

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of County of County Commissioners of Cecil County, State of Maryland that Chapter 209 Dogs and Other Animals be hereby repealed and re-enacted replacing all preceding versions with Chapter 209 Animal Care and Control.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 ____ day of _____, 2011.

Adopted by the Board of County Commissions for Cecil County, this ____ day of _____, 2011.

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

CODE OF CECIL COUNTY
CHAPTER 209 ANIMAL CARE AND CONTROL

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CHAPTER 209. ANIMAL CARE AND CONTROL

209-1. 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 shall be guilty of "animal abandonment."

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

ANIMAL CARE AND CONTROL CENTER -- The facility operated by or on behalf of the Cecil County Commissioners 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 Board of County Commissioners with powers and duties specified in Sections 209-2, 209-3, and 209-4 of this Ordinance.

ANIMAL CARE AND CONTROL OFFICERS -- The person or persons authorized on behalf of the Board of County Commissioners 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 regularly 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.

CATTERY -- Any premises on which, for remuneration, any person engages in the business of boarding cats or, for the purpose of selling them, breeding more than two litters of cats per year.

COMMERCIAL ANIMAL ESTABLISHMENT -- Any pet store, grooming shop, zoological park, circus, animal exhibition, cattery or kennel.

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.

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 farm animals and pets such as dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets and hedgehogs, nonpoisonous reptiles, and amphibians, parakeets, cockatiels and other commercially raised birds.

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

EQUINE SHELTER – A shelter for equines that shall have at least a roof and three sides and be kept in good repair and free of standing water, accumulated waste, sharp objects and debris. Proper shelter provides protection from inclement weather conditions. Trees and natural weather barriers providing shelter may be considered adequate shelter.

EXOTIC ANIMAL -- Any animal of a species not occurring naturally, either presently or historically, within the boundaries of this state and shall include any hybrid or crossbred animal which is part exotic or wild animal.

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

FERAL CAT -- A domestic cat that does not appear by its behavior or appearance and possibly location found to have been domesticated. A domestic cat that is not tame and behaves as if it were wild.

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, COMMERCIAL -- Any person, group of persons, association or corporation engaged in the business of breeding, buying, selling, boarding, grooming or training of five or more customary household pets or who at any time keep five or more household pets over 4 months of age on the premises for compensation. All equipment on the premises used in the operation of such activities shall be deemed a part of the kennel. Private individuals not engaged in the business of breeding, buying, selling, boarding, grooming or training of customary household pets for compensation may not obtain a kennel license.

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 chained or otherwise confined, lacking 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 shall mean to use every reasonable attempt to contact including but not limited to, 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 STORE -- Any commercial establishment that sells any species of animals as pets, whether as a separate operation or in connection with any other business enterprise.

PUBLIC NUISANCE ANIMAL -- Any animal or animals which:

- A. Continues to molest passersby or passing vehicles
- B. Continues to attack human beings or domestic animals
- C. Has severely injured or killed a human being or repeatedly severely injured a domestic animal
- D. Is repeatedly at large, or is a stray;
- E. Continues to damage private or public property
- F. Continues to disturb the neighbor(s) or the community (209.9B)
- G. Is found to be in violation of vicious animal restraint requirements.

PUBLIC NUISANCE FACILITY OR RESIDENCE – Any residence or facility whose owner or inhabitant(s) have received three 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 age 16 or older who could reasonably be expected to be capable of effectively controlling the animal in question.

RESTRAINT -- Any animal secured and under effective control by a leash or lead, or under the effective control of a responsible person and obedient to that person's commands if off lead, within the real property limits of its owner, or within a vehicle being driven or parked on a street. 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, excluding a farm employing appropriate agricultural practices.

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.

VICIOUS OR DANGEROUS ANIMAL -- Any animal that constitutes by its actions a physical threat to human beings, other domestic animals, or livestock.

WILD ANIMAL -- An animal which is not defined as a domestic animal and is incapable of being completely domesticated or tamed. An animal which in its natural state is wild, dangerous or ferocious and though it may be trained and habituated by the owner will remain dangerous to the public at large. Any hybrid or crossbred animal, which is part exotic or wild.

WOLF HYBRID -- Any animal that is advertised, registered, licensed, or otherwise described or represented as a wolf hybrid by its owner or any animal exhibiting primary physical and behavioral wolf characteristics.

ZOOLOGICAL PARK -- Any property displaying, harboring, or exhibiting one or more species of wild or exotic animals owned by a person, partnership, corporation, or governmental agency and must be federally licensed. (Does not include farm/agricultural animals.)

§ 209.2 Animal Care and Control Oversight Commission – Appointments

- A. Each member of the Board of County Commissioners shall appoint one (1) individual from their respective districts for a total membership of five (5) individuals, who would have no conflict of interest with the Animal Care and Control Agency, 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 their expertise.
- B. The term of members shall be four years and staggered except that for the initial term, two members as determined by the Board of County Commissioners 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 may not receive remuneration for their services and must abide by the Cecil County Code of Ethics.
- D. The Board of County Commissioners may 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 their conduct is unbecoming or prejudicial to the aims or repute of the Commission and the Board of County Commissioners.
- 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 appropriate. The presence of three members shall constitute a quorum.

§ 209-3. The Animal Care and Control Oversight Commission – Powers and Duties

- A. The Animal Care and Control Oversight Commission shall work with the county's ACCA to review current county and state animal laws and recommend changes in county animal laws to the County Commissioners as well as related fees and fines.
- B. The Animal Care and Control Oversight Commission will review the performance of the ACCA as it relates to adherence of contract terms and report findings to the County Commissioners.
- C. The Animal Care and Control Oversight Commission will annually review and make recommendations, or changes as deemed necessary for renewal of the animal care and control contract to the County Commissioners.
- D. The Animal Care and Control Oversight Commission will serve as a review board for cases involving public or interagency complaints regarding the ACCA.
- 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 about animal care and control shall be submitted in writing to the ACCA. In the event, complaints are not handled by the ACCA in an appropriate manner, the complaint shall be submitted to the County Administrator for referral to the Animal Care and Control Oversight Commission.

§ 209-4. Animal Care and Control Oversight Commission – Records

- A. 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.
- B. The County shall retain all records for three (3) years.

§ 209-5. Powers and duties of the Animal Care and Control Authority charged with enforcing the provisions of this chapter

The ACCA shall be responsible for implementing this Ordinance and enforcing its provisions.

§ 209-6. Licensing

- A. Application for licenses shall be made to:

- (1) The County Treasurer or designee.
 - (2) The ACCA.
- B. No person shall own, keep or harbor a dog over the age of four (4) 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.
- C. The annual license fee shall be determined by the County Commissioners. The license fee will be offered at discounted price for a dog that has been spayed/neutered. 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. Commercial Kennels and pet stores.
- (1) Commercial kennels may be permitted as a special exception in the NAR and SAR zones and shall be permitted in the BG and BI zones provided:
 - (a) Minimum Acreage – five (5) acres if dogs are kept outside, two (2) acres if dogs are placed in a soundproof building.
 - (b) Kennels are located at least two hundred (200) feet from any residence on an adjoining property.
 - (c) The proposed use conforms to the Animal Control Regulations of Cecil County in regard to sanitary practices and animal care and treatment.
 - (d) If this use is to be located in the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area the applicant must apply for and receive growth allocation prior to any approvals.
 - (e) A site plan shall be submitted to and approved by the Office of Planning & Zoning prior to the issuance of a kennel license. The Office of Planning & Zoning shall send the site plan to the Animal Care and Control Authority, the Department of Environmental Health, the Department of Permits and Inspections, and the State Highway administration if on a state highway, for their review and approval prior to issuing site plan approval.
 - (2) Maryland licensed veterinary hospitals or clinics and the ACCA, as long as they do not advertise boarding facilities, as well as federally licensed research facilities do not have to purchase a kennel license.
 - (3) Every kennel operator shall individually license dogs over four months of age and maintain a valid kennel license.

- (4) Every pet store and commercial kennel shall maintain a valid business license. Pet stores will not be required to have a kennel license but are required to maintain satisfactory sanitary and housing requirements established by the County and State Departments of Health and the ACCA. Pet stores selling psittacine birds shall comply with all Health Department requirements for psittacine birds. All animals shall be treated humanely.
- E. All licenses shall be valid for one year beginning with January 1.
- A. Application for 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.
- (B) Prior to the renewal of a kennel license, the operator of the kennel shall schedule inspections by each agency named in section 209-6(D)(1)(e) to ensure continued compliance with all applicable regulations. Violations will need to be corrected prior to license renewal.
- F. In the event that a license tag issued for a dog is lost, the owner may obtain a replacement tag upon payment as set forth by the Cecil County Commissioners.
- G. If there is a change in ownership of a dog, kennel or pet store during the license year, the license shall be non-transferable.
- H. 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 registration fee will be charged as set forth by the Cecil County Commissioners.
- I. 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.
- J. Dogs brought into the County for training will be exempt from licensing for no more than 45 days but must meet the rabies vaccination requirements of this chapter.
- K. Assistance dogs and governmentally owned dogs are exempt from the license fee of this chapter; however, they must obtain a dog license which shall be provided at no charge.
- L. Rescue operations that are qualified under Internal Revenue Service regulations as 501(c)(3) nonprofit organizations and file a Form 990 must obtain a kennel license and vaccinate each dog for rabies. However, such organizations are not required to individually license each dog due to the transient nature of the animals.

§ 209-7. Tags and Collars

- A. Upon complying with the provisions of 209-6 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 must be worn by the animal at all times unless the animal is accompanied by its owner or under his control and is engaged in supervised hunting or other sport where a collar might endanger the animal's life or safety.
- C. Lost hunting dogs must be reported lost within 24 hours of the hunt or field trial to be exempt from wearing a collar.

§ 209-8. Restraint

- A. The owner of a dog shall keep the dog under restraint or effective control at all times.
- B. The owner of an animal, other than a cat, shall prevent the animal from leaving the owner's property unattended or unrestrained.
- C. 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.
- D. A tether to confine a dog shall be a minimum of 4½ times the length of the dog (nose to tail base) and under no circumstances less than 10 feet long. (unless impossible due to property size in which case the ACCA shall set forth reasonable substitute requirements.)
- E. 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 and positioned so that the dog cannot wrap the tether around posts, trees, debris or hang by jumping a fence or guardrail.
- F. The owner of animal(s) that are 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 may only be used if it consistently and effectively restrains the dog and is appropriate to be used for the dog in question. No vicious or dangerous dog may be restrained behind an "invisible fence".
- G. All areas where animals are confined shall be maintained so as to provide a safe, sanitary and healthy environment for the animals within the confinement.

§ 209-9. Animal Behavior/Actions.

- A. The owner shall keep their animal from approaching a passerby in a menacing or aggressive fashion.

- B. The owner shall keep their animal from vocalizing unreasonably so as to disturb neighbors in the community during the day or night or prevent neighbors from the use and enjoyment of their property. This section does not include a working farm.
- C. The owner shall keep their animal from destroying private property.
- D. The owner shall keep their animal from continuous actions and behaviors that could reasonably lead to their animal at some future date to be deemed a public nuisance animal.
- E. It is unlawful in Cecil County for any person to own or keep a domestic animal which disturbs the peace and quiet of any neighborhood, or which is vicious and bites any person. Upon the sworn complaint in the District Court sitting in Cecil County of any person alleging that a domestic animal disturbs the peace and quiet of any neighborhood in Cecil County, or upon the sworn complaint of any one or more persons that a domestic animal is vicious and has bitten any person, a summons shall issue to the owner or keeper of such domestic animal to appear in the District Court sitting in Cecil County.

§ 209-10. Female Dogs in Estrus (Heat).

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:

- A. 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 may not be taken off the owner's property; or
- B. 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 in the case of the dog's breeding, 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.

§ 209-11. Animal waste and dead or decaying animals.

- A. The owner of every animal shall be responsible for the removal of any *or all* excreta deposited by the animal(s) on public property, including walks, recreation areas, or on private property *or 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.

- B. When any domestic animal dies, its owner shall be responsible for the animal to be removed, pursuant to the direction of the ACCA, to a crematorium, animal rendering company, 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 remain on his or her property for longer than 72 hours after the animal's death, without having buried, cremated, or composted the animal, or without having butchered the animal in accordance with State law.
- D. 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 ACCA and the Health Department.
- E. 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.

§ 209-12. Proper Shelter and Care

An owner shall provide their animal(s) with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, and shelter or protection from the weather. In addition:

- A. Between December 1 and March 15 and whenever the real or effective temperature is 35 degrees Fahrenheit or lower, the following shall be provided:
 - (1) Dog shelter shall have a weather proof roof, the entryway shall be protected by a self-closing door, an offset outer door or a flexible flap made of windproof material. The floor shall be solid and raised from the ground at least 2". No interior surfaces shall be metal. The dog shelter opening shall be facing South or East, or away from the prevailing winds.
 - (2) Bedding, such as wood shavings, straw or other non-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.
 - (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 or whenever the real temperature is above 80 degrees Fahrenheit, 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 shelter be considered shade during the summer months.

C. 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 2 inches from the ground and no interior surfaces shall be metal.

D. A dog kennel for outside dogs shall meet the minimum size requirements as listed in Table 209.12-1. The requirements in Table 209.12-1 are not applicable to commercial boarding kennels, veterinary hospitals, pet stores, animal control facilities and Humane organizations.

Table 209.12-1			
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.)

§ 209-13. Proper Shelter and Care of Livestock

A. The owner of livestock shall:

- (1) Provide nutritious food in sufficient quantity, fresh potable water, and shelter for the livestock;
- (2) Provide fencing strong enough and high enough to contain the livestock;
- (3) A building, excluding loafing sheds, used for stabling animals shall be well lighted and ventilated.
- (4) A building or shed used for stabling livestock shall be kept clean and in good repair at all times, all manure shall be removed from the buildings regularly as needed, and any manure pile shall be at least 25 feet away from a building or shed housing livestock.

§ 209-14. 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 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.
- 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 dogfighting, raise animals for fighting, or organize or participate in any way in animal fights. It is also considered illegal for animal owners to possess fighting paraphernalia such as treadmills, breaksticks, pain numbing drugs, steroids, drug/vitamin supplements, syringes, bait, catmill/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 in a manner that endangers the health or safety of the animal. Under this section, an animal control officer or jurisdictional police 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 in the horse and sporting dog community.

§ 209-15. Other Regulated Activities.

- A. A person shall not sell, offer for sale, barter, or give away live animals as toys, premiums, incentives, inducements, or novelties, except that animals may be given away for agricultural or

conservation projects, or with the approval of the Maryland Secretary of Agriculture under section 10-610 of the Criminal Law Article of the Annotated Code of Maryland.

- B. 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.
- C. 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.
- D. 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 ACCA or law enforcement of the accident as soon as possible.

§ 209-16. Impoundment

- A. Unrestrained dogs, public nuisance animals, vicious animals, or domesticated animals found at large may be taken by an animal care and control Officer, may be impounded and confined in a humane manner.
- B. Subject to the provisions of this section, a domesticated animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, microchip, tattoo, or other identification to ascertain the owner. Impounded domesticated animals may be disposed by the ACCA after:
 - (1) Five (5) days provided attempts to notify the owner have been unsuccessful; or
 - (2) Eight (8) days have elapsed after notice has been received by the owner; or
 - (2)
 - (3) The animal is seriously diseased or severely injured; or
 - (4) The animal is under three (3) months of age.
- C. If by a license tag or other means, the owner of an impounded animal can be identified, the ACCA shall attempt to notify the owner by telephone, mail, or by posting notice in a conspicuous location on the owner's property.
- D. All impounded animals shall, within twenty-four hours of impoundment, 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 disposed of in accordance with this chapter.
- E. The owner of an impounded animal shall pay a fee determined by the ACCA (this fee shall not exceed the ACCA's established rates), for each day the animal has been impounded as well as any costs, including veterinary expenses incurred by the ACCA during such impoundment,

regardless of whether or not the animal is reclaimed. Additionally, the owner shall pay any fines associated with the animal in accordance with Section 209-26, Violations and Penalties.

- F. Any animal not reclaimed by its owner within eight (8) days of impoundment shall become the property of the ACCA, and shall, at their discretion, be placed for adoption or humanely euthanized; provided, however, the ACCA may sell farm animals and apply the proceeds of the sale to any purpose consistent with this chapter.
- 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 notice of violation. Such notice shall impose upon the owner a penalty as set forth in Section 209-26. In the event that such penalty is not paid within the time period prescribed, a document shall be initiated before a District Court Commissioner, and upon conviction of a violation of this chapter, the owner shall be punished as provided in Section 209-26 Violations and Penalties of this chapter.
- G. The owner of an animal impounded as a result of a violation of this chapter or any other law may also be prosecuted for the violation.
- H. An Animal Care and Control Officer may apply to the proper court having jurisdiction for a mandatory injunction to place an animal deemed vicious in the custody of the ACCA for public safety purposes until such time as there has been a hearing and all appeals have been exhausted.

§ 209-17. Wild or Exotic Animals.

No private citizen may possess or harbor a potentially dangerous or vicious wild animal within the geographic boundaries of Cecil County. Refer to the Title 10-610, Section 10-621, of the Criminal Law Article of the Annotated Code of Maryland.

§ 209-18. Vicious or Dangerous Animals

- A. Every vicious animal, as determined by the ACCA, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner, or restrained as otherwise directed by the ACCA. Upon determination by the ACCA that an animal is vicious and the exhaustion of any appeals, the owner shall have the animal microchipped for permanent identification by a licensed veterinarian within 10 days and the corresponding microchip data shall be given to the ACCA. If an owner of an animal determined to be vicious or potentially dangerous sells or gives the animal to another person, the owner shall provide written notice to the ACCA that made the determination and state the name and address of the new owner of the animal and notify the person taking

possession of the animal in writing of the animal's vicious or potentially dangerous behavior and the circumstances surrounding its vicious or potentially dangerous determination.

- B. The ACCA Officers may enter onto the property where a vicious dog is to be confined and check for special restraint compliance at any reasonable time.
- C. An Animal Care and Control Officer or law enforcement officer may pursue and destroy an at large animal placing the public in imminent danger or animals in the act of attacking livestock or other domestic animals if necessary.

§ 209-19. Declaring an Animal to be a Public Nuisance or Vicious

- A. The ACCA may determine that an animal is a public nuisance or a vicious animal. If an animal is determined to be a public nuisance or vicious, the owner shall have the right to appeal through the normal court channels.
- B. The governing body, following the hearing described in Subsection A hereof, but no later than 30 days after such hearing, will issue a decision which will include a determination of the status of the animal as a public nuisance or vicious and give reasons therefore.
- C. The owner of a public nuisance animal may be required to have the animal humanely euthanized or turned over to the ACCA to be disposed of at its discretion within 10 days of the receipt of notice of a determination that the animal is a public nuisance.
- D. If ordered by the ACCA and the owner refuses or neglects to have a public nuisance animal destroyed, or turned over to the ACCA as herein provided, the ACCA may take the animal into its custody, by any lawful means necessary, wherever found. The owner of the animal shall be liable for any expenses or damages incurred in carrying out the provisions of this section.

§ 209-20. Redemption of Impounded Animals.

- A. The owner of any impounded animal shall be entitled to resume possession, except as hereinafter provided, upon compliance with the license provisions of Section 209-6 and payment of the redemption fees. Repeat offenses shall incur escalating fines. Proof of ownership must be established, including proof of license. If there is no license, a fine will be levied. If proof of current rabies vaccinations cannot be provided, an additional fine will be assessed in accordance with Section 209-21. The owner will be given four (4) working days to get a rabies vaccination certificate and a county license. If any unvaccinated animal bites a human or domestic animal, it shall immediately be quarantined or processed for rabies, and an additional fine shall be immediately levied in addition to the usual rabies and licensing fees. All fees and fines referenced in this section shall be as set forth in Section 209-26, Violations and Penalties.

- B. Any animal impounded under the provisions of this chapter and not reclaimed by its owner within eight (8) days shall become the property of the ACCA and be disposed of in a manner established by the ACCA.
- C. A charge for each calendar day for boarding an animal will be added to the redemption fee as set forth in Section 209-26, Violations and Penalties. All redemption and boarding fees shall be collected by the ACCA prior to the animal being released.

§ 209-21. Rabies control.

- A. All dogs, cats and ferrets over the age of four (4) months shall be immunized against rabies by a licensed veterinarian or in a private clinic or a clinic provided by the Cecil County Health Department so that protection or immunity against rabies will be maintained at all times at a level approved by the Maryland Public Health Veterinarian.
- B. A report of the circumstances wherein a person is bitten by an animal shall be made promptly to the local police or Sheriffs Department by every person having firsthand knowledge of the occurrence of the bite. The local police or Sheriffs Department shall investigate the incident and carry out the orders of the Maryland Public Health Veterinarian. The local police, Sheriffs Department or County Health Department may call upon the ACCA to catch, remove, confine or impound the animal. The animal may be confined at any animal shelter, veterinary hospital or a humane organization shelter approved by the Health Officer at the owner's option and expense.
- C. The standards for rabies control provided for in Health General Annotated Code of Maryland, Title 18, Subtitle 3, Part III, shall be recognized in Cecil County.
- D. Persons bringing dogs and cats 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. Animals without valid rabies vaccination certificates will be impounded and either deported or vaccinated by a licensed Maryland veterinarian at the owner's expense. Animals which may have had exposure to rabies must comply with the provisions set forth in this section of this chapter.
- E. Dogs brought into the County for training will be exempt from licensing for no more than 45 days but must meet the rabies vaccination requirements of this chapter.
- F. Rescue operations that are qualified as 501(c)(3) nonprofit organizations and file a Form 990 must obtain a kennel license and vaccinate each dog for rabies. However, such organizations are not required to individually license each dog due to the transient nature of the animals.
- G. Owner must be able to provide proof of a current rabies vaccine upon request and if an unvaccinated animal bites a human or another animal an additional fine shall be immediately levied in addition to the usual rabies and licensing fees.

§ 209-22. Reports of Animal Bites.

Any hospital or physician who treats an individual for an animal bite shall telephone immediately and report the animal's bite to the local police or Sheriffs Department and to the Cecil County Health Department. He shall report it as required on forms prescribed by and supplied to the hospital or physician by the Cecil County Health Department.

§ 209-23. Responsibilities of Veterinarians.

It shall be the duty of every veterinarian to report to the Health Officer and the ACCA any animal considered to be rabid or rabies suspect.

§ 209-24. Severability

It is hereby declared to be the intention of the Board of Commissioners 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 Board of Commissioners without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

§ 209-25. Enforcement

- A. The civil and criminal provisions of this chapter shall be enforced by the ACCA designated by the Board of County Commissioners of Cecil County. 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. In the discretion of an Animal Care and Control Officer or law enforcement officer, a notice of violation may be issued to any person in violation of this chapter, any rules and regulations adopted pursuant hereto, or of the Criminal Law Article or any other state law regarding the control or treatment of animals which local Animal Care and Control Officers are authorized to enforce. Such notice 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 the time prescribed, a criminal charging document shall be initiated before a District Court Commissioner, and upon conviction of a violation of this chapter, or any rules and regulations adopted pursuant hereto, the defendant shall be punished as provided in Section 209-26. Violations and Penalties of this chapter. The fine assessed by the Animal Care and Control Officer, as herein provided, may be increased or decreased by the Court upon conviction as aforesaid.
- C. The ACCA, in addition to and not in substitution for any of the provisions of this chapter, may 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.

§ 209-26. Violations and Penalties.

- A. Any person who fails to perform an act required by this chapter, 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 confinement in the county jail for not more than 30 days or by a fine up to \$500.00, or both. If any violation be continuing, each day's violation shall be deemed a separate violation.

B. Animal Care and Control Fines, shall be established by resolution of the Board of County Commissioners. Additionally, the Animal Control and Care Authority shall establish and post fees associated with boarding, medical treatment, etc.