

SENATE BILL 838

L2

5lr2858
CF HB 616

By: **Senator Waugh**

Introduced and read first time: February 23, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 6, 2015

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County – Animal Regulations**

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

15 BY repealing and reenacting, with amendments,
16 Article – Local Government
17 Section 13–129
18 Annotated Code of Maryland
19 (2013 Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Local Government**

2 13–129.

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

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

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

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

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

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

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

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

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

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

25 (3) The tags shall be:

26 (i) composed of metal;

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

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

30 (iv) 1 inch or less in length; and

1 (v) equipped with a substantial metal fastener.

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

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

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

8 (i) confined in a kennel; or

9 (ii) hunting under the charge of an attendant.

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

11 (i) application by the person to whom the original license was
12 issued;

13 (ii) the production of the license; and

14 (iii) payment of a fee of 25 cents.

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

17 (i) any domestic animal; and

18 (ii) a wild animal kept in captivity.

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

21 (i) issuing dog licenses;

22 (ii) keeping records of all sales of licenses;

23 (iii) designating persons authorized to sell licenses; and

24 (iv) seizing and disposing of dogs found running at large in the
25 county.

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

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

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

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

7 (ii) A cancellation under this paragraph:

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

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

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

14 (ii) The penalty for each violation may not exceed imprisonment for
15 1 year or a fine of \$1,000 or both.]

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

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

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

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

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

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

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

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

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

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

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

7 (i) establish an animal shelter; or

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

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

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

13 1. establish an animal shelter; or

14 2. collect, dispose of, or euthanize stray, injured, or sick dogs.

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

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

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

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

24 (iii) dogs accompanied by the owner on horseback.

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

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

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

- 3 (i) adequately and securely confine the dog;
- 4 (ii) prevent the dog from contacting roaming dogs; and
- 5 (iii) protect the dog from other dogs that are attracted to the
6 premises.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.