive terms.

(d) The members of the Authority shall elect a chair that shall serve for a term of one (1) year or until the expiration of his or her own term as a regular member of the Authority, whichever period is shorter.

**Section 4. Animal Control Authority - Duties of chair.**

(a) The chair may call special hearings at any time. Each member shall be notified of such special hearing and shall be given the opportunity to attend. Any meeting may be canceled upon consent of a simple majority of all members.

(b) The chair shall appoint from the membership a vice-chair to serve in his or her absence. The chair shall also designate a recording secretary, who may but need not be a member of the Authority.

(c) The chair or, in his or her absence, the vice-chair, shall preside at all hearings of the Authority.

(d) The recording secretary or his or her substitute as designated by the chair shall keep a record of the members present at meetings of the Authority.

(e) The recording secretary or his or her substitute as designated by the chair shall keep accurate records of all hearings of the Authority. The recording secretary may but need not be a member of the Authority.

**Section 5. Animal Control Authority - Quorum.**

The presence of any three (3) Authority members shall constitute a quorum. Any decision, resolution or finding shall be construed as the act of the Authority if passed by a majority of those present.

**Section 6. Animal Control Authority – hearings; procedures; and orders**

(a) The Authority may conduct a hearing when:

(1) A Citation is filed with the Authority by an Animal Control Officer, alleging that a Person has violated or permitted an animal to violate the provisions of this Ordinance.

(2) A Complaint is filed with the Authority by an Individual other than an Animal Control Officer, alleging that a Person has violated or permitted an animal to violate the provisions of this Ordinance.

(3) A Citation is filed with the Authority by an Animal Control Officer or a Complaint is filed with the Authority by an Individual, alleging that a Person has failed to comply with an outstanding order of the Authority.

(4) It is necessary for the Authority to resolve any other controversy over which it has responsibility under this Ordinance.

(b) The Authority shall hear and decide cases referred by the Agency concerning the enforcement of this Ordinance, including the abatement of a nuisance caused by one or more Public Nuisance Animals.

(c) The Authority shall conduct a hearing when a Person who has been served with a Citation or Complaint charging a violation of the provisions of this Ordinance files a written request for a hearing before the Authority within five (5) business days after receipt of a Citation or Complaint.

ANIMAL CONTROL ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

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Instructions for requesting a hearing before the Authority shall be printed on all form Citations and Complaints.

(d) The Authority shall not have the power to hear or decide any cases that involve matters arising strictly under the applicable zoning ordinance.

(e) The Authority shall give notice in writing by regular mail to the complainant and the Person charged with or appealing a Citation or Complaint of the time and place of the hearing, providing all parties with a minimum of ten (10) days notice of the hearing. The Authority shall also send notice by personal delivery or by certified mail, return receipt requested, to the Person charged. If the notice sent by regular mail is not returned and if the personal delivery or certified mail receipt indicates that the Person charged is at the address given, it shall be presumed that the Person has received notice of the hearing.

(f) Any hearing held pursuant to this Ordinance shall be conducted in an informal manner. The strict rules of evidence shall not apply. The Authority may hear any evidence that is relevant and probative of the matters set forth in the Citation or Complaint, but shall not be required to hear irrelevant or merely cumulative evidence. Hearsay evidence is admissible if credible and of sufficient probative force to be considered, in the judgment of the Authority.

(g) The charging Animal Control Officer, the complainant, and the Person charged by the Citation or Complaint may appear in person or, if not an Individual, by agent or by attorney. Failure of the charging Animal Control Officer or the complainant to appear shall result in the dismissal of the case by the Authority, unless a postponement is granted by the Authority for good cause shown.

(h) If, after notice is given, the Person charged in a Citation by an Animal Control Officer or in a Complaint filed by an Individual other than an Animal Control Officer:

(1) Does not appear, nevertheless, the Authority may hear and determine the matter.

(2) Does not request a hearing, the Authority may deem that the matter has been heard and may impose a civil penalty.

(i) The Authority is authorized and empowered to issue subpoenas upon forms approved by the Board compelling the attendance of witnesses to testify and to produce evidence at hearings of the Authority. The Authority may effect service of a subpoena by personal delivery or by registered or certified mail. Upon the failure of an Individual subpoenaed to appear, the Authority may apply to the Circuit Court for an order compelling compliance with the subpoena. Failure to comply with the court's order shall constitute contempt of court and shall be punishable in accordance with Maryland law.

(j) The Authority may administer oaths at hearings held under this section. All hearings shall be recorded.

(k) At the close of all the evidence, the Authority shall deliberate and shall issue written findings of fact, conclusions and an appropriate order by regular mail to all relevant parties within fifteen (15) days of the hearing. If the Authority fails to find that a violation was committed, it shall dismiss the Citation or Complaint. If the Authority finds that a violation has been committed, or that an animal is a Public Nuisance Animal, or that a public nuisance condition exists as provided in Section 32., it may impose civil penalties pursuant to Section 43. In lieu of or in addition to imposing civil penalties, it may require appropriate affirmative action, including but not limited to the following:

(1) The mandatory restriction or confinement of the animal, under such conditions as may be appropriate.

(2) The mandatory destruction or other disposition of the animal if the evidence shows that such action is necessitated by the need for the protection of public health and safety, pursuant to Section 41.

(3) The correction of conditions or methods of animal care, keeping, maintenance, housing or veterinary treatment as the Authority may require in its discretion.

(4) Suspension or revocation of the Kennel license, if any.

(l) The Agency may request the Authority to convene immediately for the purpose of investigating situations of acute emergency. In such case, good faith efforts shall be made to serve notice of this expedited hearing upon the Person charged. The Authority may make such findings and orders as are appropriate to deal with the emergency situation. Such an order shall have effect for a period not to exceed fifteen (15) days, and the Authority shall schedule and hold a hearing in the ordinary course to consider further action as necessary.

(m) The determination of the Authority is a final decision for the purpose of judicial review of an administrative decision.

(n) The Authority shall accept oral or written testimony from an agent of the Cooperative Extension Service on the issue of what are customary and normal animal husbandry practices without the formal requirement of qualification as to expertise.

**Section 7. Animal Control Authority - Appeals from Authority orders.**

(a) Any party, including the Agency, aggrieved by a final order of the Authority in a contested case, whether such a decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to judicial review of administrative decisions. See Maryland Rules, Section 7-201, *et seq.*

(b) Judicial review of disputed issues of fact shall be confined to the record of the hearing before the Authority. No cases appealed under this Ordinance shall be heard *de novo*.

**Section 8. Animal Control Authority - Compensation; expenses.**

The members of the Authority shall be reimbursed for such actual expenses as may be incurred by them and for special costs as may be approved by the Board, subject to budget limitations, provided, however, that no compensation shall be paid to the chair or any member of the Authority.

**Section 9. Animal Control Authority - Removal from office.**

The Authority may recommend to the Board by majority vote that any member be removed for inefficiency, neglect of duty, or malfeasance. The Board shall consider such recommendation and may take whatever action is deemed proper in its discretion.

**ARTICLE III. LICENSING**

**Section 10. Licenses generally**

All dogs, Kennels and Pet Shops shall be licensed.

**Section 11. Licenses generally - Rules and regulations.**

The Board may promulgate rules and regulations for the issuance of dog, Kennel and Pet Shop licenses as deemed desirable for public health and welfare and for the protection of animals. Such rules and regulations may include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws.

**Section 12. Licenses generally - Refusal to issue license.**

Any license provided for in this Article shall be refused where the applicant is or would be in violation of this Ordinance, land use or other state or local laws.

**Section 13. Licenses generally - Fraudulent use of license or tag.**

It shall be unlawful for any Person to use any dog license, Kennel license, Pet Shop license, or license tag issued to another Person.

**Section 14. Licenses generally; Land use laws.**

No provision of this Ordinance shall supersede or modify land use laws and regulations.

**Section 15. Dog licenses generally.**

(a) Any Person owning, keeping, harboring, or having custody of any dog, four (4) months of age or older within the County, must obtain a license as herein provided.

(b) If not revoked, the license for the keeping of a dog shall be for one year beginning each fiscal year on July 1. Application for a dog license may be made as follows:

- (1) Thirty (30) days prior to the beginning of each fiscal year;
- (2) Within thirty (30) days of obtaining a dog over the age of four (4) months;
- (3) Within thirty (30) days of a dog reaching four (4) months of age; or
- (4) Within thirty (30) days of moving to the County and owning a dog over the age of four (4) months.

(c) Written application for a dog license shall be made to the Treasurer or designee on forms provided and shall state the name, address, telephone number of the Owner, the name, breed, color, age,

sex of the dog, whether the dog has been spayed or neutered, and the current rabies inoculation tag number.

(d) A valid certificate of rabies inoculation issued by a Veterinarian or anti-rabies clinic recognized by the Health Officer, stating the inoculation date, expiration date and the type of vaccine used, shall accompany the application for a dog license, except when, in the written opinion of a Veterinarian, it is not advisable due to the impaired physical condition of the dog. If the animal has been exempted from the requirement of a rabies inoculation due to physical impairment, a license will be issued without proof of a rabies inoculation and a copy of the written exemption from a Veterinarian will be submitted to the Treasurer or designee for attachment to the copy maintained by the Treasurer. If the animal was brought into the County from outside the State, an unexpired rabies inoculation certificate or tag issued by a veterinarian or anti-rabies clinic licensed in the state in which the animal was inoculated shall be acceptable. See Md. Code, Health-General Article, §18-318.

(e) The Owner of any dog having received or having been subject to protection training shall be required to include such information in the application in addition to those matters required in subsection (c) of this section.

#### **Section 16. Dog licenses - License required; exception.**

The licensing requirements of this section shall not apply to any dog belonging to a nonresident of the County and kept within the boundaries of the County for a single period of less than thirty (30) days; provided that all such dogs shall, at the time of entry into the County, have been properly vaccinated against rabies. While any such animal is kept within the County, the Owner shall comply with all other requirements of this Ordinance.

#### **Section 17. Dog licenses - Guide dogs and police dogs.**

(a) If the license application discloses that a dog for which a license is sought will be used as a guide dog trained to aid a blind, hearing impaired, or disabled Individual and it is actually in use for such purpose, the license will be issued without payment of any fee and the issuing agent shall record across the face of the license in red ink the words "Dog Guide." Dogs so licensed will be exempt from any charge at County-sponsored anti-rabies clinics.

(b) All publicly owned police dogs shall be licensed only as provided by Article 88B, Section 70 of the Annotated Code of Maryland, and are exempted from the licensing provisions of this Ordinance. Dogs so licensed shall be exempt from any charge at County-sponsored anti-rabies clinics.

(c) All license-exempt dogs shall be vaccinated against rabies as mandated by the health laws in the Annotated Code of Maryland.

#### **Section 18. Dog licenses - Fees.**

(a) A dog license may be issued after payment of a fee of \$3.00 for each spayed or neutered dog required to be licensed and a fee of \$6.00 for each dog that has not been spayed or neutered and required to be licensed. Effective July 1, 2001, the fee for a spayed or neutered dog shall increase to \$5.00 and the fee for a dog that has not been spayed or neutered shall increase to \$15.00. This schedule of fees may be amended by the Board by resolution.

(b) If a dog is claimed on the application to have been spayed or neutered, it shall be the duty of the Owner to present a certificate from a Veterinarian that shall include the description, name, breed, color, age, and sex of the dog, unless such a certificate from a Veterinarian has already been supplied.

**Section 19. Dog licenses - License tag and certificate.**

(a) Upon licensing a dog, an identification tag shall be issued by the Treasurer or designee. The identification tag so issued and the certificate stub retained by the County shall be accepted as *prima facie* evidence of ownership. It shall be unlawful for any Person to take out a license for a dog in any name other than that of its Owner.

(b) A substitute metal license to replace a lost tag shall be issued to the dog's Owner upon surrender of the original certificate and upon payment of a replacement fee set by the Treasurer.

(c) No Person may use a license for any animal other than the animal for which it was issued.

**Section 20. Dog licenses - Wearing of license tags.**

A license tag on an Individual dog shall be securely affixed to a collar, harness or other device and shall be worn at all times by such animal except while such dog remains indoors or while attending training classes, dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner.

**Section 21. Kennel licenses generally.**

(a) Any Person owning or operating a Kennel shall obtain a license in compliance with this section.

(b) If not revoked, the Kennel license shall be valid for one year and shall begin each fiscal year on July 1. Application for a Kennel license may be made as follows:

- (1) Thirty (30) days prior to the beginning of each fiscal year,
- (2) Within thirty (30) days of obtaining more than five (5) dogs over the age of four (4) months, or
- (3) Prior to opening a Kennel in Washington County.

(c) An application for a Kennel license shall be filed with the Department and shall include the following:

(1) A written application on a form provided by the Department and containing the name, address and telephone number of the Owner or operator, the actual location of the Kennel, and the number and type of animals housed normally in the Kennel.

(2) Proof of a satisfactory inspection by the Agency on a form provided by the Department under the standards provided in Section 26.

(3) A certification from the zoning administrator that the location of the Kennel for which the license is sought is properly zoned for that use.

(4) If required for that district, an opinion of the board of appeals granting a special exception and a variance to meet the dimensional requirements of the applicable zoning ordinance.

(5) A current rabies vaccination certificate for all dogs and cats over four (4) months of age.

(6) An application fee for an annual Kennel license of \$10.00 for Kennels with twenty-five (25) or fewer animals and \$20.00 for Kennels with over twenty-five (25) animals. Effective July 1, 2001, the fee for all Kennel licenses shall be \$100.00.

**Section 22. Kennel licenses - Individual tags.**

The Kennel tag for each individual dog shall be securely affixed to a collar, harness or other device and shall be worn at all times by such animal except while such dog remains indoors or while attending training classes, dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner. A dog license tag shall not be required for any dog wearing a valid Kennel tag.

**Section 23. Kennel licenses - Posting.**

Every Person having a Kennel license shall keep such license posted and exhibited while in force in some conspicuous part of such establishment.

**Section 24. Kennel licenses – Refusal, suspension and revocation.**

(a) If a Kennel is being maintained in an unsanitary or inhumane manner or in violation of any specific provision of this Ordinance, the Agency may petition the Department to cause the refusal to issue, suspension, or revocation of a license for said Kennel. The decision to refuse to issue, suspend, or revoke a license on these grounds may be appealed to the Authority. The Agency shall notify the applicant or licensee in writing of the proposed refusal, suspension or revocation, the applicant's or licensee's right to a hearing before the Authority, and the procedure for appeal.

(b) If the applicant or licensee does not submit a written request for a hearing before the Authority to the Department within fifteen (15) days after receipt of the notice of the refusal, suspension or revocation, the application shall be refused or the license shall be suspended or revoked, as the case may be.

(c) An applicant shall have the burden of proving by clear and convincing evidence the applicant is eligible for and entitled to a license.

**Section 25. Pet Shop license.**

Pet Shops shall be licensed. All of the requirements for Kennels shall apply to Pet Shops, with the addition of specific regulations for Pet Shops to be adopted by the Board.

**ARTICLE IV. STANDARDS FOR KENNELS**

**Section 26. Standards for Kennels; Inspections.**

(a) In addition to the other requirements of this Ordinance, Kennels shall comply with the standards set forth in this section. Upon filing an application for a Kennel license, the Department shall refer the application to the Agency. The Agency will inspect each Kennel to ensure that the Kennel license applicant is in compliance with this Ordinance. The Agency may inspect any Kennel and any records thereof, required to be kept by federal, state or county law, at any reasonable time during normal business hours. Failure to meet these standards may be cause for refusal, suspension, or revocation of a Kennel license by the Department. The standards are as follows:

(1) All animals must be supplied with sufficient nutritious food and potable water. All food and water containers shall be clean and placed so that the animals cannot readily tip them over.

(2) All animals and animal quarters shall be kept in a clean and sanitary condition. Floors of buildings, runs and walls shall be of such material as to permit proper cleaning and disinfecting. Adequate ventilation, essential light and temperatures shall be maintained.

(3) Animals housed in Kennels must be maintained in quarters so constructed as to prevent their escape. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

(4) Each cage shall be of sufficient size that an animal will have room to stand, turn and stretch to its full length.

(5) All animals housed in Kennels must be properly exercised in accordance with the age and species of the animal.

(6) Any animal housed in a Kennel that demonstrates signs of illness or disease shall be isolated in such manner as to prevent the spread of such illness or disease to other animals. The owner or lessee of such Kennel shall provide or cause to be provided appropriate veterinary care for such sick, diseased or injured animals.

(b) The standards set forth in subsection (a) shall be in conformity with the requirements of individual species and common veterinary practice.

(c) Any refusal, suspension or revocation of a Kennel license resulting from a failure to adhere to the standards in this section may be appealed to the Authority.

**ARTICLE V. REQUIREMENTS OF OWNERS**

**Section 27. Animal at Large - Prohibited.**

(a) No Owner shall allow an animal to be at large, as defined in Section 1.

(b) The Animal at Large prohibition in subsection (a) shall not apply to:

- (1) Animals on the premises of another property with the permission of the property owner or lessee.
- (2) Dogs being used for training, hunting; or obedience training.
- (3) Dogs accompanied by the Owner or agent of the Owner on horseback.
- (4) Farmers driving herds to and from pasture, different farms, or parts of farms. See Md. Code, Agriculture Article, §3-504.

(c) An Animal Control Officer encountering a Farm Animal at large shall:

- (1) Check the immediate neighborhood for the owner
- (2) Ask a farmer in the area to hold the livestock until the owner is found
- (3) If necessary, hold the livestock in the Animal Control Shelter
- (4) If necessary due to size, breed or quantity, hold the animals in a stockyard

**Section 28. Animal waste.**

(a) It shall be unlawful for any Owner or custodian to allow his or her animal or any animal under his or her care to urinate or defecate on the property of another without the property owner's consent.

(b) It shall be unlawful for any Owner or custodian to 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 waste in a sanitary manner.

(c) An Owner or custodian handling animal waste in accordance with an approved nutrient management plan shall be exempt from the provisions of this section.

**Section 29. Dead animals.**

It shall be the duty of every Owner of any animal and every property owner to dispose of any dead animal at the Owner's expense. No Person shall, nor cause to, place or leave the carcass of any dead animal in any street, alley or on public property or allow the same to remain on his or her property. Farm Animals are exempt from the provisions of this section. See Section 53.

**Section 30. Confinement of female dogs in heat.**

The Owner, agent or custodian of any female dog in estrus ("heat") must so guard and protect such dog that she will not be out of doors except on the Owner's property for the purpose of regular exercise under control of the Owner, for the purpose of natural relief, or during the process of conveying the dog to a place suitable for the purpose of medical treatment, boarding or breeding, and under the direct control of such Person.

**Section 31. Owner release.**

An animal turned in by an Owner to the Agency shall not be euthanized until the Owner provides a written statement to the effect that the animal has not bitten a human within the previous ten (10) days, unless a report of the circumstances of a bite from the police or the Health Department is presented by the Owner. Those Individuals responsible for euthanization of the animal shall not be held liable for damages for actions taken in accordance with applicable standards of practice.

**Section 32. Public Nuisance Animals.**

(a) No Person shall keep or maintain any animal in such a manner as to cause or permit such animal to be a Public Nuisance Animal. An animal may be deemed a public nuisance upon the existence of one of the following conditions:

(1) When an animal is found by the Agency to have been running at large two or more times in a six (6) month period.

(2) When an animal damages, soils, defiles or defecates on any private property, other than that of the Owner, or when an animal does so on common grounds or jointly owned property.

(3) When an animal or animals cause unsanitary, dangerous or offensive conditions due to the size or number of animals maintained at a single location, the inadequacy of the facilities, or the maintenance of the premises by the Owner.

(4) When an animal makes or causes excessive barking, whines or howls so as to disturb the quiet or comfort of Individuals in the surrounding areas.

(5) When an animal molests, intimidates, or acts in an aggressive manner towards an Individual or a vehicle when such Individual or vehicle is using any public street, highway or public space.

(b) Farm Animals are exempt from the provisions of this section. See Section 53.

**Section 33. Animals as prizes or inducements; coloring.**

(a) No Person shall offer or give away any dog, cat, rabbit, baby chick, duckling, or other fowl or animal as a prize for or as an inducement to enter any contest, lottery, drawing or auction. No animal may be used as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(b) No Person shall dye, color or stain any animal to change the natural color of said animal.

(c) Farm Animals are exempt from the provisions of this section. See Section 53.

**Section 34. Exotic Animals or Wild Animals.**

(a) No Person may own, sell, exhibit, barter or harbor any Exotic Animal or Wild Animal in the County without first obtaining permits required by state or federal law.

(b) The Agency may without prior notice to any Owner, impound from public or private property an animal not permitted in the County pursuant to this section.

(c) The Agency shall make a prompt and reasonable effort to notify the Owner that the animal has been impounded, the reason for the impoundment, and the conditions for the release of the animal. The animal shall be held for up to ten (10) days to give the Owner an opportunity to arrange for the prompt and permanent removal of the animal from the County and to give assurance of such removal. If the Owner has not arranged for removal of the animal from the County within ten (10) days, the animal shall be disposed of according to Section 41.

### **Section 35. Vicious and Dangerous Animals.**

(a) An animal may be declared a Vicious and Dangerous Animal by the chief administrator of the Agency or his or her designee. An Owner may appeal any declaration that an animal is a Vicious and Dangerous Animal to the Authority within ten (10) days of being served with the notification.

(b) Every Owner or custodian of a Vicious and Dangerous Animal including, but not limited to dogs, shall keep such animal confined in a building or other secure enclosure in a manner as to prevent direct contact between the animal and human beings or other animals.

(c) No Vicious and Dangerous Animal may be removed from confinement unless such animal is first securely muzzled, leashed, and under the control of a Individual over the age of sixteen (16) years who is physically capable of restraining the animal.

(d) An Animal Control Officer may impound a Vicious and Dangerous Animal whose Owner is found in violation of this section.

(1) An Owner may appeal the impoundment to the Authority within five (5) days of receiving notice.

(2) Should an Owner fail to appeal, the animal may be disposed of pursuant to Section 41.

(e) An Owner of a Vicious and Dangerous Animal shall provide written notice to the Agency within five (5) days of selling or giving the animal away to another Person. The written notice to the Agency shall state the name and address of the new Owner of the animal, that the new Owner has been notified of the declaration that the animal is a Vicious and Dangerous Animal, and the details of the animal's vicious and dangerous behavior.

## **ARTICLE VI. ENFORCEMENT**

### **Section 36. Animal Control Officers/inspectors; Powers of enforcement.**

(a) Any Animal Control Officer shall have the right to enter upon any property where the officer has probable cause to believe that such entry is necessary for the purpose of discharging the duties imposed by this Ordinance, including but not limited to impoundment under Section 37. However, that

nothing in this section shall be construed as permitting the entry into a private building or other structure except in accordance with Maryland law.

(b) An Animal Control Officer is authorized to apply to a District Court or Circuit Court judge for a search and seizure warrant permitting entry into any private building or other structure. A warrant shall be issued upon written, described probable cause, supported by oath or affirmation, and particularly describing in writing the place to be searched, and the animal or other things to be seized, in accordance with Maryland law.

(c) It shall be unlawful for any Person to interfere or attempt to interfere with an Animal Control Officer or any Individual acting under the authority of this Ordinance, in the performance of the duties of the Officer or other authorized person, nor shall any Person without authority release or attempt to release any animal impounded pursuant to this Ordinance or State law.

**Section 37. Impoundment – generally.**

(a) Any animal found at large may be impounded by the Agency or any Animal Control Officer and taken to the Animal Control Shelter. The animal shall be confined there in a humane manner for a period of not less than five (5) business days, unless sooner claimed and redeemed by its Owner. See exemptions in Section 27.

(b) An exception to the five (5) day impoundment period will be made for litters of puppies and kittens over the age of eight (8) weeks, which will be made immediately available for adoption. For the purposes of this Ordinance, a litter shall consist of three or more animals.

(c) An exception to the five (5) day impoundment period will be made for any captured animal of unknown ownership determined to be a Vicious and Dangerous Animal, after 48 hours, which constitutes a personal threat to the staff of the Agency and the public.

(d) Where the Agency is unable with reasonable efforts to safely seize and impound a Vicious and Dangerous Animal, a Wild Animal, or an animal suspected to have rabies, local police agencies may use weapons as may be necessary to kill or subdue the animal, and shall do so in the most humane manner possible.

(e) An Animal Control Officer may seize an animal from any place if the officer determines that emergency conditions make it necessary to do so in order to protect its health and safety and the health and safety of the public or other animals.

(1) An Owner may appeal the removal of an animal under this subsection to the Authority within five (5) days of receiving actual or written notice of the impoundment.

(2) Should an Owner fail to appeal a removal to the Authority within five (5) business days of notice, the animal may be disposed of pursuant to Section 41.

**Section 38. Impoundment - Notification of Owner.**

Upon impounding any animal, the Agency shall make all reasonable efforts to locate and notify the animal's Owner of the impoundment.

**Section 39. Sick or injured animals.**

(a) Any impounded Animal at Large, the Owner of which is not known, and which is sick or injured, may be disposed of before the end of the statutory period at the discretion and direction of a Veterinarian. A Veterinarian shall not be liable to the Owner for such direction made in good faith and at the request of the Agency. As to Animals at Large, see Section 27.

(b) Any animal found in a critical, mortally wounded condition from wounds, injuries, or diseases may, at the discretion of a Veterinarian or an Animal Control Officer, be humanely destroyed. The Owner shall be notified as soon as possible thereafter, and shall immediately provide for expenses and burial or cremation of the animal if he or she knows of the death of the animal and the location of the carcass.

(c) The Agency is authorized to enter into agreements with Veterinarians for the care of sick or injured animals which are licensed or which give the appearance of having been given good care. If the Owner cannot be located within a reasonable time, the Agency shall pay for the expenses incurred. If the Owner is located, he shall promptly pay for the Veterinarian's services and other expenses incurred for the care of the animal.

**Section 40. Impoundment - Redemption of impounded animals.**

The Owner of an impounded animal shall be entitled to redeem such animal upon proof of ownership, compliance with the license provisions of this Ordinance, the payment of any fees imposed by the Agency, and compliance with any measures required by the Agency.

**Section 41. Disposition of animals.**

At the end of the minimum time period specified in this Article, unclaimed animals shall be deemed abandoned and become the property of the Agency, and shall be disposed of only by euthanasia or by adoption or, in the case of a wild animal, released in a suitable habitat where permitted. Any Owner of any animal deemed abandoned which has not been disposed of by euthanasia or adoption may reclaim said animal by paying the requisite fees to the Agency.

**Section 42. Prohibited acts.**

(a) No person shall beat, torment, overload, overwork, cause unnecessary suffering to or otherwise abuse any animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. No Person shall abandon any animal on public or private property. Customary and normal veterinary and animal husbandry practices including but not limited to dehorning, castration, docking, and limit feeding, shall not be construed as being included in the provisions of this section. The Authority shall accept oral or written testimony from an agent of the Cooperative Extension Service on the issue of what are customary and normal animal husbandry practices, or from a Veterinarian on the issue of what are customary and normal veterinary practices, without the formal requirement of the presence of the agent or Veterinarian or qualification as to expertise.

(b) No Person shall entice an animal off the property of its Owner with the intent to allow said animal to become an Animal At Large. For Animals at Large, see Section 27. For Public Nuisance Animals, see Section 32.

(c) It shall be unlawful for any Person to conceal any animal or to falsely deny ownership of any animal owned or harbored by him from any Animal Control Officer or other person authorized to act by the provisions of this Ordinance.

(d) If an animal is impounded under this section and is not redeemed within ten (10) days of notice to the Owner, the animal may be disposed of pursuant to Section 41.

## **ARTICLE VII. PENALTIES**

### **Section 43. Civil penalties.**

(a) An Animal Control Officer may serve a Citation upon any Person found to have committed a violation of this Ordinance. The Citation shall impose upon such violator a civil penalty of up to twenty-five dollars (\$25.00) for a first offense. A civil penalty of up to one hundred dollars (\$100.00) may be imposed for a second offense. A civil penalty of up to two hundred fifty dollars (\$250.00) may be imposed for a third or subsequent offense. All civil penalties shall be paid to the Treasurer within twenty (20) days in full satisfaction of the assessed penalty. An Animal Control Officer is also empowered to issue a warning in lieu of a Citation in an appropriate case.

(b) A Citation to impose a civil penalty may be filed with the Authority in accordance with Section 6.

(c) In the alternative, a Citation to impose a civil penalty may be filed with the District Court pursuant to Md. Code, Courts and Judicial Proceedings, §4-401(10)(ix).

(d) Should collection proceedings be required for collection of a civil penalty, an attorney's fee of one hundred seventy-five dollars (\$175.00) and court costs shall be imposed on the Person who has failed to pay the civil penalty to cover the costs of collection.

(e) In addition to other authority, the District Court of Maryland shall have the power to grant equitable relief and may take the actions set forth in Section 6.(i)(1-4) of this Ordinance, pursuant to Md. Code, Courts and Judicial Proceedings, §4-401(8). This power is in addition to and concurrent with all other powers pertaining to enforcement of this Ordinance.

(f) Civil penalties collected under this Ordinance shall be credited to the general fund of the County or municipal corporation in which the violation occurred.

(g) The Authority and the District Court shall have the authority to reduce or modify, but not increase, a civil penalty assessed under this Ordinance.

(h) Procedure for civil ordinance violations in the District Court of Maryland.

(1) For purposes of this article, a violation of this Ordinance is a civil offense.

(2) The civil penalty shall be paid to the County by the Person charged in the Citation within 20 calendar days of service of the Citation.

(3) (i) Animal Control Officers may serve a Citation on any Person:

1. Whom they believe is committing or has committed a violation of this Ordinance; or

2. On the basis of an affidavit submitted to an appropriate official of the County, to be named by the County, citing the facts of the alleged violation of this Ordinance.

(ii) The Citation shall be served on the defendant:

1. In accordance with Maryland Rule 3-121; or

2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Maryland Rule 3-121(a) have not succeeded, by:

A. Regular mail to the defendant's last known address; and

B. Posting of the Citation at the property where the ordinance violation has occurred or is occurring, and, if located within the County in which the ordinance violation has occurred or is occurring, at the residence or place of business of the defendant.

(iii) The Citation shall contain:

1. The Animal Control Officer's certification:

A. Attesting to the truth of the matter set forth in the Citation; or

B. That the Citation is based on an affidavit;

2. The name and address of the Person charged;

3. The nature of the ordinance violation;

4. The location and time that the ordinance violation occurred;

5. The amount of the civil penalty assessed;

6. The manner, location, and time in which the civil penalty may be paid to the County;

7. The Person's right to elect to stand trial for the Ordinance violation; and

8. The effect of failing to pay the assessed civil penalty or demand a trial within the prescribed time.

(iv) The Animal Control Officer shall retain a copy of the Citation.

(4) (i) If a Citation is served without a summons as provided in paragraph (6) of this subsection, the Person charged in the Citation may elect to stand trial for the Ordinance violation by

notifying the County in writing of the Person's intent to stand trial. The written notice shall be given at least five (5) days prior to the date of payment as set forth in the Citation.

(ii) Upon receipt of the written notice of the intent to stand trial, the County shall forward to the District Court having venue a copy of the Citation and the written notice.

(iii) Upon receipt of the Citation and the written notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) (i) If a Person charged in a Citation fails to pay the civil penalty by the date of payment set forth on the Citation and fails to deliver to the County the written notice of intent to stand trial, the Person is liable for the assessed civil penalty.

(ii) The County may double the civil penalty to an amount not to exceed \$1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit.

(iii) The District Court shall promptly schedule the case for trial and issue a summons for the defendant to appear.

(iv) The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the County in the amount then due if a proper demand for judgment on affidavit has been made.

(6) (i) 1. An Animal Control Officer may also serve a summons with a Citation that requires the Person to appear in District Court on a specified date and time.

2. The summons shall specify that the Person is not required to appear in District Court if the civil penalty is paid as provided in the Citation.

3. If approved by the Chief Judge of the Maryland District Court, the Citation form may contain the summons.

4. The Animal Control Officer shall coordinate the selection of court dates with the appropriate District Court officials.

(ii) If the defendant fails to pay the civil penalty as provided in the Citation and fails to appear in District Court as provided in the summons:

1. The County may double the civil penalty to an amount not to exceed \$1,000:  
and

2. The Court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

(7) If any Person shall be found by the District Court to have committed an Ordinance violation:

(i) 1. The District Court shall order the Person to pay the civil penalty, including any doubling of the civil penalty, not to exceed the limits under paragraph (2) of this subsection;

2. The civil penalties imposed shall constitute a judgment in favor of the County;  
and

3. If the civil penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the Court has suspended or deferred the payment of the civil penalty as provided under subparagraph (ii) of this paragraph;

(ii) The District Court may suspend or defer the payment of any civil penalty under conditions that the Court sets;

(iii) The Person shall be liable for the costs of the proceedings in the District Court; and

(iv) The Court may order the Person to abate the ordinance violation or enter an order permitting a County to abate any such Ordinance violation at the Person's expense.

(8) (i) If a County abates an Ordinance violation pursuant to an order of the District Court, the County shall present the defendant with a bill for the cost of abatement by:

1. Regular mail to the defendant's last known address; or

2. Any other means that are reasonably calculated to bring the bill to the defendant's attention.

(ii) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the County, the District Court shall enter a judgment against the defendant for the cost of the abatement.

(9) All civil penalties or forfeitures collected by the District Court for an Ordinance violation shall be remitted to the County in which the ordinance violation occurred.

(10) If a defendant fails to pay any civil penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(11) Adjudication of an Ordinance violation, as defined in paragraph (1) of this subsection, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(12) In any proceeding for an Ordinance violation:

(i) It shall be the burden of the County to prove that the defendant has committed the Ordinance violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;

(ii) The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(iii) The defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

(iv) The defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and

(v) The defendant may enter a plea of guilty or not guilty of the Ordinance violation as charged, and the verdict of the District Court shall be guilty of an Ordinance violation or not guilty of an Ordinance violation, or the District Court may, before rendering judgment, place the defendant on probation.

(13) The court costs in an ordinance violation proceeding in which costs are imposed are five (\$5.00) dollars. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

## **ARTICLE VIII. CONTROL OF RABIES**

### **Section 44. Rabies - Immunizations of dogs and cats.**

All dogs and cats of the age of four (4) months or older in the County shall be currently immunized against rabies by a Veterinarian or by an anti-rabies clinic authorized by the Health Department and the State Public Health Veterinarian. Immunity against rabies shall be maintained at a level approved by the State Community and Public Health Administration. If the animal was brought into the County from outside the State, an unexpired rabies inoculation certificate or tag issued by a veterinarian or anti-rabies clinic licensed in the state in which the animal was inoculated shall be acceptable.

### **Section 45. Rabies - Reports of an animal biting an Individual.**

Any Owner, keeper or harbinger of an animal known to have bitten an Individual, as well as the Individual bitten, shall immediately report such bite to any law enforcement agency in the County. The law enforcement agency shall, within 24 hours, notify the Agency and the Health Officer of the details of the incident, and shall provide a description of the animal.

### **Section 46. Rabies - Confinement of biting animals.**

(a) The Agency shall confine or provide for the confinement of any Domesticated Animal that has bitten any Individual, for clinical observation for a period of not less than ten (10) consecutive calendar days. The confinement may occur on the premises of the animal Owner, provided that the Owner signs a written agreement to provide for properly supervised confinement. In the alternative, the animal may be confined in the Animal Control Shelter or a veterinary hospital at the Owner's option and expense. No Person shall knowingly allow such confined animal to escape or sell, give away or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period.

(b) The Health Officer shall be empowered to order an examination of any such animal, if not inoculated, to determine whether it may have rabies.

(c) If the Owner of any biting animal decides to euthanize the animal before the end of the ten (10) day confinement and observation period, the Owner shall notify the Agency and the animal shall be humanely euthanized and examined for rabies pursuant to this section.

(d) If an animal biting an Individual is injured or sick and its condition warrants euthanasia, that animal shall be humanely euthanized and examined for rabies pursuant to this section.

(e) The Agency shall be notified when any Individual or Domesticated Animal is bitten by any Wild Animal, and such Wild Animal shall be euthanized and examined for rabies pursuant to this section.

(f) An animal to be examined for rabies pursuant to this section shall have its head removed and sent immediately to a laboratory approved by the State Department of Health and Mental Hygiene for the examination at the Owner's expense.

## ARTICLE IX. MISCELLANEOUS

### **Section 47. Adoptions.**

(a) The Agency may provide for the adoption of impounded animals by a responsible Person after payment of the requisite fees.

(b) A dog or cat put up for adoption shall be no less than eight (8) weeks of age, free from known disease or injury unless notification has been given to the adopter, not vicious and released only after definite provisions have been made for sterilization, inoculation and licensing of such animal.

(c) The Agency may establish fees to be paid by any Person adopting an animal.

### **Section 48. Fees.**

The Board shall, from time to time, review all fees that the Agency is empowered to set by this Ordinance and to set those fees that the Board is empowered to set pursuant to the Annotated Code of Maryland and this Ordinance.

### **Section 49. Owner's liability.**

If any animal shall do any damage to the body, clothing or other property of any Individual, the Owner or keeper or, if the Owner or keeper be a minor, the parents or guardian of such minor shall be liable for such damages, unless such damages shall have been occasioned to the body or clothing of an individual who, at that time such damages were sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such animal. An individual is lawfully upon the private property of such Owner within the meaning of this Ordinance when the individual is on such property in the performance of any duty imposed by the laws of the State, County, or by the postal regulations of the United States, or when on such property upon the express or implied invitation of the Owner thereof.

### **Section 50. Public education.**

The Board may cause to be instituted a permanent public education program in cooperation with the Agency to inform pet owners of the responsibilities of animal ownership, the proper care of animals, and the provisions of this Ordinance. As a part of this program, a brochure shall be created which contains

a summary of the chief provisions of the Ordinance, to be distributed to Veterinarians, Pet Shops, the Treasurer, the Agency, the Department, and all authorized outlets for the issuance of licenses, with the intention that each applicant for a license under this Ordinance shall receive a copy of the brochure. The Board and the Agency may also cooperate with the Board of Education in taking the public education program into the school system.

**Section 51. Sterilization.**

The Board may cause to be established a program for the sterilization of dogs and cats owned by County citizens.

**Section 52. Volunteers.**

The Agency is hereby authorized to permit, in its sole discretion, individuals who volunteer their services to assist the Agency in carrying out the non-coercive provisions of this Ordinance.

**Section 53. Exemption of farm animals.**

Farm Animals shall be exempt from all provisions of this Ordinance, except for the following:

- (a) Prohibited Acts under Section 42.
- (b) Licensing requirements under Section 15.
- (c) Animals at Large provisions under Section 27.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2001.

Effective the \_\_\_\_ day of \_\_\_\_\_, 2001.

**RESOLUTION TO ENFORCE THE ANIMAL CONTROL ORDINANCE FOR  
WASHINGTON COUNTY IN THE TOWN OF KEEDYSVILLE**

**RECITALS**

The Board of County Commissioners of Washington County, Maryland, is the duly constituted legislative body of Washington County (the "County").

The Mayor and Council of Keedysville (the "Town") is the duly constituted legislative body for the said municipal corporation.

Md. Code, Article 25, §236A grants the County the authority to adopt an animal control ordinance. Pursuant to that authority, the revised Animal Control Ordinance (the "Ordinance") was adopted by the Board on January 30, 2001, and became effective on February 20, 2001.

The Town, pursuant to Md. Code, Article 23A, §2B, has the authority to request and authorize the County to administer and enforce ordinances within the corporate limits of the municipal corporation.

The Mayor and Council of the Town reviewed the Ordinance and, believing that it would be in the best interests of the citizens of the Town and in the interest of uniformity and efficiency to adopt the same, passed an ordinance on May 7, 2001, effective that same day, authorizing and directing the County to administer and enforce the Ordinance as amended by the Town, within the corporate limits of the Town to provide for the control, safety and welfare of animals and the community. A copy of the Town's ordinance is attached hereto and incorporated by reference.

The County, having expressly found that it would be in the best interests of the citizens of the County to enforce the Ordinance, as amended by the Town, within the corporate boundaries of the Town, has agreed to do so.

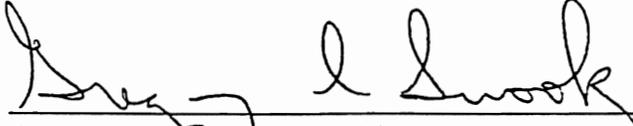
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland, that, pursuant to the request of the Town in the attached ordinance, the County agrees to administer and enforce the Animal Control Ordinance for Washington County within the corporate limits of the Town in accordance with the existing agreement with the County's animal control agency.

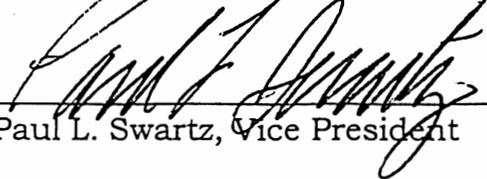
Adopted this 11<sup>th</sup> day of December, 2001, effective as of the date of

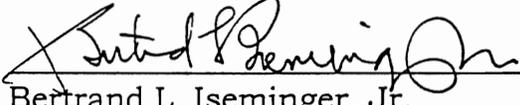
ATTEST:

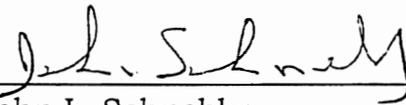
BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY, MARYLAND

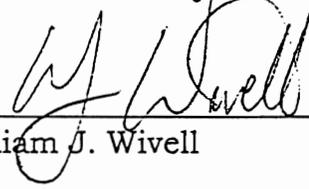
  
\_\_\_\_\_  
Joni L. Bittner, Clerk

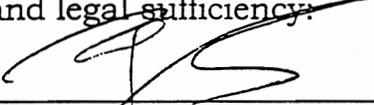
  
\_\_\_\_\_  
Gregory I. Shook, President

  
\_\_\_\_\_  
Paul L. Swartz, Vice President

  
\_\_\_\_\_  
Bertrand L. Iseminger, Jr.

  
\_\_\_\_\_  
John L. Schnebly

  
\_\_\_\_\_  
William J. Wivell

Approved as to form  
and legal sufficiency:  
  
\_\_\_\_\_  
Richard W. Douglas  
County Attorney

Mail to:

Richard W. Douglas  
Washington County Attorney  
100 W. Washington Street  
Room 213  
Hagerstown, MD 21740

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A RESOLUTION/ORDINANCE ADOPTING THE WASHINGTON COUNTY  
ANIMAL CONTROL ORDINANCE AND MAKING SAME APPLICABLE WITHIN  
THE CORPORATE LIMITS OF KEEDYSVILLE, MARYLAND

R E C I T A L

The Mayor and Council of the Town of Keedysville, Maryland, are the duly constituted legislative body for said municipal corporation. The Board of County Commissioners of Washington County, Maryland, is the duly constituted governing body of Washington County, Maryland. (hereinafter referred to as "Board").

The Board of County Commissioners of Washington County on January 30, 2001 enacted and passed an Ordinance entitled "ANIMAL CONTROL ORDINANCE FOR WASHINGTON COUNTY, MARYLAND", (hereinafter "Ordinance"). A copy of same is attached hereto and incorporated herein "in toto".

The Town pursuant to the provisions of the Charter of said municipality and Article 23A, 2B of the Annotated Code of Maryland has the authority to request and authorize the Board to enforce and regulate Ordinances within the corporate limits of the municipality.

The Mayor and Council of the municipality have deemed it to be in the best interest of the citizenry of said Town and the community in general and in the interest of uniformity and efficiency to adopt and pass an Ordinance authorizing and directing the Board of County Commissioners to enforce said Ordinance within the corporate limits of the Town.

Each and every paragraph of this Recital is incorporated in the remainder of this Resolution and constitutes a part thereof. Each and every paragraph of the remainder of this Resolution is included in this Recital and made a part hereof.

**NOW, THEREFORE, be it RESOLVED, ENACTED, and ORDAINED** that any existing municipal animal control ordinance(s) are hereby revoked; and be it further

**RESOLVED, ENACTED, and ORDAINED** that the following Ordinance adopting the Washington County Animal Control Ordinance and making same applicable within the corporate limits of the municipality is hereby enacted:

*Recorded 7/12/01*

## AN ORDINANCE REGULATING AND CONTROLLING ANIMALS

### §1. Prohibited Animals - Corporate Limits

It shall be and is unlawful for any person, corporation, legal entity, or resident to keep, raise, maintain, exhibit, or utilize any farm animal, wild animal, exotic animal, fowl or reptile for either profit or non-profit purposes within the limits of the Town of Keedysville.

### §2. Adoption - Animal Control Ordinance for Washington County, Maryland

An Ordinance entitled "Animal Control Ordinance for Washington County, Maryland" enacted January 30, 2001 by the Board of County Commissioners for Washington County, Maryland is hereby adopted as it now exists, and as it may be subsequently amended from time to time in the future except as may be hereinafter set forth.

Said Ordinance is attached hereto and incorporated herein by reference.

### §3. Applicability

The provisions of this Ordinance shall apply and be applicable and enforceable within the corporate limits of the municipality. This Ordinance is not to be construed as in derogation of any existing zoning, health regulations, or any other applicable State, federal statutes or regulations, except as hereunder set forth.

#### (a) Exceptions:

(i) Section 1 of this Ordinance or any other provision of this Ordinance does not pertain to any establishment maintained and/or operated by a veterinarian for purposes of treatment.

(ii) Section 53, Exception of Farm Animals, as set forth in the Animal Control Ordinance for Washington County, Maryland is not adopted and is not applicable within the corporate limits of the municipality.

### §4. Enforcement

Pursuant to the provisions of Article 23A, 2B of the Annotated Code of Maryland, the Mayor and Council of the Town hereby request and authorizes the Board of County Commissioners of Washington County, Maryland, its employees, agents, representatives, servants and/or contract representatives to implement, enforce, and regulate the applicable provisions of this Ordinance within the corporate limits of the municipality in accordance with the provisions set forth herein.

§5. Interpreting and Applying this Ordinance

The provisions of this Ordinance shall be held to be minimum requirements to meet the stated purpose and intent of said Ordinance. Where the provisions of this Ordinance impose greater restrictions than those of any Federal, State, County, Town statute, Ordinance or regulations, the provisions of this Ordinance shall govern. Where the provisions of any Federal, State, County, Town statute, Ordinance or regulations impose greater restrictions than those of this Ordinance, the provisions of such Federal, State, County, Town statute, Ordinance or regulations shall prevail.

§6. Severability

Should any section or provision of this Ordinance be declared by Court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereto other than the part so declared to be invalid or unconstitutional.

§7. Execution of Agreements

The Mayor and/or Town Manager, or their successors in office, are hereby authorized and directed to enter into any Agreements or Memorandums of Understanding that may be requisite to consummate the purposes of this Ordinance and to execute any documents necessary to effectuate the purposes thereof.

§8. Effective Date

The effective date of this Ordinance shall be May 7, 2001.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

TOWN OF KEEDYSVILLE, MARYLAND

Amy Simmons  
Amy Simmons, Town Clerk

By: K. Lee Brandenburg, III  
K. Lee Brandenburg, III, Mayor

Date of Introduction: March 5 2001

Date of Passage: may 7 2001

Effective Date: may 7 2001

Record and return to: Ms. Amy Simmons  
Town of Keedysville  
P. O. Box 359  
Keedysville, MD 21756