

**COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND**

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2006 Legislative Session,
Legislative Day No. 12

Date: September 19, 2006

Introduced By: County Council

BILL NO. 2006-7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO ARTICLE 24, SECTION 11-504 (o) OF THE ANNOTATED CODE OF MARYLAND, AND PURSUANT TO ARTICLE 25A, SECTION 5, SUBSECTIONS (L) AND (S) OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 78, ENTITLED "DOG CONTROL", OF THE DORCHESTER COUNTY CODE PROVIDING FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS PROVIDING A DEFINITION OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS AND ADDING REQUIREMENTS FOR DOGS DEEMED DANGEROUS OR POTENTIALLY DANGEROUS; ENSURING THAT DOGS IN VEHICLES ARE PROVIDED ADEQUATE VENTILATION; ADDING REQUIREMENTS FOR CHAINED DOGS INCLUDING FOOD AND WATER, AND PROVIDING, THAT IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, A PERSON CONVICTED OF ANY MISDEMEANOR VIOLATION OF THE STATE "CRIMES RELATING TO ANIMALS" SUCH AS AGGRAVATED CRUELTY TO ANIMALS, ABUSE OR NEGLECT OF ANIMAL, ARRANGING, CONDUCTING OR USING DOG IN DOGFIGHT, KILLING OF DOG OR CAT IN PROHIBITED MEANS, POISONING DOG, SHALL NOT POSSESS ANY ANIMAL FOR A PERIOD OF FIVE (5) YEARS FOLLOWING ENTRY OF CONVICTION; AND PROVIDING ANY VIOLATION OF THIS ORDINANCE SHALL BE A CIVIL INFRACTION AND TO AUTHORIZE THE COUNTY COUNCIL TO ADOPT A SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS OF THIS CHAPTER.

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 (2) successive weeks, and public hearing scheduled on Tuesday, October 3, 2006 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:30 p.m.

By order:



Jane Baynard, County Manager

BILL NO. 2006-7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO ARTICLE 24, SECTION 11-504 (o) OF THE ANNOTATED CODE OF MARYLAND, AND PURSUANT TO ARTICLE 25A, SECTION 5, SUBSECTIONS (L) AND (S) OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 78, ENTITLED "DOG CONTROL", OF THE DORCHESTER COUNTY CODE PROVIDING FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS PROVIDING A DEFINITION OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS AND ADDING REQUIREMENTS FOR DOGS DEEMED DANGEROUS OR POTENTIALLY DANGEROUS; ENSURING THAT DOGS IN VEHICLES ARE PROVIDED ADEQUATE VENTILATION; ADDING REQUIREMENTS FOR CHAINED DOGS INCLUDING FOOD AND WATER, AND PROVIDING, THAT IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, A PERSON CONVICTED OF ANY MISDEMEANOR VIOLATION OF THE STATE "CRIMES RELATING TO ANIMALS" SUCH AS AGGRAVATED CRUELTY TO ANIMALS, ABUSE OR NEGLECT OF ANIMAL, ARRANGING, CONDUCTING OR USING DOG IN DOGFIGHT, KILLING OF DOG OR CAT IN PROHIBITED MEANS, POISONING DOG, SHALL NOT POSSESS ANY ANIMAL FOR A PERIOD OF FIVE (5) YEARS FOLLOWING ENTRY OF CONVICTION; AND PROVIDING ANY VIOLATION OF THIS ORDINANCE SHALL BE A CIVIL INFRACTION AND TO AUTHORIZE THE COUNTY COUNCIL TO ADOPT A SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS OF THIS CHAPTER.

SECTION ONE: Acting under Article 24, Section 11-504(o) of The Annotated Code of Maryland and Article 25A, Section 5, Subsections (L) and (S) of The Annotated Code of Maryland (the "Acts"), be it enacted and ordained by the County Council of Dorchester County, Maryland that Chapter 78, entitled "Dog Control" of the Dorchester County Code 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
- § 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.
- § 78-9 Nonapplicability of provisions to certain institutions.
- § 78-10 Disposition of fees and other funds
- § 78-11 Civil infraction; violations and penalties.
- § 78-12 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 Public Safety

DOG CONTROL OFFICER - The person or persons employed or designated by the County Council 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 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.

- 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 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 disease may be destroyed immediately by the Dog Control Officer, after determining that the dog is not under quarantine for rabies. Those persons 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 deemed a "dangerous dog" pursuant to Section 10-619 of The Criminal Law Article of the Annotated Code of Maryland, that is found either at-large or otherwise in violation of §10-619, can be impounded, held and disposed of by an animal shelter with the same rights, duties, privileges, immunities and notice requirements as provided in Section 10-615 of the Criminal Law Article (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.

F. Potentially Dangerous Dog.

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

Immediately confine the dog in an enclosure and the dog shall be securely restrained.

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

(b) Upon receipt of written notification that the owner's dog is a potentially dangerous dog, the owner shall:

(d) WITHIN 30 DAYS, pay for and attend obedience training, chosen by the animal control authority. Within 10 days of the end of the training, the owner shall provide documentation to the animal control authority certifying successful completion of that training; and

(e) WITHIN 10 DAYS, pay for the marking for identification of said dog, either by tattoo or microchip, at the direction of the animal control authority.

G. Dangerous Dog.

(a) UPON RECEIPT OF WRITTEN NOTIFICATION, an owner of the dog shall not leave a dangerous dog unattended on the owner's property unless the dog is confined indoors or in a locked and secure enclosure, and the dog shall be securely muzzled and leashed at all times.

(b) WITHIN TEN DAYS AFTER receipt of written notification that the owner's dog is a dangerous dog, the owner shall pay for the marking for identification of said dog, either by tattoo or microchip, at the direction of the animal control authority.

(c) WITHIN 30 DAYS, PAY FOR AND ATTEND OBEDIENCE TRAINING, CHOSEN BY THE ANIMAL CONTROL AUTHORITY. WITHIN 10 DAYS OF THE END OF THE TRAINING, THE OWNER SHALL PROVIDE DOCUMENTATION TO THE ANIMAL CONTROL AUTHORITY CERTIFYING SUCCESSFUL COMPLETION OF THAT TRAINING.

H. Failure of dog owner to properly ventilate a standing vehicle or leaving an animal unattended in a parked or standing vehicle, which endangers the animal's health is considered an act of neglect, and a violation of this Chapter.

I. Failure to provide chain or cable of sufficient length or failure to secure to collar is considered an act of neglect, and a violation of this Chapter.

J. Failure to provide proper food, or proper water, or proper space or proper shelter or protection from the elements, or proper veterinary care, or proper exercise is considered an act of neglect and/or cruelty, and a violation of this Chapter.

K. Crimes Relating to Animals

In addition to any other penalty imposed by law, a person convicted of any misdemeanor violation of the State "Crimes Relating to Animals", being subtitle 6 of the Criminal Law Article of the Annotated Code of Maryland, shall be in violation of this Section 78-5(K) and shall not possess or reside with any animal for a period of five (5) years following entry of conviction. Violation of 78-5(K) shall result in the immediate removal of the animal(s) by an authorized officer of the Dorchester County Animal Control Division or Humane Society of Dorchester County. Violation of 78-5(K) shall be a civil infraction as provided for in this Chapter.

§ 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 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 charges 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 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.

- A. No person shall own or have custody of any dog over six 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 paying of fee or charge set by the Dorchester County Finance Department.
- 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.

§ 78-9. 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 or hospital treatment of lost, straying or homeless animals.

§ 78-10. Disposition of fees and other funds.

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.

§ 78-11. Civil infractions; violations and penalties.

A. Any person who violated any part of this Chapter shall be guilty of a civil infraction under the authority of Chapter 147 of the Dorchester County Code. The maximum civil penalty for each violation of this Chapter shall be \$1,000. Each new day may constitute a separate violation.

An occurrence may contain more than one offense. Each animal involved in an occurrence may constitute a separate offense.

B. Animal Control Officers are hereby authorized to issue citations for civil infractions of this chapter. All fines imposed under this chapter shall be payable to the County.

C. The County Council, may by resolution, from time to time, adopt a schedule of civil penalties for violation of this Chapter.

§ 78-12. Rules of construction - saving clause.

- A. Nothing contained in this Chapter is intended to conflict with state law; where this chapter and state law differ, the more stringent provision shall apply.
- B. Should any article or 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 the Chapter as a whole, other than the part so declared to be invalid or unconstitutional.

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

SECTION THREE: AND BE IT FURTHER ENACTED, pursuant to Section 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION FOUR: AND BE IT FURTHER ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2006-7 of Dorchester County, Maryland and shall take effect sixty (60) calendar days after enactment.

PASSED this 3rd day of October, 2006.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

APPROVED this 3rd day of October, 2006.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND:

BY: Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

- Bramble - aye
- Yockey - aye
- Elzey - aye
- Travers - aye
- Nichols - aye

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FILED