

LIBERO 007 FOLIO 75

**COUNTY COUNCIL**

**OF**

**DORCHESTER COUNTY, MARYLAND**

2017 Legislative Session,  
Legislative Day No. 11

Introduced By: Council

BILL NO. 2017-7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 13-120 OF THE LOCAL GOVERNMENT ARTICLE 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 DEFINITIONS FOR WORDS USED IN CHAPTER 78 OF THE DORCHESTER COUNTY CODE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT, PROVIDING FOR THE APPLICABILITY OF CHAPTER 78, PROVIDING FOR ANIMAL CARE OF DOGS, PROVIDING FOR THE SEIZURE AND IMPOUNDMENT AND DISPOSITION OF DOGS, PROVIDING FOR THE REDEMPTION OF DOGS, PROVIDING FOR PROCEDURES CONCERNING PERSONS BITTEN OR EXPOSED TO DOGS SUSPECTED OF HAVING RABIES, PROVIDING FOR LICENSES AND VACCINATION OF DOGS AND PROVIDING ANY VIOLATION OF THIS CHAPTER SHALL BE A CIVIL INFRACTION.

Introduced, read first time, ordered posted on the 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, August 15, 2017, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:20 p.m.

By order:



Ricky C. Travers

President of the County Council  
of Dorchester County, Maryland

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 13-120 OF THE LOCAL GOVERNMENT ARTICLE 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 DEFINITIONS FOR WORDS USED IN CHAPTER 78 OF THE DORCHESTER COUNTY CODE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT, PROVIDING FOR THE APPLICABILITY OF CHAPTER 78, PROVIDING FOR ANIMAL CARE OF DOGS, PROVIDING FOR THE SEIZURE AND IMPOUNDMENT AND DISPOSITION OF DOGS, PROVIDING FOR THE REDEMPTION OF DOGS, PROVIDING FOR PROCEDURES CONCERNING PERSONS BITTEN OR EXPOSED TO DOGS SUSPECTED OF HAVING RABIES, PROVIDING FOR LICENSES AND VACCINATION OF DOGS AND PROVIDING ANY VIOLATION OF THIS CHAPTER SHALL BE A CIVIL INFRACTION.

SECTION ONE: Acting under Section 13-120 of the Local Government Article 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:

Chapter 78

DOG CONTROL

§ 78-1 Short title.

§ 78-2 Definitions.

§ 78-3 Administration; enforcement responsibilities.

§ 78-4 Applicability of provisions generally.

§ 78-4.1 Animal Care.

§ 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 infractions; 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.

DANGEROUS DOG: Is defined as:

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

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

DEPARTMENT: The Dorchester County Sheriff's Office.

DOG CONTROL OFFICER: The person or persons employed or designated by the County Council to enforce this chapter.

DOGHOUSE: A structure with secured sides and tops to protect the animal from the weather. There must be a floor, free from rot, dry and clear of debris that could endanger the animal, with the exception of bedding materials. The doghouse should not be considered sufficient for shade from May 1 to October 1. The doghouse must be of a size appropriate to the size of the dog living in it.

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

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

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

OWNER: 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.

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

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

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

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

RESTRAINTS: Secure chain, cable or trolley, invisible containment system, or other tether of sufficient strength to prevent escape. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be sufficient in length and positioned to prevent tangling and hanging.

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

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

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

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

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

UNSAFE WEATHER CONDITIONS: Shall be when the temperature is below freezing or above 90°.

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 Sheriff's Office (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 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.

**§ 78-4.1 Animal Care.**

A. It shall be unlawful for any person or owner to fail to provide his or her dog with proper dog care as defined in this section.

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

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

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

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

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

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

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

(7) Neither chains, ropes, nor choke collars shall be accepted as collars for a tethered dog. There must be at least a one-inch space between the dog's neck and the collar. Collar material may consist of chain, leather and/or plastic. Wire or cable collars are prohibited.

(8) Bedding, such as wood shavings, straw or other absorbent material, shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry.

C. Any animal control officer or other officer empowered to act by law may impound any dog found to be neglected, as defined by this section and pursuant to the provisions of §78-5 herein.

**§ 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 this chapter and/or § 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 § 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.

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

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

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

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

(a) 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

(b) 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.

(1) 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.

(2) Within 10 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.

(3) 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 the 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 § 78-5K and shall not possess or reside with any animal for a period of five years

following entry of conviction. Violation of § 78-5K shall result in the immediate removal of the animal(s) by an authorized officer of the Dorchester County Animal Control Division. Violation of § 78-5K 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 County.

**§ 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 violates 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 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.

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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. 2017-7 of Dorchester County, Maryland and shall take effect sixty (60) calendar days after enactment.

PASSED this 15th day of August, 2017.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

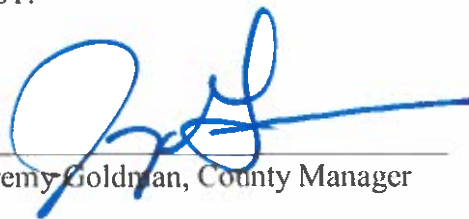
BY:   
Jeremy Goldman, County Manager

BY:   
Ricky C. Travers, President

APPROVED this 15th day of August, 2017.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY:   
Jeremy Goldman, County Manager

BY:   
Ricky C. Travers, President

Bradshaw - *aye*  
Price - *aye*  
Travers - *aye*  
Satterfield - *aye*  
Nichols - *aye*