Ordinance No. 12-15 **ORDINANCE: To amend Chapter 3 of the Rockville City Code, entitled "Animal Control" so as to require the licensing of cats and ferrets; create new requirements for tethering and sheltering animals; establish a trap/neuter/return program for feral cats; allow certain livestock (chickens and goats) under certain conditions; to revise and update certain definitions; and to make certain other amendments to Chapter 3**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 3 of the Rockville City Code, entitled "Animal Control" be amended to read as follows:

Chapter 3. Animal Control

Article I. In General

Sec. 3-1. Purpose.

The City of Rockville has undertaken to establish this Animal Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the City. Animal ownership is encouraged and welcomed within this City; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly train and/or secure their animals so as to prevent them from causing injuries and/or creating nuisances.

Sec. 3-2. Scope.

The City has endeavored to develop an ordinance that will be fair to all of its citizens. This chapter includes provisions relating to the licensing of dogs, cats, and ferrets; the keeping and caring of animals; animal cruelty; rabies control; impoundment of animals; the regulation of potentially dangerous and dangerous animals; and enforcement of said provisions. It does not include provisions for the regulation and licensing of pet shops and kennels. This chapter is comprehensive and attempts to address many issues which may not be relevant to each and every animal owner within the City; however, all animal owners are required to adhere to those portions of the ordinance which address their particular situations.

Sec. 3-3. Interpretation.

(a) In interpreting and applying this chapter, the requirements contained in this chapter are declared to be the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this chapter shall be liberally construed so as to accomplish the purposes of this chapter.

(b) This chapter shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits or agreements between parties; provided, however, that where this chapter imposes stricter requirements upon the care, maintenance and control of animals than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this chapter shall prevail.

Sec. 3-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative fine means the monetary amount set by resolution of the Mayor and Council and imposed for a violation of this chapter.

Affidavit means a written statement the contents of which are affirmed under the penalties of perjury to be true.

Animal means any animate being capable of voluntary movement, other than humans. Specifically, a non-human species in the biological kingdom Animalia.

Animal exposed to rabies means any animal which has been bitten by an animal which either has rabies or has been exposed to an animal which has or is suspected to have rabies, or any animal which has not been bitten but has been exposed for any period of time to an animal which has rabies.

Animal nuisance means an act including but not limited to the actions described in section 3-21 of this chapter.

Animal shelter means any facility operated by the City, County, or an animal welfare organization for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the City Manager or the Chief of Police to impound, confine, detain, care for and/or destroy any animal.

Approved handler means any individual who has received written authorization from the Neighborhood Services Division to be accompanied by a particular animal while it is off-leash, provided that said animal has demonstrated an ability to be controlled by non-physical means,

either by receiving an American Kennel Club "CD" or "CDX" obedience certificate or by passing an obedience test administered pursuant to section 3-23 of this chapter.

At large means an animal off the premises of its owner/custodian and not leashed or otherwise physically restrained so as to prevent direct contact with people or other animals. This does not include a dog that is not on a leash in a designated off-leash area in a public recreation area while under the supervision of an owner who is at all times within sight and sound of the animal.

Attack dog means a dog trained to attack on command.

Board means the Animal Matters Board established pursuant to this chapter.

Cage means any interior enclosure of limited space, enclosed on the bottom, top, and all sides by either solid walls, bars, or otherwise, in which animals are placed for any purpose, including confinement or display. No cage shall be enclosed entirely by solid walls.

Canidae means the biological family of carnivorans that includes, but is not limited to, domestic dogs, wolves, foxes, jackals, and coyotes.

Cat means any animal of the species Felis catus.

County means Montgomery County, Maryland.

Cruelty means any intentional act or omission whereby unjustifiable pain, suffering or death is caused or permitted, including failure to provide appropriate drink, air, space, shelter, or protection from the elements, veterinary care or nutritious food in a quantity sufficient to maintain life.

Dangerous animal means any of the following:

(1) Any animal that without provocation inflicts severe injury on, or kills, a human being either on public or private property;

(2) Any animal that without provocation, inflicts severe injury on, or kills, a domestic animal.

(3) Any animal previously declared to be potentially dangerous (level 2) and required to be registered as such pursuant to the provisions of this chapter, that continues the behavior described in the definition of potentially dangerous animal (level 2), as evidenced by: the unprovoked infliction of moderate injury upon a human being while on either public or private property on more than one (1) occasion; the unprovoked infliction of moderate injury on a domestic animal on more than one (1) occasion; or the unprovoked infliction of mild injury on a human being or domestic animal while at large on more than two (2) occasions within a six (6) month period.

(4) Any animal declared to be dangerous or like term by any other jurisdiction pursuant to definitions and standards of dangerous that are substantially similar to those set forth in this chapter.

Division means the Neighborhood Services Division of the Rockville City Police Department.

Dog means any animal of the species Canis familiaris.

Dog fancier means any person who owns or keeps within or adjoining a private residence, three (3) or more dogs for the noncommercial purposes of breeding, hunting, practice tracking, exhibition in dog shows, or field or obedience trials.

Dog fancier's kennel means a private kennel maintained by a dog fancier within or adjoining a private residence for the maintenance or training of the dogs owned or kept by such dog fancier.

Domestic animal means dogs, cats, ferrets, Vietnamese pot-bellied pigs, livestock, and non-predatory birds such as parrots, parakeets, cockatiels, finches, and similar birds. Domestic animal includes lagomorphs (rabbits and hares) bred and raised to live in or about the habitation of humans. Domestic animal does not include a wild animal kept in captivity or a tamed animal of a species not commonly deemed to be domesticated.

Ear tip means a mark identifying a feral cat as being in a trap-neuter-return program. Specifically, the removal of approximately 1/4 of an inch off the tip of the cat's left ear in a straight line, while the cat is anesthetized.

Emotional support animal means a companion animal that provides therapeutic benefit, such as alleviating or mitigating some symptoms of a disability, to an individual with a mental or psychiatric disability.

Exotic animal means a species that is not native to the State of Maryland, according to the Maryland Department of Natural Resources. Exotic animal does not include a domestic cat or domestic dog.

Felidae means the biological family of cats that includes, but is not limited to, domestic cats, tigers, lions, jaguars, leopards, cougars, cheetahs, lynxes, and ocelots.

Feral cat means a cat that lives outside, does not have an owner, is unsocialized to people, and typically avoids contact with humans.

Feral cat caregiver means any person who provides volunteer care to or for a feral cat by trapping, neutering, vaccinating, and returning the feral cat; by feeding and providing water to a feral cat; by providing shelter to a feral cat; and/or by providing medical care for a feral cat.

Guard dog means a dog used primarily to protect persons or property.

Health officer means the County Health Officer or duly authorized representative.

Impoundment means the taking into custody of an animal by the Neighborhood Services Division, the County Health Officer, or any authorized representative thereof.

Injury means one (1) of the following, depending on degree:

(1) *Mild injury:* Physical harm to a human being or animal of minimal medical or cosmetic consequence, such as superficial scrapes, scratches, small punctures or bruises;

(2) *Moderate injury:* Physical harm to a human being or animal of a lesser degree than severe injury but a greater degree than mild injury as defined in this section;

(3) *Severe injury:* Physical harm to a human being or animal that results in any broken bones or teeth, muscle tear, laceration requiring multiple sutures or corrective or cosmetic injury, protracted loss or impairment of the function of a body member or organ, or any other medical condition resulting in an inpatient hospital stay or repeated treatments or therapy.

Invasive animal species means an exotic animal whose introduction does or is likely to cause economic or environmental harm or harm to human or animal health.

Lawfully on property or in a place means a person on a property or place while in the performance of any duty imposed upon said person by the laws of this State or any City or County, or by the laws or postal regulations of the United States, or is on such property or in such place upon invitation, express or implied. A person entering into an unenclosed yard or open space and not engaged in a crime or other wrongful action against said property or the person or property of the owner or other residents or occupants of the property, shall be considered to be lawfully on said property.

Livestock means those species of domestic animals that are traditionally primarily cared for and kept on a farm or other rural setting, including, but not limited to, chickens, roosters, ducks, geese, turkey, ostrich, peacock, emu, horses, cows, sheep, goats, swine, and other hoofed animals. Livestock includes miniature breeds of such animals. Livestock does not include Vietnamese pot-bellied pigs.

Municipal infraction citation means a civil citation issued pursuant to the provisions of the Local Government Article of the Annotated Code of Maryland and section 1-9 of this Code.

Native animal species means a species that occurs naturally in Maryland, according to the Maryland Department of Natural Resources, rather than as a result of an accidental or deliberate introduction into that ecosystem by humans.

Notice of violation means an administrative notice issued by a representative of the Division charging a violation of this chapter.

Obedience trained means any animal trained to heel, sit, down, stay, stand for examination and come on command.

Official means the Animal Review Official established pursuant to this chapter.

Owner means any person having temporary or permanent custody of, possessing, keeping, having charge of sheltering, harboring, exercising control over, or having property rights to, any animal covered by this chapter. The term "owner" shall include the keeper of an animal even if

said keeper has no property interest in the animal. A parent or guardian of a minor child who comes within this definition shall also be deemed to be the owner of the animal. Owner shall not include any animal shelter or the City when it has the care, custody, or control of an animal. Owner shall not include a feral cat caregiver.

Pet means an animal kept for amusement or companionship.

Potentially dangerous animal (level 1) means any of the following:

(1) Any animal that without provocation menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domestic animal;
(2) Any animal that without provocation inflicts mild injury on any human being or domestic animal;
(3) Any animal declared to be potentially dangerous or like term by any jurisdiction;
(4) Any attack or guard dog.

Potentially dangerous animal (level 2) means any of the following:

(1) Any animal that without provocation inflicts moderate injury on any human being either on public or private property;
(2) Any animal that without provocation inflicts moderate injury on a domestic animal;
(3) Any animal that without provocation inflicts mild injury on any human being or domestic animal on more than one (1) occasion within a six (6) month period.

Premises of the owner means property owned by the owner, not including any common property of a condominium, planned residential unit development, or homeowner's association that is designated by resolution or other appropriate document of such condominium, development, or association as being property other than that of individual owners or members.

Provoked/provocation means any action or behavior of an animal is provoked or with provocation when it is:

(1) In response to being tormented, teased, abused, threatened or assaulted by any person or animal, or is in response to having previously been tormented, teased, abused, threatened or assaulted by the same person or animal;
(2) In response to pain or injury or was to protect itself, its offspring, or other animals of its household;
(3) Directed against any person who is not lawfully on the property or in the place where the action or behavior occurs, or who is in fact injuring, threatening or endangering the animal's owner or other person in the vicinity, or who is damaging or unlawfully entering the property, household, or enclosure where the animal is harbored.

Regulated animal means any dog, cat, or ferret owned by a resident of Rockville.

Respondent means any person charged in a notice of violation or a petition of violating any provision of this chapter.

Restraint means a leash, lead, cage or enclosure by which an animal is secured by an individual of sufficient size, strength and maturity so as to prevent direct contact with people or other animals.

Sanction means any of the restrictions, limitations or requirements set forth in section 3-121 of the chapter imposed on an animal and/or its owner, to eliminate or prevent violations of this chapter and/or to facilitate enforcement of this chapter.

Sanitary means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Secure enclosure means a locked pen or structure, suitable to prevent the entry of young children and designed to prevent an animal from escaping.

Service animal means an animal that has been trained to perform tasks that assist a person with a disability.

Tattooing means any permanent marking by means of indelible or permanent ink with a number designated by the Division, or any other permanent, acceptable method of identification.

Tether means attaching an animal to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk an animal.

Trap-neuter-return means a nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, eartipped, and then returned to the location where they were originally trapped.

Unprovoked means any action by an animal not deemed to be provoked as defined by this chapter.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Wild animal means any animal of a species of an untamable disposition. Wild animals are a subset of native animal species. All animals of these species are wild animals even if a particular animal has characteristics that reflect domestication or taming.

Secs. 3-5—3-10. Reserved.

Article II. Licensing of Dogs, Cats, and Ferrets

Sec. 3-11. Requirement.

Any owner of a dog, cat, or ferret over four (4) months of age shall obtain a license for each such regulated animal as provided in this article.

Sec. 3-12. Application.

(a) Applications for licenses shall be made by an owner, on a form to be provided by the Neighborhood Services Division, within ten (10) days after acquiring any dog, cat, or ferret over four (4) months of age or within ten (10) days after a dog, cat, or ferret becomes four (4) months of age, provided that any owner moving to the City for purposes of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until ten (10) days after moving or annexation to obtain such a license.

(b) Application for licenses, shall include name and address of the applicant, description of the regulated animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or rabies vaccination clinic, and shall be presented to the Division. The application shall state whether the regulated animal has been declared to be dangerous or potentially dangerous in any jurisdiction. If the applicant has brought the regulated animal into the City from another jurisdiction, the application shall identify said jurisdiction(s) and set forth the applicant's address in said jurisdiction(s). The Division may contact said jurisdiction(s) to ascertain if the regulated animal has been declared to be dangerous, potentially dangerous or like term.

(c) Upon acceptance of the license application and fee, the Division shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(d) Dogs, cats and ferrets must wear license tags and collars at all times when off the premises of the owners, unless the animal is microchipped.

(e) The Division shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(f) It shall be unlawful to transfer a license tag from one regulated animal to another or to obscure or deface the tag in any way. In the event the dog, cat, or ferret dies, or is transferred to another owner, or the owner's address changes, the owner shall notify the Neighborhood Services Division of the change in writing within fifteen (15) business days.

(g) Upon the payment of the appropriate fee a replacement tag will be issued.

Sec. 3-13. Denial of license.

No license shall be issued for any dog, cat, or ferret:

(1) Declared to be dangerous or like term by any jurisdiction;
(2) Owned or maintained by any person barred from owning or maintaining any dog, cat, or ferret within the City by an order of the Animal Review Official;
(3) Whose owner has failed to pay any administrative fine imposed but has not filed a timely appeal;
(4) Whose owner has failed to comply with any order of the Animal Review Official, including the payment of any fine imposed.

Sec. 3-14. Fees.

(a) A schedule of dog, cat, and ferret license fees, including late fees, shall be established by resolution of the Council. To keep the unwanted dog, cat, and ferret population to a minimum by encouraging spaying and neutering, the Council shall provide for reduced licensing fees for spayed and neutered animals and may provide for a refund of a portion of the fee when the owner produces a certificate from a licensed veterinarian exhibiting proof of the animal's being spayed or neutered.

(b) Late fees shall be charged in accordance with section 3-15.

(c) No fee shall be charged for the licensing of any emotional support animal or service animal trained to aid a person who is blind, deaf, or otherwise disabled and actually in use for such purpose, or for any animal trained or owned by any criminal justice agency and actually in use by the criminal justice agency.

(d) Fees for any test administered and/or permit issued pursuant to section 3-23 shall be established by resolution of the council.

Sec. 3-15. Term of license.

(a) Dog, cat, and ferret licenses shall be valid for a period of up to thirty-six (36) months. Each license shall expire no later than the last day of the month in which the vaccination certificate used to obtain the license expires. Each license shall become invalid with the transfer of the regulated animal to a new owner.

(b) The initial license issued for a dog, cat, or ferret shall be for a term equal to either the number of months remaining until the next annual anniversary of the current vaccination or until the expiration of the current vaccination certificate, except that the minimum term for an initial license shall be four (4) months. Thereafter licenses will be issued for either twelve (12), twenty-four (24), or thirty-six (36) month terms.

(c) Late fees are applicable after any license has been expired for a period of thirty (30) days.

Secs. 3-16—3-20. Reserved.

Article III. Keeping, Using, Caring for Animals

Sec. 3-21. Animal nuisances.

An owner of an animal is in violation of this chapter if such animal constitutes an animal nuisance or is a menace to public health or safety. The term "animal nuisance" shall mean and include, but is not limited to, any animal:

(1) That is at large, unless said animal is an eartipped feral cat, a dog that is off-leash in a designated off-leash area in a public recreation area while under the supervision of an owner who is at all times within sight and sound of the animal, or off-leash with permission as provided in section 3-23.

(2) That interferes with the freedom of movement of persons in a public right-of-way, or chases motor vehicles in a public right-of-way;

(3) That attacks, without provocation, any person or other animal on public or private property, whether or not any injury occurs.

(4) That makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(5) Whose owner/custodian fails to maintain sanitary conditions in enclosures or surroundings thereby causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(6) That is present on school grounds during the period of one (1) hour before school through one (1) hour past the normal school hours, without the prior permission of the person in charge of the administration of the school; or in violation of any school policy.

(7) That is present in any section of a park or recreation area specifically constructed or designated as a playground, court, ball field, or other area designed for organized activity, unless authorized by park authorities;

(8) That is present on any public recreation area, other than those areas set forth in paragraph (7) above, unless the animal is controlled by a leash or similar physical restraint or is in a designated off-leash area while under the supervision of an owner who is at all times within sight and sound of the animal;

(9) That is a female in heat and not secured so as to prevent contact with other animals, except for planned breeding. Additionally, an owner of an unaltered male animal shall be responsible for the control of the male animal to prevent contact with the female animal in heat;

(10) That damages, soils, or defiles any property other than that of the owner;

(11) That is a potentially dangerous animal (level 1);

(12) That is a potentially dangerous animal (level 2);

(13) That is a dangerous animal.

Sec. 3-22. Removal of pet solid waste.

Proper disposal of pet solid waste is necessary to protect public health, safety and welfare.

(a) The owner of any animal shall immediately remove any pet solid waste deposited by his/her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal, except where attendants are employed for the purpose of removing the deposits.
(b) The owner shall properly dispose of their pet's solid waste in a waste receptacle or other suitable refuse collector.
(c) Any pet owner who requires the use of a service animal shall be exempt from the provisions of this section while such animal is in service.
(d) When walking their pet off their property, pet owners are required to have in their possession a viable means by which to pick up and remove their pet's solid waste.

Sec. 3-23. Animal off-leash with permission.

(a) The Division shall establish a permit procedure which allows an animal to be off-leash if:
(1) The animal has either:
a. Earned a "Companion Dog" (CD) or "Companion Dog Excellent" (CDX) certificate from the American Kennel Club; or
b. Passed a test, administered within the preceding twelve (12) months by or on behalf of the Division, demonstrating that the animal can be restrained and controlled by voice and/or hand commands or other non-physical means of restraint, so as to avoid direct contact of the animal with people or other animals. The test shall be administered to the animal and all individuals who will control the animal off-leash by non-physical means, under circumstances designed to duplicate distractions the animal may encounter from noises, people and other animals.
(2) Any permit issued pursuant to this section shall identify the specific individuals who are approved handlers of the animal while it is off-leash, and shall be renewed annually.

(b) An animal, other than one declared to be dangerous or potentially dangerous, may be off-leash only if:
(1) The animal is wearing identification issued by the Division indicating that the animal has permission to be off-leash or the animal is in a designated off-leash area in a public recreation area; and
(2) The animal wearing identification indicating that the animal has permission to be off-leash is in fact accompanied by, and under the control of, an approved handler who is at all times within sight and sound of the animal; or the animal is in a designated off-leash area in a public recreation area and is in fact accompanied by, and under the control of, an owner who is at all times within sight and sound of the animal.

(c) It is a violation of this chapter if any animal for which a permit is issued pursuant to this section is at-large and:
(1) Is not in fact controlled by an approved handler in a manner that prevents direct contact with people or other animals.

(2) Engages in any behavior that is in violation of section 3-21, or comes within the definition of dangerous or potentially dangerous animal (level 1 or level 2).

(d) Permission for an animal to be off-leash shall be revoked upon a finding of any violation of this chapter occurring while the animal was at large.

(e) This section imposes no liability on the City, its officials, employees or agents as a result of the issuance of any permit pursuant to this section, or because of any actions or inactions of any animal for which a permit is issued or of any approved handler. The issuance of any permit does not relieve the owner of animal of any responsibility or liability for the actions of the animal.

Sec. 3-24. Exotic animals, livestock, and wild animals.

(a) *Exotic animals.*

(1) It shall be unlawful for anyone to own or harbor any exotic animal without the written permission of the Chief of Police or the Chief's designee. Such permission must be secured prior to bringing the animal into the City and shall be given only if it is demonstrated that the animal will not constitute a threat to public health or safety, that the animal can be cared for in a manner appropriate to maintain the animal's health and well-being, and that ownership of such animal is in accordance with this chapter and any applicable City, County, State, or Federal regulations.

(2) Notwithstanding subsection (a)(1), the following types of exotic animals are prohibited to be kept as pets:

i. fox or bear;

ii. caiman, alligator, or crocodile;

iii. member of the cat family Felidae other than the domestic cat;

iv. hybrid of (A) a member of the cat family Felidae other than a domestic cat; and (B) a domestic cat;

v. member of the dog family Canidae other than the domestic dog;

vi. hybrid of (A) a member of the dog family Canidae other than a domestic dog; and (B) a domestic dog;

vii. nonhuman primate, including lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

viii. poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing a capuchin monkey if that animal is:

i. trained to perform tasks for the owner by an organization described in section 501(c) of the Internal Revenue Code; and

ii. dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(4) The following categories of exotic animals are exempt from the requirements of this section: domestic rodents and rabbits and captive-bred species of common cage birds, Vietnamese pot-bellied pigs, nonpoisonous snakes less than six feet in length, fish, turtles, lizards, tarantulas, and nonpoisonous amphibians.

(5) No invasive animal species shall be permitted as a pet.

(6) Owners are responsible for the safe keeping of exotic animals kept as pets. It is unlawful for owners to deliberately or negligently allow exotic animals to escape into the environment.

i. Procedure when exotic animals run at large.

a. Owners must notify the police of the escape of an exotic animal that poses a threat to people, domestic animals, or the environment immediately after the escape is discovered.

b. Depending on the circumstances of the escape and the threat posed, the exotic animal may be returned to the owner, held until the owner complies with applicable laws and regulations, confiscated or killed.

(b) *Livestock.*

(1) Livestock as defined herein, are prohibited from being housed, or in any way maintained, in the City limits, except under the following circumstances:

i. Livestock may be maintained in laboratories for research or other scientific purposes.

ii. Livestock may be maintained by schools, day care facilities, and similar institutions if used for education purposes.

iii. Livestock other than roosters and hoofed livestock may be maintained on residential property as part of an educational program for a limited period of time, not to exceed fifteen (15) days.

iv. Goats may only be maintained for the purpose of removing invasive plant species and other undesirable plants on public property.

v. Chickens may be maintained with a permit issued by the Chief of Police or the Chief's designee. The following regulations must be followed:

a. No more than five female chickens shall be allowed for each single-family dwelling. No roosters shall be permitted.

b. Chickens shall not be permitted at multi-family dwelling units or townhouses.

c. Chickens housed outdoors shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two (2) square feet per chicken. Chickens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds.

d. Coops or cages housing chickens shall be located at least 5 feet from the property line and at least 40 feet from the primary residential structure on each adjacent lot at the time it is constructed. Coops and cages shall not be located in a front yard or side yard.

e. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be kept dry, well ventilated and with windows placed to admit sunlight. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Manure and droppings shall be removed from pens, enclosures, shelters, etc. at least once each day and be disposed of in such manner to prevent unsanitary conditions and the cause of a nuisance such as odor or unsightly

matter. The coop and outdoor enclosure shall be cleaned at least once a week between May 1 and November 1 of each year, and more often if necessary.

f. Chickens shall not be slaughtered at a residential property.

g. Chickens younger than eight weeks of age shall not be imported into the City.

h. Anyone requesting a permit to maintain chickens shall provide notice of their intent to maintain chickens to all abutting neighbors of the property where the chickens will be maintained. Notice shall be in writing, which may include electronic mail (email). The notice shall be given prior to the chickens being brought onto the property where they will be maintained.

(2) Procedure when livestock run at large.

i. Owners must notify the police of the escape of livestock that pose a threat to people, domestic animals, or the environment immediately after the escape is discovered.

ii. Depending on the circumstances of the escape and the threat posed, livestock may be returned to the owner, held until the owner complies with applicable laws and regulations, confiscated or killed.

iii. Owners are responsible for the safe keeping of livestock kept pursuant to section (1) above. It is unlawful for owners to deliberately or negligently allow livestock to escape into the environment.

(c) *Wild animals.*

(1) It shall be unlawful for anyone to own or harbor any wild animal without the written permission of the Chief of Police or the Chief's designee. Such permission must be secured within three (3) business days of possession of the animal and shall be given only if it is demonstrated that the animal will not constitute a threat to public health or safety, that the animal can be cared for in a manner appropriate to maintain the animal's health and well-being, and that ownership of such animal is in accordance with this chapter and any applicable City, County, State, or Federal regulations.

i. Notwithstanding the provisions in subsection (c)(1), the following types of wild animals are prohibited to be kept as pets: fox, skunks, raccoons, bears, opossums, squirrels, and bats.

ii. Wildlife rehabilitators who temporarily care for injured, sick, or orphaned wild animals with the goal of ultimately returning the animals to their natural habitat may secure a continuous permit to harbor and care for such animals. However, the Chief of Police must be advised of the animals in temporary care within five (5) business days of the animal arriving in the care of the rehabilitator.

(2) Procedure when wild animals run at large.

i. Owners must notify the police of the escape of a wild animal that poses a threat to people, domestic animals, or the environment immediately after the escape is discovered.

ii. Depending on the circumstances of the escape and the threat posed, the wild animal may be returned to the owner, held until the owner complies with applicable laws and regulations, confiscated or killed.

iii. Owners are responsible for the safe keeping of wild animals in their care. It is unlawful for owners to deliberately or negligently allow wild animals that pose a threat to people or domestic animals to escape into the environment.

Sec. 3-25. Emergency medical care.

(a) Anyone having any knowledge of any unattended ill or injured animal shall report the same to the Neighborhood Services Division.

(b) Any sick or injured animal found at large within the City by a Neighborhood Services Officer may be taken to any veterinarian for any reasonable emergency care or euthanasia.

(c) If the owner of such animal can be identified, the Division shall attempt to notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expense incurred with respect to such animal.

(d) If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the City. If, during the initial twenty-four (24) hour period, it is recommended, in writing, by a veterinarian that the animal is in pain and that there is no reasonable hope of recovery, the animal may be euthanized as authorized, in writing, by a designated agent of the City. The reasonable and necessary expense of emergency medical care or euthanasia with respect to such animal as expressly authorized by the City shall be paid by the City. The City shall not be liable for any expense with respect to such animal at any time unless expressly authorized by the City. The owner of the animal, if subsequently located, shall reimburse the City for all expenses paid in connection with the animal.

(e) If after minimal emergency care such animal can be safely impounded, the Neighborhood Services Officer may impound such animal subject to disposition in accordance with the provisions of this chapter.

Sec. 3-26. Cruelty to animals.

(a) It shall be unlawful for any person to willfully and unjustifiably kill, wound, injure, torture, torment, tease, molest, bait, overdrive, overwork, deprive of necessary sustenance, needlessly mutilate, poison, abandon or subject to conditions detrimental to its health or general welfare of any animal.

(b) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or to fail to provide proper food, water, shelter or reasonably clean quarters, or to fail to provide proper medical attention for sick, diseased or injured animals. Minimal care shall be comprised of, but not limited to, the following:

(1) Food shall be wholesome, palatable and free of contamination. It shall be of sufficient quantity and nutritive value as to maintain all animals in good health.

(2) Clean, potable water shall be available at all times for all animals. Any water receptacle shall be kept clean and sanitary; of appropriate size and design for the animal; and positioned to prevent spillage.

(3) All animals shall be able to stand to their full height, stretch out, turn around, lie down, and make normal postural adjustments comfortably.

(4) Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain physical condition.

(5) A person must not tether an animal under circumstances that endanger its health, safety, or well being, including:

a. The tethering of an animal by any means other than a harness;

b. Using a tether less than fifteen (15) feet in length.

c. Using a tether that allows the animal to reach an object, including, but not limited to, a window sill, edge of a pool, fence, porch or terrace railing that poses a substantial risk of injury or strangulation to the animal if such animal jumps over such object.

d. Using a tether that weighs more than 1/8 of the animal's body weight.

e. Using a tether that does not have a swivel attached on each end.

f. Tethering that unreasonably limits an animal's movement.

g. Tethering under conditions where the animal or tether can become entangled on the tether or some other object.

h. Tethering that restricts an animal's access to suitable and sufficient food, clean water, and appropriate shelter.

i. Tethering in unsafe or unsanitary conditions.

j. Tethering that does not allow an animal to defecate or urinate in an area separate from an area where it must eat, drink, or lie down.

k. Tethering that causes injury, stress, or demonstrable socialization problems to the animal.

l. The maintenance of an animal on a tether between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday and 9:00 p.m. and 9:00 a.m. on Saturday and Sunday, unless the Chief of Police grants a waiver based on extraordinary circumstances after determining that the proposed tether will be safe and humane.

m. Tethering an animal longer than two hours cumulatively during any twenty-four hour period.

n. Unattended tethering of an animal during a weather emergency declared by the City Manager.

o. Tethering, chaining, fastening, tying, or otherwise restraining an animal that is sick or injured, or an animal under four months of age to a house, tree, fence, or other stationary or immobile object.

(6) All animals shall have access to sufficient shade from the sun. Shade must be available at all times to animals kept outdoors from sources other than the animal's shelter, whether the shade is natural or manmade.

(7) Shelter. All animals kept outdoors shall have access to weatherproof shelter.

a. Shelter is sufficient if it provides protection from the weather provided the shelter:

1. Is constructed of solid wood, fiberglass or other weather-resistant material. No shelter may be constructed of metal except for a chicken coop.

2. Is at least two (2) inches off the ground, with a solid, level floor.

3. Does not contain cracks or openings other than the entrance.

4. Has a protected entrance or offset to act as a windbreak with a flexible flap made of windproof material when the temperature is below 45 degrees, with the exception of a chicken coop.

5. Contains a sufficient quantity of non-absorbent bedding such as wood chips or straw, with the exception of a chicken coop, which must contain a sufficient quantity of absorbent litter.

6. Is sufficiently large enough that the animal is able to stand up and turn around while inside, but is sized to allow the animal to warm the interior of the structure and retain its own body heat.

7. Has an overhang on the roof.

b. Garages, sheds, screened or enclosed porches and alcoves may be considered shelter or protection from the weather, provided that:

1. During the spring and summer, the structure is ventilated so as to provide movement of air.

2. In a heated structure during fall and winter, an area must be provided for the animal that contains bedding (blankets, wood chips, etc.) sufficient to keep the animal insulated from the floor of the structure.

3. In an unheated structure during fall and winter, an enclosure must be provided consisting of four walls and a top (which may also be an igloo-type house), and is sufficiently large enough that the animal is able to stand up and turn around while inside; said enclosure is for the purpose of retaining the body heat of the animal; bedding (blankets, wood chips, etc.) must also be provided.

c. Any time that an animal is left outside, tethered or not, and the owner is absent from the property, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the animal, and if tethered, the tether must be positioned so the animal may enter the structure easily.

d. Animals shall have available a structure of a style suitable for the species in question and sufficient to keep out the elements.

(8) An animal shall be afforded immediate veterinary care if it is known or suspected to be ill or injured.

(9) Both indoor and outdoor enclosures shall receive cleaning as necessary to remove pet solid waste and debris so as to minimize disease hazards, odor and danger to the animal. Cleaning of coops and outdoor enclosures for chickens shall comply with Section 3-24(b)(1)e.

(10) Animals with haircoats requiring grooming to prevent severe matting, filth accumulation and/or skin disease shall be groomed in accord with normal and accepted grooming practices.

(11) Animals which are transported on, or in the back of, trucks or other open-bed vehicles, must either be cross-tethered or confined in a suitable cage made of wood, wire or plastic to prevent them from departing the vehicle while it is in motion. The cage must be anchored or tethered to prevent movement while the vehicle is in motion.

(12) Any animal confined within an outdoor enclosure/pen for more than two hours must have adequate space for exercise. A minimum of one hundred square feet is required for any animal except a chicken. Dogs over eighty (80) pounds must have an additional fifty (50) square feet. An additional fifty (50) square feet is required for each additional dog kept within the same enclosed area. The area must be maintained in a sanitary condition and be free from debris or stored material.

(c) It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any illegal game, exhibition, contest, fight, or combat between one (1) or more animals or between animals and humans, or to set free any animal for the purpose of chasing or having a race thereafter. This shall include but is not limited to hares or rabbits, cocks or other fowl, and dogs.

(d) It shall be unlawful for any person, partnership or corporation being the owner, possessor, or custodian of a dog, cat, or other domestic animal or pet to abandon such animal. Abandon does not mean transferring ownership to an animal rescue organization or another person.

(e) It shall be unlawful to give away any live animal as a prize or premium or as an attraction to conduct further business.

(f) It shall be unlawful to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, under three (3) weeks of age or rabbits under two (2) months of age or to color, dye, stain or otherwise change the natural color of said animals or fowl.

(g) It shall be unlawful for any person to sell, give away or barter any domestic dog or cat less than eight (8) weeks of age unless accompanied by its dame. This provision does not apply to animals being surrendered to an animal control agency, shelter, pound, or humane organization.

(h) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, disability or death.

Sec. 3-27. Deceased animals.

(a) A Neighborhood Services Officer shall remove the bodies of unattended deceased animals from public property and private property. If the property owner is not the owner of the animal, the Neighborhood Services Division shall attempt to locate and notify the owner of the animal as soon as possible. If the owner cannot be located or does not respond within a reasonable period of time, the body shall be appropriately disposed of in a sanitary manner. If the owner is subsequently located, said owner shall be responsible for the disposal expenses.

(b) No person shall place or leave the body of any dead animal on any public or private property without notification to the Division.

Sec. 3-28. Feral Cat Caregivers.

(a) Feral cat caregivers shall be permitted to carry out trap-neuter-return at their own expense. A feral cat caregiver who chooses to carry out trap-neuter-return shall:

(1) Vaccinate the feral cat(s) at the time of sterilization.

(2) Eartip the left ear of the feral cat(s) at the time of sterilization.

(3) Provide food and water to the feral cat(s) on a regular basis, year round, using best practices to minimize, as reasonably as possible, any nuisance and/or unsanitary conditions.

(4) Provide adequate shelter (in number and quality) for the feral cat(s) using best practices to minimize nuisance.

(5) Make reasonable, good faith efforts to provide needed veterinary care to the feral cat(s) that are visibly ill or injured.

(b) A feral cat caregiver is encouraged to make a reasonable effort to update the vaccinations on cats that can be recaptured.

(c) In the event that kittens are born to a feral cat, the feral cat caregiver is encouraged to take reasonable steps to remove the kittens after they have been weaned, ideally before eight (8) weeks of age. The kittens shall be placed in permanent or foster homes or turned over to an animal rescue organization for the purpose of subsequent permanent placement.

(d) An eartipped feral cat shall not be removed by animal control unless veterinary care is required.

(e) A feral cat caregiver who returns a feral cat as part of trap-neuter-return is deemed to not have abandoned the feral cat.

Secs. 3-29—3-30. Reserved.

Article IV. Rabies Control

Sec. 3-31. Applicability of County law.

The provisions of County law concerning rabies control are hereby made applicable within the City. It shall be unlawful and a violation of this chapter to fail to comply with the provisions of such County law.

Sec. 3-32. Vaccination requirements.

The owner of any dog, cat, or ferret harbored or brought into the City shall be required to have such animal currently vaccinated against rabies and be able to provide written proof of same. Such vaccination must be performed by a licensed veterinarian with a vaccine approved for use in the species in question.

Sec. 3-33. Reporting requirements.

(a) Any owner or any other person having personal knowledge of any person being attacked or bitten by any animal shall report such incident to the Neighborhood Services Division on or as near to the date of occurrence as possible, and request completion of an Animal Bite Form.

(b) Any person having knowledge of the existence of any rabid animal or any violation of any confinement or quarantine order shall immediately notify the Neighborhood Services Division.

Sec. 3-34. Enforcement.

The Neighborhood Services Division shall have the authority to act on behalf of, and under the direction of, County officials responsible for rabies control. Such authority includes, but is not limited to, the authority:

(1) To receive and respond to reports of animal bites as the local police agency identified in section 18-316(a) of the Health-General Article of the Annotated Code of Maryland, as now exists or as hereafter may be amended.

(2) To enforce County and State confinement, impoundment, and quarantine orders;

(3) To assist generally in the enforcement of County and State law concerning rabies control;

(4) To adopt rules for the quarantine of biting animals consistent with the rules adopted by the Maryland Department of Health and Mental Hygiene with the approval of the County Health Officer.

Sec. 3-35. Interruption of quarantine.

It shall be unlawful for any person to interrupt the observation period of a quarantine. It shall be unlawful for any person to have the animal vaccinated against rabies during the quarantine period, unless said vaccination has received prior approval of the local health officer or said officer's designee.

Sec. 3-36—3-40. Reserved.

Article V. Impoundment

Sec. 3-41. Authorized.

A Neighborhood Services Officer or police officer may, in addition to any other remedies provided for in this chapter, seize and impound at a Division-approved animal shelter, at the owners' expense, the following:

(1) Any dog, cat, or ferret without a valid license tag, unless it is microchipped, with the exception of an eartipped feral cat;

(2) Any animal at large, with the exception of an eartipped feral cat;
(3) Any animal constituting an animal nuisance or a danger to the public;
(4) Any animal that is in violation of any quarantine or confinement order of the County Health Officer;
(5) Any unattended animal that is ill, injured or otherwise in need of care;
(6) Any exotic animal or wild animal owned or harbored without a valid permit from the Chief of Police;
(7) Any animal that is reasonably suspected of having rabies;
(8) Any animal that is charged with being dangerous or potentially dangerous where the Chief of Police determines that there is a threat to public health and safety;
(9) Any animal which the Animal Review Official has ordered impounded or destroyed;
(10) Any animal that has not been removed from the City, in violation of an order of the Animal Review Official.

Sec. 3-42. Notice.

(a) Except where an animal is to remain impounded pursuant to section 3-44 (b), the Neighborhood Services Division shall make a reasonable attempt to notify the owner of an impounded animal of the location of the animal and the applicable fees. The owner shall also be advised that failure to claim the animal within a specified period of time may result in the disposal of the animal.

(b) The Division shall attempt to notify the owners of animals to remain impounded pursuant to section 3-44(b) of the impoundment and of any hearing to be held.

Sec. 3-43. Disposal.

Any animal not claimed by its owner within a period of time established by the shelter in which the animal is impounded, or whose destruction is ordered by the Animal Review Official, may be disposed of in accordance with the shelter policy or in any other humane manner.

Sec. 3-44. Release requirements.

(a) No animal so impounded shall be released to any person until the following conditions have been met:
(1) Presentation of a current rabies vaccination;
(2) Presentation or purchase of a current license, if required;
(3) Payment of all impoundment, boarding fees, and veterinary fees incurred by the City or the shelter;
(4) Payment of all outstanding administrative fines;
(5) Registration of any animal declared to be potentially dangerous;
(6) If the animal was impounded pursuant to an order from the Animal Review Official, or court, presentation of a letter or order of release from the entity that ordered the impoundment.

(b) When the Chief of Police determines that concerns for public health and safety warrant the continued impoundment of an animal charged with being dangerous or potentially dangerous, or an animal owned by a person charged with a third or fourth violation, the animal shall remain impounded until a hearing is held and a decision made on its disposition.

Sec. 3-45. Owner's responsibility for costs.

(a) If an animal is in the custody, care, and/or control of the City pursuant to a court order or an order of the Animal Review Official, the owner of the animal shall be responsible for all costs relating to the boarding and maintenance of the animal, along with all costs of veterinary procedures performed on the animal, including but not limited to neutering and/or tattooing, as may be required for the health of the animal or pursuant to court order or order of the Animal Review Official. The owner is responsible for said costs whether or not the animal is ever returned to the owner.

(b) The City shall periodically serve upon the owner a statement of boarding, maintenance, and veterinary costs, which statement shall further advise the owner of the consequences of failing to pay the costs set forth therein as provided by subsection (c) of this section. Service of the statement of costs shall be made by mailing said statement by certified or registered mail, to the owner or by posting a copy of the statement on the premises at the owner's last known address, or by any other means reasonably calculated to provide the owner with actual notice of the statement of costs.

(c) If said owner fails to pay any of the costs for which the owner is responsible pursuant to subsection (a) of this section within ten (10) days of the service of the statement of costs, the animal shall be deemed abandoned by the owner, and all rights to the animal shall be forfeited, and the City shall dispose of said animal in an appropriate manner, including euthanasia of the animal.

(d) No animal in the care, custody, and/or control of the City shall be released to its owner until all costs for the boarding, maintenance and veterinary services are paid either to the City or directly to the provider of the service.

(e) The owner of the animal shall be refunded the costs of boarding or maintenance of an animal, or for other incurred expenses if the Animal Review Official or court determines that a violation of this chapter did not occur.

Secs. 3-46—3-50. Reserved.

Article VI. Potentially Dangerous and Dangerous Animals

Division 1. Generally

Sec. 3-51. Exemptions.

(a) This article does not apply to licensed boarding kennels, humane society shelters, and animal control or veterinary facilities.

(b) This article does not apply to dogs while utilized by any police/sheriff's department or correction facilities or any law enforcement or correction officer in the performance of official duties or responsibilities.

Secs. 3-52—3-60. Reserved.

Division 2. Potentially Dangerous Animals

Sec. 3-61. Registration of potentially dangerous animals.

(a) The Division shall register as potentially dangerous animals:

(1) All animals declared by the Animal Review Official to be potentially dangerous;
(2) All animals residing within the City and declared by any other jurisdiction to be potentially dangerous or like term.
(3) All guard dogs and attack dogs residing or working in the City.

(b) Within ten (10) days after any of the circumstances described in subsection (a), the owner of a potentially dangerous animal shall file a registration form with the Division containing the name and address of the owner, the breed, age, sex, color, and any other identifying marks of the animal, the location where the animal is to be kept if not at the address of the owner and such other information that the Division may require. A registration fee established by resolution by the Mayor and Council shall accompany the application.

(c) Each animal registered pursuant hereto shall be assigned an official registration number by the Division. Such registration number shall be inscribed on a metal tag which shall be attached to a collar, harness, halter or other device of a style and color designated by the Division, which shall be worn by the animal at all times.

(d) The tag and a certificate of registration shall be of such form and design and shall contain such information as the Division shall prescribe and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the terms of any order of the Animal Review Official.

(e) The Division shall include the potentially dangerous designation on the licensing records of the dog. The designation shall be removed from Division records if the designation is reversed or removed by an order of court or removed pursuant to section 3-63 of this chapter.

Sec. 3-62. Potentially dangerous dogs; restrictions and conditions.

A potentially dangerous dog shall be maintained under one (1) of the following sets of restrictions and conditions, depending on designation:

(1) *Level 1:*

a. A potentially dangerous dog (level 1), along with its adult owner, shall be required to complete basic obedience training.

b. A potentially dangerous dog (level 1) while on the owner's property shall, at all times, be kept indoors, or in a fenced enclosure. The owner shall also conspicuously display a sign designed with a warning symbol approved by the Division which indicates to both children and adults the presence of a potentially dangerous dog, on the pen or structure and on or near the entrances to the residence where the animal is kept. At any time that the dog is not confined as required herein, or is off the property of the owner, the dog shall be confined to a cage, or kept on a leash no longer than four (4) feet with the adult owner or some other responsible adult attending such dog.

c. If a potentially dangerous dog (level 1) dies, the owner of the dog shall notify the Neighborhood Services Division in writing within five (5) business days.

d. If a potentially dangerous dog (level 1) is sold, transferred, or permanently removed from the City, the owner of the dog shall notify the Neighborhood Services Division in writing prior to moving the dog to the new location.

(2) *Level 2:*

a. A potentially dangerous dog (level 2), shall be subject to all restrictions and conditions as delineated above for potentially dangerous dogs (level 1).

b. A potentially dangerous dog (level 2), while on the owner's property shall, at all times, be kept indoors, or in a secure and locked enclosure approved by the Division.

c. If so ordered by the Animal Review Official, a potentially dangerous dog (level 2), shall be tattooed and/or neutered at the owner's expense.

(3) *Guard and attack dogs:*

a. A guard or attack dog shall be subject to all conditions and restrictions as delineated above for potentially dangerous dogs (level 1).

b. A guard or attack dog shall be subject to the additional confinement restrictions imposed on potentially dangerous dogs (level 2).

c. A guard or attack dog shall be identified by means of a permanent tattoo.

Sec. 3-63. Potentially dangerous designation.

(a) If there are no additional violations consisting of the behavior described in section 3-4, definition of potentially dangerous animal, subsection (a), (level 1,) within a twenty-four (24) month period from the date of the designation of the animal as potentially dangerous, the Division shall remove the animal from the registry of potentially dangerous animals at the owner's request.

(b) The animal may, but is not required to be, removed from the registry of potentially dangerous animals (level 1) prior to the expiration of the twenty-four (24) month period if the owner demonstrates to the Animal Review Official that changes in circumstances or measures taken by the owner, such as training of the animal, have mitigated the risk to the public safety. The owner

may request a hearing before the Animal Review Official requesting removal of such designation. All participants at the hearing at which the designation was made shall be notified of the time, place, and purpose of said hearing, and shall have an opportunity to be heard on the matter.

Sec. 3-64. Subsequent violation; violation of order.

(a) If any animal registered as potentially dangerous subsequently engages in behavior that constitutes an animal nuisance, or if the owner of any such animal violates any provision of this chapter, the Division shall issue a notice of violation to the animal owner who shall be directed to appear at a hearing before the Animal Review Official. If the violation is both a violation of any order of the Animal Review Official and a violation of a specific provision of this chapter, the Respondent shall be charged with both violations.

(b) If any animal previously declared to be potentially dangerous bites or attacks a human being on public or private property, or the owner of said animal violates any order issued with respect to the potentially dangerous nature of the animal, and if the Chief of Police determines that the public health and safety so warrant, the Division, in addition to issuing a notice of violation, shall seize and impound the animal until a hearing can be held.

(c) If, following a hearing, the Animal Review Official determines that a violation has occurred, the appropriate fines shall be imposed and the animal shall be ordered permanently removed from the City, unless the Animal Review Official finds good reasons to the contrary. If the animal is determined to be dangerous, the Animal Review Official shall order the disposition of the animal as described in section 3-72(a).

Secs. 3-65—3-70. Reserved.

Sec. 3-71. Prohibitions.

(a) No person shall bring into the City or keep within the City any animal declared to be dangerous or like term by any jurisdiction.

(b) No person shall knowingly sell, offer for sale, breed, buy, or attempt to buy any dangerous animal within the City of Rockville.

(c) No person shall knowingly own, harbor, sell or offer for sale any animal which is to be used for the purpose of fighting, or to be trained, tormented, badgered, baited for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.

(d) The Division shall not issue a license for any dog that has been declared dangerous or like term by any jurisdiction. Any license inadvertently so issued shall be invalid, and upon discovery that the dog has been declared dangerous or like term, said license shall be revoked.

Sec. 3-72. Animal declared to be dangerous; disposition.

(a) Any animal declared to be dangerous by order of the Animal Review Official shall be humanely destroyed at the owner's expense as soon as practicable, unless said order is timely stayed by the Animal Review Official or a court of competent jurisdiction.

(b) The owner of any animal brought into or kept within the City that has been declared by another jurisdiction to be dangerous or like term, shall be issued a notice of violation directing the removal of the animal from the City within ten (10) days. The owner of the animal in question may appeal such notice and directive within that ten (10) day period to the Animal Review Official. If, on appeal, a finding is made that an animal has been declared dangerous or like term by another jurisdiction, the Official shall order the animal removed from the City within ten (10) days.

(c) If the owner of the animal in question fails to either remove the animal or appeal the notice of violation or fails to remove the animal as ordered by the Official, the animal shall then be seized by the Division and humanely destroyed at the owner's expense.

Secs. 3-73—3-80. Reserved.

Article VII. Administration and Enforcement

Division 1. Neighborhood Services Division

Sec. 3-81. Enforcement agency.

The Neighborhood Services Division within the Police Department and under the direction of the Chief of Police, shall be the enforcement agency for this chapter. The Division shall employ qualified persons as Neighborhood Services Officers who, along with police officers, shall have the authority to act on behalf of the Neighborhood Services Division in investigating complaints, impounding and destroying animals, issuing citations and otherwise enforcing the provisions of this chapter and orders of the Animal Review Official.

Sec. 3-82. Powers, duties, responsibilities.

(a) The Division shall be responsible for:

(1) The licensing of dogs, cats, and ferrets;

(2) Receiving and investigating complaints of violations of this chapter;

(3) Receiving and processing petitions alleging violations of this chapter;

(4) Receiving and processing requests for permission to own exotic animals and wild animals;

(5) Enforcing orders of the County Health Officer;
(6) Impounding animals;
(7) Issuing notices of violation citations and collecting fines;
(8) Enforcing order of the Animal Review official, including but not limited to taking possession and custody of and disposing of animals pursuant to an order of the Animal Review Official;
(9) Conducting such investigations as requested by the Animal Review Official;
(10) Maintaining a registry of all animals declared to be potentially dangerous.
(11) Otherwise administering the provisions of this chapter;

(b) The Neighborhood Services Division is hereby authorized to seek any warrant or court order as may be necessary to carry out its responsibilities under this chapter.

(c) The Neighborhood Services Division shall provide the necessary support services for the Animal Matters Board and the Animal Review Official.

Sec. 3-83. Rules and regulations.

The Neighborhood Services Division is hereby authorized to prepare whatever administrative rules and regulations that may be deemed necessary to implement and interpret the provisions of the chapter including procedures for the operation of any animal shelter that may be established by the City and for placing animals in other shelters, and for the administration of any test pursuant to section 3-23. Such rules and regulations shall become effective upon the approval by resolution of the Council. The Neighborhood Services Division shall maintain and make available at least three (3) copies of its rules and regulations for inspection by the public.

Secs. 3-84—3-90. Reserved.

Divison 2. Animal Matters Board

Sec. 3-91. Established.

There is hereby established a City Animal Matters Board.

Sec. 3-92. Members.

(a) The Animal Matters Board shall consist of three (3) members appointed by the Mayor and Council, one (1) of whom shall be appointed chairperson by the Mayor, subject to the confirmation by the Council. In addition, there shall be two (2) alternate members who shall be empowered to sit on the Board in the absence of any member or members of the Board. The chairperson shall designate which alternate member shall sit on the Board if only one member of the Board is absent. In the absence of both alternates, the Council may designate a temporary alternate.

(b) At least one (1) member of the Board shall be a veterinarian or shall have training and/or experience in the proper training and care of animals.

(c) The term of each member shall be three (3) years, or until a successor takes office.

Sec. 3-93. Powers, duties, responsibilities.

The Animal Matters Board shall:

(1) Mediate petitions and other matters referred to it as provided in this chapter;

(2) Provide written recommendations to the Chief of Police as may be requested regarding permits to own exotic animals and wild animals;

(3) Provide written recommendations to the Animal Review Official as may be requested;

(4) Provide education and counseling on responsible ownership, maintenance and treatment of animals;

(5) Provide advice and recommendations to the Mayor and Council on matters related to the care, training, maintenance and regulation of animals within the City;

(6) Exercise any other authority conferred upon it by this chapter.

Secs. 3-94—3-100. Reserved.

Division 3. Animal Review Official

Sec. 3-101. Designated.

The City Manager shall designate an individual or individuals who are not employees of the City to serve as the Animal Review Official on an ad-hoc basis.

Sec. 3-102. Qualifications.

(a) The Animal Review Official shall have sufficient training and knowledge to be qualified to hear testimony, weigh evidence, afford due process to all parties, and render decisions in an impartial and unbiased manner.

(b) Extensive knowledge of the care and behavior of animals is desirable, but not requisite. The Official shall call upon the expertise of the Animal Matters Board and/or other qualified persons when necessary in rendering decisions or imposing appropriate sanctions.

Sec. 3-103. Powers, duties, responsibilities.

The Animal Review Official shall have the following powers, duties and responsibilities:

(1) To conduct hearings on notices of violations and on petitions charging violations of this chapter, including charges that an animal is dangerous or potentially dangerous. The Official shall have the authority to issue summonses to compel the attendance of witnesses and the production of documents and other evidence, and to seek enforcement of said summonses in court; to administer oaths and to take testimony under oath; to receive evidence; to request and consider written recommendations from the Animal Matters Board on any matter before the Official; and to conduct whatever investigation said Official deems proper;

(2) To render decisions on matters brought before the Official, to determine whether a violation of the chapter has occurred, to declare an animal dangerous or potentially dangerous, to impose administrative fines established by the Mayor and Council, and to impose administrative sanctions and requirements;

(3) To prepare written rules and regulations to govern matters that come before said Official. The rules and regulations shall become effective upon the approval by resolution of the Council. Three (3) copies of the rules and regulations shall be available for inspection by the public at City Hall;

(4) To exercise all authority or responsibilities conferred upon said Official by Article VI of this chapter and by any other provision of this chapter.

Secs. 3-104—3-110. Reserved.

Division 4. Enforcement/Remedies

Sec. 3-111. Complaint.

Any person aware of a violation of any of the provisions of this chapter may lodge a complaint either orally or in writing, with the Neighborhood Services Division, which shall investigate the complaint.

Sec. 3-112. Notice of violation.

(a) The Neighborhood Services Division shall issue a notice of violation where there are reasonable grounds to believe that a violation of this chapter has occurred. Such reasonable grounds may consist of the affidavit of a witness to the violation which shall be attached to the notice of violation.

(b) The notice of violation shall be served upon the Respondent defined in section 3-4 in the manner set forth in section 3-114 of this chapter.

(c) The notice of violation shall set forth the specifics of the violation and any administrative fine and/or administrative sanctions that may be imposed, and any rights to appeal the notice of violation.

(d) If a hearing before the Animal Review Official is required, the notice of violation shall set forth the date, time, and place of the hearing and the right of the Respondent to present evidence on the matter. A notice of the hearing shall also be served upon any complaining witness.

Sec. 3-113. Petition.

(a) Any person or persons having reason to believe that a violation of this chapter has occurred may file a petition with the Division charging a violation of this chapter.

(b) The petition shall be on a form provided by the City and shall contain the name and address of the respondent(s), pertinent information relating to the alleged violation(s) (including the date and location of the alleged violations), a description of the animal(s) in question, and shall be signed by at least one witness to the violation(s).

(c) Upon receipt of the petition, the Division shall serve a copy of the petition upon the respondent in the manner set forth in section 3-114 of this chapter.

(d) Except as provided in subsection (e) of this section, all petitions shall be referred to the Animal Matters Board for mediation.

(e) The Animal Review Official shall conduct a hearing and render a decision on the following petitions:

(1) Petitions alleging the existence of a dangerous or potentially dangerous animal;

(2) Petitions which the Animal Matters Board is unable to resolve through mediation;

(3) Petitions involving issues of public health or safety which the Chief of Police determines are not suitable for mediation.

Sec. 3-114. Service of documents.

(a) Service of all notices of violations, petitions, notices of hearings, notices of mediation sessions, and orders shall be made on the person charged with a violation of this chapter by sending the document by regular mail to the last known address of the person and:

(1) by personal delivery to the person named; or

(2) by either posting a copy of the document at the last known address of the person named or leaving a copy of the document with an individual of suitable age and discretion at the dwelling or place of business of the person.

Service shall be considered made upon the date personal service is made or three (3) days after the date of mailing, whichever occurs first.

(b) If receipt of the document is not indicated by the signature of the person charged with the violation, an affidavit of service stating the manner and date of service shall be placed in the file on the matter maintained by the Division. In all cases, the date of mailing shall be noted in the file.

(c) Other interested parties, including petitioners and complaining witnesses, shall be served with notice of hearings and mediation sessions and copies of decisions and orders by regular mail and/or by personal delivery to the person's last known address.

Sec. 3-115. Hearings.

(a) The Division shall schedule at least two (2) days per month for hearings by the Animal Review Official. Hearings shall be scheduled following either the issuance of a notice of violation that requires a hearing, or the filing of an appeal from a notice of a first violation, or the filing of a petition to be heard by the Official. Provided that, unless otherwise consented to by the person charged, no hearing shall be held less than five (5) days from the date the notice of hearing is served upon the person charged with a violation. For good cause shown, the Official may set such other time for the hearing as may be deemed necessary and appropriate.

(b) Notices of all hearings shall be served upon all parties in accordance with the provisions of section 3-114.

(c) All hearings conducted by the Animal Review Official shall be fact-finding hearings at which evidence and sworn testimony shall be received. The Animal Review Official shall have the power to summon the attendance of witnesses and the production of documents and information the official deems necessary. The rules of evidence shall generally, although not strictly, apply. Hearsay evidence may be considered for whatever weight it merits. Due process shall be afforded all parties. Hearings shall be recorded and a record of all evidence shall be made and maintained.

(d) All hearings held pursuant to this chapter shall be open to the public and notice of hearings shall be posted at City Hall. Any interested party may appear and give relevant testimony at any hearing.

Sec. 3-116. Decisions.

(a) All decisions by the Animal Review Official shall be issued in writing within five (5) days or as soon thereafter as possible and shall contain specific findings of fact and conclusions of law.

(b) If a finding of a violation of this chapter is made, the decision may include an order imposing the appropriate administrative fine set by the Mayor and Council and/or imposing administrative sanctions or requirements deemed appropriate to eliminate the violation and prevent its recurrence, pursuant to section 3-121.

(c) Copies of all decisions and orders shall be served upon all parties in accordance with the provisions of section 3-114.

(d) For purposes of appeal, the date of any decision or order shall be the date of the written decision or order.

Sec. 3-117. Mediation.

(a) The Division shall schedule two (2) days per month for mediation sessions by the Animal Matters Board on those matters referred to it pursuant to this Chapter. Upon the filing of a petition or an appeal from a notice of a first violation, mediation shall be set for the next scheduled mediation session, provided that, unless otherwise consented to by the person charged, no mediation shall be held less than five (5) days from the date the notice of the mediation is served upon the person charged. For good cause shown, the Board may set mediation for such other time as may be deemed necessary and appropriate.

(b) Mediation sessions are not fact-finding hearings. They are informal meetings at which respondents are counseled as to responsible pet ownership and various solutions to animal-related problems are explored.

(c) Mediation sessions need not be recorded, although minutes of the sessions shall be made and maintained.

(d) All mediation sessions held pursuant to this chapter shall be open to the public and notice of the sessions shall be posted at City Hall. Any interested party may appear and give relevant information at any mediation session.

(e) The Board shall recommend various measures reasonably designed to eliminate any violation of this chapter and prevent its recurrence. Recommended solutions to first violations shall be incorporated in an agreement in accordance with the provisions of section 3-118(d) of this chapter. In the case of petitions, if the recommended actions of the Board are acceptable to the petitioners and the Respondent, said recommendations shall be incorporated into a written agreement between the parties.

(f) Failure to comply with any mediated agreement shall constitute a violation of this chapter for which a notice of violation shall be issued directing the Respondent to appear at a hearing before the Animal Review Official. At any such hearing the Animal Review Official shall consider and decide both the charge of failing to comply with the mediated agreement plus the underlying charge(s) on which the original notice of first violation or the petition was based.

(g) It is a violation of this chapter for a Respondent to fail to appear at a scheduled meditation session. A notice of violation for such failure shall be issued directing the Respondent to appear at a hearing before the Animal Review Official. At such hearing the Animal Review Official shall consider and decide both the charge of failing to appear at the mediation session plus the underlying charge(s) on which the original notice of first violation or petition was based.

Sec. 3-118. First violation.

(a) Except as provided for in subsection (f) of this section, when reasonable grounds exist to believe that a first violation of any provision of this chapter, has occurred, the Division shall issue a notice of first violation imposing an administrative fine in the amount set by resolution of the Mayor and Council. The notice shall state that within ten (10) business days of the date of the notice either the fine shall be paid at the cashier's office in City Hall or an appeal from the notice shall be filed with the Division.

(b) Payment of the fine imposed shall constitute an admission that a violation occurred, and the acts alleged shall be deemed to be a first violation.

(c) Failure to either pay the fine or note an appeal from the notice of violation is a violation of this Chapter, for which a notice of violation shall be issued directing the Respondent to appear at a hearing before the Animal Review Official. At such hearing the Animal Review Official shall consider and decide both the charge of failing to pay or appeal plus the underlying charge(s) contained in the original notice of first violation.

(d) Upon receipt of any appeal from a notice of first violation, the Division shall refer the matter to the Animal Matters Board for mediation. If the actions and measures recommended by the Board are agreed to by the respondent, they shall be incorporated into a written agreement between the respondent and the City. The agreement may provide for the waiver of all or part of the fine for the violation.

(e) If the respondent does not agree to the corrective actions and measures recommended by the Animal Matters Board, a hearing shall be held by the Animal Review Official on the notice of violation charging a first violation.

(f) A notice of first violation charging any of the following violations shall direct that the Respondent appear before the Animal Review Official and are not subject to mediation or the payment of a fine prior to the hearing:

(1) Violations of any provision relating to dangerous animals or potentially dangerous animals;

(2) Failure to either pay any fine imposed by a notice of first violation or appealing said notice, in violation of § 3-118(c) and § 3-124.

(3) Failure to comply with the terms of any agreement mediated in violation of § 3-117(f) and § 3-124.

(4) Failure to appear at a scheduled mediation session as provided for in § 3-117(g).

(5) Failure to comply with an order of the Animal Review Official in violation of § 3-124(a)(1).

Sec. 3-119. Subsequent violations.

(a) Except as provided for in subsection (b) of this section, where reasonable grounds exist for believing that a repeat violation of the same provision, or the fourth violation of any provision, of this chapter has occurred within a twelve (12) month period, the Neighborhood Services Division

shall issue a notice of a violation directing the Respondent to appear at a hearing before the Animal Review Official.

(b) A notice of violation issued for a second violation of the same animal nuisance provisions contained in section 3-21 (1), (4), (6), (7), (8), (9) or (10) shall impose an administrative fine in the amount set by resolution of the Mayor and Council, which fine may be paid within ten (10) business days of the date of the notice in lieu of a hearing before the Animal Review Official.

(1) Payment of the fine imposed shall constitute an admission that a violation occurred, and the acts alleged shall be deemed to be a second violation.

(2) If the fine is not timely paid, the respondent must appear at the scheduled hearing before the Animal Review Official.

(c) If, following a hearing on either a notice of violation or a petition pursuant to subsection ~~2~~3-113(e)(2), the Animal Review Official determines that a second violation of the same provision has occurred, said official shall issue an order so declaring and imposing the appropriate administrative fine along with those administrative sanctions and restrictions deemed necessary to eliminate the violation and prevent its recurrence or to protect the public health and safety.

(d) If, following a hearing on a notice of violation or on a petition pursuant to subsection 3-113(e)(2), the Animal Review Official determines that a third violation of the same provision, or a fourth violation of any provision of this chapter has occurred, said Official shall issue an order imposing the applicable fine set by the Mayor and Council, shall revoke any license issued for the animal(s) in question, and unless good cause to the contrary is shown, shall order the animal(s) in question permanently removed from the City.

Sec. 3-120. Dangerous or potentially dangerous animal(s).

(a) This section applies to dangerous and potentially dangerous animals, notwithstanding any other provision of this chapter to the contrary.

(b) If a police officer or Neighborhood Services Officer has reasonable grounds to believe that there exists a dangerous or potentially dangerous animal, said officer shall issue a notice of violation so charging. The notice of violation shall direct the owner of the animal(s) in question to appear at a hearing before the Animal Review Official.

(c) If the Neighborhood Services Division receives a complaint(s) that an animal is dangerous or potentially dangerous but an investigation of the complaint(s) does not reveal sufficient evidence to warrant the issuance of a notice of violation, the Division shall advise the complainant(s) of their rights of petition under section 3-113.

(d) Notice of violations and petitions alleging the existence of a dangerous or potentially dangerous animal(s) shall be heard and decided by the Animal Review Official.

(e) Where an animal is found to be potentially dangerous, the Animal Review Official shall issue an order so declaring and imposing the appropriate administrative fine and sanctions. In addition, animals declared to be potentially dangerous shall be subject to the restrictions, conditions, and limitations set forth in sections 3-61 and 3-62 of this chapter, which restrictions, conditions, and limitations shall be deemed to be incorporated into the order of the Animal Review Official.

(f) Where an animal is found to be dangerous, the Animal Review Official shall issue an order so declaring and shall order the animal destroyed in accordance with the provision of section 3-72(a) of this chapter. The appropriate administrative fine shall also be imposed.

Sec. 3-121. Administrative sanctions and requirements.

(a) *Dogs.* As part of any order issued pursuant to this chapter, the following administrative sanctions and/or requirements for dogs may be imposed or recommended in addition to any administrative fines imposed:

(1) Completion of basic obedience training of the dog(s) in question, with the owner;
(2) Confinement of the dog(s) in a secure enclosure when outdoors or on a leash and under physical control of the owner;
(3) Reduction of the number of dog(s) kept at any one (1) location;
(4) Revocation of the dog license(s);
(5) Removal of the dog(s) from the owner by the City;
(6) The humane destruction of the dog(s);
(7) The neutering of the dog(s);
(8) The tattooing or marking of the dog(s) for identification purposes;
(9) A ban on maintaining other dogs in the City by that same household;
(10) Any restriction or condition set forth in section 3-62 of this chapter;
(11) Any other measure or sanction deemed necessary to eliminate a violation, prevent future violations, or protect the health and safety of the public.

(b) *Cats.* As part of any order issued pursuant to this chapter, the following administrative sanctions and/or requirements for cats may be imposed or recommended in addition to any administrative fines imposed:
(1) Confinement of the cat(s) in a secure enclosure;
(2) Confinement of the cat(s) indoors;
(3) Reduction of the number of cat(s) kept at any one location;
(4) Removal of the cat(s) from the owner by the City;
(5) The humane destruction of the cat(s);
(6) The neutering of the cat(s);
(7) The tattooing or marking of the cat(s) for identification purposes;
(8) A ban on maintaining other cats in the City by the same household;
(9) Any other measure or sanction deemed necessary to eliminate a violation, prevent future violations, or protect the health and safety of the public.

(c) *Other animals.* As part of any order issued pursuant to this chapter, the following administrative sanctions and/or requirements for animals other than dogs or cats may be imposed or recommended in addition to any administrative fines imposed:

(1) Any sanction and/or requirement for cats as delineated above if appropriate for the species in question;

(2) Revocation of permit for exotic animal or wild animal ownership, if one was issued.

Sec. 3-122. Fees and fines.

(a) The Mayor and Council of the City of Rockville shall by resolution establish license and registration fees, impoundment and boarding fees and a schedule of administrative and municipal infraction fines for this chapter.

(b) Fines for violations of this chapter shall increase with each subsequent violation as provided by resolution of the Mayor and Council.

Sec. 3-123. Appeals.

Any person aggrieved by any decision or order of the Animal Review Official may appeal the same to the Circuit Court for the County, in accordance with the Maryland Rules as set forth in Title 7, Chapter 200. The appeal provided by this subsection shall be the exclusive and sole method of review of any such decision or order.

Sec. 3-124. Violations.

(a) It shall be a violation of this chapter to:

(1) Fail to comply with any order of the Animal Review Official including the imposition of any fine, unless such order is lawfully stayed;

(2) Fail to comply with the terms of any mediated agreement;

(3) Fail to pay any administrative fine imposed by a notice of violation, unless an appeal of the notice is timely filed with the Division;

(4) Fail to comply with any other provision of this chapter.

(b) In addition to any other remedy set forth in this chapter, failure to comply with any order of the Animal Review Official shall constitute a municipal infraction for which a municipal infraction citation may be issued pursuant to the Local Government Article of the Annotated Code of Maryland, as amended, and section 1-9 of this Code.

(c) It shall be a misdemeanor subject to a fine of one thousand dollars ($1,000.00), for the owner of any animal to fail to deliver to the Division any animal:

(1) Ordered by the Animal Review Official to be destroyed;

(2) Ordered by the Animal Review Official is to be impounded;

(3) Whose seizure and/or impoundment by the Division is authorized by any provision of this chapter.

(d) In addition to the remedies and penalties set forth in this Chapter, the City may implement any of the civil remedies set forth in section 1-11 of this Code.

This ordinance shall become effective on July 1, 2015.

* * * * * * * * * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of June 15, 2015.

Sara Taylor Ferrell, Acting City Clerk