

Resolution No.: 17-66
Introduced: March 1, 2011
Adopted: March 1, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Proposed Regulation 10-10AM, *Anti-Cruelty Conditions for Dogs*

Background

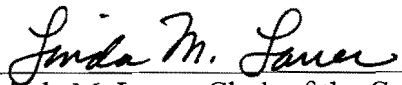
1. On September 23, 2010, the Council received proposed Regulation 10-10, *Anti-Cruelty Conditions for Dogs*. Under method (2), if the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.
2. The Council's Public Safety Committee held worksessions on the proposed regulation on October 4, October 18, and December 2, 2010. The Committee recommended certain amendments to proposed Regulation 10-10.
3. The Council approved a resolution on October 26, 2010 to extend the time in which the Council may act on the proposed regulation, from November 22, 2010 to June 31, 2011.
4. The Executive revised the proposed regulation to incorporate the Committee's recommendations and reissued it as proposed Regulation 10-10AM, which the Council received on February 2, 2011.

Action

The County Council for Montgomery County, Maryland approves the following regulation:

Regulation 10-10AM, *Anti-Cruelty Conditions for Dogs*, is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject ANTI-CRUELTY CONDITIONS FOR DOGS	Number 10-10AM
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date March 1, 2011

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: March 1, 2011

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 10-10AM
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 including:

- A. Tethering a dog longer than two hours cumulatively during any twenty-four hour period;
- 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 will be safe and humane;
- D. 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,
- E. using a tether that weighs more than 1/8 of the dog's body weight;
- F. using a tether that does not have a swivel attached on each end;
- 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;



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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

- H. tethering that unreasonably limits a dog's movement;
 - I. tethering under conditions where the dog or tether can become entangled on the tether or some other object;
 - J. tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
 - K. tethering in unsafe or unsanitary conditions;
 - 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
 - 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
 - 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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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

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.

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



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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

- 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.
- 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 (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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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

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.

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

By

A handwritten signature in black ink, appearing to be "C. E. Smith", written over a horizontal line.

Date

1/20/11

County Executive

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

Isiah Leggett