

Cecil County Board of County Commissioners

Ordinance 2011-02

**Amendment to the Cecil County Code
Chapter 209 Dogs and Other Animals**

WHEREAS, by virtue of Chapter 209 of the Code of Cecil County, the Board of County Commissioners of Cecil County may establish standards for animal control and management in Cecil County; and

WHEREAS, the Animal Control Task Force has recommended to repeal Chapter 209 Dogs and Other Animals and reenact Chapter 209 Animal Care and Control; and

WHEREAS, the Board of County Commissioners of Cecil County conducted a public hearing regarding said amendments on February 1, 2011 (said hearing having been duly advertised).

BE IT HEREBY ENACTED AND ORDAINED by the Board of County of County Commissioners of Cecil County, State of Maryland that Chapter 209 Dogs and Other Animals be hereby repealed and re-enacted replacing all preceding versions with Chapter 209 Animal Care and Control.

Introduced at a public meeting of the Board of County Commissioners for Cecil County this 1 day of February, 2011.

As amended, introduced at a public meeting of the Board of County Commissioner for Cecil County this 5 day of June, 2012.

Adopted by the Board of County Commissions for Cecil County, this 17 day of July, 2012.

BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY

Attest:

Alfred C. Wein, Jr.
Cecil County Administrator

James T. Mullin, President

Diana Broomell, Vice President

Tari Moore, Commissioner

Michael Dunn, Commissioner

Robert J. Hodge, Commissioner

CHAPTER 209. ANIMAL CARE AND CONTROL

Section 1. Definitions

209-101. Definitions

Section 2. Animal Care and Control Oversight Commission

209-201. Appointments

209-202. Powers and Duties

209-203. Records Transparency Clause - Reporting and Records

Section 3. Animal Care and Control Authority

209-301. Powers and Duties

209-302. Enforcement

209-303. Impoundment - Non-dangerous Dogs

209-304. Redemption of Impounded Animals - Non-dangerous Dogs

209-305. Impoundment and Redemption of Dangerous Dogs

209-306. Reporting Responsibility to the Animal Care and Control Oversight Commission

Section 4. Public Safety

209-401. Health Certificates

209-402. Dangerous Dog (§10-619 of the Criminal Law Article of the Annotated Code of Maryland)

209-403. Additional Requirements for Dangerous Dogs

Section 5. Rabies Control

209-501. Rabies Control

209-502. Reports of Animal Bites

209-503. Responsibilities of Veterinarians

Section 6. Standards for Care and Keeping of Animals

209.601. Proper Shelter and Care

209.602. Neglect and Cruelty

209-603. Animal Behavior/Actions

209-604. Restraint

- 209.605. Female Dogs in Estrus (Heat)
- 209.606. Animal Waste and Dead or Decaying Animals

Section 7. Kennels, Catteries and Pet Shops

- 209-701. Commercial Kennel and Cattery
- 209-702. Hobby Kennel
- 209-703. Boarding Kennel
- 209-704. IRS Defined Non-Profit Canine Rescue Kennel
- 209-705. Pet Shop Standards
- 209-706. Kennel, Cattery or Pet Shop Closure

Section 8. Licensing

- 209-801. General Licensing
- 209-802. Commercial Kennel and Cattery Licensing
- 209-803. Hobby Kennel Licensing
- 209-804. Boarding Kennel Licensing
- 209-805. Pet Shop Licensing
- 209-806. Tags and Collars

Section 9. Other Provisions

- 209-901. Other Regulated Activities
- 209-902. Dangerous Wild Animals
- 209-903. Severability
- 209.904. Effective Date

Section 10. Fines and Penalties

- 209-1001. Fines and Penalties

Section 11. Standards to Govern

- § 209-1101. Contract Abrogation Provision

CHAPTER 209. ANIMAL CARE AND CONTROL

SECTION 1. DEFINITIONS

209-101. Definitions

In this Ordinance, the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any other ordinance of the Code. Any term not defined in the Code shall have its generally accepted meaning.

ANIMAL ABANDONMENT -- Any owner of a domesticated animal who does not humanely dispose of the animal or transfer ownership to some responsible person when ownership is no longer desired.

ANIMAL CARE AND CONTROL AUTHORITY -- The organization(s), agency(s), department(s) or corporation(s) designated by the Cecil County Government to administer and enforce the provisions of this Code and/or to administer the County's designated animal center.

ANIMAL CARE AND CONTROL CENTER -- The facility operated by or on behalf of the Cecil County Government for the purpose of impounding animals under authority of this ordinance or State law for care, confinement, redemption, adoption, or euthanasia.

ANIMAL CARE AND CONTROL OVERSIGHT COMMISSION -- The Commission appointed by the Cecil County Government with powers and duties specified in Sections 209-201, 209-202 and 209-203 of this Ordinance.

ANIMAL CARE AND CONTROL OFFICERS -- The person or persons authorized on behalf of the Cecil County Government or by the ACCA to enforce this chapter and applicable State laws on behalf of Cecil County.

ANIMAL SHELTER -- Any facility operated by a humane organization, tax exempt organization, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals.

ANIMALS EXPOSED TO RABIES -- An animal that is known or is suspected to have had a bite from or non-bite contact with another animal that is known or suspected to be infected with rabies (COMAR 10.06.02).

AT LARGE -- Any animal not under effective control or unrestrained while not on its owner's property.

AUCTIONS -- Any place or facility where animals are bought, sold, or traded through a bid process, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

BOARDING -- Keeping an animal overnight in a commercial establishment used for the keeping of animals.

CATTERY -- Any person, group of persons, association or corporation that engages in buying or selling cats and breeds three or more litters within a twelve-month period for compensation.

CRUELTY -- The unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission or neglect. Cruelty includes torture and torment.

CUSTODIAN -- Any person, partnership or corporation that provides food, shelter and care for an animal in the absence of the owner.

DANGEROUS OR VICIOUS DOG – Reference Section 209-402. Dangerous Dog as defined by §10-619 of the Criminal Law Article of the Annotated Code of Maryland.

DANGEROUS WILD ANIMAL – As defined in §10-621 of the Criminal Law Article of the Annotated Code of Maryland.

DOMESTIC ANIMAL -- Animals which, through extremely long association with humans, have been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species. Domestic animals include but are not limited to 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.

EFFECTIVE TEMPERATURE -- The temperature as affected by meteorological conditions, such as wind chill, sun or rain.

FACILITY -- A building or property, other than a private residence, in which animals are maintained.

HARBOR -- The act of feeding or sheltering an animal for three or more consecutive days or parts of days.

HEALTH CERTIFICATE -- A legible certificate on an official form approved and authorized by the Health Officer of the state of origin or the U.S. Department of Agriculture.

HEALTH OFFICER -- The person in charge of the Cecil County Health Department.

KENNEL, BOARDING -- A commercial establishment used for the purpose of housing animals overnight. Medical boarding in veterinary hospitals is not included.

KENNEL, COMMERCIAL -- Any person, group of persons, association or corporation engaged in the business of breeding three or more litters within a twelve-month period, buying or selling dogs for compensation.

KENNEL, HOBBY -- An organization or individual who owns or houses no less than ten dogs and no more than twenty dogs, over the age of four months, kept for practical purposes, including but not limited to, hunting and tracking. A hobby kennel does not meet the definition of a "commercial kennel" and no more than two litters shall be bred and sold within a twelve-month period.

KENNEL, IRS DEFINED NON-PROFIT CANINE RESCUE -- Any facility, structure, house, or other building that is owned, operated or maintained by an IRS defined non-profit canine rescue group/organization that provides shelter, humane care and treatment for un-owned or unwanted dogs, while attempting to find permanent, adoptive homes for those dogs or serves as those dog's permanent home.

MARYLAND PUBLIC HEALTH VETERINARIAN -- The veterinarian so designated by the Maryland Department of Health and Mental Hygiene.

MOLEST -- To interfere with freedom of movement.

NEGLECT -- An act of omission or commission whereby an animal is deprived of access to fresh potable water, nutritious food in sufficient quantity, shelter, shade, air, veterinary care or sanitary conditions, or is otherwise confined thereby causing a lack of freedom of movement adequate to ensure access to any of the above (necessary veterinary care, proper drink, air, space, and shelter or protection from the weather).

NOTIFY / NOTIFICATION -- For purposes of this chapter, notify/notification shall mean to use every reasonable attempt to make contact including but not limited to, any of the following: telephone, U.S. mail, posting of the property in a conspicuous place or email.

OWNER -- Any adult person, partnership, or corporation owning, keeping, harboring, or having custody (either temporarily or permanently) of one or more animals.

PET -- A domesticated animal kept for pleasure rather than utility.

PET SHOP -- Any commercial establishment that sells live animals with the intent that they be kept as pets, whether as a separate operation or in connection with any other business enterprise.

PRACTICAL -- Pertaining to or concerned with ordinary activities, business, or work.

PUBLIC NUISANCE ANIMAL --Any animal, or animals, that unreasonably interferes with the rights of citizen(s) to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to, any animal which:

- A. Continues to molest passersby or passing vehicles or
- B. Is repeatedly at large, or is a stray or
- C. Continues to damage private or public property or
- D. Continues to disturb the neighbor(s) or the community (including, but not limited to, continued and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbor(s) or others in close proximity to the premises where the animal is kept or harbored; or
- E. Is found to be in violation of dangerous animal restraint requirements.

PUBLIC NUISANCE FACILITY OR RESIDENCE -- Any residence or facility whose owner or inhabitant(s) have received three or more nuisance citations for the same or different nuisances within the previous 24 months.

PURSUE -- To follow in order to capture, contain, or if necessary, destroy.

QUARANTINE -- Pursuant to an order of the Public Health Veterinarian or local Health Officer and on the private premises of the owner or custodian of the animal or at a Health Department-approved facility, confinement of an animal by leash, an escape-proof enclosure, or another manner, approved in writing by the Public Health Veterinarian or local Health Officer, that ensures protection of the public health (COMAR 10.06.02).

RESPONSIBLE PERSON -- A person who could reasonably be expected to be capable of effectively controlling the animal in question.

RESTRAINT -- Any animal secured and under effective control of a responsible person by means such as a leash or lead or within the real property limits of its owner. An animal which threatens bodily injury is not under “restraint.”

SANITARY -- A condition of good order and cleanliness which minimizes the probability of transmission of disease and does not cause a fouling of the air which would be deemed offensive to neighbors or other persons in close proximity to the area. For this definition, fouling of the air shall not apply to a working farm provided that normal and customary farming practices are in use

SECURE ENCLOSURE -- A fenced area or building from which a dog cannot escape or be accidentally released and which cannot be entered by animals or unauthorized persons (an invisible electric fence is not considered a secure enclosure for vicious or dangerous animals)

STRAY -- A domesticated animal that is running at large without identification or a dog license.

ZOOLOGICAL PARK -- Any property displaying, harboring, or exhibiting one or more species of wild or exotic animals owned by a person, partnership, corporation, or governmental agency and shall be federally licensed.

SECTION 2. ANIMAL CARE AND CONTROL OVERSIGHT COMMISSION

§ 209-201. Animal Care and Control Oversight Commission – Appointments

- A. Each member of the Cecil County Government shall appoint one individual from their respective districts for a total membership of five individuals, who would have no conflict of interest with the Animal Care and Control Authority, to serve as the Animal Care and Control Oversight Commission. The commission shall, as needed, call upon a veterinarian with a valid veterinary license to consult within this/her expertise.
- B. The term of members shall be four years and staggered, except for the initial term when two members, as determined by the Cecil County Government, shall serve a two year term. Appointees can serve no more than two consecutive full terms. Any person appointed to fill a vacancy created by resignation or otherwise shall be appointed only to fulfill the un-expired term of the member who has vacated the position.
- C. The members and consulting veterinarians shall not receive remuneration for their services and shall abide by the Cecil County Code of Ethics.
- D. The Cecil County Government shall remove a member of the Animal Care and Control Oversight Commission prior to the expiration of the member's term if the member fails to attend required meetings or his/her conduct is unbecoming or prejudicial to the aims or repute of the Commission and the Cecil County Government.
- E. Chairperson/President, Vice Chairperson/Vice President, and Recording Secretary shall be designated by members of the Commission for a one-year term and can serve no more than two consecutive full terms.
- F. The Commission will conduct mandatory quarterly meetings in addition to other meetings as required. The presence of three members shall constitute a quorum.
- G.

§ 209-202. Animal Care and Control Oversight Commission – Powers and Duties

- A. The Animal Care and Control Oversight Commission shall work with the county's Animal Care and Control Authority to review current county and state animal laws and recommend changes in county animal laws, as well as related fees and fines, to the Cecil County Government.
- B. The Animal Care and Control Oversight Commission will review the performance of the Animal Care and Control Authority as it relates to adherence of contract terms and report findings to the Cecil County Government.
- C. The Animal Care and Control Oversight Commission will annually review and make recommendations regarding any changes deemed necessary for either

the renewal of the animal care and control contract, or for the issuance of a Request for Proposal and subsequent award of the animal care and control contract, to the Cecil County Government.

- D. The Animal Care and Control Oversight Commission will serve as a review board for cases involving public or interagency complaints regarding the Animal Care and Control Authority. They will also hear appeals and make decisions regarding license revocation.
- E. Citations, summons or warrants are not reviewable by this Commission.
- F. All reviews will result solely in recommendations or referrals to appropriate agencies. The Commission does not enforce laws.
- G. All complaints concerning the Animal Care and Control Authority shall first be submitted in writing to the Animal Care and Control Authority, as well as to the Animal Care and Control Oversight Commission. The Animal Care and Control Authority shall notify the Animal Care and Control Oversight Commission, as well as the complainant, in writing of the outcome of the complaint. In the event a complainant feels their complaint was not handled in an appropriate manner by the Animal Care and Control Authority, the complainant shall then appeal to the Animal Care and Control Oversight Commission.
- H. Records will be kept of all meeting agendas, proceedings and review sessions and shall include date, time and location of the session as well as attendees.
- I. The County shall retain all records for a minimum of four years.

§ 209-203. Records Transparency Clause - Responsibility to the Animal Care and Control Oversight Commission

- A. At the quarterly meetings, the Commission will review the quarterly financials and animal care and control statistics that shall be provided by the county's designated Animal Care and Control Authority to the Commission at least seven days prior to the announced quarterly meeting date. The Commission will provide a report to the Cecil County Government of these findings with a detailed accounting of the Animal Care and Control Authority's funding, expenditures and unresolved complaints. Failure on the part of the Animal Care and Control Authority to provide the required documentation shall immediately be reported to the Cecil County Government.

SECTION 3. ANIMAL CARE AND CONTROL AUTHORITY

§ 209-301. Powers and duties of the Animal Care and Control Authority charged with enforcing both State and County laws

- A. The Animal Care and Control Authority shall be responsible for implementing this Ordinance and enforcing its provisions, as well as Maryland State animal laws.
- B. All fees associated with the enforcement of this ordinance shall be made public and clearly advertised on the Animal Care and Control Authority's website. All such fees shall be used by the Animal Care and Control Authority for the enforcement of this ordinance.

§ 209-302. Enforcement

- A. The civil and criminal provisions of this chapter shall be enforced by the Animal Care and Control Authority designated by the Cecil County Government. It shall be a violation of this chapter to interfere with an Animal Care and Control Officer in the performance of his or her duties.
- B. At the discretion of an Animal Care and Control Officer or Law Enforcement Officer, a citation may be issued to any person in violation of this chapter, any rules and regulations adopted pursuant hereto, or the Criminal Law Article or any other state law or regulation regarding the control or treatment of animals which local Animal Care and Control Officers are authorized to enforce. The citation shall impose upon the owner a fine as indicated by the Animal Care and Control Officer or Law Enforcement Officer. In the event that such fine is not paid within 20 days to the Cecil County Treasurer's office, said citation shall be forwarded to the District Court for disposition. Upon conviction of a violation of this chapter, or any rules and regulations adopted pursuant hereto, the defendant shall be subject to penalties as set forth in the applicable section(s). The fine assessed by the Animal Care and Control Officer, as herein provided, shall be increased or decreased by the Court upon conviction as aforesaid.
- C. The Animal Care and Control Authority, in addition to and not in substitution for any of the provisions of this chapter, shall apply to the Court having jurisdiction for a mandatory injunction when the impoundment, confinement, or destruction of an animal is necessary to protect public safety, or if an animal is in need of immediate medical care and the owner is either uncooperative or unable to be contacted in a timely fashion. The owner will be liable for all associated costs.

§ 209-303. Impoundment – Non-dangerous Dogs

- A. Dogs may be seized by an Animal Care and Control Officer and confined in a humane manner at the discretion of the Animal Control Officer or if the animal has been declared a public nuisance animal.
- B. A domesticated animal that is impounded by the Animal Care and Control Authority shall be held a minimum of eight days, unless redeemed earlier, during which time:
 - (1) The animal shall be carefully inspected for a tag, registered microchip, tattoo, or other identification to ascertain the owner.
 - (2) If by a license tag or other means, the owner of an impounded animal can be identified, the Animal Care and Control Authority shall attempt to notify the owner by telephone, mail, and by posting notice in a conspicuous location on the owner's property.
- C. Any animal impounded under the provisions of this chapter shall become the property of the Animal Care and Control Authority and may be sold, placed or humanely euthanized after the latter of:
 - 1) Eight days have elapsed and attempts to notify the owner have been unsuccessful, or
 - 2) Eight days have elapsed after notice has been received by the owner.
- D. At any time, the Animal Care and Control Authority may decide to humanely euthanize any animal that is seriously diseased or severely injured, or poses a physical threat to Animal Care and Control Authority staff.

- E. All impounded animals shall, within 24 hours of impoundment Monday through Friday, and 48 hours over weekends and holidays, be photographed and displayed on a website readily available for public access. The internet posting shall remain until the animal is either reclaimed by its owner or is no longer in the possession of the Animal Care and Control Authority.
- F. The fees for subsequent impoundments occurring within 12 months shall be doubled. Upon the third impoundment within 12 months, with the exception of a dog declared to be dangerous by the Animal Care and Control Authority, the animal shall become the property of the Animal Care and Control Authority.

§ 209-304. Redemption of Impounded Animals - Non-dangerous Dogs

- A. The owner of any impounded animal, with the exception of a dangerous dog, shall be entitled to resume possession once the owner has paid all applicable fines and fees and comes into compliance with Chapter 209, which may include but not be limited to:
 - (1) The owner of the dog provides satisfactory evidence or assurances the dog will receive adequate care, which may include a scheduled inspection by the Animal Care and Control Authority of the premises and buildings in which the dog will be housed; and/or
 - (2) If the owner of a seized or impounded dog is someone other than the person from whom the dog was seized and impounded, the dog owner may retrieve his or her dog from impoundment upon payment of all costs of transportation, care and feeding related to the seizure and impoundment of the dog; and/or
 - (3) The owner shall come into compliance with the license provisions of Sections 209-801, 802, 803 and 805 and payment of the redemption fees; and/or
 - (4) Additional fines shall be levied as applicable.
- B. A service dog owned by a person with a disability, as defined by the American Disabilities Act, may be redeemed without satisfying the requirements in 209-304 prior to redemption. However, the owner of such animal shall still be subject to applicable fines and fees, including but not limited to complying with the requirements of this ordinance within a timeframe to be determined by the Animal Care and Control Authority before release of the service dog. Failure to comply as set forth by the Animal Care and Control Authority will result in the re-impoundment of the dog at which time the dog will not be eligible for redemption until all compliance has been met and payment of fines and fees.
- C. If proof of current rabies vaccinations cannot be provided prior to the release from confinement, said animal(s) will receive a rabies vaccination at the Animal Care and Control Authority by a licensed veterinarian, and the Animal Care and Control Authority will be compensated by the owner for providing the vaccination.
- D. Proof of ownership shall be established by providing a driver's license and/or veterinary records.
- E. The owner of an impounded animal shall pay a fee as determined by the Animal Care and Control Authority. This fee shall not exceed the Animal Care and

Control Authority's established rates for each day the animal has been impounded, as well as any costs, including veterinary expenses incurred by the Animal Care and Control Authority during such impoundment, regardless of whether or not the animal is reclaimed. Additionally, the owner shall pay any fines associated with the animal as set forth in the applicable section(s). The fees for subsequent impounds occurring within 12 months shall be doubled.

F. Violations of §209-304. Redemption of Impounded Animals - Non-Dangerous Dogs shall result in the assessment of fines as follows:

At large: Up to \$500.00

Lack of restraint: Up to \$500.00

Violations of §209-605. Female Dogs in Estrus: \$200.00 fine

No proof of current rabies vaccination - \$50.00 per animal

No proof of county license – First Occurrence: \$50.00 per animal

No proof of county license – Second Occurrence: \$75.00 per animal

No proof of county license – Third or More Occurrences: \$100.00 per animal

No license tag on collar: \$35.00 per animal

Impoundment Fee, room and board per animal per day will be set by the Animal Care and Control Authority as advertised on their website.

§ 209-305. Impoundment and Redemption of Dangerous Dogs

A. A dangerous dog is one which fits the description found in §209-402. Dangerous Dog. In addition, a dog will be declared a dangerous dog if the dog has committed one or more of the following:

(1) Inflicted injury on a human being without provocation on public or private property.

(2) Killed or inflicted severe injury on a domestic animal without provocation while off the owner's property.

(3) Attacked a human being without provocation.

(4) Has a history of attacking human beings and/or domestic animals without provocation.

B. The following exceptions shall apply when declaring a dog dangerous:

(1) No dog shall be considered dangerous or potentially dangerous if an injury was sustained by:

a. A human being who, at the time the injury was sustained, was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime; or

b. A domestic animal which, at the time the injury was sustained, was teasing, tormenting, abusing or assaulting the dog; or

c. A domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog.

(2) No dog shall be considered dangerous or potentially dangerous if the dog was protecting or defending a person from an attack or assault within the immediate vicinity of the dog was located within the real property limits of its

owner where there is a clearly legible, prominently posted “Beware of Dog” sign or was protecting its young.

(3) No military, correctional, or police-owned dogs shall be considered dangerous or potentially dangerous if the attack or injury to a person or domestic animal occurs while the dog is performing duties as expected.

C. Any person who has been attacked by one or more dogs, or anyone on behalf of such a person under the age of eighteen years, or a person whose domestic animal has been killed or injured without provocation may file a complaint or report with the Animal Care and Control Authority. An Animal Care and Control Officer and/or a Police Officer shall also file such a complaint or report with the Animal Care and Control Authority. If the Animal Care and Control Authority declares that the dog is a dangerous dog as defined in this ordinance, an Animal Care and Control Officer shall immediately impound the animal and notify the owner in the same manner as required under §209-303. B.2. In cases where a human is bitten, refer to the requirements under §209-501. Rabies Control and §209-502. Reports of Animal Bites.

D. Redemption of a dangerous dog shall only occur if the owner of the dog provides proof of ownership to the Animal Care and Control Authority within 8 days of impoundment. The Animal Care and Control Authority shall set the requirements necessary for the owner to redeem the dog, if eligible to do so. If the owner complies with all of the Animal Care and Control Authority’s requirements and pays all applicable fines, fees and costs, the owner may redeem the dog.

E. If the owner disputes the findings of the Animal Care and Control Authority, the owner may appeal the decision to the Animal Care and Control Oversight Commission. Appeals of decisions made by the Animal Care and Control Oversight Commission shall be taken to the Circuit Court of Cecil County in accordance with the MD Rules of Procedure. All appeals are de novo. Unless the Animal Care and Control Authority determines otherwise, the dog shall remain in the care and custody of the Animal Care and Control Authority during the appeal process. The unsuccessful party on appeal shall be responsible for the cost of the appeal and all costs associated with the care and boarding of the animal.

F. A dog declared to be dangerous will become the property of the Animal Care and Control Authority following a second impoundment within a 12-month period or upon failure to comply with the requirements of the Animal Care and Control Authority.

G. Violations of §209-305. Redemption of Impounded of Dangerous Dogs shall result in the assessment of fines as follows:

Violations of §209-305. A.: Up to \$2500.00

At large: Up to \$500.00

Unvaccinated animal bites a human or domestic animal: \$500.00 per animal

Lack of restraint: Up to \$500.00

Violations of §209-605. Female Dogs in Estrus: \$200.00 fine

No proof of current rabies vaccination - \$100.00 per animal

No proof of county license – First Occurrence: \$50.00 per animal

No proof of county license – Second Occurrence: \$75.00 per animal

No proof of county license – Third or More Occurrences: \$100.00 per animal
No license tag on collar: \$35.00 per animal
Impoundment Fee, Room and board per animal per day will be set by the
Animal Care and Control Authority as advertised on their website.

§ 209-306. Reporting Transparency Clause: Responsibility to the Animal Care and Control Oversight Commission

- A. The Animal Care and Control Authority shall provide animal care and control statistics and financial reports to the Animal Care and Control Oversight Commission, at least seven days prior to the Commission's scheduled quarterly meetings. These reports shall include, but are not limited to, a complete accounting of the following:
- (1) The amount, date received and source of all animal control funds received by the Animal Care and Control Authority from any source including redemption fees, all fines and license fees, as well as proof of payment made to the Cecil County Government for fines and license fees collected on behalf of the County. This accounting requirement does not include private charitable donations and gifts made to the Animal Care and Control Authority. All animal control revenue received pursuant to the terms of the contract shall be clearly marked and separately calculated.
 - (2) All animal control expenses related to the duties of the Animal Care and Control Authority pursuant to the contract shall be clearly marked and separately calculated.
 - (3) The licensing, impoundment and disposition of all animals in Animal Care and Control Authority custody and with which the Animal Care and Control Authority has had contact.
 - (4) All animal complaints and incident reports, including the report of what action was taken with regard to each such complaint or incident, and the date such action was taken.
 - (5) All reports of animals bites, together with a notation as to what agency the party submitting the report was referred, and all instances when law enforcement or the County Health Department requests Animal Care and Control Authority assistance and involvement, the results in each such case and, when appropriate, prosecution with regard to each such case.
 - (6) All records concerning prosecution of any alleged violator of Chapter 209 of the County Code.
- B. Failure by the Animal Care and Control Authority to comply with providing complete and adequate documentation to the Animal Care and Oversight Commission, as defined in Section 209-203. A., constitutes a breach of contract and shall be grounds for termination. Such action will also result in a penalty of a non-refundable five percent (5%) reduction of the county's monthly animal care and control allotment to the Animal Care and Control Authority being deducted from the next month's payment for every business day the required documentation is not provided to the Commission. In the event that this penalty clause is enacted, the Animal Care and Control Authority is still required to provide to the county the contracted level of animal care and control, and shall assume any costs incurred by failure on their part to provide the required documentation.

SECTION 4. PUBLIC SAFETY

§ 209-401. Health Certificates

- A. All animals shall be in compliance with COMAR 10.06.02.11, 15.11.01.03 and 15.11.01.08.
- B. The owner or custodian of a dog, cat, or ferret 4 months old or older to be imported into the County for any purpose shall forward a certificate, issued by a licensed veterinarian, to the Public Health Veterinarian, within 10 days of the animal's arrival in the County, that:
 - (1) Describes the dog, cat, or ferret, documenting that it was vaccinated against rabies;
 - (2) Lists the manufacturer or brand of vaccine used;
 - (3) Lists the date or dates the vaccine was given;
 - (4) Documents that the animal is adequately vaccinated; and
 - (5) Documents that the most recent dose of vaccine was given more than 30 days before the date the animal arrived in the State.
- C. The owner or custodian of a dog, cat, or ferret brought into the County for a period of less than 30 days is exempt from the requirement to forward a certificate to the Public Health Veterinarian as specified in 209-401.A., if a copy of a certificate signed by a licensed veterinarian can be presented to the local health officer immediately when requested.
- D. A health certificate will not be required for dogs entering the state temporarily for exhibition purposes, provided the other stated health requirements have been fulfilled.
- E. Any dog, cat or ferret found without the required certificate of health may be impounded and quarantined.
- F. Violations of §209-401. Health Certificates shall result in the assessment of fines as follows:
 - No proof of current rabies vaccine: \$50.00 per animal
 - No health certificate: \$50.00 per animal

§ 209-402. Dangerous Dog (§10-619 of the Criminal Law Article of the Annotated Code of Maryland.)

- A. Definitions:
 - (a) (1) In this section the following words have the meanings indicated.
 - (2) "Dangerous dog" means a dog that:
 - (i) without provocation has killed or inflicted severe injury on a person; or
 - (ii) is determined by the appropriate unit of a county or municipal corporation to be a potentially dangerous dog and, after the determination is made:
 - 1. bites a person;
 - 2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or

3. attacks without provocation.
- (3)(i) "Owner's real property" means real property owned or leased by the owner of a dog.
- (ii) "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- (4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Exception:

- (b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.

Determination of potentially dangerous dog

- (c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:
 - (1) finds that the dog:
 - (i) has inflicted a bite on a person while on public or private real property;
 - (ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or
 - (iii) has attacked without provocation; and
 - (2) notifies the dog owner in writing of the reasons for this determination.

Prohibited

- (d) A dog owner shall not:
 - (1) leave a dangerous dog unattended on the owner's real property unless the dog is:
 - (i) confined indoors;
 - (ii) in a securely enclosed and locked pen; or
 - (iii) in another structure designed to restrain the dog; or
 - (2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

Required notice

- (e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:
 - (1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and
 - (2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

Penalty

- (f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

§ 209-403. Additional Requirements for Dangerous Dog

- A. Within 90 days of the dangerous dog declaration, the owner shall have the animal implanted with a microchip by a licensed veterinarian for permanent identification and register with the microchip company, and shall provide the corresponding microchip to the Animal Care and Control Authority.
- B. An Animal Care and Control Officer shall upon receipt of permission from the property owner or after obtaining a court authorized search warrant enter onto the property where a vicious or dangerous dog is to be confined (as described

in §209-402. D1.) and check for compliance with the dangerous dog regulations at any reasonable time.

- C. An Animal Care and Control Officer or Law Enforcement Officer may pursue and destroy an animal at large that is placing the public in imminent danger or an animal in the act of attacking livestock or other domestic animals. Refer to §11-505 of the Criminal Law Article of the Annotated Code of Maryland.
- D. An annual dangerous dog registration fee of \$75.00 per dog shall be assessed for any dog declared dangerous by the Animal Care and Control Authority. The first dangerous dog registration fee shall be paid within 10 days of the declaration and annually thereafter. Failure to pay the annual dangerous dog registration fee shall result in a fine double the registration fee owed.
- E. The owner of a dangerous dog or potentially dangerous dog who moves from one residence to another within Cecil County shall inform the Animal Care and Control Authority in writing of the change of address within 30 days.
- F. Violations of §209-305. Redemption of Impounded of Dangerous Dogs shall result in the assessment of fines as follows:
 - Violations of §209-305. A. and E.: \$100.00
 - Violations of §209-305. B.: Up to \$2500.00

SECTION 5. RABIES CONTROL

§ 209-501. Rabies control

- A. The standards for rabies control provided for in Health-General Annotated Code of Maryland, Title 18, Subtitle 3, Part III and COMAR 10.06.02, Communicable Diseases - Rabies, shall be recognized in Cecil County.
- B. All dogs, cats and ferrets over the age of four months shall be immunized against rabies by a licensed veterinarian. Owner shall be able to provide proof of a current rabies vaccine upon request.
- C. A report of the circumstances wherein a person is bitten by an animal shall be made promptly to the local police or Sheriff's Department by every person having firsthand knowledge of the bite occurrence and the report shall be forwarded to both the Health Department and the Animal Care and Control Authority. The local police or Sheriff's Department shall investigate the incident and carry out the orders of the Cecil County Health Department. The local police, Sheriff's Department or County Health Department may call upon the Animal Care and Control Authority to catch, remove, confine or impound the animal. The animal shall be confined at a private residence, any animal shelter, veterinary hospital or a humane organization shelter approved by the Health Officer at the owner's option and expense.
- D. If proof of current rabies vaccinations cannot be provided within 48 hours, a per animal fine will be assessed. Prior to the release from confinement, said animal will receive a rabies vaccination administered by a licensed veterinarian at the owner's expense. The owner of the dog will also be required to purchase a dog license at this time.
- E. If any unvaccinated animal bites a human or domestic animal, it shall immediately be quarantined or processed for rabies.

- F. Persons bringing any animal that is required by state law to have a rabies vaccination into the County will have readily available, as proof of vaccination, a valid rabies vaccination certificate signed by a licensed veterinarian or issued by an approved government agency. An owner of an animal without a valid rabies vaccination shall be given up to 48 hours to provide a current, valid rabies certificate for that animal. Animals without valid rabies vaccination certificates shall be impounded and/or vaccinated by a licensed Maryland veterinarian at the owner's expense. Animals which may have had exposure to rabies shall comply with the provisions set forth in this section of this chapter.
- G. Dogs brought into the County for training will be exempt from licensing for no more than 45 days, but shall meet the rabies vaccination requirements of this chapter.
- H. Rescue operations that are qualified as an IRS Defined Non-profit organization shall vaccinate each dog for rabies. However, such organizations are not required to individually license each dog due to the transient nature of the animals.
- I. A rabies tag shall only be worn by the dog for which the corresponding rabies certificate is issued.
- J. Violations of §209-501. Rabies Control shall result in the assessment of fines as follows:
 - No proof of current rabies vaccination: \$50.00 per animal
 - Unvaccinated animal bites a human or domestic animal: \$500.00 per animal in addition to the usual rabies and licensing fees
 - Tag tampering or switching: Up to \$500.00

§ 209-502. Reports of Animal Bites

- A. Any hospital or physician who treats an individual for an animal bite shall immediately telephone and report the incident to the local police or Sheriff's Department and to the Cecil County Health Department. An Animal Bite Report form shall be completed as required by COMAR 10.06.02.05 B.

§ 209-503. Responsibilities of Veterinarians

- A. It shall be the duty of every veterinarian to report to the Health Officer and the Animal Care and Control Authority any animal considered to be rabid or rabies suspect.
- B. When an animal is presented to a veterinarian for euthanasia and rabies is not suspected, the veterinarian shall determine if the animal was involved in a human bite (COMAR 10.06.02.13) and if so, report the animal bite (COMAR 10.06.02.05). If the veterinarian determines the animal cannot be safely or humanely quarantined for ten days and euthanasia is performed then the Health Officer, or its designee, shall be notified to arrange for submission of the animal for rabies testing.

SECTION 6. STANDARDS FOR CARE AND KEEPING OF ANIMALS

§ 209-601. Proper Shelter and Care

An owner shall provide his or her animal(s) with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, and shelter or protection from the weather. A proper shelter shall be of sufficient size to allow the animal to stand, turn and stretch to its full length and height within the enclosure. An owner shall keep all confinement environments clean, free from feces, urine and debris by implementing housing and husbandry practices that are utilized to ensure both physical and mental health of all customary household pets. An enclosure where animals are kept shall be graded and drained so as to keep the surface reasonably dry and prevent any fluids from running through the enclosure. Flies shall be controlled in all enclosures.

A. Between December 1 and March 15, the following shall be provided:

- (1) Dog shelter shall have a weather proof roof and the entryway shall be protected by an offset outer door or a flexible flap made of windproof material. The floor shall be solid and raised from the ground at least two inches. No interior surfaces shall be metal. The dog shelter opening shall be facing away from the prevailing winds.
- (2) 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.
- (3) If there is no artificial heat source, structures shall be small enough to allow the dog to warm the interior of the structure and maintain his or her body heat but large enough to permit ease of entry and normal postural adjustments, as previously defined.
- (4) Fresh potable water without ice shall be made available to the dog a minimum of twice daily. The water receptacle shall be sanitary and made unable to be tipped over.

B. During the summer months between June 1 and September 15, shade either natural or manmade shall be made available to a confined dog between the hours of 11:00 a.m. and 3:30 p.m.

- (1) Fresh potable water shall always be made available. The water receptacle shall be made sanitary and unable to be tipped over.
- (2) Under no circumstances shall a dog house be considered shade during the summer months.
- (3) Proper shelter, including protection from the weather and elements, shall be provided. The shelter for a dog shall have a weatherproof roof, enclosed sides, a doorway, and a solid floor raised at least two inches from the ground and no interior surfaces shall be metal.

C. A dog kennel for outside dogs shall meet the minimum size requirements as listed in Table 209-601-1. These requirements are applicable to all kennels, veterinary hospitals, pet shops, animal care and control facilities and humane organizations.

Table 209-601-1			
All dimensions below are in addition to and exclude a dog house.			
Number of dogs	Small (up to 25 lbs)	Medium (25-50 lbs)	Large (over 50 lbs)
1	3 x 7 (21 sq. ft.)	6 x 10 (60 sq. ft.)	8 x 10 (80 sq. ft.)
2	4 x 8 (32 sq. ft.)	8 x 10 (80 sq. ft.)	10 x 10 (100 sq. ft.)
3	5 x 9 (45 sq. ft.)	8 x 12 (96 sq. ft.)	10 x 14 (140 sq. ft.)
4	8 x 10 (80 sq. ft.)	10 x 12 (120 sq. ft.)	12 x 16 (192 sq. ft.)

D. The owner of a dog shall not tie, chain, cable or in any way tether a dog outside for more than 12 hours within a 24-hour period, except at sporting events unless there is inclement weather.

E. A tether to confine a dog shall be a minimum of four and one-half times the length of the dog (nose to tail base) and under no circumstances less than ten feet long (unless impossible due to property size in which case the Animal Care and Control Authority shall set forth reasonable substitute requirements). Exceptions to this tethering length requirement shall be permitted for dogs:

- (1) actively herding, shepherding or cultivating agricultural products where tethering is reasonably necessary for the safety of the dog.
- (2) during training, exhibition, performance or sporting events, including field and obedience trials, where tethering does not occur for a period exceeding 7 days.
- (3) when camping or during other recreational activities where written tethering requirements are set by the camping or recreational area where the dog is located.

Under these exceptions, generally accepted safe tethering practices that do not endanger the dog shall still be required. The Animal Care and Control Authority shall have authority to determine what constitutes generally accepted safe tethering practices, if necessary, under these conditions.

F. The tether shall have swivels at both ends to prevent kinking and knotting. The area covered shall be maintained so that the tether cannot become entangled or pose a substantial risk of injury to the dog and shall be positioned so that the dog cannot wrap the tether around posts, trees or debris, or hang by jumping a fence or guardrail, or drown by jumping into a pool.

G. Enclosed buildings and sheds used for the housing of dogs shall

- (1) Have readily available outdoor access and be ventilated, i.e., via forced air;
- (2) Be reasonably lighted;
- (3) Provide protection from the weather;
- (4) Maintain a temperature considered safe for the animal's health as determined by the breed and condition of the dog;
- (5) Be kept clean and free of any debris that could endanger the animal
- (6) Be kept in good repair at all times.

Animal Care and Control will use a guide such as the Tufts Animal Care and Condition (TACC) Scales for Assessing Body Condition, Weather and

Environmental Safety, and Physical Care in Dogs in determining the safe temperature. This guide can be referenced online or at a public library.

H. Violations of §209-601. Proper Shelter and Care shall result in the assessment of fines up to \$500.00.

§ 209-602. Neglect and Cruelty

A person shall not cause, procure or authorize any of the following:

A. Subject an animal to cruelty or neglect.

B. Poison a domesticated animal.

C. Leave ground glass where an animal can ingest it.

D. Cruelly kill, maim, shoot, or otherwise injure an animal, except that:

(1) A licensed hunter may shoot wild animals during the permitted hunting season.

(2) The owner or tenant of land may shoot to humanely kill an animal which preys upon or destroys the owner's or tenant's livestock, provided the animal is not a protected or endangered species under county, state, or federal law. The person who kills an animal must notify the Animal Care and Control Authority or Law Enforcement of the incident as soon after as reasonably possible. The person who kills an animal under item 209-602 D. 2. shall complete and submit a report of the incident to Animal Care and Control Authority as specified by Appendix 17. Humane Killing of an Animal by a Person Other than a Licensed Veterinarian, Animal Care and Control or Law Enforcement Report.

(3) A person may protect themselves, or others, from an imminent attack by a domesticated or non-domesticated animal; however, this protection shall be done as humanely as possible under the circumstance. Immediately after the incident, the person taking the protective action must immediately notify the Animal Care and Control Authority or Law Enforcement. If the protective action results in the death of an animal, the person who kills an animal under item 209-602 D. 3. shall complete and submit a report of the incident to Animal Care and Control Authority as specified by Appendix 17. Humane Killing of an Animal by a Person Other than a Licensed Veterinarian, Animal Care and Control or Law Enforcement Report.

(4) A person may humanely kill a mortally wounded non-domesticated animal. The person who kills the animal must notify the Animal Care and Control Authority or Law Enforcement of the incident as soon after as reasonably possible. The person who kills an animal under item 209-602 D. 4. shall complete and submit a report of the incident to Animal Care and Control Authority as specified by Appendix 17. Humane Killing of an Animal by a Person Other than a Licensed Veterinarian, Animal Care and Control or Law Enforcement Report.

(5) A person who encounters a wounded domesticated animal shall notify the Animal Care and Control Authority or Law Enforcement as soon after as reasonably possible.

E. Abandon, or appear to abandon, a domestic animal by leaving or discarding it on roadsides, in trash containers, in or on vacated or vacant premises or any other place.

- F. Deliberately injure, abuse, or run down an animal with a vehicle.
- G. Deliberately encourage any animal to fight, engage in cockfighting or dog fighting, train or raise animals for fighting, or organize or participate in any way in animal fights. It is also illegal to possess, with the intent to unlawfully use, any of the following: treadmills, breaksticks, pain numbing drugs, steroids, IV catheters, bait, cat mill/jenny, sprintpole/jumppole, chains, weights, and fighting rings.
- H. Tease, torment, or deliberately incite an animal, provided that:
 - (1) Ordinary activities of people on their own property, such as mowing or playing with children and ordinary activities of passersby such as walking or jogging on the sidewalk in front of the animal owner's property, are not deliberate incitements, however excited or disturbed the animal becomes from these activities; and
 - (2) Training of an animal for police work by the state or by a political jurisdiction of the state shall not be considered teasing, tormenting, or deliberately inciting the animal.
- I. Allow any animal to remain in a vehicle or a closed building in a manner that endangers the health or safety of the animal. Under this section, an Animal Care and Control Officer or Law Enforcement Officer may use reasonable force to remove the animal from the vehicle. Any such Officer who uses force under this section shall not be held liable for any damages resulting from the use of that force. Animals may remain in horse trailers and sporting dog boxes in a manner which is generally accepted by the horse and sporting dog community.
- J. Violations of §209-602. Neglect and Cruelty shall result in the assessment of fines as follows:
 - Sections A. through F., all items: up to \$500.00
 - Animal fighting, State of Maryland sets penalty: Imprisonment not to exceed three years and/or a fine not exceeding \$5,000.00
 - Tease, torment or deliberately incite an animal: up to \$500.00
 - Leaving animal unattended in a vehicle under conditions that could endanger the animal: up to \$500.00

§ 209-603. Animal Behavior/Actions

- A. This section shall not include a working farm provided that normal and customary farming practices are in use, or an animal that is accompanied by its owner or under the owner's control when engaged in supervised hunting.
- B. The owner shall keep their animal from approaching a passerby in a menacing or aggressive fashion.
- C. The owner shall keep their animal from destroying private property of others.
- D. The owner shall keep an animal from continually disturbing the quiet of any person or neighborhood, or shall keep any animal from causing frequent or long continued noise to the disturbance of the comfort or repose of any person or neighborhood.
 - (1) Any person disturbed by a continually noisy animal shall first advise the owner or custodian who keeps such animal, by certified mail which includes

a copy of ordinance section, of the fact that the animal, by causing frequent or continued noise, is disturbing the complainant or the neighborhood.

- (2) No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or continuing noise of his or her animal after having been notified by complainant by certified mail.
 - (3) Should the animal(s) owner fail to abate the nuisance, the complainant shall contact the Animal Care and Control Authority. Reference Appendix 16. Animal Complaint Form.
 - (4) The Animal Care and Control Authority will investigate a properly documented Animal Complaint Form, reference Appendix 16.
 - (5) If the Animal Care and Control Authority determines they do not have sufficient evidence to proceed, a complainant still has the right to swear out a complaint in the District Court. Refer to Article 24 11-504 (l)(5) of the Annotated Code of Maryland.
- E. The owner shall keep their animal from continual actions and behaviors that could reasonably lead to their animal being declared a public nuisance animal by the Animal Care and Control Authority. Such animal(s) may be subject to seizure by the Animal Care and Control Authority. Following the seizure of an animal, the owner may attempt to redeem the animal by filing a writ of replevin in District Court within ten days. Failure to file a writ of replevin within a ten day period shall result in the animal becoming the property of the Animal Care and Control Authority.
- F. Violations of §209-603. Animal Behavior/Actions shall result in the assessment of fines as follows:
- Menacing or aggressive dog toward people or animals, without contact: up to \$250.00
 - Menacing or aggressive dog toward people or animals, with contact: up to \$1000.00
 - At large: up to \$500.00
 - Destruction of private property: up to \$100.00
 - Disturbing the quiet of a person or neighborhood per 209-603.D.: up to \$1000.00

§ 209-604. Restraint

- A. Dogs shall be kept under restraint or effective control at all times, unless the animal is engaged in supervised hunting or other activity where restraint might endanger the animal's life or safety.
- B. All dogs shall be restrained by leash, chain, kennel or fence.
- C. The owner of an animal, other than a cat, shall prevent the animal from leaving the owner's property unattended or unrestrained.
- D. The owner of an animal(s) that is fenced shall erect fencing normally considered suitable for the species and type of animal to be contained. Fencing shall be appropriate so as to keep the intended animals restrained within its boundaries. Fencing shall be monitored, well maintained and kept in good repair. In the case of a dog, if the owner utilizes an "invisible fence" to restrain a dog it shall only be used if it consistently and effectively restrains the dog and is

appropriate to be accessible for the dog in question. No vicious or dangerous dog shall be restrained behind an "invisible fence."

- E. Any dog at large that attacks another animal or person causing injury documented by a veterinarian or human doctor or causes property damage shall result in the dog's owner being subject to penalties as set in item G. below.
- F. In addition to, or in lieu of, impounding an animal found at large, the Animal Care and Control Officer or Law Enforcement Officer may issue to the known owner of such animal a citation. The citation shall impose upon the owner a fine as indicated by the Animal Care and Control Officer or Law Enforcement Officer. In the event that such fine is not paid within 20 days to the Cecil County Treasurer's office, said citation shall be forwarded to the Cecil County District Court for disposition. Upon conviction of a violation of this chapter, or any rules and regulations adopted pursuant hereto, the owner shall be subject to penalties as set in item G. below. The fine assessed by the Animal Care and Control Officer, as herein provided, shall be increased or decreased by the Court upon conviction as aforesaid.
- G. Violations of §209-604. Restraint shall result in the assessment of fines as follows:
 - Lack of restraint: up to \$500.00
 - At large: up to \$500.00

§ 209-605. Female Dogs in Estrus (Heat)

- A. The owner of a female dog in heat shall keep the dog secure inside a well ventilated building on the owner's property except that:
 - (1) When the dog is on a leash and is accompanied by the owner, the dog may be allowed outside for the purpose of natural relief, but shall not be taken off the owner's property.
 - (2) When necessary for medical treatment, boarding, or breeding, and while under the direct and effective control of the owner, the dog may be conveyed to and left at a suitable place to be treated, boarded, bred or shown in an organized dog show or event. For purposes of this section, "suitable place" shall mean a licensed kennel, an establishment operated by a licensed veterinarian, or a location at which the person assuming care and custody of the dog prevents the dog from coming in contact with other dogs, except for planned breeding.
- B. Violations of §209-605. Female Dogs in Estrus shall result in the assessment of a \$200.00 fine.

§ 209-606. Animal Waste and Dead or Decaying Animals

- A. The owner of every animal shall be responsible for the removal of all excreta deposited by the animal(s) on public property, including walks, recreation areas, or on private property other than that of the owner. The owner of every animal shall not allow excreta deposited by animals to accumulate on his or her property so as to cause a health hazard or become a nuisance. This section shall not include a working farm provided that normal and customary farming practices are in use.

- B. When any domestic animal dies, its owner shall be responsible for the animal to be removed, pursuant to the direction of the Animal Care and Control Authority, to a crematorium or animal rendering company or to be composted or buried within 72 hours of the death of the animal.
- C. It shall be unlawful for any person, whether the owner or lessee of a property, to allow a dead domestic animal to decay on his or her property without the permission of the Animal Care and Control Authority and the Health Department.
- D. It shall be unlawful for any person to allow a domestic animal to foul the air of neighboring property owners so as to keep them from the enjoyment of their property through animal waste or an animal's death. This section shall not include a working farm provided that normal and customary farming practices are in use.
- E. Violations of §209-606. Animal Waste and Dead or Decaying Animals shall result in the assessment of fines up to \$100.00.

SECTION 7. KENNELS, CATTERIES AND PET SHOPS

- A. The Animal Care and Control Authority may refuse to issue or may revoke any license if the person holding the license refuses or fails to comply with this chapter or any law governing the protection and humane keeping of animals. Fines will be levied as set forth in the applicable section(s) and no part of the license fee shall be refunded.
- B. Any person whose license is revoked may, within 14 days of the decision revoking such license, appeal the decision to the Animal Care and Control Oversight Commission. A date and time will be set for a hearing at which those wishing to be heard concerning the revocation of the license will be heard. The Animal Care and Control Oversight Commission shall make a final decision affirming or reversing the decision of the Animal Care and Control Authority. The person whose license was revoked will have the right of appeal to the Circuit Court of Cecil County in accordance with the Maryland rules of procedure.
- C. It shall be a condition of the issuance of any license that the Animal Care and Control Authority shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time and shall, if permission for such inspections is refused, revoke the license of the refusing owner.
- D. If the applicant has withheld or falsified any information on a kennel, cattery or pet shop application, the Animal Care and Control Authority shall refuse to issue a license or permit and shall revoke any existing license or permit.
- E. No person holding an ownership, manager or board interest in any kennel, cattery or pet shop who has been convicted of cruelty to animals shall be issued a license or permit. An exception may be made for shareholders of an incorporated pet shop with multiple shareholders; however, no exception will be made for that corporation's managers or board members.
- F. In order to obtain a Kennel, Cattery or Pet Shop License, the kennel, cattery and/or pet shop shall pass an inspection as specified by Appendices 3. Kennel Inspection Report, 9. Pet Shop Inspection Report, and 15. Cattery Inspection

Form. Three failed inspections within a license or permit year shall result in a denial or revocation of the license or permit. Revocation shall result in the animals being placed in the care of another licensee within 14 days or are subject to seizure of the animals by the Animal Care and Control Authority, with the kennel, cattery or pet shop owner(s) being responsible for all necessary veterinary costs and all applicable fines and fees. If a license is revoked, the license holder(s) shall not be granted another license for a period of up to three years from the revocation date.

- G. Any kennel, cattery or pet shop requiring a re-inspection will be charged a re-inspection fee as set forth in Appendix 1. Fines and Fees Schedule. Failure to comply with a kennel re-inspection shall result in a fine of up to \$500.00. Failure to pay any fees or fines may result in the denial or revocation of the license and an additional fine of \$300.00.
- H. All kennels, catteries and pet shops shall maintain a copy of any completed kennel/cattery inspection performed by Animal Care and Control Authority for a period of one year and shall display it in a prominent place.
- I. Any critically ill animals in a kennel, cattery or pet shop not treated by a licensed veterinarian within a reasonable time, not to exceed 48 hours, may be seized by the Animal Care and Control Authority and provided with proper veterinarian care. The kennel, cattery or pet shop owner/ operator(s) will be held financially responsible for all incurred expenses, and the animal(s) may be returned to the kennel or retained by the Animal Care and Control Authority. Additionally, the kennel, cattery or pet shop owner/operator may be charged with animal cruelty and fined as set forth in Section 209-602.

§ 209-701. Commercial Kennel and Cattery

- A. A commercial kennel or cattery shall comply with all state and county regulations. A kennel or cattery inspection shall be performed annually by an Animal Care and Control Officer (reference Appendices 3. Kennel Inspection Report and 15. Cattery Inspection Form). Continuing to operate after revocation of a commercial kennel or cattery license shall also result in a fine up to \$2,500.00.
- B. Failure to pass an inspection will result in suspension of the sale and adoption of animals until the commercial kennel or cattery comes into compliance upon re-inspection.
- C. A commercial kennel shall present a completed Program of Veterinary Care and an Exercise Plan for Dogs to the Animal Care and Control Officer for review during an inspection, shall maintain a copy of the approved plan for a period of one year, and shall display the plans in a prominent place (reference Appendix 5, Program of Veterinary Care for Dogs, and Appendix 7, Exercise Plan for Dogs).
- D. A cattery shall present a completed Program of Veterinary Care for cats for review during an inspection and shall maintain a copy of the approved plan for a period of one year, and shall display the plans in a prominent place (reference Appendix 13, Program of Veterinary Care for Cats).
- E. Commercial kennels shall comply with current County zoning regulations.

- F. A commercial kennel or cattery shall have a business license and a County commercial kennel license.
- G. Each dog shall have an individual dog license.
- H. All breeding dogs and cats shall have a registered microchip.
- I. No bitch or queen shall be bred until she is certified healthy to breed by a licensed veterinarian for each litter.
- J. Only puppies and kittens a minimum of eight weeks of age and certified healthy by a licensed veterinarian may be sold.
- K. Possession of a commercial kennel or cattery license infers permission to allow the Animal Care and Control Authority to inspect mother and puppies to assure good health and proper nutrition.
- L. All kennel and cattery enclosures shall provide sufficient space to allow the animal to move freely and fully extend so that no parts of the animal's body touches any side of the enclosure or another animal in the enclosure.
- M. All dogs shall be provided a minimum of two exercise periods totaling two hours within a 24-hour period and documentation of such time periods shall be maintained and provided when requested.
- N. Measures shall be taken to minimize exposure to rodents, insects and pests.
- O. Fresh, potable water shall be available at all times. The water receptacle shall be sanitary and made unable to be tipped over.
- P. All animals shall have proof of a rabies vaccination administered by a licensed veterinarian.
- Q. All records shall be kept for a minimum of two years.
- R. Violations of §209-701 Commercial Kennel and Cattery, unless otherwise stated, shall result in the assessment of fines up to \$500.00.

§ 209-702. Hobby Kennel

- A. A hobby kennel shall comply with all state and county regulations. A kennel inspection shall be performed annually by an Animal Care and Control Officer.
- B. A hobby kennel shall present a completed Program of Veterinary Care and an Exercise Plan for Dogs to the Animal Care and Control Officer for review during an inspection and shall maintain a copy of the approved plans for a period of one year displayed in a prominent place (reference Appendix 5. Program of Veterinary Care for Dogs, and Appendix 7. Exercise Plan for Dogs).
- C. Each dog shall have an individual dog license.
- D. A hobby kennel shall have a Hobby Kennel license (reference Appendix 6. Hobby Kennel License Application).
- E. A commercial kennel license shall be required if breeding more than two litters for sale within a twelve-month period.
- F. Only puppies a minimum of eight weeks of age and certified healthy by a licensed veterinarian may be sold.

- G. Possession of a Hobby Kennel license infers permission to allow the Animal Care and Control Authority to inspect any mother and puppies to assure good health and proper nutrition.
- H. Violations of §209-702. Hobby Kennel, unless otherwise stated, shall result in the assessment of fines up to \$250.00.

§ 209-703. Boarding Kennel

- A. A boarding kennel shall comply with all state and county regulations. A kennel inspection (reference Appendix 3. Kennel Inspection Report), shall be performed by an Animal Care and Control Officer; thereafter the kennel is only subject to unannounced inspections by the Animal Care and Control Authority.
- B. A boarding kennel shall present a completed Exercise Plan for Dogs to the Animal Care and Control Officer for review during an inspection and shall maintain a copy of the approved plan for a period of one year displayed in a prominent place (reference Appendix 7. Exercise Plan for Dogs).
- C. A boarding kennel shall comply with all County and zoning regulations (reference Appendix 14. Boarding Kennel License Application).
- D. A boarding kennel shall be clean and free from objectionable odors.
- E. Inside ambient temperature shall be regulated and cannot exceed 80 degrees Fahrenheit, or a temperature considered safe for the animal's health as determined by the breed and condition of the dog. The boarding kennel shall be kept clean and free of any debris that could endanger the animal and in good repair at all times. Animal Care and Control will use a guide such as the Tufts Animal Care and Condition (TACC) Scales for Assessing Body Condition, Weather and Environmental Safety, and Physical Care in Dogs in determining the safe temperature. This guide can be referenced online or at a public library.
- F. Construction is such that the security of the dog is ensured and kennel wall areas are a minimum height of five feet.
- G. The floors of kennels and individual exercise areas shall be constructed and maintained in such a condition as to prevent ponding of any liquefied substances.
- H. Only one dog shall be housed per kennel unless the dogs are from the same household.
- I. All dogs shall have access to outdoor exercise areas.
- J. Facility shall be maintained and repairs carried out regularly.
- K. At no time will stray animals be housed with boarded animals, except during a declared emergency or disaster at the request of state or county emergency officials.
- L. Measures shall be taken to minimize exposure to rodents, insects and pests.
- M. Fresh, potable water shall be available at all times. The water receptacle shall be sanitary and made unable to be tipped over.
- N. All animals shall have proof of a rabies vaccination administered by a licensed veterinarian.

- O. If the owner of a boarding kennel also owns a licensed hobby kennel, the \$75.00 boarding kennel application fee will be waived if both the Hobby Kennel License and Boarding Kennel are applied for at the same time.
- P. Violations of §209-703 Boarding Kennel, unless otherwise stated, shall result in the assessment of fines up to \$250.00.

§ 209-704. IRS Defined Non-Profit Canine Rescue Kennel

- A. An IRS Defined Non-Profit Canine Rescue Kennel shall comply with all State and County regulations and is subject to all fines and fees as set forth in this Chapter.
- B. An annual IRS Defined Non-Profit Canine Rescue Kennel Permit Application shall be submitted and approved. Applications may be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority or from the County's website. The applicant shall contact the Animal Care and Control Authority for an application review and to schedule an annual inspection. The application review/inspection fee will be waived for IRS Defined Non-profit Canine Rescue Kennels (reference Appendix 12. IRS Defined Non-Profit Canine Rescue Kennel Permit Application).
- C. An IRS Defined Non-Profit Canine Rescue Kennel shall maintain a current Program of Veterinary Care and an Exercise Plan for Dogs, these shall be displayed in a prominent place (reference Appendix 5. Program of Veterinary Care for Dogs, and Appendix 7. Exercise Plan for Dogs).
- D. All dogs shall be rabies vaccinated according to County code but individual dogs do not have to have a license due to the transient nature of the dogs, except in the case of a dog that has been declared dangerous by the Animal Care and Control Authority which shall be licensed within 10 days of the declaration.
- E. Violations of §209-704 IRS Defined Non-Profit Canine Rescue Kennel, unless otherwise stated, shall result in the assessment of fines up to \$100.00.

§ 209-705. Pet Shop Standards.

- A. Failure to pass an inspection will result in suspension of the sale and adoption of animals until the pet shop comes into compliance upon re-inspection.
- B. Pet shops shall maintain current health certificates, rabies vaccinations, Program of Veterinary Care and an Exercise Plan for applicable animals. These shall be displayed in a prominent place (reference Appendix 5. Program of Veterinary Care for Dogs, and Appendix 7. Exercise Plan for Dogs and Appendix 13. Program of Veterinary Care for Cats).
- C. All pet shops, including pet shops run in conjunction with any other business, shall, in addition to all other requirements of law, comply with the minimum standards for maintaining satisfactory sanitary and housing requirements established by the County and State Departments of Health and the Animal Care and Control Authority. The annual licensing fee shall be established by the Cecil County Government.

Additional minimum pet shop standards are:

- (1) All animals shall be treated humanely.

- (2) All animals shall be provided with nutritious food in sufficient quantity, proper drink, air, and space appropriate to the age and type of animal, as well as necessary veterinary care. All mammals under three months of age shall be fed at least three times per day.
- (3) All animals shall be fed, watered and provided with clean bedding every day of the week, including Sundays and holidays.
- (4) All food shall be served in a clean container, mounted so that the animal cannot readily tip it over or defecate or urinate therein.
- (5) Fresh water shall be available to all animals at all times. All water containers shall be mounted so that the animal cannot readily turn them over and should be removable for cleaning.
- (6) The temperature of the animal enclosures shall be maintained at a level suitable for the animal contained therein.
- (7) There shall be sufficient clean, dry bedding to meet the needs of each animal.
- (8) Hot water with a commercial disinfectant shall be kept at a minimum temperature of 110 degrees Fahrenheit and shall be available for the washing and disinfecting of food dishes, water dishes and cages.
- (9) All cages and enclosures shall be constructed of a nonporous material for ease in cleansing and disinfecting. Each cage shall be of sufficient size to allow the enclosed animal to stand, turn and stretch to its full length and height within the enclosure.
- (10) If a mesh or screen type material is used as a suspended cage floor, one-half of the mesh surface is required to be covered with a removable, flat, nonporous material. This material will be required to be in place in the cage while occupied, with the exception of cleaning and disinfecting time.
- (11) All fish shall be contained in a clean, algae-free tank in which the water temperature shall be maintained at a constant, healthful level, with the exception of the species of fish that needs algae to survive in its environment. Dead fish shall immediately be removed from the tanks.
- (12) Pet shops selling psittacine birds shall comply with all Health Department requirements for psittacine birds, including completion of the required State of Maryland Application for an Exotic Bird Permit (reference Appendix 10. Maryland Exotic Bird Permit Example). Every bird shall be placed in a clean cage with sufficient room to allow the bird to sit upon a perch. Large birds shall be placed in separate cages from smaller birds.
- (13) The Animal Care and Control Authority may suspend, revoke or refuse any license issued under this chapter if the licensee has secured such license by misrepresentations or failed to maintain the standards required by this chapter.
- (14) Violations of §209-705 Pet Shop Standards, unless otherwise stated, shall result in the assessment of fines up to \$100.00.

§ 209-706. Kennel, Cattery or Pet Shop Closure

- A. A Kennel, Cattery or Pet Shop Closure application shall be submitted to the Animal Care and Control Authority prior to closure of a licensed kennel or pet shop. Once the Animal Care and Control Authority receives the application, a closure inspection shall be performed before the kennel or pet shop may officially close. Kennel, Cattery and Pet Shop owners who voluntarily close their kennel should feel free to consult with the Animal Care and Control Authority for assistance in re-homing animals (reference Appendix 11. Kennel, Cattery or Pet Shop Closure Application).
- B. Any Pet Shop, Kennel or Cattery closure prior to receiving Animal Care and Control Authority approval shall result in the assessment of a \$500.00 fine. This fine shall be in addition to any other applicable fines provided in this ordinance.

SECTION 8. LICENSING

§ 209-801. General Licensing

- A. No person shall own, keep or harbor a dog over the age of four months within Cecil County unless it is licensed. The application for the license shall state the name and address of the owner and the name, breed, color, age and sex of the dog. A valid certificate of rabies inoculation issued by a Veterinarian or anti-rabies clinic recognized by the Health Officer, stating the inoculation date, expiration date and the type of vaccine used, shall accompany the application for a dog license.
- B. Dog licenses can be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority, participating veterinarian offices and municipalities (reference Appendix 2, Dog License Application).
- C. The annual license fee shall be determined by the Cecil County Government. The license fee will be offered at a discounted price for a dog that has been spayed/neutered and/or with a registered microchip. Each dog over the age of four months shall be licensed on or before December 31 for each licensing year. Rabies vaccinations shall be required for each dog prior to issuing a license. Certification that a dog has been spayed/neutered shall be required as proof in order to obtain the reduced license fee.
- D. All dog licenses shall be valid for one year beginning with January 1.
 - (1) Application for dog licenses may be made within 60 days prior to January 1 or within 30 days following the establishment of residency within the County or within 30 days after a dog becomes four months of age, without penalty.
- E. If there is a change in ownership of a dog, kennel, cattery or pet shop during the license year, the license shall be non-transferable.
- F. In the event a dog has a valid license by another Maryland County which has the equivalent requirements for licensing and the owner becomes a resident of Cecil County, a license transfer fee will be charged as set forth by the Cecil County Government.
- G. The licensing requirements of this chapter shall not apply to any animal belonging to a nonresident of the County and kept within the boundaries of the County for not longer than 45 days or whose owner can show proof of a current license from their resident jurisdiction. All dogs and cats shall at the time of

entry into the county be properly vaccinated against rabies and, while kept within the County, meet all other requirements of this chapter.

- H. Dogs brought into the County for training will be exempt from licensing for no more than 45 days, but shall meet the rabies vaccination requirements of this chapter.
- I. Assistance dogs and governmentally owned dogs are exempt from the license fee of this chapter; however, they shall obtain a dog license which shall be provided at no charge.
- J. Maryland licensed veterinary hospitals or clinics and the Animal Care and Control Authority, as long as they do not advertise boarding facilities, as well as federally licensed research facilities, do not have to purchase a kennel license.
- K. Violations of §209-801. Licensing shall result in the assessment of fines as follows:
 - Any individual(s) or organization operating a Kennel, Cattery or Pet Shop without obtaining the proper license: \$500.00 per animal found on premises
 - Failure to have a dog licensed: \$80.00 per animal

§ 209-802. Commercial Kennel and Cattery Licensing

- A. A Commercial Kennel or Cattery license application shall be submitted and approved annually. An application may be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority or from the County's website, www.ccgov.org (reference Appendix 4. Commercial Kennel/Cattery License Application).
- B. For a new Commercial Kennel License, the applicant shall submit the completed application to the Office of Planning and Zoning. Upon approval from Planning and Zoning, the applicant shall submit the application to the Animal Care and Control Authority for further application review and to schedule a Commercial Kennel inspection (reference Appendix 3. Kennel Inspection Report). An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled.
- C. For a new Cattery License, the applicant shall submit the application to the Animal Care and Control Authority for further application review and to schedule a Cattery inspection (reference Appendix 15. Cattery Inspection Form). An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled.
- D. Upon successful application review and completion of a Commercial Kennel or Cattery inspection by the Cecil County Animal Care and Control authority, the applicant shall obtain a business license.
- E. The applicant will then submit the approved Commercial Kennel or Cattery license application along with the required documentation, the business license and the license fee, as set forth in Appendix 1. Fees Schedule, to the Cecil County Treasurer's office to obtain a Commercial Kennel license.
- F. Annual renewal is required. Ninety days prior to expiration of the Commercial Kennel or Cattery license, the Animal Care and Control Authority shall be contacted to schedule an annual inspection. An application review/inspection

fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled. Planning and Zoning approval is required for license renewals. Upon successful application review and inspection, the applicant will submit the required documentation, the business license with and payment of the license fee to the Cecil County Treasurer's office to obtain a Commercial Kennel or Cattery license.

§ 209-803. Hobby Kennel Licensing

- A. A Hobby Kennel license application shall be submitted and approved annually. An application may be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority or from the County's website, www.ccgov.org (reference Appendix 6. Hobby Kennel License Application).
- B. The applicant shall contact the Animal Care and Control Authority for an application review and to schedule a Hobby Kennel inspection (reference Appendix 3. Kennel Inspection Report). An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled.
- C. Upon successful completion of the Hobby Kennel inspection, the applicant will then submit the approved Hobby Kennel license application, along with the required documentation and the license fee, as set forth in Appendix 1. Fees Schedule, to the Cecil County Treasurer to obtain a Hobby Kennel license.
- D. Annual renewal is required. Ninety days prior to expiration of the Hobby Kennel license, the Animal Care and Control Authority shall be contacted to schedule an annual inspection. An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled. Upon successful application review and inspection, the applicant will submit the required documentation and payment of the license fee to the Cecil County Treasurer's office to obtain a Hobby Kennel license.

§ 209-804. Boarding Kennel Licensing

- A. A boarding kennel shall meet all existing zoning requirements. An annual Boarding Kennel license application (reference Appendix 14. Boarding Kennel License Application) shall be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority or from the County's website (reference Appendix 14. Boarding Kennel License Application).
- B. Upon initial application for a Boarding Kennel License (reference Appendix 3. Kennel Inspection Report), the applicant shall contact the Animal Care and Control Authority for an application review and to schedule a Boarding Kennel inspection. An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Animal Care and Control Authority before the inspection will be scheduled. Thereafter, an annual inspection will not be required, although an annual application review and license renewal will be required.
- C. The applicant shall obtain a business license.
- D. Upon successful completion of the Boarding Kennel inspection and/or application review, the applicant will then submit the approved Boarding Kennel license application, along with the required documentation and the license fee,

as set forth in Appendix 1. Fees Schedule, to the Cecil County Treasurer's office to obtain a Boarding Kennel license.

- E. Annual renewal is required. For annual renewal, an application review fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled. Planning and Zoning approval is required for annual license renewals. Upon successful application review, the applicant will submit the required documentation, the business license and payment of the license fee to the Cecil County Treasurer's office to obtain a Boarding Kennel license.

§ 209-805. Pet Shop Licensing

- A. A pet shop shall meet all existing zoning requirements. An annual Pet Shop application (reference Appendix 8. Pet Shop License Application) shall be obtained from the Cecil County Treasurer's Office, the Animal Care and Control Authority or from the County's website (reference Appendix 8. Pet Shop License Application).
- B. The applicant shall contact the Animal Care and Control Authority for an application review and to schedule a Pet Shop inspection (reference Appendix 9. Pet Shop Inspection Report). An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Animal Care and Control Authority before the inspection will be scheduled (reference Appendix 9. Pet Shop Inspection Report).
- C. Upon successful completion of the Pet Shop Inspection and license application approval, the applicant shall obtain a business license.
- D. The applicant will then submit the approved Pet Shop License application, along with the required documentation, including appropriate state and federal licensure and the business license, as set forth in Appendix 1. Fees Schedule, to the Cecil County Treasurer's office to obtain a Pet Shop license.
- E. Annual renewal is required. Ninety days prior to expiration of the Pet Shop license, the Animal Care and Control Authority shall be contacted to schedule an annual inspection. An application review/inspection fee, as set forth in Appendix 1. Fees Schedule, shall be paid to the Cecil County Treasurer before the inspection will be scheduled. Planning and Zoning approval is required for license renewals. Upon successful application review and inspection, the applicant will submit the required documentation, the business license and payment of the license fee to the Cecil County Treasurer's office to obtain a Pet Shop license.

§ 209-806. Tags and Collars

- A. Upon complying with the provisions of Section 209-801 of this chapter, there shall be issued to the dog owner a license tag.
- B. Every dog owner is required to see that the license tag is securely fastened to the animal's collar or harness, which shall be worn by the animal at all times, unless the animal is engaged in supervised hunting or other activity where a collar might endanger the animal's life or safety.
- C. Lost hunting dogs shall be reported lost to the Animal Care and Control Authority within 72 hours of the hunt or field trial to be exempt from wearing a collar.

- D. In the event that a license tag issued for a dog is lost, the owner shall obtain a replacement tag upon payment as set forth in Appendix 1. Fees Schedule.
- E. Violations of §209-806. Tags and Collars shall result in the assessment of a \$35.00 fine.

SECTION 9. OTHER PROVISIONS

§ 209-901. Other Regulated Activities

- A. A person shall not involve an animal in a game of chance or an event involving gambling, except for legitimate sporting events such as horse races and dog shows.
- B. A person who sets a trap shall check the trap twice daily and remove or cause to have removed any animal in the trap immediately.
- C. A person who injures or kills a domesticated animal while driving a vehicle shall make a reasonable effort to locate the owner and inform the owner of the accident, or notify the Animal Care and Control Authority or law enforcement of the accident as soon as reasonably possible.
- D. Violations of §209-901. Other Regulated Activities shall result in the assessment of fines as follows:
 - Illegitimate involvement in a game of chance or gambling event: up to \$250.00
 - Failure to check a trap twice daily: up to \$250.00
 - Failure to notify Animal Care and Control Authority or Law Enforcement after killing or injuring a domesticated animal with a vehicle: \$250.00

§ 209-902. Dangerous Wild Animals

No private citizen shall possess or harbor a dangerous or vicious wild animal within the geographic boundaries of Cecil County. Refer to Section 10-621 of the Criminal Law Article of the Annotated Code of Maryland.

Prohibited:

- (b) A person shall not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:
 - (1) fox, skunk, raccoon, or bear;
 - (2) caiman, alligator, or crocodile;
 - (3) member of the cat family other than the domestic cat;
 - (4) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;
 - (5) member of the dog family other than the domestic dog;
 - (6) hybrid of a member of the dog family and a domestic dog;
 - (7) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or
 - (8) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae

Penalty

- (c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
 - (i) if an individual, a fine not exceeding \$1,000; or
 - (ii) if not an individual, a fine not exceeding \$10,000.

- A. Federally licensed animal exhibitors and federally licensed sanctuaries, licensed wildlife rehabilitators, research facilities, any person who has been issued a license from the Maryland Department of Natural Resources for the specified animal(s), and an animal control officer or a veterinarian during the performance of their duties are exempt from this section.
- B. Violations of §209-902 Dangerous Wild or Exotic Animals shall result in the assessment of fines up to \$10,000.00.

§ 209-903. Severability

It is hereby declared to be the intention of the Cecil County Government that the sections, paragraphs, sentences, clauses, and words of this code are severable and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this code, since the same would have been enacted by the Cecil County Government without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

§ 209-904. Effective Date

- A. This ordinance may take effect upon passage of the affirmative vote by the Cecil County Government but shall take effect no later than October 1, 2012.
- B. Existing dog licenses that would normally expire on June 30, 2012 will remain in effect until December 31, 2012 when the new licensing year begins January 1, 2013.
- C. Existing kennels, catteries and pet shops, as classified in Section 7. Kennels, Catteries and Pet Shops that may not successfully meet all provisions of Section 7 by the effective date and wish to remain in operation shall apply for a non-renewable three month extension grant period to comply with the provisions of Section 7 of this Ordinance, provided a written request is submitted to the Animal Care and Control Authority within 30 days of the enactment of this ordinance. The written request shall include complete owner and contact information, as well as the reason for requesting the extension, and specific plans for bringing the establishment into compliance. Upon approval of the extension grant period by the Animal Care and Control Authority, the owner of the existing kennel, cattery or pet shop is required to apply for all necessary approvals and be in full compliance no later than three months after the enactment of this law, or file for a kennel, cattery or pet shop closure as set forth in Section 209-706.

Section 10. Fines and Penalties

§ 209-1001. Violations and Penalties

- A. Any person who fails to perform an act required by Chapter 209, or by any rule or regulation adopted pursuant hereto; or who takes any action prohibited by any provision of this chapter, or by any rule or regulation adopted pursuant hereto; or who in any way violates any provision of this chapter, or any rule or regulation

adopted pursuant hereto, shall be deemed guilty of a misdemeanor and shall be punished by a fine up to \$2,500.00. If any violation be continuing, each day's violation shall be deemed a separate violation.

- B. Animal Care and Control Fines and Fees as listed throughout this law shall be established by resolution of the Cecil County Government. Additionally, the Animal Control and Care Authority shall establish and post fees associated with board, medical treatment, etc.; these fees will also be published on the Animal Control and Care Authority's website to be made available to the public.
- C. Nothing herein contained shall prevent the County from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 11. Standards to Govern

§ 209-1101. Contract Abrogation Provision

Whenever the provisions of Section 3. Animal Care and Control Authority cease to exist due to the lack of a contract with an animal care and control entity, only the following sections of this Chapter shall remain in force and effect:

- (1) Section 5. Rabies Control in entirety
- (2) Section 8. §209-801. General Licensing
- (3) Section 8. §209-806. Tags and Collars

Additionally, the provisions of §10-601 through §10-623 of the Criminal Law Article of the Annotated Code of Maryland as well as §11-501(1)(5) of Article 24 of the Annotated Code of Maryland will still be available to individuals seeking redress for those matters covered under the specified sections.



FEES SCHEDULE

This Appendix and any fines listed in Chapter 209 may be amended by resolution of the
 Cecil County Government.

Section Number	Fee
§209-304. Redemption of Impounded Animals	
Impoundment Fee, Room and board per animal per day	Set by the Animal Care and Control Authority as posted on their website
§209-403. Additional Requirements for Dangerous Dog – Annual Dangerous Dog Registration Fee	\$75.00
Section 7. Kennels, Catteries and Pet Shops Kennel Re-Inspection	\$150.00
§209-704. IRS Defined Non-Profit Canine Rescue Kennel – Failure to comply with ACCA inspections	Application Review: Waived
§209-801. General Licensing	
Dog license, if non-altered	\$20.00
Dog license, if the dog has a registered microchip* and is non-altered	\$15.00
Dog license, if neutered or spayed*	\$10.00
Dog license, if the dog has a registered microchip and is spayed or neutered*	\$ 5.00
Seeing Eye or other Service Dogs	No charge
Dog license, senior citizens 65+ with proof of age, non-altered (Shall be obtained from the Treasurer's office)	\$18.00
Dog license, senior citizens 65+ with proof of age if the dog has a registered microchip* and is non-altered (Shall be obtained from the Treasurer's office)	\$15.00
Dog license, senior citizens 65+ with proof of age, per household if spayed or neutered* (Shall be obtained from the Treasurer's office)	2 Free tags
Dog license, senior citizens 65+ with proof of age, per household if in excess of two dogs and spayed or neutered* (Shall be obtained from the Treasurer's office)	\$15.00
Dog license, senior citizens 65+ with proof of age, per household if in excess of two dogs and spayed or neutered and with registered microchip(s)* (Shall be obtained from the Treasurer's office)	\$12.00
License transfer fee	\$5.00
* Proof of spay, neuter and registered microchip from a licensed veterinarian is required	

Appendix 1. Fees Schedule (Continued)

Section Number	Fee
<p>§209-802. Commercial Kennel and Cattery Licensing, in addition to a business license</p> <p>* Additional requirements for 51 – 75 dogs and cats: Permitted as a special exception in the NAR and SAR zones Minimum Acreage – ten (10) acres, even if dogs are placed in a soundproof building. (This does not apply to a cattery) Written notification and permission from neighbors of adjoining properties.</p>	<p>Application:Review: \$50.00 Annual License: 1 – 10 animals = \$100.00/year 11 – 20 animals = \$200.00/year 21 – 30 animals = \$300.00/year 31 – 40 animals = \$400.00/year 41 – 50 animals = \$500.00/year 51–75 animals *= \$1,000.00</p>
<p>§209-803. Hobby Kennel Licensing</p>	<p>Application:Review: \$50.00 Annual License: \$50.00</p>
<p>§209-804. Boarding Kennel License</p>	<p>Application:Review: \$50.00 Annual License: \$100.00</p>
<p>§209-805. Pet Shop Licensing, in addition to a business license</p>	<p>Application:Review \$50.00 Annual License: \$200.00</p>
<p>§209-806. Tags and collars - Replacement tag if original tag is lost</p>	<p>\$ 2.00</p>