

PS COMMITTEE #1
October 4, 2010

MEMORANDUM

September 30, 2010

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: Executive Regulation No. 10-10, *Anti-Cruelty Conditions for Dogs*

Those expected for this worksession:

Capt. Michael Wahl, Director of Animal Services
Phil Hibler, Deputy Director of Animal Services
Ed Piesen, Office of Management and Budget

Today the Public Safety (PS) Committee will consider the Executive's proposed regulation, which provides changes to several changes to existing anti-cruelty conditions for dogs.

The Executive's transmittal memorandum says that the regulation was advertised in the July 2010 issue of the Montgomery County Register. The Police Department received written comments from several animal welfare organizations, and all comments were in support of the proposed changes. The Animal Matters Hearing Board reviewed the recommended changes and supports such changes. A fiscal impact statement was also included.

The Executive's transmittal memorandum is on © 1, and a fiscal impact statement is on © 2-3. A clean copy of the proposed regulation as submitted by the Executive is included on © 4-9; the bracketed and underlined copy is included on © 10-15. Written comments from various animal welfare organizations are included on © 16-18. Written comments received from the Animal Matters Hearing Board are included on © 19.

BACKGROUND

In 2002, the Council took up the issue of dog tethering and other anti-cruelty provisions with the introduction of Bill #41-01 (Animal Control – Dog Tethering) and the proposal of a new series of regulations (Executive Regulation 5-01 – Anti-Cruelty Conditions for Dogs). The Public Safety Committee held several worksessions to discuss both. The bill focused solely on banning the tethering of an unattended dog. The regulations were broader in scope and included tethering restrictions, shelter and weather protection requirements for outdoor dogs, and requirements for transporting dogs safely in open-bed vehicles.

The Council received many letters in 2001 when the proposed regulation was first advertised in the Register, although the vast majority of the letters addressed only the tethering issue. Several writers expressed great concern that the draft regulation actually permitted tethering and certainly did not do enough to limit its use.

Over the course of several worksessions, the Committee unanimously preferred that a regulation, rather than legislation, be used to restrict dog tethering. The Committee and Council staff worked with Executive staff, representatives of the Animal Matters Hearing Board, and the Humane Society to make significant changes to the Executive's original proposed regulation, which had been widely criticized as not effectively limiting inhumane dog tethering, such as chaining a dog continuously. The regulation was changed to prohibit continuous tethering of a dog by generally prohibiting tethering between certain hours overnight. An owner would have to bring the dog indoors, or allow it off-tether in an enclosed area with appropriate shelter, during these hours, unless the Director of Animal Control granted a waiver based on "extraordinary circumstances." The Committee took no action on Bill 41-02 and said it would consider some form of legislation if the proposed regulations proved inadequate and the Executive was unwilling to amend the regulations. The Committee recommended the approval of the regulation with these changes 3-0, while Councilmember Andrews supported additional limits on the hours per day that an owner could tether a dog. The Council approved the regulation as amended.

Current Statistics: In 2009, Animal Control received 116 calls specifically related to unlawful tethering of dogs. The agency dealt with many additional tethering violations when responding to calls for other animal welfare violations.

Other Jurisdictions: A brief survey of other Maryland counties shows that restrictions on tethering range from very little restriction to restrictions similar to current Montgomery County regulations (© 24-31). Baltimore County code specifies that if a dog is tethered outside, the "chain must have swivels." Frederick County, on the other hand, has more restrictions on tethering, including limiting confinement for more than 10 hours a day. Howard County has no restrictions.

SUMMARY OF REGULATION CHANGES

The changes to various sections of the County's anti-cruelty regulations are discussed below.

SECTION 1.0. TETHERING OF DOGS

The amendment states that is illegal for any person to tether, chain, fasten, tie, or otherwise restrain a dog to a house, tree, fence, or other stationary or highly immobile object unless certain conditions are met. These conditions include:

- The dog's owner or other responsible party is outdoors with the dog and is within visual range of the dog;
- The tether is at least 10 feet long;
- The tether is no more than one-eighth of the dog's body weight;
- The tether is attached to the dog by a properly fitting collar or harness;
- The collar is made of nylon, leather, or other similar material and is not a choke-type or prong-type collar;
- The dog has access to water;
- The dog has access to shade between June 1 and September 15 and whenever the real temperature is about 70 degrees;
- The length and location of the tether does not allow the dog to be come hung up on a doghouse, fence, or any other object.

The amendment also specifies that it is unlawful to tether, chain, fasten, tie, or otherwise restrain a cat to a house, tree, fence, or other object.

The amendment repeals previous restrictions on tethering, including the prohibition on tethering a dog between the hours of 10 pm and 6 am, unattended tethering during a weather emergency, tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter, and other related restrictions.

Discussion Issues:

The most significant change to the regulations prohibits tethering at any time unless the dog's owner or another responsible party be outside and within visual range of the dog. The fiscal statement states that the "current position of HSUS (Humane Society of the United States) and other animal welfare organizations is to ban or severely restrict tethering nationwide." (© 2). The HSUS advice sheet on different types of tethering legislation is included on © 20-23, which range from total bans (which are easily enforced) to those with enumerated tethering restrictions (more difficult to enforce). The drawback to the more stringent bans, however, is a higher likelihood of public opposition. ***The Committee should understand how the Executive Branch developed the particular restriction that requires the owner to be outside and within visual range of the dog. While this may be much easier to enforce than current regulations, will it place an undue burden on responsible pet owners who may tether their dogs for very limited periods of time while the owners are at home, but inside?***

SECTION 3.0. SHELTER OR PROTECTION FROM THE WEATHER FOR OUTDOOR DOGS

This section of the regulation generally specifies requirements for sufficient outdoor shelter and protection for dogs. The amendments require that a dog house contains a “sufficient quantity” of non-absorbent bedding “for insulation against cold and damp.” It also requires that fresh water must be available for outdoor dogs at all times. The amendment specifies that any time a dog is left outside overnight, a suitable structure must be provided as shelter. Outdoor enclosures and pens must be at least 100 square feet, 150 square feet if the dog is over 80 pounds, and an additional 50 square feet is required for each additional dog. The area must be maintained in a sanitary condition and be free from debris or stored material.

<u>This packet contains:</u>	<u>circle #</u>
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Written Comments Received From Animal Welfare Organizations	16-18
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Exec REG



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SJF
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OFFICE OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

MEMORANDUM

September 23, 2010

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2010 SEP 23 AM 8:40

TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Executive Regulation 10-10, Anti-Cruelty Conditions for Dogs METHOD 2

I am forwarding for Council approval Executive Regulation 10-10, Anti-Cruelty Conditions for Dogs. The proposed regulation is necessary to better protect the welfare of dogs by ensuring 1) that someone is present when a dog is tethered, 2) that a dog has adequate space when kept in a pen, and 3) that a dog has adequate shelter to protect it from the elements during overnight hours.

Executive Regulation 10-10, Anti-Cruelty Conditions for Dogs was advertised in the July issue of the Montgomery County Register. The Department of Police received written comments from the Humane Society of the United States, the Montgomery County Humane Society, and the Montgomery County Animal Matters Hearing Board. All of the comments received were in support of the proposed changes to the regulation.

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2010 SEP 23 AM 8:40

1



COPY

OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

September 16, 2010

TO: Joseph F. Beach, Director, Office of Management and Budget
VIA: Alex Espinosa Management and Budget Manager
VIA: John Cuff, Management and Budget Specialist
FROM: Ed Piesen, Senior Management and Budget Specialist
SUBJECT: Executive Regulation 10-10, Anti-Cruelty Conditions for Dogs

REGULATION SUMMARY

The proposed amendments are necessary to better protect the welfare of dogs by ensuring 1) that someone is present when a dog is tethered, 2) that a dog has adequate space when kept in a pen, and 3) that a dog has adequate shelter to protect it from the elements during overnight hours.

1. Tethering: The proposed changes regarding tethering are a result of discussions and a recommendation from the Director of Animal Cruelty issues at the Humane Society of the United States (HSUS). Studies have linked excessive tethering to aggressive behavior in dogs, which is a public safety issue. The current position of HSUS and other animal welfare organizations is to ban or severely restrict tethering nationwide. In addition, the current regulations (2002) are found to be very difficult for the animal owner to comply with as they require tethering in such a manner that the tether can not become entangled on the tether itself or some other object. Repeatedly, chains have become entangled on fence posts, trees, deck posts, stakes, the dog house etc. When this happens, the dog is at risk of serious injury as a result of being in direct sunlight (summer), snow/freezing temperatures (winter), unable to reach food/water, unable to reach shelter (if provided). The proposed changes will ensure the owner or other responsible party is present with the animal when tethered to monitor the animal and eliminate these risks. In 2009 116 calls for service involved complaints directly related to tethering violations. Many others were discovered and addressed by officers responding to a different animal complaint.

2. Pen Size: State law related to cruelty and neglect requires an owner to provide proper space for an animal but does not specify further. The proposed size requirements in this regulation are smaller than recommended by some animal welfare organizations but are consistent with those in other area jurisdictions and almost identical to legislation in Frederick County, Maryland. It is also important to ensure that if tethering is restricted a proper alternative is available.

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Office of the Director

3. **Shelter:** Current regulation requires a dog be provided with suitable shelter, as protection from the weather, when the owner is absent from the property. Weather can change quickly and dramatically (rain, thunderstorms, snow, temperature increases and decreases) and presumably a person present on the property would be able to address and alleviate these issues. A similar situation occurs overnight when the owner may be present on the property, but asleep, and unable to address these same weather issues. Requiring that shelter be provided for animals outdoors overnight would provide for the animals welfare and possibly eliminate noise issues generated by an animal in distress.

FISCAL SUMMARY

The proposed regulation updates the existing specifications and requirements and do not require additional resources to implement. ~~No additional personnel will be required to enforce these amended regulations and there will be no need to extend operating hours.~~ Therefore, the proposed amendments have no fiscal or economic impact on the County.

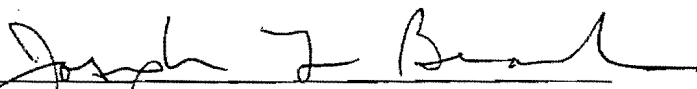
The following contributed to and concurred with this analysis: Captain Michael Wahl, Director, Animal Services Division, and Paul Hibler, Deputy Director, Animal Services Division, Department of Police, Mike Coveyou, Department of Finance, and Ed Piesen, Office of Management and Budget.

EP:ep

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- J. Thomas Manger, Chief of Police
- Captain Michael Wahl, Department of Police
- Mike Coveyou, Department of Finance
- John Cuff, Office of Management and Budget
- Ed Piesen, Office of Management and Budget

OMB REVIEW

Fiscal Impact Statement approved


Joseph F. Beach, OMB Director

Fiscal Impact Statement not approved, OMB will contact department to remedy.

(3)



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY 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.

COMCOR

Authority: Montgomery County Code, 2005, as amended

Section 5-201

Supersedes: 5-01

Council Review: Method 2, under Code Section 5-103 and 5-201

Register Vol. 27 No. 7

Comment Deadline: July 31, 2010

Effective Date:

Sunset Date: None

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

ADDRESS: Director, Animal Services Division
14645 Rothgeb Drive
Rockville, Maryland 20850

STAFF CONTACT: Captain Michael Wahl, Commander
Telephone (240) 773-5928

BACKGROUND: 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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

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.

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

- A. It shall be unlawful for any person to tether, chain, fasten, tie, or otherwise restrain a dog to a house, tree, fence, or other stationary or highly immobile object, unless the following conditions are met:
 - i. The dog's owner or other responsible party is outdoors with the dog and is within visual range of the dog;
 - ii. The tether is no less than ten (10) feet long;
 - iii. The tether is no more than one eighth (1/8) of the dog's body weight;
 - iv. The tether is attached to the dog by a properly fitting collar or harness;
 - v. The collar is made of nylon, leather, or other similar material and is not a choke-type or prong-type collar;

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

- vi. The dog has access to water;
 - vii. The dog has access to shade, either natural or man-made, during the summer months between June 1 and September 15 and whenever the real temperature is above 70 degrees Fahrenheit; and
 - viii. The length and location of the tether does not allow the dog to become hung upon a doghouse, fence, or any other object.
- B. 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 highly immobile object.
- III. 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.
- IV. 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
 - B. the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.
- V. This regulation establishes minimum common 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.

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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

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.

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.

- 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 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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

- II. Fresh water shall be made available to outdoor dogs at all times.
- III. Shade must be available to outdoor dogs at all times from sources other than the dog house, whether the shade is natural or manmade.
- 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 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 dog.
- 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. Outdoor enclosures and pens must be at least one hundred (100) square feet, except that dogs over eighty (80) pounds must have at least one hundred fifty (150) 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.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

Approved as to Form and Legality
by the Office of the County Attorney

By

A handwritten signature in black ink, appearing to be "W. O. O'Neil", written over a horizontal line.

County Executive

A handwritten signature in black ink, appearing to be "Isiah Leggett", written over a horizontal line.

Isiah Leggett

Date

5/25/10



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY 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.

COMCOR

Authority: Montgomery County Code, 2005, as amended

Section 5-201

Supersedes: 5-01

Council Review: Method 2, under Code Section 5-103 and 5-201

Register Vol. 27 No. 7

Comment Deadline: July 31, 2010

Effective Date:

Sunset Date: None

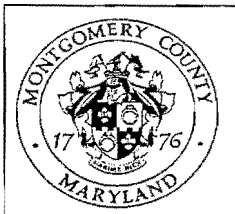
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Rockville, Maryland 20850

STAFF CONTACT: Captain Michael Wahl, Commander
Telephone (240) 773-5928

BACKGROUND: 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.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

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, [1999] 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, [Article 27, Section 59(a), 2000] 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, [1999] 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.

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

- A. It shall be unlawful for any person to tether, chain, fasten, tie, or otherwise restrain a dog to a house, tree, fence, or other stationary or highly immobile object, unless the following conditions are met:
 - i. The dog's owner or other responsible party is outdoors with the dog and is within visual range of the dog;
 - ii. The tether is no less than ten (10) feet long;
 - iii. The tether is no more than one eighth (1/8) of the dog's body weight;
 - iv. The tether is attached to the dog by a properly fitting collar or harness;
 - v. The collar is made of nylon, leather, or other similar material and is not a choke-type or prong-type collar;

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

- vi. The dog has access to water;
- vii. The dog has access to shade, either natural or man-made, during the summer months between June 1 and September 15 and whenever the real temperature is above 70 degrees Fahrenheit; and
- viii. The length and location of the tether does not allow the dog to become hung upon a doghouse, fence, or any other object.

B. 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 highly immobile object.

[tethering a dog by any means other than a harness;

- B. tethering a dog between the hours of ten p.m. and six a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane;
- C. unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer,
- D. using a tether that weighs more than 1/8 of the dog's body weight;
- E. 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;
- F. tethering that unreasonably limits a dog's movement;
- G. tethering under conditions where the dog or tether can become entangled on the tether or some other object;
- H. tethering that restricts a dog'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 a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or

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COPY



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

K. tethering that causes injury, stress, or demonstrable socialization problems.]

III. 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.

IV. 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

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

V. This regulation establishes minimum common 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.

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, [1999] 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, [Article 27; Section 59(a), 2000] 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 [1999] 2005, as amended.

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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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COPY



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

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, [1999] 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, [Article 27; Section 59(a), 2000] 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 [1999] 2005, as amended.

- 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 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.] Fresh water shall be made available to outdoor dogs at all times.
- III. Shade must be available to outdoor dogs at all times from sources other than the dog house, whether the shade is natural or manmade.

14



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

- 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.

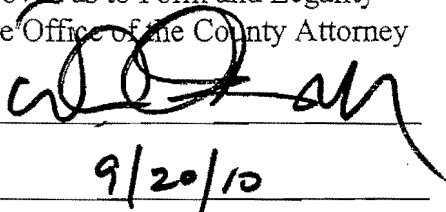
[IV.] V. Any time that a dog is left outside[, tethered or not,] and the owner is absent from the property, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the dog[, and if tethered, the tether must be positioned so the dog may enter 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. Outdoor enclosures and pens must be at least one hundred (100) square feet, except that dogs over eighty (80) pounds must have at least one hundred fifty (150) 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.

Approved as to Form and Legality
by the Office of the County Attorney

By

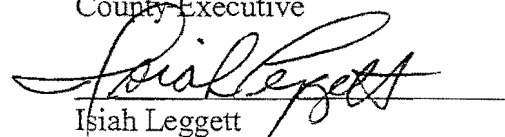


Date

9/20/10

(15)

County Executive


Isiah Leggett



THE HUMANE SOCIETY
OF THE UNITED STATES

**Statement of Adam Parascandola
Director, Animal Cruelty Issues
The Humane Society of the United States
In Support of Proposed Changes
to Montgomery County Executive Regulation 5-01 (Anti-Cruelty Conditions for Dogs)
June 11, 2010**

On behalf of The Humane Society of the United States I am writing in support of proposed changes to Montgomery County Executive Regulation 5-01 which will help both the public and dogs in Montgomery County.

One of the changes to the Regulation prohibits the tethering of dogs except when a responsible party is within visual range of the dog. Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious and often aggressive.

Requiring dogs to be kept in appropriately sized pens or fenced yards will alleviate somewhat the conditions which have been shown to increase aggression in some dogs. The regulations requiring minimum pen sizes will also help ensure dogs are not kept in areas which are too small increase their agitation and frustration. Agitated and frustrated dogs often resort to excessive barking in addition to concerns about increased aggression. Complaints of dogs barking are a problem in almost all communities and these steps which will reduce this nuisance which will result in less noise and a more peaceful community.

Tethered dogs are also more vulnerable to attacks by wildlife and in danger of strangulation or becoming tangled and unable to reach sufficient shelter. Requiring that owners or custodians be within visual site of the dog will help ensure that someone is present to untangle the dog should this happen. Additionally many dogs break free from their tethers and in this case someone would be present to intervene should this occur.

By prohibiting tethering unless a responsible party is present this law is also easily enforceable. Any Officer responding to a complaint of a dog tethered will be able to establish a violation simply by determining no one is within visual range.

Additionally the added protection of dogs being required shelter when left overnight will help protect dogs during the time period when responsible parties may be home but asleep and unable to bring the dog inside should the weather take a turn for the worse.

Finally, from my own experience as a Humane Law Enforcement Officer in the District of Columbia for 10 years, I can attest to the benefits of restricting the tethering of dogs. In 2001, a law was passed in the District of Columbia that restricted the practice of "cruel tethering." The

law was designed to prohibit tethering in a manner which would cause harm physically or psychologically to a dog. The passage of this legislation led to a surprising reduction in complaints received over the next few years. In 2001, the year before the tethering bill went into effect, the Washington Humane Society received over 2000 complaints of animal cruelty. By 2003, the number of complaints had dropped down to under 1700. By addressing the issue of continual tethering, the dogs' living conditions were improved and complaints about their care dropped off.

For these reasons I support the proposed changes to Montgomery County Executive Regulation 5-01. Thank you again for the opportunity to express our support.



**MONTGOMERY COUNTY
HUMANE SOCIETY**
— COMPASSION IS OUR CAUSE —

September 6, 2010

Capt. Michael Wahl
Director, Animal Services Division
14645 Rothgeb Drive
Rockville, Maryland 20850

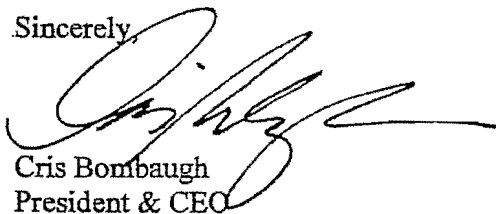
Dear Captain Wahl:

Thank you for the opportunity to comment on the proposed Montgomery County Executive Regulation regarding anti-cruelty regulations for dogs.

The proposed new language regarding conditions for lawful tethering, the definitions of appropriate shelter from weather, the requirements of available shade and water, and specification of appropriate enclosure sizes are needed additions to the law, and will provide for more humane treatment of animals when they are kept outside.

MCHS is pleased to support the proposed changes to Montgomery County Executive Regulation 5-01. Thank you for your work on behalf of animal protection.

Sincerely,



Cris Bombaugh
President & CEO

18

HELPING THE HOMELESS ANIMALS OF MONTGOMERY COUNTY AND BEYOND

14645 Rothgeb Drive
Rockville, MD 20850
P: 240-773-5960
F: 301-279-1998
www.mchumane.org



UNITED WAY #8330 COMBINED FEDERAL CAMPAIGN #54823 MARYLAND CHARITY CAMPAIGN #6035



ANIMAL MATTERS HEARING BOARD

June 28, 2010

Animal Services Division
Captain Michael Wahl
14645 Rothgeb Drive
Rockville, MD 20850

Dear Captain Wahl:

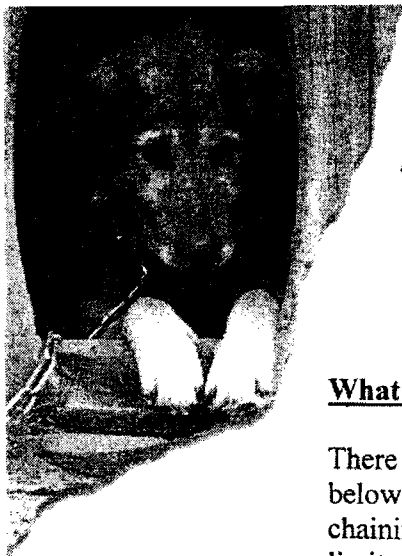
The members of the Animal Matters Hearing Board (AMHB) have reviewed your recommended proposed changes to the Montgomery County Executive Regulation 5-01 (Anti-Cruelty Conditions for Dogs) and support your recommended changes with the comments that have been submitted for your review.

The changes effecting 1. tethering, 2. enclosure/pen size and 3. suitable shelter all greatly enhance the welfare of the animals in Montgomery County. Thank you for your efforts.

Sincerely,

Allan S. Cohen, Chariman
Animal Matters Hearing Board

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A DOG'S LIFE

Chaining and Your Community

What Kind of Chaining Ordinance Is Right for Your Community?

There are 3 major options for chaining ordinances and each one is discussed below. While most animal advocates would prefer an outright ban on dog chaining, such ordinances can be difficult to pass. Compromising with a time limit on dog chaining is often a successful solution. In order to find the best ordinance for your community, talk with the local officials who would be charged with enforcement.

Chaining bans

Total chaining bans are the best way to protect dogs and people in the community. Plus, there are no complex definitions, so they're easy to enforce. The only problem is that since this is such a stringent regulation, there's more likely to be strong opposition.

Unlimited regulations

These are ordinances that do not limit the time that dogs are chained outside, but do provide minimum standards for chained dogs. These ordinances generally won't get a dog off of a chain, but when enforced, they can improve the quality of life for chained dogs.

Regulations with time limits or time restrictions

Essentially these ordinances would be similar to the unlimited regulations, with the exception that a time limit would be used as well. Time limits can set a certain amount of consecutive time or time within a 24-hour period, while time restrictions ban chaining during certain hours of the day. Enforcement can be tricky with lengthy time limits because enforcement officers rarely have blocks of time available to verify that a dog has been chained beyond a time limit. However, by forbidding chaining during certain hours, violations of the ordinance are immediately clear.

Get Creative

Even though these three options are the most common, you're not required to use one of them. You can try to combine parts from several different ordinances, or you may be able to find a new solution through a different, creative solution.



THE HUMANE SOCIETY
OF THE UNITED STATES

2100 L Street, NW Washington, DC 20037
humanesociety.org

Printed on 100% post-consumer recycled paper

If dog chaining is allowed in your community, there should be high standards in place to make sure that chained dogs receive proper care. Also, keep in mind that if you are successful in passing a chaining ordinance, some dog owners may move their dogs from chains to pens or crates. Talk to your animal control office about ways to address this before it becomes a problem. Below are some examples of important standards to include in your ordinance.

Collar/harness

Dogs are typically attached to the tether by a collar or harness. Some communities forbid attaching chained dogs by a collar and require a harness. If collars are used, such collars should always be “properly fitting” and never the pinch, prong, or choke type. There is also the option of forbidding all collars made primarily of metal.

Chain/tether

The dimensions of the tether are often contentious points. Some communities specifically forbid logging or tow chains, but other regulations make that language unnecessary. A tether should not be too heavy and the maximum weight limit is typically 1/10 or 1/8 of the dog’s body weight. The length of the tether should be at least 5 times the length of the dog (from tip of nose to base of tail) and never less than 10 ft. The 10 ft. minimum is necessary to provide small dogs with a decent area. Additionally, all tethers should have swivels on both ends to prevent twisting and tangling.

Environment

There’s no denying the fact that a chained dog’s environment is pretty dismal. However, you can pass an ordinance that makes sure that chained dogs at least have a safe environment. The area should be free of garbage or other debris that can harm the dog. Also, there should be no fences or other objects within the radius of the tether that a dog can get hung upon. Some communities require that the area is kept free of accumulated fecal matter. This may be tough to define, but it’s certainly worth discussing.

Food and water

Most basic animal cruelty laws already require that dogs receive appropriate, nutritious food and clean water. With chained dogs though, it’s especially important to monitor these things. Some ordinances stipulate that food and water bowls are cleaned daily. Additionally, because of cold climates, it should be noted that water must not be frozen.

Extreme weather

Some communities have sought to protect chained dogs from weather conditions such as temperature extremes, hurricanes/tornadoes, rain storms, or other conditions. Forbidding dogs to be chained outside in such conditions is a good step to protecting dogs. Some dogs, like Alaskan Malamutes, can do well in chilly weather, but short-haired dogs will not tolerate cold well. Also, very old dogs,

puppies, or sick dogs will have more trouble in hot or cold weather. It's hard to find universal weather applications, but a good starting point is to forbid dogs to be chained outside during hurricane/tornado warnings, when the temperature is below 40° F, above 80° F, or during periods of lightning.

Shelter and Shade

All dogs who spend any period of time outdoors, unsupervised must have some kind of shelter. Additionally, they should have an area of shade that is separate from the shelter. Shelter definitions vary, but can range from anything with three sides and a roof to very complex descriptions. Here are some basics for all doghouses:

- Must have 4 sides, a roof, and a floor
- Must have entryway to allow dog to easily enter and exit; entryway must have a flap that blocks wind from entering
- Inside, dog must be able to stand up, sit down, lie down, and turn around
- Interior must be protected from precipitation, wind, and sun
- Roof must be slanted to allow precipitation to run off
- Must be raised at least 2" above ground
- Interior must be cleaned regularly
- Interior must contain straw or other form of bedding that is regularly changed
- Interior should contain a partial middle wall to act as a windbreak
- Structure must be sound: no nails or splinters sticking out, no cracks or holes

Enclosure Size

To prevent formerly chained dogs from ending up in airline crates or otherwise tiny pens, try to work a line into the ordinance about enclosure size. There are different ways to set enclosure size:

- Flat size requirement (no less than 150 sq. ft.)
- Tiered sizes (150 sq. ft. for small dogs, 250 sq. ft. for large dogs)
- Sizes based on the shelter within the enclosure (since a shelter must allow a dog certain movement, the enclosure size could be proportionally related to the shelter size)

Along with descriptions of how dogs can and cannot live on a chain, it's important to establish penalties for violations. Most often, violations of chaining ordinances are citations or misdemeanors with fines that range from \$50 to \$500. Sometimes jail time is an option too, though it's usually only 30-90 days. These penalties are almost always small, but it's important that they're big enough to act as a deterrent.

An aggressive way to enforce these penalties is to allow each violation to have its own fine. For example, if a dog's chain is too short, and he doesn't have water, and the doghouse doesn't have bedding, that can count as 3 separate violations and come with a triple fine. This is a great way to punish serial offenders.

In the spirit of public education, the ordinance should allow first-time violators the opportunity to correct their mistakes. These individuals can be given a short time (1 or 2 days) to correct violations without penalty. Or, money spent on improving a dog's conditions could be subtracted from fines.

Whatever kind of chaining ordinance you pass, remember that every little bit can improve dogs' lives. Dog chaining takes place in urban, suburban, and rural communities all over the country and for various reasons. Try to help these dogs however you can. Ordinances that ban or restrict chaining benefit individual dogs and the community as a whole.

Animal Laws ARTICLE 12

Baltimore County Code

1. When off the owner's property, all dogs and cats must be walked on a leash. If chained outside, chains must have swivels. Chain collars may not be used, except when training.
2. All dogs and cats over three months of age must be vaccinated against rabies.
3. All dogs and cats must be licensed at four months of age. New pets and all animals moving into Baltimore County must be licensed within thirty days.
4. All animals must be provided shelter for protection from wind, snow, rain, cold and the sun, plus adequate daily food and water, in clean un-tippable bowls.
5. Owners of female cats and dogs "in heat" must not leave their pets outside unattended. (Although spaying female or neutering male animals is not required, it is highly recommended.)
6. It is a violation of the law to allow dogs to bark excessively.
7. If an animal bites someone, the owner and the bite victim must report the injury to the Police Department. You are responsible if your pet bites or injures another person or animal, or menaces people in the community.
8. Owners are responsible for the timely removal of pet waste on public and private property.
9. Do not abandon or neglect pets you cannot keep. Instead, call Animal Control for assistance.
10. Maryland law requires that any puppy or kitten sold or given away must be at least eight weeks old. Baltimore County law requires anyone selling or giving away a puppy, kitten, dog or cat to provide a health certificate, signed by a licensed veterinarian, along with a statement indicating date of sale or transfer of animal, description of animal, and immunizations given. The name, address and phone number of buyer and seller must also be provided.
11. Inadequate provision of food or water, unsanitary conditions, animal combat, cruelty and neglect are all considered animal abuse.

Animal Control Officers are empowered with enforcement authority for state and local laws involving animals. Persons violating these animal laws may be subject to fines.

First offense: \$25 fine.

Repeated Offenses: \$100 fine.
Criminal penalties may also be imposed with up to \$1,000 in fines, up to ninety (90) days in jail, or both.

Menacing/dangerous animal problems and cruelty to animals charges may incur more stringent penalties/sanctions.

Persons receiving a violation must correct the situation and pay any fines, or may request a hearing *in writing within five (5) days of receiving the violation.*

Animal Hearing Board

The Animal Hearing Board hears appeals of violation notices.

Mail appeal requests to:

Animal Hearing Board
13800 Manor Road
Baldwin, MD 21013.

The Board also holds dangerous animal hearings and advises the County Executive on issues affecting the welfare of animals in the community.

Call 410-887-5964 for details.



ANIMAL LICENSES

Baltimore County Animal licenses are available at these locations:

- County Office Building 410-887-3630
- Balto. Co. Animal Shelter, Baldwin . . . 410-887-5961
- Humane Society of Baltimore County, Reisterstown 410-833-8848
- For Licensing Warden in your area . . . 410-887-3630

OR any of the Baltimore County Full Service Libraries

NOTE: Proof of current rabies vaccination is required for all dog and cat licenses.

DISCOUNTS:

Discounted licensing for senior citizen pet owners and for pets which have been spayed or neutered.

BALTIMORE COUNTY ANIMAL INFORMATION AND RESOURCES

- Animal Bites: Communicable Disease . . . 410-887-2724
- Animal Control Division 410-887-5961
- Animal Shelter 410-887-5961
- Animal Hearing Board 410-887-5964
- Animal Licensing, Towson 410-887-3630
- Dog Obedience Classes: Rec & Parks 410-887-3871

OTHER ANIMAL INFORMATION AND RESOURCES

- Animal Control, Baltimore City 410-398-4694
- Humane Society: spay/neuter 410-833-4480
- SNAP (Spay/Neuter All Pets). 1-410-885-5783
- National Dog Registry 410-277-4485
- Wildlife Problems 1-877-463-6497
- Mediation & Dispute Center 410-242-0388

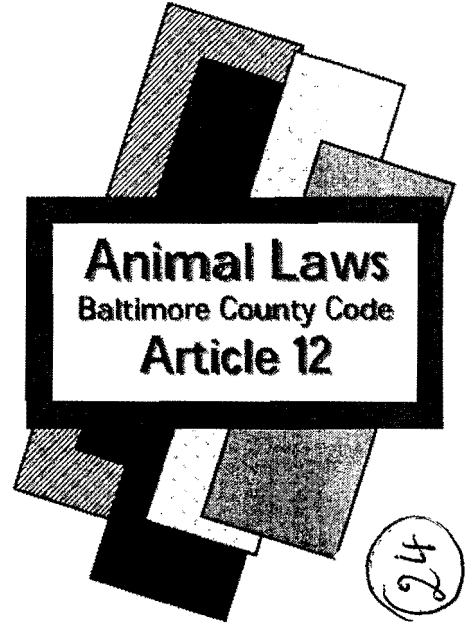
Maryland Relay - Dial 711 or 1-800-735-2258

Baltimore County does not discriminate on the basis of: race, sex, age, color, physical or mental disability, marital status, political affiliation, creed, religion, or national origin. Upon prior request, provisions will be made to accommodate individuals with disabilities. This brochure is available in alternative format upon request. Baltimore County complies with the ADA.

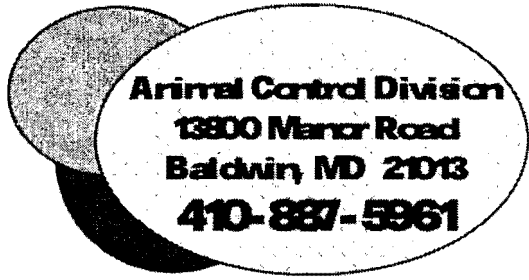
www.baltimorecountymd.gov/go/pets

Revised 5/2007

ANIMAL CONTROL INFORMATION



Baltimore County
Department of Health
Animal Control Division
13800 Manor Road
Baldwin, MD 21013
410-887-5961



DIRECTIONS

- Take Exit 27B North, off the Beltway-1695.
- Follow Dulaney Valley Road to the stop sign at Manor Road.
- Turn left. The Animal Control Division and the Animal Shelter are 1 mile on the left

Animal Shelter Adoptions

Visiting hours for adoption are Monday through Saturday, 10 a.m. to 3 p.m. Closed on Sundays and holidays. To see some of our pets or for more information visit our web site:

www.baltimorecountymd/go/petadoptions

Rabies Vaccination

All dogs and cats must have Rabies vaccinations and boosters. Low cost rabies vaccinations are available by appointment.

Micro-chipping is also available by appointment for a reasonable fee.

Spaying & Neutering

Thousands of unwanted animals are born in Baltimore County each year. Most live short, homeless lives. We urge pet owners to have their pets spayed or neutered.

If You Find A Stray Pet

Baltimore County Law requires that all stray dogs and cats be turned over to the Animal Shelter within 24 hours. If the pet you found is not redeemed by its owner, you may reclaim it. A rabies vaccination and an animal license will be necessary at a modest fee. Other fees associated with redemption will be waived.

Redeeming Your Pet

To reclaim your pet at the Animal Shelter, bring proof of current rabies vaccination and proof of a current animal license. If you cannot provide this verification, a rabies vaccination and license will be provided, for a fee, before your pet is released. There are also redemption and boarding fees, and owner identification is required

If Your Pet Is Lost

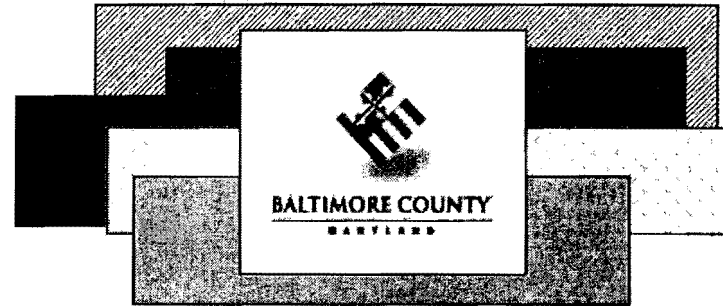
If your pet is micro-chipped or is wearing an animal license, rabies tag or an ID tag, every effort will be made to trace the ID and contact you. Come to the shelter promptly to look for your pet. Bring a picture of your pet and post it on our "lost pet" bulletin board. Stray pets are held for four (4) days.

If You Have More Than Three Dogs On Your Property

All households that shelter four or more dogs, private or commercial kennels, or stables, fancier kennels or catteries, grooming parlors, pet shops, etc. must contact Animal Licensing at 410-887-3630 to obtain information and an application for a Holding Facility License.



The Animal Control Division depends upon your close cooperation to solve animal problems in your community. If your neighbor's pet runs loose, leaves unwelcome deposits on your lawn or barks and howls, attempt to work the problem out with your neighbor before filing a formal complaint. If your neighbor complains about your pet, make every effort to cooperate. Once a formal complaint is made, Animal Control will visit or send out a warning letter, along with the laws about responsible pet ownership. If the problem persists during the few weeks after the letter or visit, call Animal Control. Arrangements may be made for you to complete a notarized Affidavit of Complaint. Nuisance Animal violations may be written at that time.



What Does Animal Control Do ?

- Enforces Article 12 of the Baltimore County Code.
- Responds to animal related emergencies 24 hours a day.
- Investigates reports of animal cruelty and neglect
- Handles nuisance complaints regarding pets running loose, leaving unwelcome deposits and barking
- Responds to reports of injured, sick and/or vicious animals
- Picks up stray and unwanted dogs and cats, and accepts those that are brought to the animal shelter
- Maintains enclosures at police stations for stray dogs and cats
- Provides humane traps to capture loose dogs or cats
- Inspects private and commercial kennels, grooming parlors, pet shops and other holding facilities
- Picks up dead animals (excluding farm animals) from County maintained roadways and properties
- Operates the Baltimore County Animal Shelter. The Shelter finds new homes for more than 1100 pets each year.

25

County Executive Jim Smith and the Baltimore County Council

Frederick County Code:

§ 1-5-26. PROPER RESTRAINT, SHELTER, PROTECTION AND CARE FOR DOGS.

(A) *Restraint requirement.*

(1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint for the purpose of confinement for more than ten hours, cumulatively in any 24-hour period.

(2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least four times the body length of the dog, measured from the dog's nose to the back of the hindquarters, or at a minimum be ten feet in length, and which the tether is free from entanglement.

(3) The tether shall have swivels at both ends and all areas of confinement shall be maintained as to provide a safe and healthy environment for the dog.

(4) An individual found chaining or tethering an animal in violation of this section has 30 days to provide other means of confinement, as long as other conditions of confinement and care are being met. The grace period is null and void immediately if the owner, at any time during the grace period, is not in compliance with other applicable laws relating to animals.

(5) Individuals who do not comply within the 30-day grace period are subject to fines and penalties stipulated in this chapter.

(B) *Shelter and outdoor enclosure requirements.*

(1) Proper shelter, including protection from the weather and elements, shall be provided at all times. The shelter for a dog shall have a weatherproof roof, enclosed sides, a doorway, and a solid floor raised at least two inches above the ground. No interior surfaces shall be metal. The shelter shall have an entryway that the dog can easily enter and sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times.

(2) Bedding, such as wood shavings, straw or other material, shall be provided in sufficient quantity for insulation. Bedding shall be kept dry.

(3) Shade, separate from the shelter, either natural or manmade, shall be available at all times to a tethered dog, or a dog confined to an outdoor enclosure.

(4) Any dog confined within an outdoor enclosure must have adequate space for exercise. A minimum of 100 square feet is required. Dogs over 75 pounds must have an additional 50 square feet. Seventy-five square feet is required for each additional dog kept within the same enclosed area.

(C) *Care requirements.*

(1) Any person owning or having care, control or custody of a dog shall provide daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.

(2) Potable water must be accessible to the dog at all times.

(3) The dog must receive care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health.

(4) Any outdoor area where a dog is confined must be kept free of excretions and contaminated materials and cleaned regularly.

(D) *Penalties.* A violation of this section may result in a civil citation pursuant to § 1-5-53 of this chapter, or impoundment of the dog(s), or both.

(Ord. 08-24-500, 9-23-2008)



Howard County Department of Police Animal Control Division: Animal Control Laws Summary

Below is a summary of selected requirements of the county's Animal Control Laws:

VACCINATION: Pet owners must continuously maintain a rabies vaccination for dogs, cats and ferrets that are four months of age and older.

LICENSES: All dog and cat owners must purchase Howard County annual licenses for their pets. Each pet shall wear the license tag attached to a collar or harness. Pets properly tattooed, micro chipped or ear tagged are exempt from the requirement of wearing the license tag, but the purchase of a license is still required.

LEASH LAW: A domesticated animal must be on a leash and under the control of a responsible person. This person must be capable of immediate and effective restraint when not on the owner's property. Owners are responsible for immediately removing pet defecation when off their own property.

FEMALE ANIMALS: A female domesticated animal "in heat" must be confined indoors or in a properly ventilated building or other secured outdoor enclosure. **Spaying or neutering is not required, but is highly recommended.**

BARKING: Owners are responsible for preventing their dogs from barking to the extent that it disturbs neighbors.

ODOR PREVENTION: Pet owners must remove an accumulation of defecation from their property to prevent annoying odors.

STREET DISTURBANCE: Owners must prevent their pets from disturbing garbage placed for disposal or chasing vehicles.

APPROPRIATE CARE: Animals must be provided with proper drink, ventilation, shelter, shade, protection from the elements, sanitary conditions, veterinary care and nutritious food in sufficient quantity.

FENCING: Fencing must be properly maintained.

WILD/EXOTIC ANIMALS: Wild or exotic animals are **not** permitted as pets. Included in this category are the offspring of domesticated animals bred with a wild or exotic animal.

THREATENING BEHAVIOR: Domesticated animals must not be permitted to threaten the safety or welfare of other domesticated animals or people. Domesticated animals are considered to be exhibiting threatening behavior when they endanger the life or health of another domesticated animal or person, attack a domesticated animal or person, or otherwise molest and interfere with a person's freedom of movement in a public place.

ANIMAL TRAPS: Humane animal traps must be properly used and checked frequently throughout the day.

INTENTIONAL INJURY OR ABANDONMENT: A person may not poison or abandon a domesticated animal and may not cruelly kill, deliberately injure or torment any animal.

FIGHTING: Encouraging animals to fight, raising animals for fighting or participating in animal fights are not permitted.

INJURING AN ANIMAL WHILE DRIVING: A person who injures or kills a domestic animal while driving must stop, if safety permits, and render assistance as is practical. The driver should notify Animal Control immediately.

ANIMAL CONTROL DUTIES: No person may interfere with an Animal Control employee in the performance of his/her duties.

VIOLATORS: Violators of the Animal Control Laws may be issued civil citations with monetary penalties of \$25-\$500. Criminal penalties can include up to three years in prison and a \$5,000 fine, pet impoundment, and/or mandatory appearances before the Animal Matters Hearing Board.

THE AFFIDAVIT PROCEDURE: A citizen who has personally observed a violation of any provision of the Howard County Animal Laws may wish to file an affidavit. An affidavit is a sworn statement that a violation has been witnessed. **An affidavit may not be filed anonymously.** An affidavit form may be obtained from Animal Control. After the form is completed by the witness, also known as the complainant, it should be returned to the Animal Control Division for processing.

Once the affidavit is filed, the alleged violator is, in most circumstances, assessed an appropriate monetary penalty through issuance of a civil citation. The affidavit accompanies the issued citation and must identify the complainant's name, address and telephone number. Upon request, phone numbers may be withheld from the defendant.

THE APPEAL PROCESS: The recipient of a citation issued by an Animal Control representative as a result of an affidavit may elect to appeal the citation. The recipient, also known as the appellant, must contact the Animal Control Division in writing within fifteen (15) days after the citation is issued indicating the intent to appeal. The Animal Control Division then schedules a hearing before the Animal Matters Hearing Board.

THE ANIMAL MATTERS HEARING BOARD: The Animal Matters Hearing Board (AMHB) is comprised of seven Howard County residents appointed by the County Executive and confirmed by the County Council. The AMHB meets to hear cases involving alleged violations of the Howard County Animal Control Laws. Once cases are heard, board members render a decision to uphold, modify, or reverse an imposed penalty. The Board may also recommend or order measures to abate further problems or complaints.

The AMHB notifies the appellant of its decision thirty (30) days after hearing. Any complainant or appellant who is aggrieved by the decision of the AMHB may request in writing, within thirty (30) days a hearing before the Howard County Board of Appeals.

PRINCE GEORGE'S COUNTY

SUBTITLES. ANIMAL CONTROL.

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(20) **Animal under restraint** shall mean an animal secured by a leash or lead and under the control of a responsible person or confined within a vehicle or within the boundaries of its owner's real property.

(21) **Appointing authority** shall mean the Director of the Department of Environmental Resources.

→ (22) **Appropriate tethering** shall mean a tether that is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species, is deemed appropriate tethering.

(23) **Attack dog** shall mean a dog trained to attack on command.

(24) **Anti-climbers** shall mean a device consisting of angled metal braces and heavy gauge wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire shall have at least three strands, separated evenly, the furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from perpendicular.

(25) **Bite contact** shall mean penetration of the skin by the teeth of an animal.

(26) **Cage** shall mean any enclosure of limited space, enclosed on the bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed for any purpose, including confinement or display.

(27) **Cat** shall mean domesticated felines. The term "cat" shall not include wild or exotic felines.

(28) **Cattery** shall mean an establishment wherein a person engages in the business of boarding, breeding, buying, grooming, or selling cats.

(29) **Collar** shall mean a well-fitted humane device, appropriate to the age and size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the animal.

(30) **Commercial establishment** shall mean any trade or business the primary function of which is the sale of any goods or service.

(31) **Commission** shall mean the Commission for Animal Control established in Division 3 of this Subtitle.

(32) **Commission administrator** shall mean that person designated by the Director of the Department of Environmental Resources (DER) to administer the operations of the Commission for Animal Control (CAC) or the administrator's designee.

(33) **Companion animal** shall mean any domestic or feral dog, domestic or feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, wild or game species native to Maryland, or any animal regulated under federal law as research animals shall not be considered companion animals.

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2003 EDITION, 2005 SUPPLEMENT