

ST. MARY'S COUNTY  
ANIMAL CONTROL REGULATIONS

301-475-8018

ANIMAL CONTROL

CHAPTER 212

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History: Adopted by the Board of County Commissioners of St. Mary’s County 8/29/67 as Resolution No. 67-3.

Statement of Purpose: These Regulations are hereby established by the Board of County Commissioners of St. Mary’s County to provide for the safety of the public, the humane care and treatment of animals and to encourage responsible pet ownership.

DEFINITIONS

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

Animal: Every domestic animal including but not limited to dogs and cats.

Animal At Large: Any animal off the premises of the owner, and not under the restraint of a person capable of controlling the animal.

Animal Control: St. Mary's County Animal Control shall include but not be limited to any individual designated by the County Commissioners to enforce these regulations and State Law.

Animal Exposed to Rabies: Any animal which has been bitten by an animal which either has rabies or has been in proximity or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which has rabies. The determination whether an animal is infected with rabies shall be made by the Health Officer for St. Mary's County and the Maryland Department of Health and Mental Hygiene.

Animal Shelter: Any facility operated by a municipal agency or its agents, for the purpose of impounding animals under the authority of these Regulations or State Code for care, confinement, and return to owner, adoption, or euthanasia.

Animal and Veterinary Hospital: Any establishment maintained by a licensed veterinarian and licensed by the state or operated by a licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention and treatment of diseases and injuries of animals.

Animal Warden: Any Animal Warden employed by the St. Mary's County Commissioners to enforce these Regulations and the State Code.

Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in these Regulations.

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

Commercial Animal Establishment: Any person, partnership or corporation or other legal entity that has as its purpose the sale, transfer, or conveyance of any animal/animal services for consideration including, but not limited to, monetary, trade or barter. It shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, open air market, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing, or selling dogs. It shall not include licensed animal hospitals, animal shelters or humane society facilities.

Commercial Kennel/Cattery: Any establishment for the commercial breeding, boarding, grooming,

sale or training of dogs/cats for which a fee is charged; provided that an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a “Commercial Animal/Cattery”.

Cruelty: Any act or omission prohibited under Section 212.5 below.

Custodian: Any entity or person that has the care and control of an animal regardless of whether the person or entity owns the animal.

Domestic Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard Dog: Any dog that is trained specifically and/or used to protect private property, a secured area or persons.

Humane Organizations: A non-profit organization dedicated to the rescue, rehabilitation and adoption of injured, lost or surrendered pets, assisting in low cost spay/neuter, and the humane education of both adults and children.

Keeper: Any person or entity that has the actual or implied custody of an animal regardless of whether that person or entity owns the animal.

Owner: Any entity including, but not limited to, a person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

Pet Shop: Any entity including, but not limited to, a person, partnership, or corporation, whether operated separately or in connection with another business enterprise that buys any species of animal for sale.

Public Nuisance: Any act or omission prohibited under Section 212.11 below or otherwise recognized by Maryland Common Law as a public nuisance.

Restraint: Any animal humanely secured by a leash or lead and under the control of a responsible person capable of restraining the animal.

Sanitary: A condition of good order and cleanliness, which minimizes the probability of transmission of disease and/or the creation of a public nuisance or health hazard.

State Code: Any and all laws of the State of Maryland.

Vaccination: An anti-rabies vaccination using a vaccine type approved by the Maryland State

Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

Vicious/Dangerous Animal: As defined under Section 212.12 below.

Feral Animal: Domesticated animals that roam at large, prey on other animals for food and do not reside with an owner.

## §212.2 DUTY OF ALL ANIMAL OWNERS TO BE RESPONSIBLE OWNERS

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

## §212.3 DIRECTOR OF ANIMAL CONTROL

The Public Safety Director shall be responsible for the enforcement of these Regulations and applicable State Law, including but not limited to public safety, public nuisance, prevention of cruelty to animals, and minimum standards for animal care.

## §212.4 ANIMAL WARDEN

- A. Any Animal Warden employed by the Board of County Commissioners of St. Mary's County, Maryland shall exercise that authority necessary to enforce the provisions of these Regulations and State Law. Among their other duties, wardens are specifically authorized and empowered by these Regulations to:
  - (1) Humanely impound animals whose owner, custodian, or keeper is found to be in violation of these Regulations or the State Code, and humanely transport those animals to the Animal Shelter or other facilities as necessary.
  - (2) Make a prompt and reasonable effort to locate and notify the owner, custodian, or keeper of an impounded animal, including coordinating with the Animal Shelter staff, posting impoundment notice on suspected owner, custodian or keeper's property and review lost reports to locate possible owners.

- (3) Issue notices of violations to the owner, custodian or keepers of an animal.
  - (4) Seek qualified medical assistance for injured or diseased animals, which come into the custody of Animal Control. If qualified medical assistance is not available, the Animal Warden may determine the necessity for treatment or disposition of animal.
    - (a) The Animal Warden administering such assistance, Board of County Commissioners for St. Mary's County or any of its employees or agents shall not be liable for acts committed or omitted while rendering such assistance.
  - (5) Conduct public information programs on these Regulations State Law, adoption, spay/neuter, health care, and other programs.
  - (6) Conduct inspections of commercial animal establishments as provided in these Regulations.
  - (7) Receive animals for adoption or euthanasia as appropriate pursuant to these Regulations.
  - (8) Initiate a complaint or other form of enforcement of these Regulations and/or the State Law.
- B. It shall be a violation of these Regulations and State Law to interfere with an Animal Warden performing the duties as prescribed in these Regulations and State Law.
- C. It shall be unlawful for anyone to remove animals from traps, remove traps, or trip traps (set by Animal Control or designee) other than the Animal Warden or designee.

## §212.5

### CRUELTY

- A. It shall be a violation of these Regulations for any person to:
- (1) Abandon an animal regardless of intent to abandon; i.e., trash disposal, rental properties, side of the road, private/public areas.
  - (2) Torture, torment, cruelly beat/kill, injure intentionally, mutilate, run down with a vehicle intentionally, overload, or otherwise abuse any animal.
  - (3) Administer poison to any animal, knowingly place, or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin.
  - (4) Use or permit any animal to be used for the purpose of fighting with any other animal.
  - (5) Cause, arrange, or participate, authorize, or fund the above acts.

- (6) Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.
  - (7) Train any animal for illegal fighting.
  - (8) Leave an animal in an unattended vehicle as stated in Maryland Transportation Article, Section 21-1004.1.
- B. In the case of activities in which physical pain may unavoidably be caused to animals, such as medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting, “cruelty” means a failure to employ the most humane method reasonably available.

## §212.6

### RABIES PREVENTION

- A. It shall be the duty of every resident of the County owning keeping or having custody of a dog, cat, or ferret four (4) months old or older to have such dog, cat, or ferret inoculated with an anti-rabies vaccine approved by the Director of Public Health. Inoculation shall be repeated as often as the Director of Public Health may from time to time specify, in keeping with current regulations. The inoculation shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of the dog, cat, or ferret and exhibited promptly upon the request for inspection by the Animal Warden, Health Officer, or any other law enforcement officer, or their agents, to include shelter staff when redeeming an animal at the shelter. The vaccination status of an animal should always be verified in person either by a health agent, warden, or veterinarian exam.
- B. Quarantine Requirements. As directed by the Health Department, an animal who has bitten a person or otherwise exposes a human to rabies shall be quarantined for ten (10) days in the following manner:
- (1) Confinement of the animal to a house, garage or other escape proof enclosure or building approved in writing by the Health Department or Animal Control.
  - (2) The animal shall not be removed from the structure unless on a leash and under the immediate control of an adult.
  - (3) Contact with other animals shall be prohibited. Only persons authorized by the Health Department or Animal Control may come into contact with the animal.
  - (4) The animal shall not be removed from the quarantine premises unless permission is obtained in writing from the local Health Officer or his designated agent and the Animal Warden is notified in writing at least forty-eight (48) hours in advance of the

removal.

- (5) If the animal becomes ill or begins to show behavioral changes, the owner shall immediately notify the Health Department, which shall determine an appropriate course of action.
- (6) If the animal dies, the owner shall immediately notify the Health Department and make the animal available for rabies testing prior to disposing of the carcass.
- (7) If the animal escapes, the owner shall immediately notify the Sheriff's Office, Animal Control, and Health Department.
- (8) Until the animal is cleared by the Health Department from quarantine, the owner shall not kill, give away, sell or otherwise dispose of the animal without written permission from the Health Department.
- (9) If a veterinarian's examination is not required by the Health Department on the last day of the quarantine, the owner shall report by telephone to the Health Department the health status of the animal.
- (10) If the animal is unvaccinated against rabies at the time of exposure, the animal shall not be vaccinated until released from quarantine by the Health Department.
- (11) If unvaccinated, the owner shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five (5) days of the end of quarantine.
- (12) If an animal is not properly quarantined it shall be impounded by an Animal Warden or his designee with all costs associated with impoundment including boarding, feeding and transportation borne by owner, custodian or keeper.
- (13) It is the responsibility of the St. Mary's County Health Department and Animal Control for the enforcement of all quarantine requirements.

## §212.7

### LICENSING/FEES

- A. The sale of licenses shall be through the St. Mary's County Treasurer, Animal Control, or other designee of the St. Mary's County Treasurer.
  - (1) It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog four (4) months old, or older, without a current St. Mary's County license. The license period be concurrent with the fiscal year, namely from July 1 to June 30, with all fees payable to the County Treasurer.
  - (2) Owners of certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped shall not be required to pay the annual fee but shall be required to obtain and display the license.

- (3) Animal shelters operated by chartered humane organizations or the County for the purpose of housing stray, abandoned, sick or injured animals shall be exempt from licensing prior to adoption or return to owner.
- (4) Applications for license shall be made to the County Treasurer or a duly authorized agent. Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a Maryland licensed veterinarian certifying that the dog is currently vaccinated against rabies. Before any unsexed license shall be issued, the owner shall produce a certificate of surgical sterilization issued by a Maryland licensed veterinarian certifying that the dog has been spayed or neutered.
- (5) If a dog shall become four (4) months of age or an unlicensed dog of licensing age shall come into the possession of any person between July 1 and June 30 of any fiscal year, the full license fee for that current fiscal year shall be paid forthwith by said owner or harbinger of such dog.
- (6) License certificates shall include the date of issuance and expiration date, the owner's name and address, home telephone number, the animal's sex, breed, age, color and markings, rabies vaccination date, rabies tag number, animal's name.
- (7) A license tag shall be issued with the license certificate. This tag shall be worn by the dog at all times, except when confined in a kennel or when participating in a competition where such displays are prohibited.
- (8) No person may use any license for any dog other than the animal for which it was issued.
- (9) The license certificate shall be made available upon request by any health or public safety officer, Animal Control Warden, or their agents.
- (10) The annual fee for a dog license shall be:

|                 |        |
|-----------------|--------|
| Unneutered Male | \$7.50 |
| Unspayed Female | \$7.50 |
| Neutered Male   | \$2.00 |
| Spayed Female   | \$2.00 |
- (11) Any dog found/picked up without a license, the Owner could be fined \$25.00.
- (12) Any fees established within these Regulations may be evaluated and adjusted annually.

B. Commercial Animal Establishment Licensing. No person, partnership, or corporation shall operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this Section. License applications shall be

accompanied by written verification from St. Mary's County Government that the applicant complies with the St. Mary's County Zoning Ordinance as amended from time to time. Applicant must apply through Animal Control for inspection prior to opening of business.

- (1) No fee shall be required of any government operated zoological park.
- (2) All animals offered for sale by a commercial animal establishment must be examined by a Maryland licensed veterinarian within the last three (3) months prior to sale.
  - (a) Any animal under veterinarian treatment may not be offered for sale without written release from the veterinarian.
  - (b) Any owner or employee of a commercial animal establishment who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information in writing prior to sale.
- (3) Records must be maintained for a period of one (1) year for any animal presented for sale. Records shall contain the following but are not limited to:
  - (a) Animal Description - breed, sex, color, and age.
  - (b) The origin of purchase will include the supplier and the date of receipt.
  - (c) Medical records and any required treatment program.
- (4) Every facility regulated by these Regulations shall be considered a separate enterprise requiring an individual license.
- (5) The license period shall run for one (1) year from the date of issuance. Renewal applications for licenses shall be made 30 days prior to expiration of said license. The license fee shall be \$50.00 with a \$200.00 penalty for noncompliance.
- (6) Every Commercial Animal Establishment must undergo a bi-annual inspection by Animal Control.

## §212.8

### ANIMAL CARE

- A. No owner or custodian of an animal shall fail to provide the animal with sufficient, wholesome and nutritious food; potable water in sufficient quantities; proper air; shelter, space, and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment. Proper grooming shall be provided to animals to ensure and promote general good health.

- (1) In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.
- B. Indoor and outdoor enclosures for animals shall meet the following minimum standards:
- (1) Be structurally sound and maintained in good repair to protect the animals from injury and to contain the animal.
  - (2) Provide sufficient space to allow each animal to stand, turn around and lay comfortably and to avoid overcrowding. This space shall provide a reasonable dry space with good footing.
  - (3) Be routinely cleaned to remove excretions and other waste materials, dirt and debris, to provide humanely clean conditions to minimize health hazards and obnoxious odors.
  - (4) Provide clean and potable water that is always available and that is kept in a clean vessel secured to prevent tipping.
  - (5) Indoor housing facilities shall provide adequate ventilation by natural or mechanical means and the ambient temperature shall be compatible with the health of the animal.
- C. In addition to the above, outdoor enclosures shall meet the following minimum standards:
- (1) When sunlight is likely to cause heat exhaustion, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
  - (2) If an animal is confined outdoors unattended, it shall be the duty of each and every owner, custodian or keeper to provide said animal with proper shelter as described below:
    - (a) WEATHERPROOF - Shelter must be solid. There shall be no cracks or openings other than entrance. The shelter shall not have any metal or plastic primary interior surfaces.
    - (b) ELEVATED - Floor must be off the ground at least two (2) inches.
    - (c) DOOR FLAP - Entrance must be covered with a flexible flap and/or entrance placed down wind when necessary to protect the animal from the elements of weather.
    - (d) BEDDING - Bedding must be dry. Straw, hay, cedar chips or other material approved by Animal Control must be provided as needed.
    - (e) SIZE - Large enough to allow the animal to enter, stand, turn around and lie

down comfortable. Small enough to allow the animal to warm interior with its body.

- (f) KENNEL – A dog kennel for outside dogs shall meet the minimum size requirements as listed in Table 1. The requirements in Table 1 are not applicable to commercial kennels, veterinarian hospitals, or pet stores.

Table 1

| 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. If a chain, rope, or line is used to tie an animal, it shall be of sufficient length (minimum length of four (4) times the animal’s body length with a swivel at both ends to prevent kinking and knotting, to safely and humanely allow the animal freedom of movement without becoming entangled, and positioned so that the dog cannot wrap the chain, rope or line around posts, trees, debris, or hang by jumping an object or obstruction) to safely and humanely allow the animal freedom of movement without becoming entangled.
- E. A person shall not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well-ventilated container, cage, or other device designed to safely prevent the animal from falling or jumping from the motor vehicle.

§212.9 ANIMAL AT LARGE

- A. It shall be unlawful for any person, partnership or corporation to allow their animal to be at large.
- B. This section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person possessing a valid hunting license.
- C. Without permission of the proper authority, the owner, custodian or keeper of any animal may not permit the animal to be on public or private school grounds on a day and time when school is in session or in a public recreation area unless:
  - (1) The animal is controlled by a leash or similar restraining device as defined under definitions of restraints.

- (2) The presence of the animal is in an organized activity such as a dog show.
- D. No animal accidentally at large with a person in immediate pursuit shall be deemed at large.
- E. A person who is aware of an animal being at large or who finds a stray animal shall report the condition to Animal Control.
- F. An Animal Warden who observes an animal at large may pursue that animal on public and/or private property.
- G. The Animal Warden is authorized and directed, whenever possible, to seize and impound any animal running at large. When not able to catch an animal running at large and when all other reasonable options have been exhausted and, if in judgement of the Animal Warden the animal is deemed a threat to public safety the animal may be shot or killed.

§212.10 FEMALE IN SEASON

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

§212.11 PUBLIC NUISANCE

- A. No person shall keep or maintain any animal in such manner as to cause or permit the animal to be a public nuisance. A public nuisance is when an owner or custodian allows an animal to:
  - (1) Be at large.
  - (2) Damage the property of anyone other than its owner, custodian or keeper.
  - (3) Molest pedestrians, passersby or other animals.
  - (4) Intimidate pedestrians or passersby. Intimidation is defined as a reasonable prudent person under same and/or similar circumstances and whether that person would have been intimidated by the actions of the animal in question.
  - (5) Chase vehicles, pedestrians or other animals.
  - (6) Bark or make other harsh or excessive noise continuously so as to disturb the quiet, comfort, or repose of members of the community.
  - (7) Foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or

harbored.

- (8) Defecate or urinate on property other than that of the owner, custodian or keeper. Owner or custodian must clean up excrement when on public areas, parks, schools, etc.
- (9) Allow to defecate or urinate on other than that of the owner, custodian or keeper.
- (10) Other actions or omissions recognized by Maryland Common Law as a public nuisance.

§212.12 DANGEROUS AND/OR VICIOUS ANIMALS

A. For the purpose of these Regulations a dangerous and/or vicious animal shall be defined as:

- (1) Any animal which has inflicted injury on a human being without provocation on public or private property.
  - (a) Any person may use any force necessary to defend against any dog(s) in the act of attacking a person.
- (2) Any animal which has without provocation injured or killed a domestic animal:
  - (a) Any person may use any force necessary to defend against any-dog(s) found out of the enclosure of its owner or custodian and not under his immediate care in the act of attacking any animal.
- (3) Any animal owned bred or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.
- (4) Any animal, not owned by a governmental or law enforcement unit, used primarily to guard public or private property.
- (5) No animal shall be declared dangerous and/or vicious if the threat, injury or damage was sustained by a person who:
  - (a) At the time was committing a willful trespass or other criminal act upon the premises of the owner or custodian of the animal, or;
  - (b) Was teasing, tormenting, abusing, or assaulting the animal, or;
  - (c) Has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal, or;
  - (d) Was committing or attempting to commit a crime;

- (e) Deliberately placed the animal in the position of protecting or defending its young, other animal, person, or guardian;
- (f) Caused pain or injury to the animal immediately prior to the attack.

B. Public Liability Insurance for Dangerous Animals:

- (1) Present to Public Safety/Animal Control proof of public liability insurance in a single incident amount of \$50,000 covering bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance must be in effect within ten (10) days of animal being deemed dangerous and/or vicious.

C. Upon determination by Public Safety/Animal Control of an animal being dangerous and/or vicious, the Warden may require any or all of the following:

- (1) Any dangerous and/or vicious animal must be kept in its own enclosure.
- (2) Where any owner, custodian or keeper of a dangerous and/or vicious animal maintains their animal outside, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the animal shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area of perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the kennel must be locked.
- (3) Whenever outside of its enclosure, but on the owner's or custodian's property, a dangerous and/or vicious animal shall be attended by the owner or custodian and restrained by a secure collar and leash of sufficient strength to prevent escape.
- (4) All owners, custodians or keepers of any dangerous and/or vicious animal shall display in a prominent place on their properties, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS ANIMAL" or "BEWARE OF DOG."
- (5) Except when being transported in, and humanely and securely confined within a vehicle, no dangerous and/or vicious animal shall be permitted off the property of its owner, custodian or keeper except when it is:
  - (a) Attended by its owner, custodian or keeper; and
  - (b) Humanely restrained by a secure collar and leash (not to exceed six (6) feet in length); both collar and leash to be of sufficient strength to prevent escape; and approved by Animal Control.

- (c) Humanely muzzled by any means sufficient to prevent biting persons or domestic animals. Muzzle must be approved by Animal Control.
  - (6) The animal be neutered/spayed at the expense of the owner, custodian or keeper.
  - (7) Ownership or custody of an animal deemed dangerous and/or vicious by the Public Safety/Animal Control shall not be transferred without prior notification and approved by the Animal Warden or designee.
  - (8) The animal to be humanely euthanized at the sole cost and expense of the owner, custodian or keeper.
  - (9) Any Police Office or Animal Warden has full authority to kill any dog that is known to be living in the County in a wild state. There shall be no liability on such persons, police officers or animal wardens in damages or otherwise for killing of animals as permitted in these Regulations.
- E. The Animal Warden is authorized whenever possible to seize any animal known to be dangerous and vicious and found to be running at large. When not able to catch the animal, and when all other reasonable options have been exhausted, they are authorized and may shoot or otherwise kill the animal.

§212.13 IMPOUNDMENT/REDEMPTION/ADOPTION

- A. Any animal observed in violation of these Regulations or State Law shall be immediately and humanely impounded and housed with the Animal Shelter and/or other facilities as necessary at the sole expense and cost of the owner, custodian or keeper including boarding, feeding and transportation and legal fees, if necessary.
- (1) In addition to, or in lieu of, impounding an animal, the Warden may issue to the known owner of such animal a notice of violation.
- B. Impounded animals shall be kept for not less than three (3) working days unless said animal is contagiously ill or severely injured.
- C. An owner reclaiming an impounded animal shall pay the fees established by the Sheltering Authority. The fees for subsequent impounds occurring within twelve (12) months shall be doubled.
- (1) Upon the third impoundment within twelve (12) months, the animal shall remain in the Shelter until the owner; custodian or keeper appears before the Director of Emergency Management. The Director of Emergency Management shall determine the necessary means to address the violations and levy fines and fees.
- D. In addition to paying the established fees, an owner, custodian or keeper reclaiming an impounded animal shall show proof of a current rabies vaccination. If owner is a

Commercial Animal Establishment, proof of paid license fees are required to comply with Section 212.7 of these Regulations and other expenses incurred by the County in caring for the impounded animal.

- E. Except as otherwise provided in these Regulations, any animal impounded and not redeemed by its owner within three (3) working days following notice of impoundment shall be deemed abandoned. The animal shall become the property of the County, which shall place for adoption or euthanize the animal in accordance with the State Law and Shelter policy.
- F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults or at a specified date in the contract for puppies and kittens. A deposit established by the Sheltering Authority shall be paid at the time of adoption and refunded once proof of sterilization is presented.
- G. Any animal considered by the Sheltering Authority to be unhealthy, dangerous vicious or otherwise unsafe shall not be placed for adoption.
- H. The Animal Shelter shall deny applications for adoption as provided by established Shelter policy and procedure.
- I. No wild animal shall be placed for adoption.
- J. No animal shall be knowingly sold or given away for use in experimentation or research.
- K. The County, its employees, or agents shall not be liable for any damage to person or property caused by an animal adopted or reclaimed from the Shelter.

#### §212.14 RESCUE ORGANIZATIONS

- A. Any and all rescue organizations must register with Animal Control with information regarding name, organization, contact, address, and telephone number. Unregistered organizations shall not be considered by Animal Control in rescuing, adoption or rehabilitation of animals.
- B. Each organization will provide Animal Control with a list of rescue homes that are being utilized within St. Mary's County.
- C. Each rescue home will be subject to periodic inspections by Animal Control.

#### §212.15 FINES

- A. The fines for violations are as follows, including possible misdemeanor charges as provided

by Maryland Law:

|       |   |   |
|-------|---|---|
| 212.4 | Hindering an Animal Warden in the performance of his duties | Up to \$1000<br>and/or up to one (1) year in jail |
| 212.6 | Rabies Prevention<br>Failure to vaccinate                   | Up to \$1000<br>and/or up to one (1) year in jail |
|       | Failure to quarantine                                       | \$250.00  |
| 212.7 | Failure to license (Commercial)                             | \$200.00  |
| 212.8 | Animal Care/Cruelty   | \$50.00 Per offense                               |
| 212.9 | Animal at Large   |   |
|       | 1st Offense   | \$50.00   |
|       | 2nd Offense   | \$100.00  |
|       | All Subsequent Violations                                   | \$250.00  |
|       | (Per animal within one (1) year of the original offense)    |   |

After third offense, animal will be removed from the owner for public safety, and will be secured at the Tri-County Animal Shelter, or other facility, pending an investigation.

|        |  |          |
|--------|--|----------|
| 212.10 | Female in Season (As defined in Section)             | \$75.00  |
| 212.11 | Public Nuisance                                      |          |
|        | 1st Offense  | \$50.00  |
|        | All Subsequent Violations                            | \$250.00 |
|        | (Per animal within one (1) year of original offense) |          |

After third offense, animal will be removed from the owner for public safety, and will be secured at the Tri-County Animal Shelter, or other facility, pending an investigation.

|        |                          |  |
|--------|--------------------------|--|
| 212.12 | Dangerous and/or Vicious |  |
|        | 1st Offense              | Up to \$1000.00<br>and/or up to one (1) year in jail |

After 2nd offense, animal will be removed from the owner for public safety, and will be secured at the Tri-County Animal Shelter pending an investigation.

Those fines that range up to \$1000.00 are determined by the Animal Control

policies.

§212.16 ENTERING INTO CONTRACTS WITH OUTSIDE SERVICES

- A. No statement, provision or regulation set forth herein shall be construed to prevent the County Commissioners of St. Mary's County, Maryland from entering into a contract with any outside service for the administration of all or any portion of these Regulations.

§212.17 CONFLICTING ORDINANCES

- A. All other Regulations of St. Mary's County that are in conflict with these Regulations are hereby repealed to the extent of such conflict.
- B. In the event of conflict with any other state or local law, ordinance, rule or regulation, the strictest shall apply.

§212.18 SEVERABILITY CLAUSE

- A. If any part of these Regulations shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Regulations.