

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

2003 Legislative Session,

Legislative Day No. August 26, 2003

Introduced By: County Council

Bill No. 2003- 14

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL AND REENACT CHAPTER 78 OF THE DORCHESTER COUNTY CODE, "DOG CONTROL" ESTABLISHING REGULATIONS FOR DOG CONTROL IN DORCHESTER COUNTY, MARYLAND, PROVIDING: THAT THE SAME SHALL BE KNOWN AS THE DORCHESTER COUNTY DOG CONTROL ORDINANCE: FOR DEFINITIONS OF CERTAIN TERMS USED IN THE BODY THEREOF: FOR THE ADMINISTRATION OF THE ACT: THAT THE ACT SHALL APPLY THROUGHOUT THE UNINCORPORATED AREA OF DORCHESTER COUNTY: FOR THE IMPOUNDING AND DISPOSITION OF CERTAIN DOGS: FOR THE REDEMPTION OF IMPOUNDED DOGS AND THE FEES AND CHARGES THEREFOR: FOR ESTABLISHING A DOG LICENSE SYSTEM, PROVIDING FOR FEES, LICENSE PERIODS AND PENALTIES FOR NOT OBTAINING: FOR REQUIRING LICENSE TAGS TO BE ATTACHED TO DOGS; FOR ESTABLISHING GENERAL PENALTIES FOR VIOLATION OF THIS ACT: THAT IF ANY PART OF THIS ORDINANCE IS DETERMINED TO BE INVALID, SUCH WILL NOT AFFECT THE WHOLE THEREOF: AND PROVIDING AN EFFECTIVE DATE.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two successive weeks, and public hearing scheduled on Tuesday, September 9th, 2003 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:40 p.m.

By order:


Jane Baynard, County Manager

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL AND REENACT CHAPTER 78 OF THE DORCHESTER COUNTY CODE, "DOG CONTROL" ESTABLISHING REGULATIONS FOR DOG CONTROL IN DORCHESTER COUNTY, MARYLAND, PROVIDING: THAT THE SAME SHALL BE KNOWN AS THE DORCHESTER COUNTY DOG CONTROL ORDINANCE: FOR DEFINITIONS OF CERTAIN TERMS USED IN THE BODY THEREOF: FOR THE ADMINISTRATION OF THE ACT: THAT THE ACT SHALL APPLY THROUGHOUT THE UNINCORPORATED AREA OF DORCHESTER COUNTY: FOR THE IMPOUNDING AND DISPOSITION OF CERTAIN DOGS: FOR THE REDEMPTION OF IMPOUNDED DOGS AND THE FEES AND CHARGES THEREFOR: FOR ESTABLISHING A DOG LICENSE SYSTEM, PROVIDING FOR FEES, LICENSE PERIODS AND PENALTIES FOR NOT OBTAINING: FOR REQUIRING LICENSE TAGS TO BE ATTACHED TO DOGS; FOR ESTABLISHING GENERAL PENALTIES FOR VIOLATION OF THIS ACT: THAT IF ANY PART OF THIS ORDINANCE IS DETERMINED TO BE INVALID, SUCH WILL NOT AFFECT THE WHOLE THEREOF: AND PROVIDING AN EFFECTIVE DATE HEREOF.

SECTION ONE : Acting under Article 24, Subtitle 5, Sections 11-501 et. Seq. of the Annotated Code of Maryland and acting under Article 25 A, Section 5 (L) and Section 5 (S), of the Annotated Code of Maryland ("the Acts") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, in legislative session, that Chapter 78 of the Dorchester County Code, entitled "Dog Control", be repealed and reenacted to read as follows:

DOG CONTROL

Chapter 78

DOG CONTROL

- § 78-1. Short title.
- § 78-2. Definitions.
- § 78-3. Administration; Enforcement responsibilities of Dorchester County Department of Public Safety
- § 78-4. Applicability of provisions generally.
- § 78-5. Seizure and impoundment; disposition; maintenance of records.
- § 78-6. Redemption; disposition of unreclaimed dogs.
- § 78-7. Procedure concerning persons bitten or exposed to dogs suspected of having rabies.
- § 78-8. License required; proof of vaccination required prior to issuance.
- § 78-9. Application and fee; exceptions.
- § 78-10. Duration of license.
- § 78-11. License tags.
- § 78-12. Nonapplicability of provisions to certain institutions.
- § 78-13. Disposition of fees and other funds.
- § 78-14. Civil infractions, penalties, penalty disposition.
- § 78-15. Rules of construction, saving clause

§ 78-1. Short title.

This chapter shall be known as and may be cited as the "Dorchester County Dog Control Ordinance."

§ 78-2. Definitions.

The following words, when used in this chapter, shall have the meanings respectively ascribed to them in this section, unless otherwise specifically defined in other parts of this chapter:

ANIMAL SHELTER – A facility designated or recognized by Dorchester County for the purpose of impounding and caring for dogs.

AT LARGE – A dog shall be deemed to be “at large” when off the property of the owner and not under restraint.

DEPARTMENT – The Dorchester County Department of Safety

DOG CONTROL OFFICER – The person or persons employed/designated by Dorchester County to enforce this chapter.

OWNER – A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by the person.

PUBLIC NUISANCE DOG – Any dog repeatedly found at large, making loud or objectionable sounds, damaging property other than its owner’s, molesting passersby, chasing vehicles or a female dog in heat left unattended or a dog which, upon investigation by the Dog Control Officer, is known to have bitten one (1) or more persons or shall have been determined by the Dog Control Officer to be a detriment or threat to public health, welfare or safety.

RESTRAINT – A dog shall be considered under “restraint” if it is within the real property limits of its owner

STRAY DOG – Any dog for which ownership is not established or for which the owner disclaims future responsibility.

VICIOUS DOG – Any fierce or dangerous dog which constitutes a physical threat to persons or other animals by virtue of its specific demonstrated behavior, with the exception of dogs belonging to a government agency acting in the official performance of authorized duty.

§ 78.3 Administration; Enforcement Responsibilities – Dorchester County Department of Public Safety

- A. This Chapter shall be administered and enforced by the Dorchester County Department of Public Safety (the “Department”)
- B. Responsibilities of the Department as administrator of this chapter shall be to:
 - (1) Adopt procedures concerning:
 - (a) Coordination of animal control activities with the Humane Society of Dorchester County, Inc., or other parties
 - (b) The setting of standards for the collection, care, custody and disposal of dogs as set forth in this chapter.
 - (2) Review the annual budget of the dog control activities and make recommendations to the County Council in accordance with the County budget procedure.
 - (3) Recommend to the County Council any necessary changes in the law or ordinance regarding the control of dogs.
 - (4) With the consent and approval of the County Council in each specific instance, to make contracts with third parties for animal control services

§ 78-4. Applicability of provisions generally.

The provisions of this chapter shall apply throughout the unincorporated area of Dorchester County, and services provided hereunder are available to any incorporated area upon request subject, however, to the availability and appropriation in the annual budget of the County Council. The County Council is not under any legal obligation to provide animal control services to any incorporated city or town within Dorchester County.

- § 78-5. Seizure and impoundment; disposition; maintenance of records.
- A. The Dog Control Officer, shall, whenever possible, seize and impound any stray dog or dog at large, any diseased or vicious dog or any public nuisance dog. Every dog so seized and impounded shall be cared for and fed at an animal shelter designated or provided for by The Department, until disposition is made thereof as directed. The Dog Control Officer may pursue any dog running at large onto public property or on the unenclosed exterior premises of private property.
 - B. It shall be unlawful for any person to conceal any dog or falsely deny ownership of any dog owned or harbored by provisions of this chapter. No person shall attempt to or interfere with the Dog Control Officer of the county in the performance of the Dog Control Officer's duties nor shall any person attempt to or release without authority any dog impounded pursuant to this chapter.
 - C. Immediately upon impounding dogs, the Dog Control Officer shall make a reasonable attempt to notify the owner of such dogs and inform him of the conditions whereby he may regain custody. All dogs seized or received at the animal shelter shall be held for at least five days from the time of receipt. For dogs bearing license tags, the five days shall begin upon notification of the owner; however, dogs surrendered to the animal shelter by the owners for disposal or adoption may be disposed of or sold for adoption pursuant to the provisions of this chapter at any time after the expiration of 48 hours from the time of receipt. Dogs received at an animal shelter in critical condition from wounds, injuries or diseases may be destroyed immediately by the Dog Control Officer, after determining that the dog is not under quarantine for rabies. Those persons responsible for destroying dogs as herein provided shall not be held liable for the act.
 - D. The Dog Control Officer shall maintain a complete record of all dogs which pass through the animal shelter.
 - E. Any dog, previously deemed a "dangerous dog" pursuant to Article 27, § 70E of the Annotated Code of Maryland, that is found either at-large or otherwise in violation of § 70E, can be impounded, held and disposed of by an animal shelter with the same rights, duties, privileges, immunities and notice requirements as provided in Article 27 § 67 (entitled "Care of mistreated and neglected animals") of the Annotated Code of Maryland. In any judicial proceeding where the relief sought includes return of such a dog, it shall be rebuttably presumed that it is not in the interest of public safety to return such a dog to its owner or to the person who was supposed to be caring for it when it was impounded. In determining whether such a dog should be returned, the court shall consider the totality of circumstances, including public safety and any subsequent remedial measures by the dog's owner.

- § 78-6. Redemption; disposition of unreclaimed dogs.
- A. The owner of any dog seized pursuant to the provisions of this chapter may redeem it from the animal shelter within five (5) days from the time of its receipt by establishing his/her ownership to the satisfaction of the Dog Control Officer, by securing a current license tag for the dog if the owner is a resident of the county and by paying the current redemption charge and by paying the maintenance of such dog at the current daily rate and by having the dog vaccinated for rabies; provided, however, that if a licensed dog is impounded, the owner may redeem it by paying the maintenance as above provided.
 - B. If any dog impounded under this chapter is not redeemed by its owner within five (5) days after notification thereof, it may be made available by the Dog Control Officer for adoption as a pet upon payment of an adoption fee.

- C. Any dog impounded under this chapter and not reclaimed by its owner shall become the property of the county and may be disposed of in a manner established by the Humane Society.

§ 78-7. Procedure concerning persons bitten or exposed to dogs suspected of having rabies.

Any person having knowledge of a person being bitten or otherwise exposed to rabies by a dog shall report these facts immediately to the Dorchester County Sheriff's Department. Confinement, quarantine and disposition of the biting dog or a clinically-suspected rabid dog or a dog exposed to an animal known or suspected of having rabies shall be in accordance with current adopted regulations of the State Department of Health and Mental Hygiene entitled "10.06.02 Communicable Diseases – Rabies."

§ 78-8. License required; proof of vaccination required prior to issuance.

- A. No person shall own or have custody of any dog over six (6) months of age unless such dog is licensed as herein provided.
- B. License tags and other certificates are not transferable from one dog to another.
- C. In case of loss of a license tag, the owner may procure another tag for use during the balance of the year by surrendering the old certificate and payment of the fee or charge set by the Treasurer.
- D. Individual license tags shall be attached to the dog for which issued by a collar or similar method and shall pass with the dog.

§ 78-12. Nonapplicability of provisions to certain institutions.

The licensing provisions of this chapter shall not apply to dogs actually confined to the premises of educational and research institutions or incorporated benevolent societies devoted to the care of hospital treatment of lost, strayed or homeless animals.

§ 78-13. Disposition of fees and other funds. [Amended 1-8-85 by Ordinance Number 105]

All dog fees collected by the Dog Control Officer(s) and any and all other moneys received by him from fees, charges or sales, etc., shall be accurately accounted for and an annual audit performed to the satisfaction of the County Council. The moneys thus collected shall be used by the County Council to defray the expense and costs of the enforcement and administration of this chapter.

§ 78-14. Civil Infractions; penalties and penalty disposition.

- A. Any person who violates any part of this chapter shall be guilty of a civil infraction under the authority of chapter 147 of the Dorchester County Code, adopted under the authority of Article 25A, Section 5 (A) of the Annotated Code of Maryland. The maximum civil penalty for each violation of this chapter shall be five hundred dollars (\$500). Each new day may constitute a separate violation. An occurrence may contain more than one (1) offense. Each animal involved in an occurrence may constitute a separate offense.
- B. All fines imposed under this Act shall be payable to the County.

§ 78-15. Rules of Construction – Saving Clause

Nothing contained in this Act is intended to conflict with state law; where this Act and state law differ, the more stringent provision shall apply.

Should any article, section or part of an article or section or provision of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, this shall not affect the validity of any chapter, or the chapter as a whole, other than the part so declared to be invalid or unconstitutional.

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify new Chapter 78 of the Dorchester County Code accordingly.

SECTION FOUR: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that this Bill shall be known as Bill Number 2003- 14 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 9th day of September, 2003.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY

BY: Jane Baynard
Jane Baynard, County Manager

Effie M. Elzey
Effie M. Elzey, President

APPROVED this 9th day of September, 2003.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY

BY: Jane Baynard
Jane Baynard, County Manager

Effie M. Elzey
Effie M. Elzey, President

Elzey - aye
Bramble - aye
Flowers - aye
Nichols - aye
Yockey - aye

FILED

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