

Bill No. 37-04  
Concerning: Animal Control— Amendments  
Revised: 9/20/05 Draft No. 10  
Introduced: November 9, 2004  
Enacted: September 20, 2005  
Executive: September 27, 2005  
Effective: September 27, 2005  
Sunset Date: None  
Ch. 22, Laws of Mont. Co. 2005

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

**AN ACT to:**

- (1) define certain terms and procedures;
- (2) add animal cruelty violations;
- (3) clarify certain procedures;
- (4) replace outdated Maryland Code references with correct citations;
- (5) establish a leash requirement for dogs with certain exceptions;
- (6) make certain technical corrections; and
- (7) generally[[,]] amend the Animal Control Law.

By amending

Montgomery County Code  
Chapter 5, Animal Control

Sections 5-101, 5-104, 5-201, 5-202, 5-203, 5-301, 5-302, 5-303, 5-304, 5-305, 5-306, 5-402, and 5-404

By adding

Section 5-307

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*



28 for show or hunting, or as pets. Non-commercial kennel does not include [a  
29 riding stable] an equestrian facility.

30 \* \* \*

31 **[[Otherwise restrained: Physical restraint or under effective control.]]**

32 \* \* \*

33 **Provocation: [[Biting or attacking does not make an animal dangerous, and  
34 attacking does not make an animal potentially dangerous.]] An animal's  
35 behavior is provoked if the behavior is:**

36 **(1) in response to current or previous tormenting, teasing, abuse, threat, or  
37 assault by a person or animal:**

38 **(2) in response to pain or injury:**

39 **(3) to protect the animal, its offspring, or other animals in the same  
40 household: or**

41 **(4) directed against a person who is:**

42 **(A) not lawfully present where the action or behavior occurs;**

43 **(B) injuring, threatening, or endangering the animal's owner or  
44 another person in the vicinity: or**

45 **(C) damaging or unlawfully entering the property, household, or  
46 enclosure where the animal is harbored.**

47 \* \* \*

48 **Riding School or stable: [A place where riding instruction is provided for a  
49 fee, or horses, ponies, donkeys, mules or burros are offered for hire,  
50 boarded, traded, bought, or sold.] [[See Section 59-A-2.1. "Equestrian  
51 Facility."]] An equestrian facility, as defined in Section 59-A-2.1.**

52 \* \* \*

53 **Service animal: Any guide or signal dog or other animal trained to work or  
54 perform tasks for a person with a disability, including[[, but not limited to.]]**

55 guiding a person with impaired vision, alerting a person with impaired hearing  
 56 to intruders or sounds, providing minimal protection or rescue work, nulling a  
 57 wheelchair, or fetching dropped items, or any dog used by the Department of  
 58 Police, Sheriff's Office, Fire and Rescue Service, Department of Homeland  
 59 Security, or any federal or state law enforcement or search and rescue agency.

60 \* \* \*

61 Unwanted contact: An animal's [[Unwelcome]]\_unwelcome or unsolicited  
 62 threatening physical contact or close proximity [[bv an animal]] to a person  
 63 or [[another]] a domesticated animal that occurs outside of an owner's  
 64 property and [[would be expected to]] causes alarm in a reasonable person,  
 65 such as biting, chasing, tracking, inhibiting movement, or jumping.

66 \* \* \*

67 **5-104. Animal Matters Hearing Board.**

68 **(a) Jurisdiction.**

69 **(1)** As provided in this Chapter, the Animal Matters hearing board  
 70 has jurisdiction to hear:

71 **(A)** original complaints involving allegations of violations of  
 72 this Chapter or a violation of the terms of an adoption  
 73 agreement; and

74 **(B)** appeals from [[decisions or orders]] any decision or order  
 75 of the Director[[. Animal Services Division]].

76 **(2)** The Board [[may]] must not [[decide a matter or]] enter an  
 77 order that conflicts with a decision of the County Circuit or  
 78 District Court.

79 **(3)** The Board [[may]] must not hear a complaint or an appeal  
 80 involving the seizure of an animal if the owner has been  
 81 arrested and charged with violating any provision of [[sections

82 10-601. et seq. of the Maryland]] Title 10. Subtitle 6 of the  
 83 Criminal Law [[Code Annotated]] Article or Section 21-1004.1  
 84 of the Transportation [[Code Annotated]] Article of the  
 85 Maryland Code until the charges have been finally resolved by  
 86 the [[courts]] court with jurisdiction.

87 (b) (b) Complaints. A person [[can]] may file a complaint with the Board  
 88 alleging a violation of this Chapter or a violation of an animal  
 89 [[control]] shelter adoption contract. A complaint must be filed  
 90 within one year after the [[act complained of]] alleged violation  
 91 occurred.

92 [[a)] (c) Membership.

93 \* \* \*

94 [[b)] (d) Duties. The Board must:

- 95 (1) decide complaints and appeals under this Chapter, including
- 96 complaints alleging a violation of an animal shelter adoption
- 97 contract;
- 98 (2) recommend standards to maintain regulated facilities;
- 99 (3) review the annual proposed budget for the animal shelter and
- 100 make budget recommendations for the shelter to the Executive
- 101 and the Council;] and
- 102 [[4)] (3) report annually to the Executive and Council on the
- 103 Board's activities and any recommendations for improving
- 104 animal control laws, regulations, and programs.

105 [[c)] (e) Authority. The Board may:

106 \* \* \*

107 (8) In a case based [[upon]] on a complaint or appeal. the Board. in  
 108 addition to ordering the payment of damages. may order the

109 losing party to pay ~~[[another party's]]~~ filing fees or other  
 110 reasonable hearing-related expenses ~~[[related to the hearing, in~~  
 111 ~~addition to ordering payment of damages]]~~.

112 ~~[(d)]~~ (f) Procedures: Hearings on Original Complaints.

113 (1) The Administrative Procedures Act (Chapter 2A) applies to the  
 114 Board's hearings and decisions, unless otherwise expressly  
 115 provided in this Chapter. The Board may issue procedural rules  
 116 to implement this subsection. The Board may hold an  
 117 emergency hearing under Section 2A-9.

118 ~~(2)[(A)]~~ Except as provided in Section 2A-9, the Board must ~~[send or~~  
 119 ~~deliver written notice of a matter before the Board to each person~~  
 120 ~~aggrieved by an action or proposed action of the Director, the~~  
 121 ~~Board, or an animal control officer at least 15 days (or shorter~~  
 122 ~~period if all parties agree) before holding a public hearing on the~~  
 123 ~~matter. The Board must hold a hearing at the request of a person~~  
 124 ~~aggrieved, and may hold a hearing at the request of another party~~  
 125 ~~to the matter (which may include an animal control officer) or on~~  
 126 ~~the Board's own initiative.]~~ provide notice of any hearing to the  
 127 parties at least 15 days before the hearing. The parties may agree  
 128 to a shorter notice period. The Board may provide notice by first  
 129 class mail~~[[.]]~~, which ~~[[If notice is provided by first class mail,~~  
 130 ~~the notice]]~~ is effective 3 days ~~[[following]]~~ after the notice  
 131 ~~[[being]]~~ is placed in the mail, postage prepaid, to the last known  
 132 address of the person to whom the notice is addressed.

133 ~~[(B)]~~ If the Board finds that the circumstances justifying an  
 134 action or proposed action (including the seizure,  
 135 impoundment, or humane euthanasia of an animal):

- 136 (i) constitute an immediate threat to the health or safety  
 137 of an animal, a person, or the public, the Board may  
 138 provide the notice and any requested hearing as  
 139 soon as practical after the action; or  
 140 (ii) do not constitute an immediate threat, the Board  
 141 must provide the notice and any requested hearing  
 142 before ordering the action or modifying an action of  
 143 the Director or an animal control officer.]

144 [(3) The Board must notify the Director and each party to a  
 145 complaint by first class mail sent, or personal delivery  
 146 made, at least 15 days (or shorter period if all parties  
 147 agree) before a hearing, specifying the time and place of  
 148 the hearing.]

49 [(4) Appeals to or from the Board are subject to the  
 150 requirements of Section 5-306.]

151 [(e)] (g) Fee. The Executive may set by regulation a fee for filing a  
 152 complaint with the Board. The filer must pay the fee to the Division  
 153 [when filing a complaint]. The Board or the Animal Control Officer  
 154 may waive the filing fee in response to a [complainant's] written  
 155 request. If the parties agree to a consent order after mediation, the  
 156 Board may refund the filing fee. [The Board may order the losing party  
 157 to pay another party's filing fees or other reasonable expenses related to  
 158 the hearing, in addition to ordering payment of damages.]

159 **5-201. Cruelty.**

160 (a) Violation. A person must not violate State laws against cruelty to  
 161 animals, such as by:

- 52 (1) violating general prohibitions against cruelty (Md. Code,

- 163 [Article 27, §59] Criminal Law Article [[§§ 10-601. et seq.]]  
 164 Title 10. Subtitle 6);
- 165 (2) killing a dog or cat by an inhumane method (Md. Code, [Article  
 166 27, §59A] Criminal Law Article §10-611);
- 167 (3) abandoning a domestic animal (Md. Code, [Article 27, §60]  
 168 Criminal Law Article §10-612 );
- 169 (4) giving away animals under certain circumstances (Md. Code,  
 170 [Article 27, §60A] Criminal Law Article §10-610);
- 171 (5) selling or importing certain puppies and kittens (Md. Code,  
 172 [Article 27, §60B] Criminal Law Article §10-613);
- 173 (6) selling or coloring a chick (Md. Code, [Commercial Law  
 174 Article, §11-904] Criminal Law Article §10-614);
- 175 (7) injuring certain horses (Md. Code, [Article 27, §61] Criminal  
 176 Law Article §10-620);
- 177 (8) killing or trapping a carrier pigeon (Md. Code, [Article 27, §64  
 178 to 66] Criminal Law Article §10-622);
- 179 (9) poisoning a dog (Md. Code, [Article 27, §69] Criminal Law  
 180 Article §10-618);
- 181 (10) abuse or neglect of an animal (Md. Code. Criminal Law Article.  
 182 §10-604);
- 183 (11) aggravated cruelty to animals. in general. (Md. Code. Criminal  
 184 Law Article. §10-606):
- 185 [(10)] (12) failing to take actions required for the driver of a motor vehicle  
 186 that hits and injures an animal (Md. Code, Transportation Article,  
 187 §20-106); or
- 188 [(11)] (13) leaving a cat or dog in a vehicle under certain circumstances (Md.  
 189 Code, Transportation Article, § 21-1004.1).



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**5-202. Dangerous and Potentially Dangerous Animals.**

**(a) Violation.**

(1) Except as provided in subsection (d), a [A] person must not import, sell, trade, buy, barter, breed, raise, keep, or possess;

(A) a wild animal; or

(B) any animal that the County or any other jurisdiction finds is dangerous or a threat to public health or safety, including types of animals excluded from State law prohibitions on dangerous animals.

(2) An animal is dangerous if the animal is:

(A) a “dangerous dog” as defined in Md. Code, [Article 27, §70E] Criminal Law Article §10-619;

(B) any other animal that, without provocation [(as described in subsection (e))], has killed or severely injured a person [ , unless the Board finds that the animal is not dangerous];

(C) an animal that poses a physical threat to humans because of specific training or demonstrated behavior, or because the animal’s bite is poisonous; or

(D) a potentially dangerous animal that:

(i) bites a person without provocation;

(ii) attacks a person or animal without provocation; or

(iii) kills or severely injures a domestic animal outside the property of the potentially dangerous animal’s owner.

(3) An animal is potentially dangerous if:

(A) the animal:

- 217 (i) bites a person without provocation;
- 218 (ii) kill[ed]s or severely injure[d]s a domestic animal
- 219 outside the attacking-animal owner's property;
- 220 (iii) attack[ed]s or has unwanted contact with a person or
- 221 animal without provocation [[as described in
- 222 subsection (e)]]; or
- 223 (iv) was declared by the County or another jurisdiction
- 224 as potentially dangerous (even if the other
- 225 jurisdiction uses a different term); and
- 226 (B) the Division notifies the owner that the animal is
- 227 potentially dangerous.
- 228 (C) An animal's actions in a qualified activity do not make the
- 229 animal potentially dangerous.

230 (b) Declared dangerous or potentially dangerous elsewhere. An owner of

231 an animal declared dangerous or potentially dangerous in another

232 jurisdiction must remove the animal from the County within 10 days

233 after receiving a citation or other notice of a violation of this Chapter

234 unless the Director waives this requirement and imposes conditions or

235 restrictions [[as set forth in]] under subsection (d) for the animal to

236 remain in the County.

237 \* \* \*

238 (d) Confinement and microchipping. [If a dangerous animal is allowed in

239 the County, the animal's owner must keep the animal confined in a

240 building or other secure enclosure to prevent direct contact between the

241 animal and human beings or other animals.] The Director or the Board

242 may impose any restriction or condition, including confinement or

243 microchipping the animal. [[upon]] on the owner of a dangerous or

244 potentially dangerous animal that is reasonably [[calculated]] expected  
 245 to protect the public health or safety. A person must not release the  
 246 animal from confinement unless the animal is:

- 247 (1) securely muzzled in a manner approved by the Division;
- 248 (2) leashed; and
- 249 (3) under the control of a person who is at least 18 years old [[who]]  
 250 and is physically able to restrain the animal.

251 **[[e)]** Provocation. Biting or attacking does not make an animal dangerous,  
 252 and attacking does not make an animal potentially dangerous, if the  
 253 behavior is:

- 254 (1) in response to current or previous tormenting, teasing, abuse,  
 255 threat, or assault by a person or animal;
- 256 (2) in response to pain or injury;
- 257 (3) to protect the animal, its offspring, or other animals in the same  
 258 household; or
- 259 (4) directed against a person who is:
  - 260 (A) not lawfully present where the action or behavior occurs;
  - 261 (B) injuring, threatening or endangering the animal's owner  
 262 or another person in the vicinity; or
  - 263 (C) damaging or unlawfully entering the property, household,  
 264 or enclosure where the animal is harbored.]]

265 **(e)** **[[An animal declared]]** **[[If]]** When a potentially dangerous **[[,]]** animal  
 266 [[when]] is off the owner's premises or property [[of the owner.]] it  
 267 must be:

- 268 (1) on a leash or harness; and
- 269 (2) under the control of a person who is at least 18 years old [[who  
 270 is]] and is physically able to restrain the animal.

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**5-203. Public nuisance and other violations.**

(a) Violation. An owner must not:

(1) Allow [a dog or unaltered] an animal other than an altered cat to be at large. An animal that is participating in a qualified activity is not at large unless the animal leaves the activity.

\* \* \*

(1) sell, trade, or give a domesticated animal to another person [[on]] at a place open to the public [[property]], except a business licensed to sell animals under Section 5-404.

\* \* \*

(c) [At large. An animal is at large if it is outside the premises of its owner and not leashed or otherwise restrained to prevent unwanted contact with a person or another animal. For purposes of this Chapter or any other animal control law, the common area of a homeowners' association, condominium or cooperative is not the owner's premises. A dog participating in a qualified activity is not at large unless the dog leaves the activity.] [[Unwanted Contact.]] An owner must prevent the owner's animal from having unwanted contact with a person or another domesticated animal at all times.

\* \* \*

**5-301. General provisions.**

\* \* \*

(c) Types of enforcement.

(1) Except as provided in paragraph (2), the Director or an animal control officer may, to enforce an animal control law or protect the health or safety of an animal, a person, or the public:

- 298 (A) seize, impound, and dispose of an animal; or
- 299 (B) take any other action necessary ~~[[or order an owner to~~
- 300 take any other action necessary ~~[( )]]~~ to enforce the law,
- 301 including ordering that a microchip be inserted into an
- 302 animal.

303 [The Board may order the Director or an animal control officer to

304 take an action described in this paragraph.]

- 305 (2) The Director or an animal control officer must not destroy an
- 306 animal under paragraph (1) unless:

- 307 (A) the Board has ordered ~~[[the destruction of]]~~ the animal to
- 308 be destroyed; or

- 309 (B) the Director, an animal control officer, or the Board finds
- 310 that destruction of the animal is necessary to prevent an
- 311 immediate threat to public health or safety. If an owner
- 312 requests a hearing within 5 days after the County notifies
- 313 the owner of any action under this paragraph, the Board
- 314 must hold a hearing after the fact on the action and may
- 315 order the County to reimburse the owner for the resale
- 316 value of the animal if the action was not justified; or

- 317 (C) after 5 days, the owner has ~~[[failed to file]]~~ not filed an
- 318 appeal to the Board.

319 \* \* \*

- 320 (h) Board Order to Take Action. As a result of an adjudication of a
- 321 complaint or appeal, the Board may order the Director or an animal
- 322 control officer to take an action described in paragraph (c)(1).

323 **5-302. Special enforcement provisions regarding specific offenses.**

- 24 (a) Dangerous or potentially dangerous animals.

325 (1) An animal control officer immediately may seize, impound, and  
 326 humanely euthanize, at the owner's expense, an animal that the  
 327 Director, an animal control officer, or the Board finds is  
 328 dangerous or potentially dangerous and poses an immediate  
 329 threat to public health or safety. [If an owner requests a hearing  
 330 within 5 days after the County notifies the owner of any action  
 331 under this paragraph, the Board must hold a hearing after the fact  
 332 on the action and may order the County to pay reasonable  
 333 compensation if the action was not justified.]

334 (2) If the animal poses no immediate threat, the owner may, within 5  
 335 days after the County notifies the owner about the violation, appeal the  
 336 violation or action to the Board[;] and request a hearing. The  
 337 County must not dispose of the animal during the 5-day period  
 338 for filing an appeal, or while an appeal is pending.

339 (b) Public nuisance and other violations. [An animal control officer may  
 340 enforce Section 5-203 if the officer observes a violation or receives a  
 341 complaint under oath from at least one witness to a violation.] The  
 342 Board, the Director, or an animal control officer may order any action  
 343 necessary to abate a public nuisance or any other violation of Section 5-  
 344 203.

345 \* \* \*

346 **5-303. Impoundment.**

347 \* \* \*

348 (c) Prepayment for care.

349 (1) The animal's owner must prepay any boarding costs before and  
 350 during any appeal to the Board, unless waived or modified as provided  
 351 in this Chapter. Within [3] 5 days after receiving notice that an

352 animal was impounded under any provision of this Chapter, the  
 353 animal's owner must pay to the County the estimated cost of  
 354 caring for the animal for the 30-day period beginning on the date  
 355 the animal was impounded. The Director must estimate the cost,  
 356 which must include the cost of food, veterinary care, and other  
 357 necessities that a responsible owner would provide for the animal  
 358 and may include other costs, such as pro rata staffing and  
 359 administrative expenses, allowed by regulation. The owner must  
 360 pay in cash or by another method acceptable to the Division.

361 \* \* \*

362 (d) Multiple impoundments.

363 (1) If an unaltered dog or cat is impounded 2 or more times, the  
 364 owner must have the animal altered at the owner's expense  
 365 within 30 days [[of release]] after the animal is released from  
 366 impoundment or surrender the animal to the Director unless:

367 (A) the owner appeals to the Board within 10 days after the  
 368 date of the second violation; and

369 (B) the Board after a hearing waives this requirement or  
 370 orders other action.

371 (2) The Director must not allow an owner to redeem an animal  
 372 impounded less than 12 months after the animal was released  
 373 from a previous impoundment unless [[an]] the owner has  
 374 successfully annealed any citation arising out of the prior  
 375 impoundment until the Director has issued: [, and the owner has  
 376 paid or successfully appealed]

377 (A) a citation for the current violation; and

378 (B) an order designed to prevent future violations.

\* \* \*

379

380 **5-304. Disposition.**

381 (a) Types of disposition. An animal impounded by the [County] Division  
382 may be:

\* \* \*

383

384 **5-305. Penalties.**

\* \* \*

385

386 (c) Penalties. A violation of:

387 (1) Section 5-201 is a Class A civil violation for which the penalty  
388 must not exceed the maximum penalty allowed by State law for  
389 the equivalent offense under State law;

390 (2) Section 5-202 is a Class A violation;

391 (3) any paragraph of Section 5-203(a) that is not also a violation of  
392 Section 5-203(b) is a Class B violation; [and]

393 (4) Section 5-203(b) and 5-203(c) are [is a] Class A violations[.];  
394 and

395 (5) Section 5-402(c) is a Class A violation.

396 **5-306. Appeal to the Board.**

397 (a) [Appeal to the Board.] Time for Noting Appeal. Excent as provided in  
398 Section 5-104(a). [A] a person aggrieved by a decision of the Director  
399 or an animal control officer may appeal the decision to the Board within  
400 5 days after the Director or the animal control officer notifies the owner  
401 about the decision. The [[County]] Director or animal control officer  
402 must not dispose of the animal during the 5-day period for filing an  
403 appeal, or while an appeal is pending, unless authorized to do so under  
404 this Chapter. [The Board may modify a decision of the Director or an  
405 animal control officer only if the appellant proves by a preponderance



406 of the evidence that the decision was arbitrary, illegal, or not based on  
 407 substantial evidence. The Board must issue a written decision  
 408 explaining the factual and legal basis for the decision.]

409 [(b) Appeal from the Board. A person aggrieved by an order of the Board  
 410 may appeal the order under Section 2A-11 within 10 days after the  
 411 Board issued the order.]

412 (b) Burden of Production. Notwithstanding the provisions of Section 2A-  
 413 8(d) ~~[[of the Code]]~~, the Appellant has the burden of ~~[[persuasion and~~  
 414 ~~of]]~~ going forward with the production of evidence before the Board.

415 (c) Filing Fee. In addition to any other requirement imposed by this  
 416 Section, the owner appealing a decision of the Director or an animal  
 417 control officer must pay a filing fee ~~[[as may be]]~~ established by  
 418 ~~[[the]]~~ executive ~~[[by]]~~ regulation. The Board or the Director may  
 19 waive the filing fee in response to an appellant's request.

420 [(c) Requirements for appeal. If an owner appeals an impoundment,  
 421 seizure, or disposition order issued or affirmed by the Board, the  
 422 owner must board the animal at a facility approved by the Division.  
 423 The owner must pay the cost of impounding the animal before and  
 424 during the appeal, or if the Board allows, post a bond to pay these  
 425 expenses if the owner does not prevail in the appeal. If the owner  
 426 fails to meet these requirements, the animal is abandoned.]

427 (d) Board's Decision. The Board may modify a decision of the Director  
 428 or an animal control officer only if the appellant proves by a  
 429 preponderance of the evidence that the decision was arbitrary, illegal,  
 430 or not based on substantial evidence. The Board must issue a written  
 431 ~~[[decision]]~~ opinion explaining the factual and legal basis for ~~[[the]]~~  
 32 its decision.

433 (e) Boarding of Animal -- Approved Facility]] Pending Board Decision.  
 434 If the owner ~~[[is appealing]]~~ timely appeals an impoundment or  
 435 seizure. ~~[[by the Division. or a disposition order issued or affirmed by~~  
 436 ~~the Board, the owner must board the animal at the owner's expense at~~  
 437 ~~a facility approved by the Division]]~~ the owner may also seek review  
 438 of the Director's determination of boarding costs ~~[[,]]~~ by filing an  
 439 appeal with the Chief Administrative Officer within 5 days ~~[[of~~  
 440 ~~issuance of]]~~ after the ~~[[Director's]]~~ Director issues a demand for  
 441 renavment. The Chief Administrative Officer, or a designee, must  
 442 review the Director's decision within 2 business days ~~[[of receipt of]]~~  
 443 after receiving the appeal. The owner must provide the Chief  
 444 Administrative Officer with information sufficient to show that  
 445 requiring renavment of boarding costs would be a serious financial  
 446 hardship on the owner. The Chief Administrative Officer may ask the  
 447 owner to provide additional information at an informal hearing  
 448 conducted in person or by telephone. The Division must not require  
 449 the owner to ~~pre[[=]]nav~~ any boarding costs pending the Chief  
 450 Administrative Officer's decision. The Chief Administrative Officer  
 451 may make any decision the Director could have made such as  
 452 requiring the owner to ~~pre[[=]]nav~~ boarding costs retroactive to the  
 453 initial boarding date of the animal, posting a bond, or placing the  
 454 animal in a suitable facility at the owner's sole expense. The owner  
 455 may ask the Board to review the Chief Administrative Officer's  
 456 decision regarding renavment of boarding costs as part of its review  
 457 of the underlying appeal.

458 (f) Boarding of Animal -- ~~[[Division Facility]]~~ After Board Decision, ~~[[If~~

459 the animal is boarded at a Division facility. the]] The owner must pay  
 460 ~~[[the]]~~ any boarding costs ~~[[of boarding]]~~ for the animal before and  
 461 during any appeals, or if the Board allows, post a bond to pay these  
 462 expenses if the owner does not prevail in the appeal.

463 (g) If the owner ~~[[fails to]]~~ does not meet the requirements of this Section,  
 464 including any requirement to ~~pre~~~~[-]~~pay boarding costs, the animal  
 465 ~~[[is]]~~ must be treated as abandoned and becomes the County's property.

466 **5-307. Appeal from the Board.**

467 A party aggrieved by an order of the Board may appeal the order under  
 468 Section 2A-11 within 10 days after the Board issues the order.

469 **5-402. Rabies control.**

470 \* \* \*

471 (c) An owner must vaccinate a ~~a~~ ~~[[dogs, cats, and ferrets]]~~ cat, dog, or  
 472 ferret older than 4 months of age~~[[,]]~~ against rabies and provide proof  
 473 of the most recent vaccination to an animal control officer within 24  
 474 hours.

475 \* \* \*

476 **5-404. Animal business licensing.**

477 (a) Businesses requiring a license. The County Executive must issue  
 478 regulations to require and set conditions for an annual County license  
 479 to operate:

- 480 (1) a pet shop;
- 481 (2) a commercial kennel;
- 482 (3) as a fancier;
- 483 (4) ~~[a riding school or stable]~~ an equestrian facility;
- 484 (5) a benevolent organization; or

485 (6) [as a groomer, trainer, or] a guard dog operator who places a  
486 dog for hire on private property.

487 *Approved:*

488   
George Leventhal, Vice President, County Council


9/22/05  
Date

489 *Approved:*

490   
Douglas M. Duncan, County Executive

9/27/05  
Date

491 *This is a correct copy of Council action.*

492   
Linda M. Lauer, Clerk of the Council

9/29/05  
Date