

Criss, Jeremy

(Attachment E.)

From: Jane Seigler [seigler.jane@gmail.com]
Sent: Monday, April 14, 2014 4:06 PM
To: Criss, Jeremy
Subject: Re: Attachment Letter Ref. Animal Services Division

Hi Jeremy,

The enforcement of the State animal abuse and neglect laws, as I understand it, lies with the local animal control offices, and - if there is a criminal offense - with the state's attorneys' offices. (The local animal control offices also, of course, enforce the County's other animal and nuisance laws, which mostly apply to non-livestock species.) That being said, the county doesn't really need a licensing scheme to enforce those abuse and neglect laws with regard to horses. In most cases, enforcement is complaint driven. And the State, through its own licensing authority through MDA, does regular inspections of equestrian facilities. See, e.g., <http://www.dsd.state.md.us/comar/getfile.aspx?file=15.16.01.05.htm>, and <http://www.dsd.state.md.us/comar/getfile.aspx?file=15.16.01.07.htm>

Here are the problems I see with the County code provisions re: licensing of horse facilities. Mostly, it has to do with the way the Code and regulations were written, or amended over time, so that there is inconsistency in the use of terms, and some internal contradiction in the scope of application.

Section 5-404 of the County code provides:

The County Executive must issue regulations to require and set conditions for an annual County license to operate:

(4) an equestrian facility;

"Equestrian Facility" is not defined. However "Riding School or Stable" is defined:

Riding school or stable: An equestrian facility, as defined in Section 59-A-2.1

Here's the problem. Section 59-A-2.1 defines "Equestrian Facility" as

Equestrian facility: Any building, structure, or land area that is used primarily for an equestrian activity or event.

Equestrian activity: The care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills.

Equestrian event: A competition, exhibition, or other display of equestrian skills.

So this definition in the zoning code would clearly apply to horses kept at home by a farmer (i.e., "care" of horses) who is not involved in providing "services for a fee." However, the animal control section of the code incorporates it by reference, when, according to the regulations under that section (see immediately below) they clearly intend the licensing requirement to apply only to those providing services for a fee. (The State, also, only requires licenses for facilities that offer services to the general public. <http://www.dsd.state.md.us/comar/getfile.aspx?file=15.16.01.04.htm>)

4/15/2014

(E.)

So bottom line, the County has the authority to license equestrian facilities, but the current law and regulations are inconsistent and confusing, and more importantly, unnecessarily duplicative of the State licensing scheme. The County could make better use of it's resources.

See also my note below regarding section B 2, below, which in my views conflicts with State nutrient management regulations.

Just FYI, here are the regulations in COMCOR:, which refer to "riding schools" and "stables."

05.404.01.03 Riding Schools or Stables.

The following standards for Riding Schools or Stables are adopted under Section 5-404 (a)(4); Animal Business Licensing; Chapter 5, Animal Control, Montgomery County Code, 1999, as amended.

A. License requirements:

1. A person, association or corporation must not provide services for a fee without an annual license from the Division.
2. A license issued shall expire on June 30 of each year unless earlier suspended or revoked. A license issued shall be prominently displayed at all times in the establishment for which it is issued.
3. The holder of any expiring license desiring a new annual license to be effective on the expiration of the existing license must, not less than 30 days nor more than 60 days before the expiration of the existing license, file a written application for renewal with the animal control officer. The applicant must complete the form provided and pay the annual renewal fee. The animal control officer must notify the license holder at least 60 days before a license expires.
4. A license to operate a riding school or stable will not be issued or renewed by the animal control officer unless the following certificates have been filed with the Division not more than 30 days before the animal control officer issues or renews the license:
 - a. A certificate from a doctor of veterinary medicine stating that each individual horse or pony available for hire is physically sound for riding purposes.
 - b. A certificate from the Fire Marshall stating that the stable and stable area used by the riding school or stable are in compliance with Chapter 22.
 - c. A certificate from the health officer stating that the stable and stable area are in compliance with the sanitary regulations set forth.
 - d. Before a license is issued the applicant must be inspected and approved for the following:

B. Special provisions for horses and ponies.

Any licensee operating a riding school or stable shall provide suitable food, water and shelter for the horses and ponies under his control. Such licensee shall also comply with the following standards:

1. All building and sheds used for stabling horses and ponies shall be well lighted

(E)

and ventilated and shall be provided with sufficient feed troughs or boxes.

2. All buildings and sheds used for stabling horses or ponies shall be kept clean and in good repair at all times and all manure shall be removed therefrom daily. A manure pile shall not be allowed to stand for a period longer than one (1) month from October 15 through April 30 or for four (4) days from May 1 through October 14.

(This conflicts with state nutrient management laws which prohibit winter spreading. Unless it is intended to require removal of manure from the property.)

3. Any enclosure where horses or ponies are kept shall be graded and drained so as to keep the surface reasonably dry. No garbage, fecal matter or similar matter shall be placed or allowed to remain in such enclosure for a period not to exceed one (1) month from October 15 through April 30 or for four (4) days from May 1 through October 14. No open drain shall be allowed to run through such enclosure.

4. No horse or pony shall be let for riding purposes which has not been certified by a doctor of veterinary medicine as physically sound for riding purposes.

5. The animal control officer may at any time require that a particular horse or pony owned by or under the control of a licensee and available for hire for riding purposes not be let for hire until the licensee gives the animal control officer a certificate of examination as of the date the certificate is requested, signed by a doctor of veterinary medicine, that the horse or pony is physically sound for riding purposes.

Hope this helps. Let me know if you have questions.

Jane Seigler
USDF Silver Medalist
President, Maryland Horse Council
seigler.jane@gmail.com

Dressage
at Sundown

on facebook: <https://www.facebook.com/pages/Dressage-at-Sundown/203139056391169>
- like us!

On Apr 11, 2014, at 1:57 PM, Criss, Jeremy <Jeremy.Criss@montgomerycountymd.gov> wrote:

4/15/2014