

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

April 15, 2025
Legislative Session Day

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April 15, 2025

CODE HOME RULE
BILL NO. 3-2025

INTRODUCED BY: Ronald H. Fithian, President of the Board of County Commissioners for Kent County, Maryland.

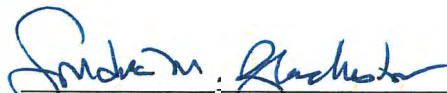
AN ACT to amend the Public Local Laws of Kent County, Maryland, by revising Chapter 64 Animals, by adding a new Article II, and providing for an effective date. This Article establishes requirements for licensing Fox Hunting Club Dog Kennels in Kent County. It covers only the physical facilities where hounds are kept.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

INTRODUCED, read first time, April 15, 2025, ordered posted and public hearing scheduled May 13, 2025, at 10:00 a.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:


Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on May 13, 2025. Reported favorably [with] amendments; read a second time and ordered to be considered on May 20, 2025, a legislative session day.

A BILL ENTITLED CHRB 3-2025 FOX HUNTING CLUB DOG KENNELS

LICENSE PROCESS

SECTION 1.

NOW, THEREFORE, BE IT ENACTED by the County Commissioners of Kent County, Maryland that Chapter 64 *Animals*, of the Code of Public Local Laws of Kent County, Maryland is hereby amended by adding a new Article II, substantially in the form attached hereto as Exhibit A.

SECTION 2.

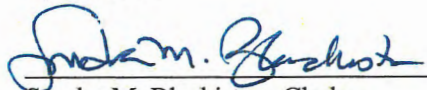
BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall be adopted on the 20th day of May, 2025.

Read Third Time May 20, 2025

PASSED this 20th day of May, 2025.

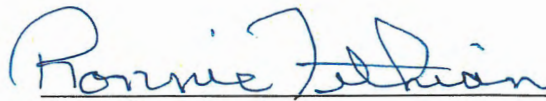
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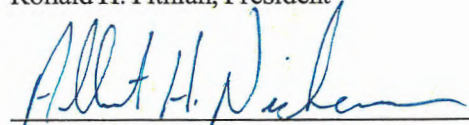
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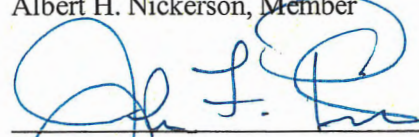

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)


Ronald H. Fithian, President


Albert H. Nickerson, Member


John F. Price, Member

ORDERED a fair summary thereof or the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

CHAPTER 64: ANIMALS
ARTICLE II
FOX HUNTING CLUB DOG KENNELS LICENSE PROCESS

PART 1: GENERAL PROVISIONS AND DEFINITIONS

§ 64-11. Purpose and Scope; Relationship to Maryland Law.

- (A) This Article II establishes requirements for licensing Fox Hunting Club Dog Kennels in Kent County. It covers only the physical facilities where hounds are kept. Maryland Furbearers Licensing, Hunting Licenses, or any dog licenses for the hounds are not covered by Article II.
- (B) Fox Hunting Club Dog Kennels are considered separate and distinct from other dogs and kennels covered under Chapter 64, Article I, and in Maryland Code Ann., Local Government, § 13-108 (b) and § 13-125 (b).
- (C) In addition to this Article II, licensed property owners must also comply with Maryland Code Ann., Local Government, § 13-108 (b) and § 13-125 (b) regarding dogs and kennels, and with Chapter 64, Article I of Kent County Public Local laws.
- (D) By July 1 each year, all licensed property owners shall submit required reporting data for the Local Government Article, §13-108 to Kent County's local licensing agency, in this case, The Humane Society of Kent County, Maryland, Inc., or an agency appointed by the County Commissioners of Kent County, as set forth in Chapter 64, Article II. A copy of the report will also be submitted to the Kent County Fox Hunting Club Dog Kennels Licensing Board.
- (E) In accordance with Maryland Code Ann. Local Government, § 13-108 (e), provisions under this Article may be stricter than those in the Local Government Article.

§ 64-12. Definitions.

Dog

A member of the species *canis familiaris*, regulated under Chapter 64, Article I.

Dog Kennel, Fox Hunting Club

The keeping of hounds owned by a fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing and training the hounds for the sport of fox chasing.

Fox Hunting Club

A formally organized local group that belongs to an official organization (such as the Masters of Foxhounds Association of North America or similar) that has rules for keeping hounds, with priority on hound and community safety and health.

Hound

A non-domestic dog kept for the sport of fox hunting by a fox hunting club.

License

An approval granted under this Article II for the siting of a fox hunting club dog kennel on private property to keep fox hunting hounds.

Public Nuisance

A documented, unreasonable annoyance interfering with surrounding property owners' enjoyment of their property or adjacent public roads, caused by hounds that repeatedly:

- (A) Wander freely off the property;
- (B) Damage others' property;
- (C) Frighten pedestrians or passersby;
- (D) Chase vehicles;
- (E) Attack other domestic animals;
- (F) Are excessively noisy, above and beyond that of livestock permitted in the zoning district and commonly associated with farming, provided that the baying of hounds during supervised exercise and training shall not be considered to be a Public Nuisance;
- (G) Produce offensive odors in excess of odors commonly associated with farming, fertilizers, livestock, and other customary rural uses, where such additional odors cause discomfort to those neighbors or others in close proximity to the premises where the hounds are kept;
- (H) Are kept in such a manner that it causes unsanitary conditions in enclosures or surroundings where the hounds are kept; or
- (I) Materially interfere, as in, is purposefully undertaken to disrupt, with an adjacent neighbor's enjoyment or use of said neighbor's private property.

Secure Enclosure

A building or fenced area that prevents hounds from escaping, keeps other animals out, and prevents unauthorized people from accidentally entering.

§ 64-13. Licensing Board and Administration.

- (A) The Board of County Commissioners serves as the Fox Hunting Club Dog Kennels Licensing Board and may meet during any regular or special County Commissioner meeting.
- (B) Board members do not receive payment for serving on this Board.
- (C) The Department of Planning, Housing, and Zoning's Code Enforcement Officers may serve as general inspectors to provide information to the Board when requested.
- (D) The Board may adopt additional administrative processes and procedures as needed to carry out this Article.
- (E) The County Commissioners of Kent County will establish and change fees for this Article by resolution from time to time.
- (F) Licenses are issued as a letter from the County stating any conditions imposed by the Board. A copy of the letter will be kept on file and available for review by members of the public.

PART 2: APPLICATION REQUIREMENTS AND PROCESS

§ 64-14. Initial Application Requirements.

- (A) Applicants shall submit a property survey or site drawing showing all buildings and attached runs for the hounds.

The submitted drawing(s):

1. Shall show measured distances to all property lines that are closer than 1,000 feet from hound areas;
2. May show existing topography, landscaping, and other existing structures that would serve as screening; and
3. Shall show all additional screening the applicant proposes to shield views from nearby roads and neighboring properties within 1,000 feet of buildings and attached runs for the hounds.

- (B) Applicants shall submit a narrative in writing that describes:

1. Daily and seasonal operations of the fox hunting club dog kennel;
2. An overview of the kennel's waste management plan;

3. How the operator plans to avoid public nuisances as defined in Part 1;
4. How the operator plans to coordinate the transfer of hounds on the site to vehicles that will be transporting the hounds to and from other sites;
5. Any other significant operational matters; and
6. Any amendments to the narrative requested by the Board.

§64-15 Application Review Process.

- (A) Staff shall place an advertisement in a newspaper of record to notify the public of the date, time, and place of the Board's meeting to review an application for a license.
- (B) At the advertised meeting, the Board (1) shall review the application according to standards in Part 4, (2) may ask the applicant to make a presentation, and (3) may invite public input.
- (C) The Board may approve the application, approve with conditions as authorized in Part 4, or disapprove the application. Applications shall not be disapproved with prejudice, except for repeated frivolous submissions.
- (D) Initial approvals are probationary; applicants must renew every 12 months.
- (E) License approvals are administrative; such approvals are not quasi-judicial.

§64-16 Amended applications.

- (A) If an applicant makes changes to physical facilities and/or approved operations, then the applicant must submit an amended application for Board review to address any changes.
- (B) Amended applications follow the same review process as original applications. Applicants are encouraged to use red-line drawings and track-change narratives for ease of review.
- (C) For reviews required by the Board, the Board at its discretion may waive any submittal requirements of the applicant. The Board shall not waive any public notice requirement.

PART 3: LICENSE TERMS AND REVIEW PROCESSES

§ 64-17. Probationary Period and Reviews.

- (A) First-time approvals have a 12-month probationary period during which a Licensee may be asked to appear before the Board to address concerns. Such reviews are at the Board's discretion and conducted per Part 2 above.

- (B) If the Board requests a probationary-period review, staff will notify the probationary Licensee and schedule a meeting within approximately 30 days for the Licensee to appear before the Board.
- (C) County Staff shall communicate to the Licensee in writing the nature of request for the Licensee's appearance, so the Licensee may prepare an amended application per Part 2.
- (D) After a probationary-period review, the Board may require facility revisions, request another review with additional information from the Licensee, and/or notify the Licensee that a revocation hearing may be considered.
- (E) After the Board's decision, the Licensee has 90 days to begin construction of any required facility revisions, 60 days to present additional information to the Board, and/or 30 days to appear before the Board for a Revocation for Cause hearing per Part 5.

§ 64-18. Annual Review.

- (A) When the 12-month probationary period ends, the Licensee shall submit a narrative documenting their operations.
- (B) Every July 1 following the first license approval anniversary, the Licensee must submit a letter to staff summarizing the operations and status of their Fox Hunting Club Dog Kennel.
- (C) After receiving this documentation, the Board will decide if a review meeting is necessary. If so, the Licensee must submit an annual review application similar to an amended application per Part 2, describing current operations.
- (D) If the Board does not require a 12-month or annual review, County staff will file the 12-month narrative or annual letter in the correspondence files for the public record.
- (E) The County and Board reserve the right to require a review of any License, if the Board finds that standards, requirements, or conditions are not being met. Upon such a finding, the Board may move to invoke the Revocation process under §64-22.

PART 4: STANDARDS AND REQUIREMENTS

§ 64-19 Physical Siting Requirements.

- (A) All Fox Hunting Club Dog Kennel facilities must be located on the property in a way that reasonably avoids or reduces Public Nuisances as defined in Part I.
- (B) Only Fox Hunting Clubs as defined in Part II may operate Fox Hunting Club Dog Kennels. Applicants must submit formal documentation showing that they operate as part of a Fox Hunting Club.

- (C) All Fox Hunting Club Dog Kennel facilities must have a secure enclosure that includes the buildings and attached runs for the hounds.

§ 64-20. General Conditions related to Physical Siting; Removal at Board's discretion.

- (A) The Board shall set conditions addressing how the physical facilities relate to the site's size and shape, considering the proposed size, shape, and arrangement of buildings, structures, and secure enclosures to be licensed on each specific property.
- (B) The Board shall review and establish specific setbacks from all property lines that are within 1,000 feet of all buildings and attached runs for the hounds.
- (C) The Board may also set forth general conditions to address:
 - 1. Anticipated traffic patterns;
 - 2. Impacts, if any, on public services and public facilities;
 - 3. Exterior displays, lighting, storage, signs, and other appurtenances;
 - 4. Increased landscaping to provide screening of physical facilities;
 - 5. Consistency with the Critical Area Program; and
 - 6. Consistency with the Comprehensive Plan and Land Use Ordinance.
- (D) The Board may add, change, or remove conditions during any review, including conditions required during previous reviews.

§ 64-21. Additional Conditions related to operations; Removal at Board's Discretion.

- (A) The Board may impose additional conditions related to operations on the specific property, including but not limited to:
 - 1. Hours, days, and/or seasons of operations and public visitation;
 - 2. Location(s) of any temporary parking;
 - 3. Sizes and types of equipment that are directly related to the hounds;
 - 4. Accessory vehicles that are directly related to the hounds; and
 - 5. Any accessory uses that are directly related to the hounds.

- (B) The Board may add, change, or remove conditions during any review, including conditions required during previous reviews.

PART 5: ENFORCEMENT AND APPEALS

§ 64-22. Revocation for cause; Public Hearing; Quasi-Judicial Review; Amortization.

- (A) If the Board decides to consider a Revocation for Cause, County Staff will notify the public per Part 2.
- (B) Revocation for cause is entirely at the Board's discretion and requires a quasi-judicial hearing. The Board will consider all licensing standards in Part 4.
- (C) The Board shall make specific findings for each factor showing that the Licensee has not complied with some or all standards, requirements, and conditions. The Board may also consider documented Public Nuisances as defined in Part 1, if the Board finds such documentation acceptable.
- (D) Based on its findings and documented evidence, the Board may revoke a license by formal motion at its advertised meeting. The Board may hire experts for advice and may accept sworn testimony from the public, subject to Maryland Law limitations regarding hearsay.
- (E) Upon revocation, the Board will set a reasonable timeframe for ending activities at the site, considering a schedule that allows the Licensee to recover investments based on submitted invoices and cost summaries.

§ 64-23. Appeals.

Within thirty (30) days of any decision of the Board, any person aggrieved by a decision of the Board may file a Petition for Judicial Review with the Circuit Court.

§ 64-24. Severability.

If any provision of this Article is held by any court or by any state or federal agency of competent jurisdiction to be invalid as conflicting with any federal or state law, rule or regulation, now or hereinafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct and independent part of this Article and Chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof.