



CHARLES COUNTY ANIMAL REGULATIONS

Charles County, Maryland

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CHARLES COUNTY ANIMAL REGULATIONS

TABLE OF CONTENTS

	<u>PAGE</u>
§ 230-1	STATEMENT OF PURPOSE 1
§ 230-2	DEFINITIONS 1
§ 230-3	DUTIES OF ALL ANIMAL OWNERS TO BE RESPONSIBLE OWNERS ... 6
§ 230-4	ANIMAL MATTERS HEARING BOARD 6
§ 230-5	CHIEF OF ANIMAL CONTROL SERVICES 10
§ 230-6	ANIMAL CONTROL OFFICER 11
§ 230-7	POWERS AND DUTIES OF THE ANIMAL SHELTER 14
§ 230-8	CRUELTY 16
§ 230-9	RABIES PREVENTION 17
§ 230-10	LICENSING 19
§ 230-11	ANIMAL CARE 24
§ 230-12	ANIMAL AT LARGE 26
§ 230-12.1	FEMALE IN SEASON 27
§ 230-12.2	ALLOWING AN ANIMAL TO URINATE OR DEFECATE ON PRIVATE PROPERTY PROHIBITED 27
§ 230-12.3	ALLOWING AN ANIMAL TO DEFECATE ON PUBLIC PROPERTY PROHIBITED 27
§ 230-12.4	PUBLIC NUISANCE 27
§ 230-12.5	DANGEROUS AND/OR VICIOUS ANIMALS 28
§ 230-12.6	IMPOUNDMENT/REDEMPTION/ADOPTION 32
§ 230-12.7	STRIKING A DOMESTIC ANIMAL WITH A MOTOR VEHICLE 34

CHARLES COUNTY ANIMAL REGULATIONS

TABLE OF CONTENTS

	<u>PAGE</u>
§ 230-12.8 FEES	34
§ 230-12.9 FINES	34
§ 230-12.10 ENTERING INTO CONTRACTS WITH OUTSIDE SERVICES	35
§ 230-12.11 FAILURE TO PAY FINES; FAILURE TO APPEAR BEFORE THE ANIMAL MATTERS HEARING BOARD; OR FAILURE TO COMPLY WITH LAWFUL ORDERS OF THE ANIMAL MATTERS HEARING BOARD.	36

§ 230-1. Statement of Purpose.

These Animal Regulations are hereby established by the County Commissioners of Charles County, Maryland to provide for the safety of the public, the humane care and treatment of animals and to encourage responsible pet ownership.

§ 230-2. Definitions.

As used in these Regulations the following terms are defined below:

ADULT ANIMAL – Any animal four months of age or older.

AIR, PROPER – Enclosed areas must be constructed or modified to allow free flow of air to control temperature, humidity and prevent air stagnation.

ANIMAL – Every non-human species of animal both domestic and wild including but not limited to dogs, cats, livestock and fowl.

ANIMAL AT LARGE – Any animal off the premises of the owner, and not under the restraint of a person capable of controlling the animal.

ANIMAL CONTROL – Charles County Animal Control shall include but not be limited to any individual designated by the County Commissioners to enforce these regulations and the State Code.

ANIMAL CONTROL OFFICER – Any Animal Control Officer employed by Charles County Commissioners to enforce these regulations and the State Code. (Also referred to as an“ACO”).

ANIMAL EXPOSED TO RABIES – Any animal which has been bitten by an animal which either has rabies or has been in proximity to or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in

contact with or has otherwise been exposed for any period of time to an animal which has rabies. The determination whether an animal is infected with rabies shall be made by the Health Officer for Charles County and the Maryland Department of Health and Mental Hygiene.

ANIMAL SHELTER – Any facility operated by a municipal agency or its agents, for the purpose of impounding animals under the authority of these regulations or State Code for care, confinement, return to owner, adoption or euthanasia.

ANIMAL/VETERINARY HOSPITAL – Any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery or diagnosis, prevention and treatment of diseases and injuries of animals.

AUCTION – Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in these regulations.

BOARD – The Animal Matters Hearing Board established pursuant to these Regulations.

CAGE – Any enclosure of limited space, enclosed on the bottom, top and all sides by a wall or otherwise, in which animals are placed for any purpose, including confinement or display.

CIRCUS – A commercial variety show featuring animal acts for public entertainment.

COMMERCIAL ANIMAL ESTABLISHMENT – Any person, partnership or corporation or other legal entity that has as a purpose the sale, transfer, or conveyance of any animal/animal services for money. Shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, boarding or breeding facility or any establishment with the purpose of training, leasing, or selling

guard dogs. Shall not include animal hospitals, animal shelters or humane societies.

COMMERCIAL BOARDING FACILITY – Any establishment for the commercial boarding, grooming, sale or training of animals for which a fee is charged; provided that any animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a “Commercial Facility”. Shall not include livestock, poultry and other farm animals used in customary and normal agricultural husbandry practices.

COMMERCIAL BREEDING FACILITY – Any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of four or more unneutered male animals or four or more unspayed female animals or four or more of any combination of unneutered male, unspayed female animals kept or used for stud for which a fee is charged and/or for breeding for which a fee is charged for the offspring; shall not include livestock, poultry and other farm animals used in customary and normal agricultural husbandry practices.

CRUELTY – As defined in § 230-8.

CUSTODIAN – Any person, partnership or corporation having or taking temporary responsibility of any animal as caretaker or otherwise.

DANGEROUS ANIMAL – As defined under § 230-12.5.

DOMESTIC ANIMAL – Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. Domestic animals include but are not limited to farm animals and pets such as dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets and hedgehogs, nonpoisonous reptiles, and amphibians, parakeets, cockatiels and other commercially raised birds.

GROOMING SHOP – A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUARD DOG – Any dog that is trained specifically and/or used to protect private property or for personal protection.

GUARD DOG TRAINING CENTER - Any establishment that trains and/or brokers and/or sells dogs to be used to protect public/private property or for personal protection.

HUMANE SOCIETY – A non-profit organization dedicated to the rescue, rehabilitation and adoption of injured and ailing pets and to the humane education of both adults and children.

IMPOUND – Any animal in the custody of animal control or its agents.

LIVESTOCK - Cattle, equines, goats, sheep or swine unless otherwise provided.

OWNER – Any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

PERFORMING ANIMAL EXHIBITION – Any spectacle, display, act or event, other than circuses, in which performing animals are used.

PET SHOP – Any person, partnership or corporation, whether operated separately or in connection with another business enterprise, that buys or brokers any species of animal for sale or resale as pets.

PETTING ZOO – Any activity or facility where a fee is charged, whose purpose is to permit persons to come into physical contact with animals maintained within or upon

such establishment, activity or facility.

POTENTIALLY DANGEROUS ANIMAL – As defined under § 230-12.5.

PUBLIC NUISANCE – As defined under § 230-12.4.

RABIES VACCINATION – An anti-rabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

RESTRAINT – Any animal humanely secured by a leash or lead and/or under the control of a responsible person and obedient to that person's commands.

SANITARY – A condition of good order and cleanliness which minimizes the probability of transmission of disease.

SPACE, PROPER – Space available to the animal must be usable and safe (e.g. must be provided an area free from standing water, accumulated waste, sharp objects and debris and maintained in a safe and healthful manner). Space must be appropriate and sufficient for the age, breed/type, quantity, condition and size of the animal(s).

STATE CODE – Any and all animal laws of the Annotated Code for the State of Maryland.

VICIOUS ANIMAL – As defined under § 230-12.5.

WILD ANIMAL – As defined in State and Federal Code.

WOLF HYBRID – Any animal that is advertised, registered, licensed, or otherwise described or represented as a wolf hybrid by its owner or any animal exhibiting primary

physical and behavioral wolf characteristics.

ZOOLOGICAL PARK – Any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals.

§ 230-3. Duties of all animal owners to be responsible owners.

- A. It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.
- B. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of these regulations and the State Code are complied with.
- C. No animal may be sold or given to a minor without the written consent of the parent or legal guardian.

§ 230-4. Animal Matters Hearing Board.

- A. Membership; rules; support.
 - (1) There is hereby created an Animal Matters Hearing Board which shall consist of not more than nine members to be appointed by the County Commissioners. The Board shall consist of not less than four citizens at large and one representative each from the following agencies and professions:
 - (a) Charles County Office of the Sheriff
 - (b) Charles County Humane Society
 - (c) A veterinarian licensed to practice in Charles County

- (2) The members shall all be Charles County citizens.
- (3) The term of appointment is for four years. Any person appointed to fill a vacancy created by resignation or otherwise shall be appointed only to fulfill the unexpired term of the member who has vacated the position. Of the members first appointed, two must be appointed for 1-year terms, two must be appointed for 2-years terms, two must be appointed for 3-year terms, and one must be appointed for a 4-year term. Additional appointments shall be at the pleasure of the County Commissioners in accordance with applicable laws.
- (4) The members of the Board shall serve without compensation.
- (5) Board members shall abide by the Charles County Code of Ethics.
- (6) The Chairman and Vice Chairman shall be appointed by the County Commissioners of Charles County, Maryland.
- (7) A quorum shall consist of a majority of the appointed members.
- (8) To the extent provided by the approved fiscal year budget, the County Commissioners of Charles County, Maryland shall provide for the Board such office space, supplies and equipment as may be required by the Board.
- (9) To the extent provided by the approved fiscal year budget the County Attorney's Office shall provide support personnel as may be required by the Board.
- (10) The Board shall use Roberts Rules of Order as a guide to conduct any and all public hearings.

B. Powers and/or duties of the Animal Matters Hearing Board.

- (1) The Board shall meet twice monthly or at the discretion of the Chairman to fulfill the duties and responsibilities of the Board.
- (2) The Board shall submit an annual report to the County Commissioners concerning its responsibility hereunder.

- (3) The Board shall recommend to the County Commissioners changes in the law regarding the control of animals in Charles County.
- (4) The Chairman shall notify the County Commissioners if a Board member misses three regularly scheduled meetings annually; this member may then be replaced at the discretion of the County Commissioners.
- (5) Upon a written complaint or a request from a person receiving a violation notice, the Board shall conduct a public hearing after due notice to determine whether violations of these regulations have occurred and whether a person subject to an order of the Board has complied with that order.
- (6) At the close of all evidence in a case, if the Board finds that a violation of the Charles County Animal Regulations occurred, it may levy fines as provided in § 230-12.9. The Board may reduce or increase any fine imposed to an amount that the Board considers appropriate in accordance with §§ 230-4 and 230-12.9 of these regulations. If the Board finds that a violation did not occur, it shall dismiss the charges.
- (7) The Board shall have the power to issue subpoenas for the attendance of any witness(es) and the production of document(s) at a hearing of the Board.
- (8) Upon determination after notice and hearing that violations of these regulations have occurred and that a public nuisance animal or condition exists, require the payment of penalties and the taking of other affirmative action to abate.
- (9) Any animal that has been determined by the Board to be a public nuisance and/or vicious and/or dangerous that is impounded for a repeat violation of the same charge may be held, at the Board's request, at the Sheltering Facility until the case can be heard by

the Board.

- (10) A complaint under these regulations shall be filed within one year and one day from the date of the alleged violation.

C. Hearing procedures: Findings and Orders. The Board shall conduct public hearings when:

- (1) A written complaint that a person has violated or permitted his animal to violate the provisions of these Regulations is filed with the Board. The complaint must be specific, particularly with regard to identification of animals and dates and locations of particular incidents.
- (2) A written complaint that a person has failed to comply with an outstanding order of the Board is filed with the Board.
- (3) A person who has been served with a citation failed to pay the fine before the required date; or
- (4) An Animal Control Officer signs a written complaint.

D. The Board shall give notice in writing to the defendant of a complaint by either personal delivery, or by certified mail, restricted delivery, return receipt requested. Said notice shall be received by the defendant at least 14 days prior to the public hearing regarding the alleged violation.

E. At the close of all of the evidence, the Board shall deliberate and within 14 days, the Board shall issue its written decision and order. The order shall contain findings of fact and conclusions of law. If the Board finds that a violation did not occur, it shall dismiss the complaint or citation. In addition to imposing penalties, the Board may require appropriate affirmative action, including, but not limited to:

- (1) The mandatory restriction or confinement of the animal under such conditions as the Board may require in its discretion.

- (2) The mandatory disposition of the animal as the Board may direct in its discretion.
- (3) The correction of conditions or methods of animal care, keeping, maintenance, housing or veterinary treatment, as the Board may determine in its discretion; all costs associated with the Board's recommendation shall be the responsibility of the owner.
- (4) Ordering the owner/custodian of an animal, after having found them in violation of these regulations or the State Code, to make restitution of expenses incurred for board, veterinary care, etc. to Charles County Department of Animal Control Services.

F. All decisions of the Board authorized under these regulations shall be final and subject to review only by the Circuit Court for Charles County upon a timely appeal filed pursuant to the Maryland Rules of Procedure by any party aggrieved by a decision within the time prescribed for appeals from administrative agencies by such rules of procedure.

G. Orientation for the Board. At the beginning of each year, the assigned County Attorney will conduct a briefing for the Board. (The serious consequences for all concerned makes it imperative that the hearing be conducted properly and with fairness to all parties. Not only should the members of the Board, and in particular the Chairman, know and follow the adopted rules of administrative procedure, but the Board should be educated in the principles and practice of due process, including but not limited to, how to examine and weigh evidence and testimony. The briefing proposed above would serve as an orientation for new members and a "refresher" for incumbents).

§ 230-5. Chief of Animal Control Services.

A. The Chief shall ensure the enforcement of the provisions of these

regulations, including but not limited to public safety, public nuisance, prevention, cruelty to animals and minimum standards for animal care. The Chief shall implement and maintain the following:

- (1) A program of regular patrols and response to citizen complaints for the purpose of enforcing these regulations and the State Code regarding animals.
- (2) A program inspection of all animal establishments required to have a special permit under the provision of these regulations.
- (3) A program to maintain accurate records of licenses, impoundments, dispositions and enforcement actions and animal bites.
- (4) Provision of twenty-four-hour, seven-day-a-week animal emergency service to the extent provided by the current approved fiscal year budget.
- (5) Public information programs on these regulations, adoption, spay and neuter, health care, and other programs as needed.

B. The Chief shall serve as an advisor to the Animal Matters Hearing Board.

C. The Chief shall carry out the orders resulting from the hearings of the Animal Matters Hearing Board.

§ 230-6. Animal Control Officer.

A. Any Animal Control Officer employed by the County Commissioners of Charles County, Maryland, shall exercise that authority necessary to enforce the provisions of these regulations and the State Code. Animal Control Officers are specifically authorized and empowered by these regulations, without limitation, to:

- (1) Humanely impound any animal which has been observed by an Animal Control Officer to be kept in violation of those

Regulations or the State Code;

- (2) Make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal, including coordinating with the shelter staff;
- (3) Issue notices of violations to the owner or custodian of an animal when it has been observed by an Animal Control Officer to be in violation of these regulations or the State Code.
- (4) Shall promptly respond to administer emergency assistance, first aid and/or qualified medical assistance to injured or diseased stray animals which come into the custody of the County, without the consent of the owner or custodian of such animal. For this purpose, neither the officer administering such assistance, Charles County nor any of its employees or agents shall be liable for acts committed or omitted while rendering such assistance unless such act or omission constitutes gross negligence or malice.
- (5) To investigate animal bites and make recommendations to the Animal Matters Hearing Board and/or Health Department pursuant to these regulations.
- (6) Receive and investigate complaints concerning dangerous and/or vicious animals. Whenever an animal complained against shall be reasonably deemed by an Animal Control Officer to be a dangerous and/or vicious animal as defined in § 230-12.5 of these regulations, the Animal Control Officer may issue a citation for violation of animal regulations to the owner and/or custodian of the animal citing § 230-12.5 and any other applicable sections of the Animal Regulations. A citation for the violation of § 230-12.5 requires the owner and/or custodian to appear before the Animal Matters Hearing Board on the date specified on the citation for a hearing to determine if the animal is to be designated as dangerous and/or vicious pursuant to these regulations.

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- (a) If the Animal Control Officer determines that an animal which has threatened the public safety and welfare continues to present a threat to the public safety and welfare, the Animal Control Officer may impound the animal. The Animal Control Officer may enter private property upon probable cause in order to determine if the animal threatens the public safety and welfare and to impound the animal pursuant to this section. The animal shall remain impounded pending a hearing before the Animal Matters Hearing Board. Whenever an animal has been impounded pursuant to this section the owner and/or custodian, if known, shall be issued a citation for violation of animal regulations § 230-12.5 with the date and time for the scheduled hearing by the Animal Matters Hearing Board. The Animal Control Officer, owner and/or custodian may petition the Chairman of the Animal Matters Hearing Board to conduct a special hearing on the matter prior to the next regularly scheduled meeting of the Animal Matters Hearing Board in accordance with § 230-4 of these regulations.
- (b) During the period of impoundment under this section the owner and/or custodian may be held responsible for all costs and maintenance expenses incurred. These expenses shall be itemized and presented to the Animal Matters Hearing Board to make a decision on amount of restitution to be paid by the owner and/or custodian of the animal.
- (7) Conduct public information programs on these regulations, adoption, spay neuter, health care, and other programs as directed.
- (8) Conduct inspections of commercial animal establishments as provided in these regulations.

- (9) Receive stray and unwanted animals.
- (10) Initiate a complaint or other form of enforcement of these regulations and/or the State Code. Prior to a complaint being filed by an Animal Control Officer with either the Board or Court of the State of Maryland, the Animal Control Officer shall have probable cause of an alleged violation of these regulations or the State Code.
- (11) To serve subpoenas requiring appearance before the board.

B. It shall be a violation of these regulations to interfere with, hinder, or molest an Animal Control Officer performing the duties as prescribed in these Regulations and the State Code. Such prohibited interference includes, but is not limited to: physically striking or attempting to strike the animal control officer; removing or attempting to remove any animal from the control of an Animal Control Officer; removing or attempting to remove any animal from any vehicle used by an Animal Control Officer in the lawful performance of his/her duties, and; taking or damaging any county property used by an Animal Control Officer in the lawful performance of his/her duties. Certain violations of this section may also be subject to prosecution under the Annotated Code of Maryland.

§ 230-7. Powers and duties of animal shelter.

- A. The animal shelter shall have the powers to:
- (1) Receive stray and unwanted animals;
 - (2) Ascertain the identity of the owner of any impounded animal, and as a precondition of release require the payment of all charges for the care, impoundment, board, veterinary treatment and unpaid license fees from the animal owner;
 - (3) Place for adoption unredeemed or unwanted animals in

accordance with these regulations, the State Code, and the policies established by the Sheltering Authority;

- (4) Humanely euthanize unredeemed or unwanted animals in accordance with these regulations and the State Code.

B. The animal shelter shall have the following duties. It shall:

- (1) Provide humane treatment of all animals, at all times, under their care.
- (2) Maintain and adhere to comprehensive procedures prescribing standards for the humane operation of the animal shelter, including, but not limited to, the housing, feeding, care, veterinary treatment, adoption and euthanasia of animals in the facility pursuant to these regulations and State Code.
- (3) To the extent provided by the approved fiscal year budget, provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the County. Such veterinary care may be rendered without the consent of the owner. Charles County employees, Shelter Staff and its agents shall not be liable for acts committed or omitted in rendering such care.
- (4) Post an approved schedule of fees for the housing, care, treatment, adoption and redemption of animals which come into the custody of the animal shelter in a conspicuous place at the animal shelter.
- (5) Keep for a period of three years after such activity records of impoundments, veterinary treatment, disposition of animals and other activities. Animal records shall be complete and accurate to the best ability of the breed, sex, color, condition, how, when, and where animal was obtained, and identification as tattoos or tags.
- (6) Conduct public information programs on these regulations, responsible pet ownership, adoption, spaying, neutering, health care and other programs as directed by the Sheltering Authority.

- (7) Make a prompt and reasonable effort to locate and notify possible owners of a stray animal; trace identification and provide for publication the name, location, hours of operation and telephone numbers in a newspaper of general circulation in Charles County.

§ 230-8. Cruelty.

- A. It shall be a violation of these regulations for any individual to:
- (1) Abandon an animal;
 - (2) Torture, torment, cruelly beat/kill, injure, intentionally mutilate, run down with a vehicle intentionally, overdrive, overload, or otherwise abuse any animal;
 - (3) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin;
 - (4) Use or permit any animal to be used for the purpose of fighting with any other animal;
 - (5) Cause, arrange or authorize these acts;
 - (6) Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter or protection from the elements.
 - (7) sell or distribute any dog or cat less than eight weeks of age unless accompanied by its dam. This does not apply to animals given to a government operated or supported animal shelter or animals accompanied by a statement signed by a licensed veterinarian stating that the dam is incapacitated for humane or medical reasons and cannot care for her offspring.
 - (8) sell or give away any warm-blooded animal
As an inducement to enter a contest, game, or place of

amusement.

- B. In the case of activities in which physical pain may unavoidably be cause to animals, such as medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting, “cruelty” means a failure to employ the most humane method reasonably available.

§ 230-9. Rabies prevention.

- A. It shall be the duty of every resident of the County owning a dog, cat or ferret four months old or older to have such dog, cat or ferret inoculated with an anti-rabies vaccine approved by the Director of Public Health, which inoculation shall be repeated as often as the Director of Public Health may from time to time specify. The inoculation shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of the dog, cat or ferret and exhibited promptly upon the request for inspection by the Animal Control Officer, Health Officer, or any other law enforcement officer, or their agents, to include shelter staff when redeeming an animal at the shelter. The status of an animal in quarantine should always be verified in person either by a health agent, Animal Control Officer or veterinarian exam.
- B. Quarantine Requirements. As directed by the Health Department, an animal who has bitten, been bitten by or otherwise exposes or has been exposed by another animal, or who has bitten or otherwise exposes a human, or other animal, if not euthanized and tested for rabies, shall be quarantined for a minimum of 10 days following the exposure, that quarantine requires:
 - (1) Confinement of the animal to a house, garage or other escape

proof enclosure or building approved by the Health Department or its designated agent(s).

- (2) The animal may not be removed from the structure unless on a leash and under the immediate control of an adult.
- (3) Prevention of contact with other animals or persons other than the primary caretakers.
- (4) The animal may not be removed from the quarantine premise unless permission is obtained from the local Health Officer or his designated agent(s).
- (5) If the animal becomes ill or begins to show behavioral changes, the owner must immediately notify the Health Department, who shall determine what shall be done.
- (6) If the animal dies, the owner shall immediately notify the Health Department and make the animal available for rabies testing.
- (7) If the animal escapes, the owner shall immediately notify the Sheriff's Department, Department of Animal Control and the Health Department.
- (8) Until the animal is cleared by the Health Department from quarantine, the owner shall not kill, give away, sell or otherwise dispose of the animal without permission from the Health Department.
- (9) If a veterinarian's examination is not required on the last day of the quarantine, the owner shall report by telephone to the Health Department the health status of the animal.
- (10) If the animal is unvaccinated against rabies at the time of exposure, the animal shall not be vaccinated until released from quarantine.
- (11) If unvaccinated, the owner shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five days of the end of quarantine.

- (12) If an animal is not properly quarantined it shall be impounded by an Animal Control Officer or his designee.

§ 230-10. Licensing.

- A. The sale of licenses shall be through the Charles County Treasurer, Charles County Animal Control, and/or designees of the Charles County Commissioners.
 - (1) It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog four months old or older without a current Charles County License. The license shall expire one year from the date of issuance.
 - (2) Owners of certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped shall not be required to pay the annual fee but shall be required to obtain and display the license.
 - (3) Animal shelters operated by chartered humane organizations or the County for the purpose of housing stray, abandoned, sick or injured animals shall be exempt from licensing prior to adoption or return to owner.
 - (4) Applications for license(s) shall be made to the County Treasurer or a duly authorized agent(s). Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog is currently vaccinated against rabies. Before any unsexed license shall be issued, the owner shall produce a certificate of surgical sterilization issued by a licensed veterinarian proving that the dog has been spayed or neutered.
 - (5) License certificates shall include the date of issuance and expiration date, the owner's name and address, home and work telephone numbers, sex, species, breed, age, color and markings;

rabies expiration date, rabies tag number, issuing veterinarian and veterinarian's telephone number.

- (6) A license tag shall be issued with the license certificate. This tag shall be worn by the dog at all times, except when confined in a kennel or when participating in a competition where such displays are prohibited.
- (7) No person may use any license for any dog other than the animal for which it was issued.
- (8) The license certificate shall be made available upon request by any health or public safety officer, or their agents.
- (9) The annual fee for a dog license shall be:
 - (a) Unneutered male: \$15.
 - (b) Unspayed Female: \$15.
 - (c) Neutered Male: \$2.
 - (d) Spayed Female: \$2.

B. Commercial animal establishment licensing. No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this section. License applications shall be accompanied by written verification from Charles County Government that the applicant complies with any and all Zoning Ordinance and amendments thereto.

- (1) No fee may be required of any government-operated zoological park.
- (2) All dogs and cats offered for sale or resale must be examined by a licensed veterinarian within the last three months prior to sale or resale.
 - (a) Any animal under veterinarian treatment may not be offered for sale without release from the veterinarian.
 - (b) Any owner or employee of a commercial animal

establishment who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information prior to sale.

- (3) Records or forms must be maintained for a period of one (1) year for any animal offered for sale or sold. Records shall contain the following but are not limited to:
 - (a) Animal Description: breed, sex, color, and age.
 - (b) The origin of purchase, to include the supplier and the date of receipt.
 - (c) Proof of sale
 - (d) Medical Record and any required treatment program.
- (4) An annual commercial animal establishment license shall be issued upon successful completion of an inspection and payment of the applicable fee and shall be displayed in a conspicuous place.
- (5) Change in ownership or location.
 - (a) If there is a change in ownership of a commercial animal establishment, the new owner shall have the current license transferred to his/her name upon payment of a \$25 transfer fee and completion of a successful inspection.
 - (b) If there is a change in the location of a commercial animal establishment, the owner shall file for a change of address and pay a \$25 fee and complete a successful inspection within 30 days of change of location.
- (6) Any commercial animal establishment who has a change in the category under which a license was issued shall notify the licensing authority and be subject to reinspection, reclassification and readjustment of the license fee.
- (7) Every facility regulated by these Regulations shall be considered a separate enterprise requiring an individual license.

- (8) The license period shall run for one year from the date of issuance. Renewal applications for licenses shall be made 30 days prior to expiration of said license.

C. Commercial animal establishment license issuance and revocation.

- (1) Written application for a commercial animal establishment license shall be made to the County Treasurer. Application shall be accompanied by the license fee and written verification from Charles County Government that the establishment complies with County Zoning Ordinances
- (2) After an application is filed, the license authority shall inspect the facility prior to issuing the license. A license may be withheld or revoked if the person, partnership or corporation holding the license refuses or fails to comply with these regulations or any law governing the protection and keeping of animals.
- (3) It shall be a condition of the issuance of any license that Charles County Animal Control be permitted to inspect upon demand during normal business hours all animals, all records required to be retained under these regulations, and the premises where animals are kept. If permission for such inspection is refused, the license of the refusing owner shall be revoked.
- (4) If the applicant has withheld or falsified any information on the application, the licensing authority may refuse to issue or may revoke the license.
- (5) No person, partnership or corporation who has been found guilty of cruelty to animals shall be issued a license to operate a commercial animal establishment.
- (6) Any person having been denied a license shall not be eligible to reapply for a period of six months. Each reapplication shall be accompanied by a fee of \$25 and written verification from Charles

County Government that the establishment complies with any and all County Zoning Ordinances and amendments thereto.

Individuals who have been denied a license under Subsection C(5) may not reapply.

- (7) Appeals for withheld or revoked licenses may be made to the Board within 14 days of the notice of such action.
- (8) In the event of a timely appeal, the revocation of a license may not be effective until after the next scheduled public hearing except, in the event of an emergency situation an Animal Control Officer may make application before the Chairman of the Board, who is authorized to issue a cease and desist order. This case shall be heard at the next hearing of the Board.

D. Commercial animal establishment license fees. License fees shall be as follows:

- (1) Any boarding/breeding facility:
 - (a) Boarding facility authorized to house fewer than 10 dogs or cats: \$75.
 - (b) Boarding facility authorized to house 10 or more but fewer than 50 dogs or cats: \$150.
 - (c) Boarding facility authorized to house 50 or more dogs or cats: \$200.
 - (d) Breeding facility authorized to house fewer than 10 adult animals: \$75.
 - (e) Breeding facility authorized to house 10 or more but fewer than fifty adult animals: \$150.
 - (f) Breeding facility authorized to house 50 or more adult animals: \$200.
- (2) Pet shop: \$200.
- (3) Auction: \$300.

- (4) Zoological park: \$250.
- (5) Circus: \$250.
- (6) Grooming shop: \$150.
- (7) Petting zoo: \$300.
- (8) Guard dog training center: \$250.

§ 230-11. Animal care.

- A. No owner or custodian of an animal shall fail to provide the animal with humane care and treatment, sufficient, wholesome and nutritious food; potable water in sufficient quantities; proper air, shelter, space and protection from the weather; and veterinary care when needed. In the case of farm animals, nothing in this section may be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.
- B. Minimum standards for indoor and outdoor enclosures for animals must:
 - (1) Be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal;
 - (2) Provide sufficient space to allow each animal adequate freedom of movement; space must be appropriate and sufficient for the age, breed/type, quantity, condition and size of the animal(s).
 - (3) Be usable and safe (e.g., must be provided an area free from standing water, accumulated waste, sharp objects, trash and debris and maintained in a safe and humane manner to minimize health hazards and obnoxious odors);
 - (4) Provide palatable water that is always available and that is kept in a vessel secured to prevent tipping.
- C. Indoor housing facilities shall provide adequate ventilation by natural or mechanical means, and the ambient temperature shall be compatible with

the health of the animal.

D. Outdoor shelter shall be as follows:

- (1) When sunlight is likely to cause heat exhaustion, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
- (2) If an animal is confined outdoors unattended, it shall be the duty of each and every owner to provide said animal with proper shelter for that species of animal. For livestock, poultry and other farm animals proper shelter shall be customary and normal agricultural husbandry practices. For dogs, proper shelter is described below:
 - (a) Weatherproof. Shelter must be solid. There shall be no cracks or openings other than entrance. The shelter shall not have any metal or plastic primary interior surfaces. (Commercially made shelters with insulation material between the inner and outer layers of fiberglass/plastic construction are generally acceptable.)
 - (b) Elevated. Floor must be off the ground at least two (2) inches.
 - (c) Door flap. The entrance must be covered with a flexible flap and/or entrance placed down wind when necessary to protect the animal from the elements of weather.
 - (d) Bedding. Bedding must be dry. Straw, leaves, hay, cedar chips or other material must be provided as needed during cold and inclement weather.
 - (e) Size. The shelter must be large enough to allow the animal to enter, stand, turn around and lie down comfortably and small enough to allow the animal to warm interior with its body.

- E. If a chain, rope, line or other such item, is used to tie an animal, it shall be of sufficient length to safely and humanely allow the animal freedom of movement without becoming entangled with obstructions.
- F. A person may not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well-ventilated container, cage or other device designated to safely prevent the animal from falling or jumping from the motor vehicle.

§ 230-12. Animal at large.

- A. It shall be unlawful for any person, partnership or corporation to allow their animal to be at large.
- B. This Section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person.
- C. Without permission of the proper authority the owner or custodian of any animal may not permit the animal to be on school grounds on a day when school is in session, in a public recreation area, any public property or thoroughfare or private property without the property owner's permission unless:
 - (1) The animal is controlled by a leash or similar restraining device.
 - (2) The presence of the animal is in an organized activity such as a dog show.
- D. No animal accidentally at large with a person capable of controlling the animal in immediate physical pursuit shall be deemed at large.
- E. A person who is aware of an animal being at large or who finds a stray

animal shall report the condition to the animal shelter or Animal Control Officer.

- F. An Animal Control Officer and/or authorized representative of Animal Control who observes an animal at large may pursue that animal on public and/or private property.

§ 230-12.1. Female in season.

Every female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with an unneutered male of the same species except for planned breeding. This does not exclude normal waste elimination while under physical restraint and direct supervision and on the owner/custodian's property.

§ 230-12.2. Allowing animal to urinate or defecate on private property prohibited.

It shall be unlawful for any owner or custodian to allow their animal to urinate or defecate on the property of another without the consent of the owner of said property.

§ 230-12.3. Allowing animal to defecate on public property prohibited.

It shall be unlawful for any owner or custodian to allow their animal to defecate on public property unless the owner or custodian of the animal immediately thereafter removes and disposes of it in a sanitary manner. This does not apply to livestock.

§ 230-12.4. Public nuisance.

- A. No person shall keep or maintain any animal in such manner as to cause or permit the animal to be a public nuisance. A public nuisance is when an owner or custodian allows an animal to:
 - (1) Be at large;
 - (2) Damage the property of anyone other than its owner.
 - (3) Molest pedestrians, neighbors or passersby;

- (4) Intimidate pedestrians, neighbors or passersby. Intimidation should be defined as a reasonable prudent person under same and/or similar circumstances and whether that person would have been intimidated by the actions of the animal in question.
- (5) Chase vehicles;
- (6) Bark or make other harsh or excessive noise so as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable persons with normal sensitivities;
- (7) Foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Defecate on public property and/or urinate/defecate on private property; or
- (9) Continue or repeat that behavior or activity for which the animal has previously been determined by the Board, after notice to its owner and a hearing, to be in violation of any of these regulations and/or a public nuisance by virtue of being a menace to the public health, welfare or safety.

§ 230-12.5. Dangerous and/or vicious animals and potentially dangerous animals.

- A. For the purpose of these Regulations a dangerous and/or vicious animal shall be defined as any animal:
 - (1) Which wounds, bites, or otherwise injures a human being without provocation on public or private property. For the purposes of this section, the term provoked shall mean any situation occurring in Subsection B, and not the term as described in the Health Department bite report.
 - (2) Which has injured or killed a domestic animal, without provocation, on public or private property.
 - (3) Which has a vicious nature, disposition and/or propensity which is

known or should be known by its owner.

- (4) Owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting;
- (5) Not owned by a governmental or law enforcement unit, used primarily to guard public or private property.

B. No animal may be declared dangerous and/or vicious if:

- (1) The threat, wound, bite, injury or damage was sustained by a person who:
 - (a) At the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal; or
 - (b) Was tormenting, abusing, or assaulting the animal[s]; or
 - (c) Has in the past been observed or reported to have tormented, abused, or assaulted the animal; or
 - (d) Was committing or attempting to commit a crime;
- (2) or the animal was:
 - (a) Protecting or defending its young or other animal.
 - (b) Responding to pain or injury.

C. The Board may make a determination that an animal is potentially dangerous. A potentially dangerous animal is any animal that constitutes, by its actions, a physical threat to human beings, other domestic animals, or both.

D. Upon determination of dangerous and/or vicious or potentially dangerous by the Board, the Board may require any or all of the following:

- (1) No dangerous and/or vicious or potentially dangerous animal shall be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building outside of its own enclosure.

- (2) For any owner of a dangerous and/or vicious or potentially dangerous animal who maintains their animal outside, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the animal shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secured sides; a secure top attached to all sides; the sides must either be buried two feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the kennel must be locked.
- (3) Whenever outside of its enclosure, but on the owner's property, a dangerous and/or vicious or potentially dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
- (4) The owner or custodian of any dangerous and/or vicious or potentially dangerous animal shall display in a prominent place on their premises where the animal is kept, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS DOG" or such other language as the Board may direct. The lettering on the signs shall be at least three-inch block on signs 8 ½ inches by 14 inches, easily readable, in bright colors.
- (5) Except when being transported in, and humanely and securely confined within, a vehicle, no dangerous and/or vicious or potentially dangerous animal shall be permitted off the property of its owner except when it is:
 - (a) Attended by his owner; and
 - (b) Is humanely restrained by a secure collar and leash (not to exceed six feet in length); both collar and leash to be of sufficient strength to prevent escape; and

- (c) is humanely muzzled by any means sufficient to prevent biting other persons or domestic animals.
 - (6) The animal be neutered at the expense of the owner.
 - (7) The animal be tattooed with a number to be issued by the Board, or microchipped, at the expense of the owner.
 - (8) Ownership or custody of an animal deemed dangerous and/or vicious or potentially dangerous by the Board shall not be transferred without prior written approval of the Board.

- E. Upon determination of dangerous and/or vicious by the Board, the Board may require that the animal be humanely euthanized.

- F. The owner or custodian of an animal deemed dangerous and/or vicious or potentially dangerous by the Board shall immediately notify the Sheriff's Department and Animal Control if the animal should become at-large or otherwise not meet any and all requirements set by the Board.

- G. Enforcement of the requirements set by the Board for the keeping of a dangerous and/or vicious or potentially dangerous animal.
 - (1) In the event that the owner of a dangerous and/or vicious or potentially dangerous animal is in violation of any regulation, the ACO or other public safety officer may order the violation immediately corrected and issue a citation to the owner or custodian.
 - (2) If the violation cannot be immediately corrected, the animal may be impounded, in which case the owner or custodian will be issued a citation and notified to appear before the Board for the violation. At the owners request and expense and upon approval by Animal Control, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing.

- (3) If the owner or keeper of a dangerous and/or vicious or potentially dangerous animal impounded for violation of these regulations presents proof that the animal will now be kept in compliance with these regulations, the animal shall be released upon payment of any fees and penalties due.
 - (4) If the owner or custodian of a dangerous and/or vicious or potentially dangerous animal fails to either provide proof that the animal shall now be kept restrained and/or confined in compliance with these regulations or fails to reclaim it within 72 hours from Animal Control after impoundment, the animal shall be humanely euthanized.
- H. Repeat offenders of provisions relating to dangerous and/or vicious or potentially dangerous animals will be given an opportunity to fully explain to the Board why a violation has been repeated. The Board will consider such explanation in determining penalties and/or disposition.

§ 230-12.6. Impoundment; redemption; adoption.

- A. Any animal observed in violation of these regulations or the State Code shall be immediately and humanely impounded and housed with the animal shelter or its designated agent. In addition to, or in lieu of, impounding an animal, the Animal Control Officer may issue to the known owner or custodian of such animal a notice of violation.
- B. Impounded domestic animals shall be kept for not less than three working days unless said animal is contagiously ill or severely injured.
- C. An owner reclaiming an impounded animal shall pay the fees established by the Sheltering Authority. The fees for subsequent impounds occurring within 12 months shall be doubled. Upon the third and any subsequent

impoundments within 12 months, the animal shall remain in the shelter until the owner appears before the Board's next scheduled hearing. The Board shall determine the necessary means to abate the violations and may levy fines and fees.

- D. In addition to paying the established fees, an owner reclaiming an impounded animal shall show proof of a current rabies vaccination and county license, or shall pay the deposit fees required to comply with §§ 230-9 and 230-10 of these regulations and other expenses incurred by the County in caring for the impounded animal.
- E. Except as otherwise provided in these regulations, any animal impounded and not redeemed by its owner within three working days following notice of impoundment shall be deemed abandoned. The animal shall then become the property of the County, which shall place for adoption or euthanize the animal in accordance with the State Code and shelter policy.
- F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults or a specified date in the contract for puppies and kittens.
- G. Any animal considered by the Sheltering Authority to be unhealthy, dangerous or otherwise unsafe may not be placed for adoption.
- H. The Animal Shelter may deny applications for adoption as provided by established shelter policy and procedure.
- I. No wild animal may be placed for adoption.

- J. No animal shall be knowingly sold or given away for use in experimentation or research.
- K. The County, its employees or agents shall not be liable for any damages to person or property caused by an animal adopted or reclaimed from the shelter.

§ 230-12.7. Striking domestic animal with motor vehicle.

As in Maryland Transportation Law, Article 20, §§ 105 and 106, any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately notify the owner of the domestic animal, or, if the owner cannot be immediately notified, then the State or local police, of the accident.

§ 230-12.8. Fees.

Any fees or fines established within these regulations may be evaluated and adjusted annually.

§ 230-12.9. Fines.

- A. The Board may impose fines at the close of all evidence, at any hearing, as set forth below.
- B. The fines for subsequent violations within a 12 month period shall be doubled for those violations with set penalties.

In Violation

of Section	Subject	Fine
§ 230-6B	Interference with an Animal Control Officer	\$50
230-8	Cruelty (requires an appearance before the Board)	\$50 to \$500

230-9	Rabies prevention (requires an appearance before the Board)	
	Failure to vaccinate	\$100
	Failure to quarantine	\$100
230-10	Licensing	
	Individual	\$35
	Commercial animal establishment	\$150
230-11	Animal care (per offense; not to exceed \$100 per animal)	\$25
230-11F	Animal riding in an open vehicle	\$35
230-12	Animal at large	\$35
230-12.1	Female in season	\$35
230-12.2	Allowing an animal to urinate/defecate on private property	\$35
230-12.3	Allowing an animal to defecate on public property	\$35
230-12.4	Public nuisance violation of the Board's order (requires an appearance before the Board)	\$50 to \$100
230-12.5	Dangerous and/or vicious or potentially dangerous (requires an appearance before the Board)	\$50 to \$500

C. Violations covered under Section 230-12.11 are referred to, and prosecuted by the State's Attorney in the District Court of Maryland for Charles County.

§ 230-12.10. Entering into contracts with outside services.

No statement, provision or regulation set forth herein shall be construed to prevent the County

Commissioners of Charles County, Maryland from entering into a contract with an outside service.

§ 230-12.11. Failure to pay fines; failure to appear before Animal Matters Hearing Board; or failure to comply with lawful orders of Animal Matters Hearing Board.

- A. Anyone served with a citation for an alleged violation of any of the provisions of these regulations shall be subject to payment of a fine as specified on the citation form or must appear before the Animal Matters Hearing Board to answer the complaint. Any person willfully failing to appear before the Board when notified to do so, and/or after having failed to pay the fine as specified on the citation form within the time specified on the citation shall be guilty of a misdemeanor punishable by not more than 60 days in jail, a fine of \$300, or both.

- B. Any person willfully failing to comply with any lawful order of the Board shall be guilty of a misdemeanor punishable by not more than 60 days in jail, a fine of \$300, or both.

- C. Charges under this section will be referred to the State's Attorney's Office for prosecution in the District Court of Maryland for Charles County.