

HOUSE BILL 912

L6

2lr2208

By: **Delegates Kach and Olszewski**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Animals – Pet and Animal Guardians**

3 FOR the purpose of altering certain terminology relating to the ownership and
4 guardianship of dogs; requiring the publishers of the Annotated Code of
5 Maryland, in consultation with the Department of Legislative Services, to
6 replace certain references in the Code in relationship with certain domestic
7 animals and to describe such corrections in an editor's note in the Code; and
8 generally relating to the use of certain terminology regarding a pet or domestic
9 animal.

10 BY repealing and reenacting, with amendments,
11 Article 24 – Political Subdivisions – Miscellaneous Provisions
12 Section 11–501(a), (a–1)(2), and (e), 11–502, 11–503(a), 11–504(i), (j)(2), and
13 (l)(3) and (5), 11–506, 11–508(b)(1) and (c), 11–510(c), (d), and (e),
14 11–511(c)(2), 11–512(a), 11–513(b), and 11–514(b)
15 Annotated Code of Maryland
16 (2011 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article 24 – Political Subdivisions – Miscellaneous Provisions
19 Section 11–501(a–1)(1), 11–508(a), 11–510(a), 11–511(a) and (b), 11–513(a), and
20 11–514(a)
21 Annotated Code of Maryland
22 (2011 Replacement Volume)

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

25 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

26 11–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except in Calvert County, Carroll County, Cecil County, Montgomery
2 County, Howard County, Talbot County, and Washington County, on or before the
3 first day of July of each year, the [owner] **GUARDIAN** of any dog, six months old or
4 over, shall apply either orally or in writing, to the county treasurer or to the tax
5 collecting officer in said county for a license for each such dog [owned or kept by him]
6 **KEPT BY THE GUARDIAN**, and such application shall be accompanied by a fee of one
7 dollar (\$1.00) for each male dog or each spayed female dog, and a fee of two dollars
8 (\$2.00) for each unspayed female dog, and provided that kennel license shall be issued
9 for ten dollars (\$10.00) to persons [owning] **HAVING GUARDIANSHIP OF** or keeping
10 not in excess of twenty-five dogs and that a kennel license fee of twenty dollars
11 (\$20.00) shall be issued to persons keeping more than twenty-five dogs. Except as
12 provided in subsection (a-1) of this section, the said license or fee shall be the only
13 license or tax required for the [ownership or keeping of said] **GUARDIANSHIP OF THE**
14 dog or dogs. Such license shall be issued on a form prepared and supplied by the
15 county commissioners. Such license shall be dated and numbered, and shall contain a
16 description of the dog licensed. Except in Calvert County, Carroll County, Cecil
17 County, Montgomery County, Howard County, Talbot County, and Washington
18 County, all licenses shall be void upon the first day of July of the following year. The
19 county commissioners shall also furnish, and the county treasurer, or tax collecting
20 officer issuing the license, shall issue, with each license, a metal tag. Such tag shall be
21 affixed to a substantial collar. The collar shall be furnished by the [owner]
22 **GUARDIAN**, and with the tag attached shall at all times be kept on the dog for which
23 the license is issued, except when confined in the kennel or when hunting in charge of
24 an attendant.

25 (a-1) (1) This subsection applies in all counties.

26 (2) Notwithstanding any other provisions of this section, a person
27 shall obtain a kennel license from the local licensing agency if the person:

28 (i) [Owns] **IS THE GUARDIAN** or has custody of 15 or more
29 unspayed female dogs over the age of 6 months kept for the purpose of breeding the
30 dogs and selling their offspring; and

31 (ii) Sells dogs from six or more litters in a year.

32 (e) In St. Mary's County the license fees for dogs, including the fee for any
33 kennel license, shall be determined by the County Commissioners of the county and
34 shall be payable on or before the thirtieth day of June of each year, and all such
35 licenses issued shall be void upon the thirtieth day of June the following year. The
36 County Commissioners of St. Mary's County are authorized and directed to appoint
37 the necessary agents to collect said license fees from [owners] **GUARDIANS** of dogs
38 who have not paid the required license fees by the first day of August in each year, and
39 there shall be added to the fee of such delinquent [owner] **GUARDIAN** a penalty of one

1 dollar (\$1.00) per license. Every dog warden appointed in St. Mary's County shall have
2 all the powers of a constable or other peace officer.

3 11-502.

4 (a) If the application shall disclose and the clerk be satisfied that the dog for
5 which the license is sought is a "dog guide", professionally trained to aid the blind or
6 visually handicapped or deaf or hearing impaired, or mobility impaired, as the case
7 may be, and actually in use for such purpose, the license therefor shall be issued
8 without the payment of any fee and the clerk shall inscribe across the face of the
9 license in red ink the words "dog guide".

10 (b) (1) The application shall be accompanied by an affidavit from the
11 [owner or owners] **GUARDIAN OR GUARDIANS** stating that the dog for which the
12 license is sought has been professionally trained as a dog guide and stating that the
13 [owner or owners] **GUARDIAN OR GUARDIANS** are aware that the [owner]
14 **GUARDIAN** may be liable, under § 7-705 of the Human Services Article, for damages
15 caused by the guide dog to premises or facilities. Forms for affidavits required under
16 this subsection shall be made available by the local licensing agency in each
17 subdivision.

18 (2) The dog guide shall be issued an orange license tag in addition to
19 the tag issued pursuant to § 11-501 of this subtitle. The orange tag shall be labeled
20 "dog guide" and shall indicate that it is issued by this State. Pursuant to Article 41, §
21 18-201 of the Code, the Department of General Services shall purchase the orange
22 tags and make them available to the counties upon reimbursement for the cost of the
23 tags.

24 11-503.

25 (a) Except in Carroll County, the county commissioners of the counties shall
26 prepare, and furnish annually to the county treasurer, and to the tax collecting officer,
27 metal tags to be given the [owners] **GUARDIANS** of dogs when the [owners]
28 **GUARDIANS** shall pay the license fee for dogs. The tags shall be of metal, and shall
29 have a serial number corresponding with the number on the license issued to the
30 [owner] **GUARDIAN**, as provided in § 11-501 of this subtitle. The tags shall also have
31 impressed thereon the calendar year for which the tag is issued, and shall not be more
32 than 1 inch in length, and shall be equipped with a substantial metal fastening device.
33 The general shape of the tag shall be changed from year to year, and the tags
34 furnished owners of kennels shall have the word "kennel" thereon. If any tag is lost it
35 shall be replaced by the county treasurer, or tax collecting office, upon application by
36 the person to whom the original license was issued, upon the production of the license
37 and payment of a fee of 25 cents.

38 11-504.

1 (i) (1) The county commissioners of Charles and St. Mary's counties are
2 authorized and empowered by rule, regulation or resolution to provide that [owners]
3 **GUARDIANS** of dogs in the county shall not permit the dog, whether licensed or
4 unlicensed, to run at large off the premises of the [owner] **GUARDIAN**, except when it
5 is under the control of the [owner] **GUARDIAN** or an authorized agent of the [owner]
6 **GUARDIAN** by leash, cord or chain, provided that the following dogs may be permitted
7 to run at large when accompanied by the [owner] **GUARDIAN** or an authorized agent
8 and when kept within sight or calling distance:

9 (i) Dogs proved to be obedient, in accordance with any
10 regulation or resolution of the county commissioners;

11 (ii) Dogs being used for hunting, or trained for hunting; and

12 (iii) Dogs being accompanied by the [owner] **GUARDIAN** on
13 horseback.

14 (2) The county commissioners by rule, regulation or resolution may
15 provide for investigation of reports of violations of paragraph (1) of this subsection and
16 for enforcement of the provisions of this subsection.

17 (3) Any [owner] **GUARDIAN** failing to comply with the provisions of
18 this section shall be guilty of a misdemeanor and upon conviction thereof shall be
19 subject to a fine of not more than twenty-five dollars (\$25.00) for each offense.

20 (j) (2) Any dog [owner] **GUARDIAN** violating the rules and regulations
21 provided for in paragraph (1) of this subsection, in Worcester County, is guilty of a
22 misdemeanor and upon conviction thereof will be subject to a fine of not more than \$25
23 for the first offense or a fine of not more than \$100 for each additional offense.

24 (l) (3) It is unlawful in Harford County for any person to [own or keep]
25 **HAVE GUARDIANSHIP OF** a dog which disturbs the peace and quiet of any
26 neighborhood in an inhabited area, or which is vicious and bites any person. Upon the
27 sworn complaint before the District Court sitting in Harford County of any person
28 alleging that a dog disturbs the peace and quiet of any neighborhood in an inhabited
29 area of Harford County, or upon the sworn complaint of any one or more persons that
30 a dog is vicious and has bitten any person, a summons shall issue to the [owner]
31 **GUARDIAN** or keeper of such dog to appear before the District Court sitting in Harford
32 County. Upon proof that the dog disturbs the peace and quiet of any neighborhood in
33 an inhabited area, or is vicious and has bitten any person, the [owner] **GUARDIAN** or
34 keeper may be required to deliver up the offending dog to be killed in the most
35 humane manner possible unless he removes the dog permanently from the
36 neighborhood. If the [owner] **GUARDIAN** or keeper is required to deliver up the dog to
37 be killed or to remove it as aforesaid, and he refuses or fails to do so, then it is the duty
38 of any police officer or any duly empowered agent on behalf of the county to seize the
39 dog wherever it may be found and to cause it to be killed in the most humane manner

1 possible. The court may order the dog restrained or enter such other appropriate order
2 as the case may require. Any [owner] **GUARDIAN** failing to comply with the provisions
3 of this paragraph or a court order entered thereunder is guilty of a misdemeanor and
4 upon conviction thereof shall be subject to a fine of not more than twenty-five dollars
5 (\$25.00) for each offense. Notwithstanding the foregoing provisions of this subsection,
6 the barking of hunting dogs in pursuit of game shall not be considered a disturbance of
7 the public peace for the purposes hereof.

8 (5) It is unlawful in Cecil County for any person to [own or keep]
9 **HAVE GUARDIANSHIP OF** a domestic animal which disturbs the peace and quiet of
10 any neighborhood in an inhabited area, or which is vicious and bites any person. Upon
11 the sworn complaint in the District Court sitting in Cecil County of any person
12 alleging that a domestic animal disturbs the peace and quiet of any neighborhood in
13 an inhabited area of Cecil County, or upon the sworn complaint of any person that a
14 domestic animal is vicious and has bitten any person, a summons shall issue to the
15 [owner] **GUARDIAN** or keeper of such domestic animal to appear in the District Court
16 sitting in Cecil County. Upon proof that the domestic animal disturbs the peace and
17 quiet of any neighborhood in an inhabited area, or is vicious and has bitten any
18 person, the [owner] **GUARDIAN** or keeper may be required to deliver up the offending
19 domestic animal to be killed in the most humane manner possible unless he removes
20 the domestic animal permanently from the neighborhood. If the [owner] **GUARDIAN** or
21 keeper is required to deliver up the domestic animal to be killed or to remove it as
22 aforesaid, and he refuses or fails to do so, then it is the duty of any police officer or any
23 duly empowered agent on behalf of the county to seize the domestic animal wherever it
24 may be found and to cause it to be killed in the most humane manner possible. The
25 court may order the domestic animal restrained or enter such other appropriate order
26 as the case may require. Any [owner] **GUARDIAN** failing to comply with the provisions
27 of this paragraph or a court order entered thereunder is guilty of a misdemeanor and
28 upon conviction thereof shall be subject to a fine of not more than \$500 for each
29 offense. Notwithstanding the foregoing provisions of this subsection, the barking of
30 hunting dogs in pursuit of game may not be considered a disturbance of the public
31 peace for the purposes hereof.

32 11-506.

33 All lawfully licensed dogs in the counties of this State, the [ownership]
34 **GUARDIANSHIP** of which can be proved, shall be deemed personal property, said
35 provision not to apply to Somerset County.

36 11-508.

37 (a) (1) The governing body of a county may provide by local law or
38 ordinance for the compensation of any person whose sheep, poultry, or livestock is
39 destroyed or injured by a dog.

1 (2) A local law or ordinance enacted under this section may require
2 the sheriff of the county, a county official, or other person to appraise the damages
3 sustained by the person and report the findings to the county governing body.

4 (b) (1) If the [owner] **GUARDIAN** of the dog may not be determined, the
5 county governing body may compensate the person in accordance with the appraisal
6 out of a dog license fund established under § 11-507 of this subtitle or out of the
7 general fund of the county.

8 (c) If the [owner] **GUARDIAN** of the dog doing the damage be known, it is the
9 duty of the county governing body to notify the [owner] **GUARDIAN** to kill the dog
10 immediately. If the [owner] **GUARDIAN** refuses or neglects to kill the dog upon notice,
11 the [owner] **GUARDIAN** shall be liable for the damages to the same extent as the
12 [owner] **GUARDIAN** would be liable in case of negligence or malicious destruction of
13 property. The county governing body may have special officers kill the dog.

14 11-510.

15 (a) The provisions of this section are applicable only in Calvert County.

16 (c) The County Commissioners may provide by ordinance that [owners]
17 **GUARDIANS** of dogs may not permit the dog, whether licensed or unlicensed, to run at
18 large within the confines of any platted subdivision or district zoned residential,
19 except when the dog is under the control of the [owner] **GUARDIAN** or an authorized
20 agent of the [owner] **GUARDIAN** by leash, cord or chain. However, a petition
21 requesting such an ordinance shall be submitted to the County Commissioners and
22 signed by a majority of the residents of the platted subdivision or district zoned
23 residential, with a designation of the boundary limits of the specific area. Further, the
24 County Commissioners, after advertising the proposed ordinance and a public hearing
25 on that ordinance for 2 consecutive weeks in 2 newspapers of general circulation in
26 Calvert County, shall designate the boundary limits of each area as part of any
27 enacted ordinance.

28 (d) Any dog seized and impounded shall be held for its [owner] **GUARDIAN**
29 for a period of 72 hours. During this period any dog seized shall be released to the
30 [owner] **GUARDIAN**, or his duly authorized representative, upon satisfactory proof of
31 [ownership] **GUARDIANSHIP**, tender of a fee in whatever amount the County
32 Commissioners determine for the costs of seizure and impounding, and upon
33 presentation of the license for the dog.

34 (e) Any [owner] **GUARDIAN** who does not redeem his dog within 72 hours
35 forfeits all rights of [ownership] **GUARDIANSHIP** and the dog shall be the property of
36 Calvert County. The dog shall remain impounded for an additional 48 hours, during
37 which time any person desiring may obtain [ownership] **GUARDIANSHIP** of the dog by
38 tendering the fee for the costs of seizure and impounding and by purchasing a license.

1 11-511.

2 (a) This section only applies to Carroll County, Cecil County, and Frederick
3 County.

4 (b) In addition to and not in substitution for any powers granted under this
5 article, the county commissioners, by ordinance, may provide for a comprehensive
6 system for the regulation of domestic animals, including dogs, and wild animals held
7 in captivity, within the county, including licensing and control.

8 (c) These regulations may include:

9 (2) Provisions for the regulation of persons who [own] **ARE THE**
10 **GUARDIAN OF** or keep any animal which disturbs the peace and quiet of a
11 neighborhood, or which is vicious; and

12 11-512.

13 (a) (1) In Cecil, Dorchester, Frederick, Talbot, and Wicomico counties, the
14 [owner] **GUARDIAN** or custodian of a female dog that is in heat may not knowingly
15 allow the dog to run at large.

16 (2) In Cecil, Dorchester, Frederick, and Wicomico counties, the
17 [owner] **GUARDIAN** or custodian of a female dog that is in heat shall confine the dog.

18 11-513.

19 (a) This section applies in Harford County.

20 (b) The [owner] **GUARDIAN** of a female dog that is in heat may not allow the
21 dog to be out of doors either loose or on a leash.

22 11-514.

23 (a) This section applies in Howard and St. Mary's counties.

24 (b) The [owner] **GUARDIAN** or custodian of a female dog that is in heat shall:

25 (1) Adequately and securely confine the dog;

26 (2) Prevent the dog from contacting roaming dogs;

27 (3) Protect the dog from other dogs that are attracted to the premises;
28 and

29 (4) Protect the dog from migrating dogs.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, with no further action
2 required by the General Assembly, the publishers of the Annotated Code of Maryland,
3 in consultation with and subject to the approval of the Department of Legislative
4 Services, shall replace throughout the Code, in a manner consistent with the changes
5 made in Section 1 of this Act, any use of the term “own” in reference to a domesticated
6 animal, not including farm animals, with the term “guardian” and shall adequately
7 describe any such correction in an editor’s note following the section affected.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.