

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Commissioners' Meeting Room in the Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland, on **Tuesday, May 17, 2016** beginning at 6:30 p.m., for the purpose of receiving public comment on a proposed Ordinance amending Chapter 212 the *Code of St. Mary's County, Maryland* (Animal Control Regulations).

The proposed Ordinance would define "domestic animal," exclude agricultural animals from the operation of the Ordinance, and prohibit an owner or custodian of a domestic animal from:

- failing to provide the animal with food, potable water, air, shelter, space, protection from the weather, veterinary care when needed to prevent suffering, and grooming sufficient for humane care and treatment
- permitting a domestic animal to run at-large with certain exceptions
- permitting a domestic animal to threaten or injure a person, domestic animal or agricultural animal, damage property, chase vehicles or deposit animal waste on the property of another
- hindering or obstructing an official in the performance of the officials' duties

The proposed Ordinance would also provide that:

- animal rescue organizations may coordinate rescue programs with St. Mary's County
- a violation of certain State laws regarding mistreatment of animals, dangerous dogs and vaccination against rabies are also violations of the Ordinance
- a violation of the Ordinance is a civil infraction punishable by a fine not to exceed \$1,000
- the Ordinance would be administered and enforced by the St. Mary's County Department of Emergency Services & Technology
- the St. Mary's County Department of Emergency Services & Technology is also authorized to assist citizens with respect to non-domestic animals to maintain public safety and in the removal of non-domestic animals from private property

Citizens are encouraged to attend and participate in the public hearing.

Copies of the proposed Ordinance are available in the Public Information Office, Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland 20650, and under "Public Hearing Notices" at <http://www.co.saint-marys.md.us/>.

The Commissioners invite public comments and participation. Comments on the proposed Ordinance may be sent on or before May 24, 2016, to the Commissioners of St. Mary's County, P.O. Box 653, Leonardtown, Maryland 20650 or to csmc@stmarysmd.com.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed Ordinance.

COMMISSIONERS OF ST. MARY'S COUNTY

By: George R. Sparling, County Attorney

Subject: Public Safety - To Repeal and Re-enact
Chapter 212 of the *Code of St. Mary's
County, Maryland*, Establishing Animal
Control Regulations

Page 1 of 7

ORDINANCE

TO REPEAL AND RE-ENACT CHAPTER 212 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, ESTABLISHING ANIMAL CONTROL REGULATIONS

WHEREAS, pursuant to §13-129(c) of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to provide for the regulation, humane treatment and keeping of domestic animals; and

WHEREAS, a notice of a public hearing was advertised on April 27, 2016 and May 4, 2016 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on May 17, 2016 to receive public comment and consider the repeal and re-enactment of Chapter 212 of the *Code of St. Mary's County, Maryland*, to provide for the regulation, humane treatment and keeping of domestic animals; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to repeal and re-enact Chapter 212 of the *Code of St. Mary's County, Maryland*, to provide for the regulation, humane treatment and keeping of domestic animals,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §13-129(c) of the *Local Government Article* of the *Annotated Code of Maryland*, that:

SECTION I. Chapter 212 of the *Code of St. Mary's County, Maryland*, is repealed and re-enacted to read as follows:

CHAPTER 212. ANIMAL CONTROL

§212.1 APPLICABILITY

This Ordinance is applicable to all domestic animals kept in St. Mary's County except as specifically provided herein.

§212.2 DEFINITIONS

In this Ordinance the following words and phrases have the following meanings:

- A. A "domestic animal" is any dog, regardless of its utilitarian purpose, or cat, bird, rodent, fish, reptile, amphibian, nonhuman primate, or other species of animal kept for pleasure rather than utility and accustomed to living in or about human habitation. "Domestic animal" does not

include:

1. agricultural animals; or
 2. animals kept for bona fide research uses.
- B. "Agricultural animal" includes any cattle, dairy cows, swine, sheep, horses, asses, mules, goats, poultry and any other animal kept for agricultural use or production for consumption.
- C. "Agriculture" means all methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

§212.3 ANIMAL CARE

No owner or custodian of a domestic animal shall fail to provide the animal with food, potable water, air, shelter, space, protection from the weather, veterinary care when needed to prevent suffering, and grooming sufficient for humane care and treatment.

§212.4 ANIMAL AT LARGE

An owner or custodian of a domestic animal shall keep the animal confined in a building or secure enclosure or under physical restraint and direct supervision except:

1. An animal on property owned or occupied by the owner or custodian of the animal;
2. a dog undergoing supervised obedience training;
3. a dog being trained or used for hunting;
4. a dog accompanied by the owner or custodian on horseback; or
5. an animal at large with a person in immediate pursuit with the purpose of reacquiring control of the animal.

§212.5 NUISANCE

- A. No owner or custodian shall keep or maintain any domestic animal in such manner as to cause

or permit the animal to:

1. inflict injury on a person without provocation;
 2. injure or kill a domestic animal or agricultural animal without provocation;
 3. threaten or chase any person, other domestic animal or agricultural animal without provocation;
 4. damage the property of another;
 5. chase a vehicle;
 6. bark excessively or continuously so as to unreasonably disturb the quiet, comfort, or repose of another; or
 7. defecate or urinate on the property of another.
- B. An owner or custodian of a domestic animal must remove excrement deposited by the animal on a sidewalk, street, park, or other public property or private property of another.

§212.6 RESCUE ORGANIZATIONS

- A. Any rescue organization which desires to participate with St. Mary's County in the rescue, adoption or rehabilitation of animals may register with the St. Mary's County Department of Emergency Services & Technology, including name, organization, contact, address, and telephone number.
- B. Each registered rescue organization shall provide the St. Mary's County Department of Emergency Services & Technology with a list of rescue homes utilized within St. Mary's County and a consent by the owner and occupant of each listed home to periodic inspection by the St. Mary's County Department of Emergency Services & Technology.

§212.7 INTERFERENCE WITH OFFICIAL

- A. No person shall hinder or obstruct the Director of the St. Mary's County Department of Emergency Services & Technology, or a designee of the Director, or an animal control officer in the performance of the duties of the Director of the St. Mary's County Department of Emergency Services & Technology or animal control officer pursuant to this Ordinance.

Subject: Public Safety - To Repeal and Re-enact
Chapter 212 of the *Code of St. Mary's
County, Maryland*, Establishing Animal
Control Regulations

Page 4 of 7

- B. No person shall remove an animal from a trap, remove a trap, or activate a trap set by the Director of the St. Mary's County Department of Emergency Services & Technology, or a designee of the Director, or an animal control officer.

§212.8 VIOLATION OF STATUTE

No person shall commit any act that is prohibited, or omit to do any act that is required, by the following provisions of the *Annotated Code of Maryland*:

- §10-604 of the *Criminal Law Article* - Abuse or neglect of animal;
- §10-612 of the *Criminal Law Article* - Abandoning domestic animal;
- §10-615 of the *Criminal Law Article* - Care of mistreated animal;
- §10-619 of the *Criminal Law Article* - Dangerous dog;
- §10-623 of the *Criminal Law Article* - Leaving dogs outside & unattended by use of restraints;
- §18-318(a) of the *Health-General Article* - Vaccinations – Dogs, Cats, and ferrets; or
- §21-1004.1(a) of the *Transportation Article* - Cats or dogs left in standing or parked vehicle.

§212.9 ADMINISTRATION AND ENFORCEMENT

- A. The Director of the St. Mary's County Department of Emergency Services & Technology, and designees of the Director, shall have the authority and duty to administer and enforce the provisions of this Ordinance, including the authority to issue a citation for a civil infraction.
- B. The Director of the St. Mary's County Department of Emergency Services & Technology may exercise the following powers in administration and enforcement of this Ordinance:
1. impound a domestic animal whose owner or custodian is in violation of §212.3 or §212.4 this Ordinance, and transport any such animal to the Tri-County Animal Shelter or to such other facilities as may be necessary;
 2. set traps and employ devices to impound a domestic animal at large;
 3. make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal, including review of reports of lost domestic animals and coordinating and posting an impoundment notice on the residence of any person believed to be the owner or custodian of the impounded animal;
 4. obtain veterinary treatment for injured or diseased impounded animals that may be reasonably expected to benefit from treatment; and

Subject: Public Safety - To Repeal and Re-enact
Chapter 212 of the *Code of St. Mary's
County, Maryland*, Establishing Animal
Control Regulations

Page 5 of 7

5. euthanize injured or diseased impounded animals that may not reasonably be expected to benefit from treatment; and
 6. conduct public information programs.
- C. The Director of the St. Mary's County Department of Emergency Services & Technology, and his designees, may perform such other duties with respect to non-domestic animals as may be:
1. required to maintain public safety;
 2. appropriate to assist members of the public in the removal of non-domestic animals from private property; or
 3. assigned by the Commissioners of St. Mary's County.
- D. The Director of the St. Mary's County Department of Emergency Services & Technology is the appropriate unit of St. Mary's County pursuant to §10-619 of the *Criminal Law Article* of the *Annotated Code of Maryland* ("Dangerous Dogs").
- E. The Director of the St. Mary's County Department of Emergency Services & Technology shall designate one or more employees of the Commissioners of St. Mary's County as an "animal control officer" within the meaning of *Local Government Article* and the *Transportation Article* of the *Annotated Code of Maryland*.

§212.10 PENALTIES

A violation of this ordinance, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*.

CROSS REFERENCES (*Annotated Code of Maryland*)

Business Regulation Article § 19-701. Definitions
Business Regulation Article § 19-702. Applicability
Business Regulation Article § 19-703. Duties of retail pet stores
Business Regulation Article § 19-704. Information provided to purchasers
Business Regulation Article § 19-705. Purchaser remedies
Business Regulation Article § 19-706. Violations
Business Regulation Article § 19-707. Additional rights and remedies not limited
Criminal Law Article § 10-601. Definitions
Criminal Law Article § 10-602. Legislative intent
Criminal Law Article § 10-603. Application of §§ 10-601 through 10-608
Criminal Law Article § 10-604. Abuse or neglect of animal

**Subject: Public Safety - To Repeal and Re-enact
Chapter 212 of the Code of St. Mary's
County, Maryland, Establishing Animal
Control Regulations**

Page 6 of 7

Criminal Law Article § 10-605. Attending dogfights or cockfights
Criminal Law Article § 10-606. Aggravated cruelty to animals -- In general
Criminal Law Article § 10-607. Aggravated cruelty to animals -- Certain activities related to dogfights prohibited
Criminal Law Article § 10-608. Aggravated cruelty to animals -- Certain activities related to cockfights prohibited
Criminal Law Article § 10-609. Arrest by humane society officer
Criminal Law Article § 10-610. Animal as prize
Criminal Law Article § 10-611. Killing of dog or cat -- Prohibited means
Criminal Law Article § 10-612. Abandoning domestic animal
Criminal Law Article § 10-613. Sale of puppy or kitten
Criminal Law Article § 10-614. Transfer or coloring of chick
Criminal Law Article § 10-615. Care of mistreated animal
Criminal Law Article § 10-616. Kennel inspection
Criminal Law Article § 10-617. Disposal of domestic animal
Criminal Law Article § 10-618. Poisoning dog
Criminal Law Article § 10-619. Dangerous dog
Criminal Law Article § 10-620. Interference with race horse
Criminal Law Article § 10-621. Import, offer, or transfer of dangerous animal
Criminal Law Article § 10-622. Injuring or trapping carrier pigeon
Criminal Law Article § 10-623. Leaving dogs outside and unattended by use of restraints
Criminal Law Article § 10-624. Unauthorized surgery on dogs
Criminal Law Article § 10-625. Unauthorized surgical devocalization of cat or dog
Health-General Article § 18-217. Legislative findings and declaration
Health-General Article § 18-218. "Animal" defined
Health-General Article § 18-219. Prohibition on dangerous animals
Health-General Article § 18-220. More stringent requirements by local governments
Health-General Article § 18-221. Intergovernmental cooperation
Health-General Article § 18-222. Penalties; seizure of contraband animals
Health-General Article § 18-318. Vaccinations – Dogs, cats, and ferrets
Health-General Article § 18-320. Animal quarantine
Local Government Article § 13-101. Scope of subtitle
Local Government Article § 13-102. Regulation and enforcement
Local Government Article § 13-103. Compensation for tax collectors
Local Government Article § 13-104. Service dogs
Local Government Article § 13-105. Aggressive dogs
Local Government Article § 13-106. Unlicensed or menacing dogs -- Contracts for removal, care, and disposition
Local Government Article § 13-107. Licensed dogs as personal property
Local Government Article § 13-108. Kennel licenses for breeders
Local Government Article § 13-109. Penalties
Local Government Article § 13-129. St. Mary's County
Transportation Article § 21-1004.1. Cats or dogs left in standing or parked vehicle

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Requested by: **Office of the County Attorney
Department of Emergency Services
& Technology**

Ordinance No. 2016 - _____

**Subject: Public Safety - To Repeal and Re-enact
Chapter 212 of the Code of St. Mary's
County, Maryland, Establishing Animal
Control Regulations**

Page 7 of 7

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

George R. Sparling

George R. Sparling
County Attorney

Michael L. Hewitt, Commissioner

Tom Jarboe, Commissioner

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner