

Chapter 386

(Senate Bill 838)

AN ACT concerning

St. Mary's County – Animal Regulations

FOR the purpose of repealing provisions authorizing the County Commissioners of St. Mary's County to pass rules, regulations, or resolutions relating to dog licenses, the prohibition of dogs running at large off the property of the owner, the seizure and disposal of dogs found running at large, and the confinement of female dogs in heat; repealing provisions authorizing the county commissioners to delegate, by written contract, the enforcement of certain rules, regulations, or resolutions; authorizing the county commissioners to enact a local law to provide a comprehensive system for the regulation, humane treatment, and keeping of domestic animals and wild animals kept in captivity; authorizing a certain local law to include a schedule of fines for designated violations; providing that a violation of a certain local law is a civil infraction; and generally relating to the regulation of certain animals in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 13–129
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Local Government

13–129.

(a) (1) In St. Mary's County, on or before June 30 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of St. Mary's County.

(3) (i) The county commissioners shall appoint agents to collect dog and kennel license fees that are not paid by August 1 of each year.

(ii) A penalty of \$1.00 per license shall be assessed against dog owners whose dog or kennel license fees are not paid by August 1 each year.

(4) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section shall be the only licenses and fees required for owning or keeping a dog.

(5) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(6) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(7) A license expires on June 30 of the year after issuance.

(b) (1) In St. Mary's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of St. Mary's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

issued;

- (i) application by the person to whom the original license was issued;
- (ii) the production of the license; and
- (iii) payment of a fee of 25 cents.

[(c) (1) If reasonably applicable, this subsection applies to the regulation and control of:

- (i) any domestic animal; and
- (ii) a wild animal kept in captivity.

(2) The County Commissioners of St. Mary's County may pass rules, regulations, or resolutions to provide for:

- (i) issuing dog licenses;
- (ii) keeping records of all sales of licenses;
- (iii) designating persons authorized to sell licenses; and
- (iv) seizing and disposing of dogs found running at large in the county.

(3) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(4) The rules, regulations, or resolutions shall include standards and shall operate uniformly.

(5) Subject to paragraph (6) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or resolutions.

(6) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (5) of this subsection.

- (ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires at least 30 days' notice before cancellation, if the cancellation is without cause.

(7) (i) The county commissioners may establish penalties for a violation of a rule, regulation, or resolution passed under this subsection.

(ii) The penalty for each violation may not exceed imprisonment for 1 year or a fine of \$1,000 or both.]

(C) (1) THE COUNTY COMMISSIONERS MAY ENACT A LOCAL LAW TO PROVIDE A COMPREHENSIVE SYSTEM FOR THE REGULATION, HUMANE TREATMENT, AND KEEPING OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.

(2) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION MAY INCLUDE A SCHEDULE OF FINES FOR DESIGNATED VIOLATIONS.

(3) A VIOLATION OF A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION IS A CIVIL INFRACTION UNDER § 12-804 OF THIS ARTICLE.

(d) (1) The County Commissioners of St. Mary's County may employ an animal control officer.

(2) The county shall determine the annual salary of the animal control officer employed under this section.

(3) An animal control officer employed under this section:

(i) has all the powers of a peace officer; and

(ii) shall seize and dispose of unlicensed dogs as prescribed by the county commissioners.

(e) (1) The County Commissioners of St. Mary's County may provide an animal shelter for the placement of dogs seized by animal control officers.

(2) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(3) The county commissioners may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(4) (i) The County Commissioners of St. Mary's County may pay any expenses arising from the operation of this subsection.

(ii) Notwithstanding § 13-105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

1. establish an animal shelter; or
2. collect, dispose of, or euthanize stray, injured, or sick dogs.

[(f) (1) The County Commissioners of St. Mary's County, by rule, regulation, or resolution, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large off the premises of the owner.

(2) A rule, regulation, or resolution passed under this subsection may allow the following dogs to run at large when accompanied by the owner or agent of the owner and when kept within sight or calling distance of the owner or agent:

(i) dogs proved to be obedient, in accordance with rule, regulation, or resolution of the county;

(ii) dogs being used or trained for hunting; and

(iii) dogs accompanied by the owner on horseback.

(3) The county commissioners, by rule, regulation, or resolution, may provide for enforcement and investigation of reports of violations of a rule, regulation, or resolution passed under this subsection.

(4) An owner of a dog who fails to comply with a rule, regulation, or resolution passed under this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25 for each violation.

(g) (1) In St. Mary's County, the owner or custodian of a female dog that is in heat shall:

(i) adequately and securely confine the dog;

(ii) prevent the dog from contacting roaming dogs; and

(iii) protect the dog from other dogs that are attracted to the premises.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$10 and not exceeding \$50.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.