

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject ANIMAL SERVICES AND ADOPTION CENTER ADOPTION AND SERVICE FEES	Number 17-17
Originating Department DEPARTMENT OF POLICE	Effective Date

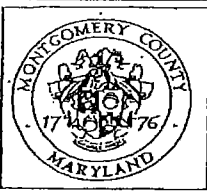
Montgomery County Regulation on
ANTI-CRUELTY CONDITIONS FOR DOGS
DEPARTMENT OF POLICE, ANIMAL SERVICES DIVISION
Issued by: County Executive
Regulation No. **17-17**
COMCOR
Authority: Montgomery County Code, 2005, as amended
Section 5-201
Supersedes: **10-10AM**
Council Review: Method 2, under Code Section 5-103 and 5-201
Register Vol. 35, No. 1
Comment Deadline: January 31, 2018
Effective Date:
Sunset Date: None

SUMMARY: The proposed regulation interprets State anti-cruelty laws by regulating how dogs are to be transported in open bed vehicles, the conditions under which a dog may be tethered, and what constitutes adequate space and shelter or protection from weather for outdoor dogs.

ADDRESS: Director, Animal Services Division
7315 Muncaster Mill Rd
Derwood, Maryland 20855

STAFF CONTACT: Thomas J. Koenig, Director
Telephone (240) 773-5928

BACKGROUND : County Code Section 5-201(b) permits the establishment of regulations to interpret and implement State anti-cruelty laws in the County.



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1.0 TETHERING OF DOGS. The following conditions for the tethering of dogs are adopted under Section 5-201(b); Article II-Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, Criminal Law Article, Section 10-604(a), 2002, as amended and applied in Montgomery County pursuant to Section 5- 201(a); Article II - Prohibited Conduct, Chapter 5, Animal Control; Montgomery County Code, 2005, as amended-

I. Definitions.

- A. Director means the Director of the Animal Services Division or designee.
- B. Sanitary means sanitary as defined in §5-101 of the Montgomery County Code (1994), as amended.
- C. Tether means attaching a dog 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 a dog.
- D. Unattended means an animal that is not within the visual sight of the caretaker and not within a proximity to the caretaker whereby contact with the animal could be made immediately.

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well-being including:

- A. Tethering a dog longer than one [two] hour [hours] cumulatively during any twenty-four-hour period and the dog must not be left unattended;
- B. tethering a dog by any means other than a harness;
- C. tethering a dog between the hours of eight p.m. and eight a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering be safe and humane;
- D. **unattended tethering of a dog during a weather emergency, or a dog-control**



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emergency declared by the Executive, the Director, or the, County Health Officer];

- D. [E.] using a tether that weighs more than 1/8 of the dog's body weight;
 - E. [F.] using a tether that does not have a swivel attached on each end;
 - F. [G.] using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
 - G. [H.] tethering that unreasonably limits a dog's movement;
 - H. [I.] tethering under conditions where the dog or tether can become entangled on the tether or some other object;
 - I. [J.] tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
 - J. [K.] tethering in unsafe or unsanitary conditions;
 - K. [L.] tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or
 - L. [M.] tethering that causes injury, stress, or demonstrable socialization problems.
- III. It shall be unlawful for any person to tether, chain, fasten, tie, or otherwise restrain a cat to a house, tree, fence, or other stationary or immobile object.
- IV. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly tethered.
- V. Exception. Nothing in this regulation prohibits:
- A. a regimen of restraint that the Director has approved for a particular training or working dog purpose; or



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B. the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.

VI. This regulation establishes requirements for tethering a dog humanely. Notwithstanding any other provision of this regulation, the particular circumstances or conditions of a dog otherwise tethered according to the requirements of this regulation are sufficient evidence of cruelty to constitute a violation of State or County law.



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2.0 TRANSPORTING DOGS. The following conditions for transporting of dogs are adopted under Section 5-201(b); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, Criminal Law Article, Section 10-604(a), 2002, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code 2005, as amended.

A. **Transporting Dogs in Open-Bed Vehicles**

Dogs 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.



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3.0 SHELTER OR PROTECTION FROM THE WEATHER FOR OUTDOOR DOGS. The following conditions which define shelter or protection from the weather for outdoor dogs are adopted under Section 5-201(b); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, Criminal Law Article, Section 10-604(a), 2002, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code 2005, as amended, and subject to the provisions of Section 4.0 of this Executive Regulation.

- I. Dog houses are considered shelter or protection from the weather provided the dog house:
 - A. is constructed of solid wood, fiberglass or other weather-resistant material (excluding metal);
 - B. is at least 2" off the ground, with a solid, level floor;
 - C. does not contain cracks or openings other than the entrance;
 - D. has a protected entrance or offset to act as a windbreak with a flexible flap made of windproof material or other device or method approved by the Director that protects the dog from inclement weather or wind. when temperatures are below 45 degrees Fahrenheit;
 - E. has an overhang on the roof;
 - F. contains a sufficient quantity of non-absorbent bedding such as wood chips or straw for insulation against cold and damp; and
 - G. is sufficiently large that the dog is able to stand up and turn around while inside but is sized to allow the dog to warm the interior of the structure and retain his or her body heat.
- II. Shade must be available to outdoor dogs at all times from sources other than the dog house, whether the shade is natural or manmade.
- III. Fresh water shall be made available to outdoor dogs at all times.

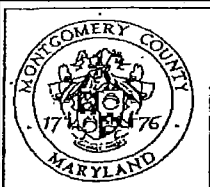


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- IV. Garages, sheds, screened or enclosed porches and alcoves may be considered shelter or protection from the weather, provided that:
- A. during spring and summer, the structure is ventilated so as to provide movement of air;
 - B. in a heated structure during fall and winter, an area must be provided for the dog that contains bedding (blankets, wood chips, etc.) sufficient to keep the pet insulated from the floor of the structure; or
 - C. 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 that the dog is able to stand up and turn around while inside; said enclosure is for the purpose of retaining the body heat of the dog; bedding (blankets, wood chips, etc.) must also be provided.
- V. Any time that a dog is left outside, **[tethered or not,]** and the owner is absent from the property, a suitable structure (doghouse, shed, screened porch, alcove or working pet door) must be provided as shelter for the dog. **[, and if tethered, the tether must be positioned so the dog may enter the structure easily.]**
- VI. Any time that a dog is left outside overnight, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the dog
- VII. Requirements for outdoor enclosures/pens:
- Any dog confined within an outdoor enclosure/pen must have adequate space for exercise. A minimum of one hundred square feet is required. Dogs over eighty (80) pounds must have an additional fifty (50) square feet. 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.



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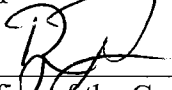
4.0 EXTREME WEATHER/WEATHER EMERGENCY.

An owner shall not leave a pet unattended outdoors in an extreme weather situation or weather emergency (Heat / Cold Emergency Alerts) as declared by the Montgomery County Department of Health and Human Services, the Montgomery County Office of Emergency Management and Homeland Security, or the Animal Services Division. Owners are advised not to leave a pet unattended outdoors during Hypothermia / Hyperthermia Alerts as declared by the Montgomery County Department of Health and Human Services, the Montgomery County Office of Emergency Management and Homeland Security, or the Animal Services Division.

During a Heat or Cold Emergency Alert, outdoor housing for an animal as described in Section 3.0 is inadequate and additional measures must be taken to provide adequate heating or cooling. The additional measures must be approved by the Director of the Montgomery County Animal Services Division.

Isiah Leggett
County Executive

Approve as to form and legality:

 12/15/17
Office of the County Attorney/Date