

## CHAPTER 90: ANIMALS

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### § 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in any other chapter of the County Code. Any term not defined in the County Code shall have its generally accepted meaning.

**ANIMAL.** Any live, vertebrate creature, domestic or wild.

**ANIMAL CARE AND CONTROL AUTHORITY.** The organization, agency, or corporation designated by the County Commissioners to supervise the provisions of this chapter and to operate the county's animal shelter.

**ANIMAL CONTROL OFFICER.** Any person specifically designated by the County Commissioners to enforce the provisions of this chapter.

**ANIMAL EXHIBITION.** Any spectacle, display, act, or event other than circuses, in which animals are used.

**ANIMAL SHELTER.** Any facility operated by a humane organization, tax exempt organization, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals.

**AT LARGE.** Not under control or unrestrained while not on its owner's property.

**AUCTIONS.** Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This chapter does not apply to individual sales of animals by owners.

**CATTERY.** Any premises on which, for remuneration, any person engages in the business of boarding cats or, for the purpose of selling them, breeding more than two litters of cats per year.

**CIRCUS.** A commercial variety show featuring animal acts for public entertainment.

**COMMERCIAL ANIMAL ESTABLISHMENT.** Any pet shop, grooming shop, zoological park, circus, animal exhibition, cattery, or kennel.

**DOMESTIC ANIMAL.** Animals which, through extremely long association with humans, have been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species. **DOMESTIC ANIMALS** include but are not limited to farm animals and pets such as dogs, cats, rabbits, guinea pigs, hamsters, and other small rodents, European ferrets and hedgehogs, nonpoisonous reptiles, and amphibians, parakeets, cockatiels, and other commercially raised birds.

**EFFECTIVE TEMPERATURE.** The temperature as affected by meteorological conditions such as wind chill or rain.

**ENFORCEMENT AGENCY.** Animal Care and Control Authority or any police or law enforcement agency.

**EXOTIC ANIMAL.** Any animal of a species not occurring naturally, either presently or historically, within the boundaries of this state and shall include any hybrid or crossbred animal which is part exotic or wild animal.

**FERAL CAT.** A domestic cat that does not appear by its behavior or appearance and possibly location found to have been domesticated. A domestic cat that is not tame and behaves as if it were wild.

**HARBOR.** The act of feeding or sheltering an animal for three or more consecutive days, or parts of days.

**HEALTH DEPARTMENT.** The local Board of Health or the local Health Officer, or both, and their agents, representatives, and assigns.

**KENNEL, COMMERCIAL.** Any premises on which any person engages in the business of boarding, breeding more than two litters per year, buying, letting for hire, training for a fee, or selling dogs.

**KENNEL, DOG FANCIER'S.** Any premises on which any person harbors or keeps with approval from the Zoning Administrator or BZA, more than three adult dogs and, for the purpose of selling them, does not breed more than two litters per year.

**MOLEST.** To interfere with freedom of movement.

**OWNER.** Any adult person, partnership, or corporation owning, keeping, harboring, or having custody (either temporarily or permanently) of one or more animals.

**PET.** Any domesticated animal kept for pleasure rather than utility.

**PET SHOP.** Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel or cattery, that buys, sells, or boards any species of animal excluding temporary sales of small animal such as chicks and rabbits for domestic purposes.

**PUBLIC NUISANCE.** Any animal or animals which:

- (1) Continues to molest passers-by or passing vehicles;
- (2) Continues to attack human beings or domestic animals;
- (3) Has severely injured or killed a human being or repeatedly severely injured a domestic animal;
- (4) Is repeatedly at large, or is a stray;
- (5) Continues to damage private or public property;
- (6) Continues to disturb the neighbor(s) or the community; or
- (7) Is found to be in violation of vicious animal restraint requirements.

**PURSUE.** To follow in order to capture, contain, or if necessary, destroy.

**QUARANTINE.** Strict confinement by leash, paddock, or closed cage in a manner to prevent contact with humans and other animals for at least ten days, or as ordered by the Health Department.

**RESPONSIBLE PERSON.** A person age 16 or older who could reasonably be expected to be capable of effectively controlling the animal in question.

**RESTRAINT.** Any animal secured and under effective control by a leash or lead, or under the effective control of a responsible person and obedient to that person's commands if off lead, or within the real property limits of its owner.

**STRAY.** A domesticated animal which does not have a collar, identification tag, license, microchip, or is not claimed by its owner.

**TEMPORARY SALES.** Sales for a period not to exceed 90 days per year.

**VETERINARY HOSPITAL.** Any establishment, maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**VICIOUS ANIMAL.** Any animal that constitutes by its actions a physical threat to human beings, other domestic animals, or both.

**WILD ANIMAL.**

(1) An animal which is not defined as a domestic animal and is incapable of being completely domesticated or tamed;

(2) An animal which in its natural state is wild, dangerous, or ferocious and though it may be trained and habituated by the owner will remain dangerous to the public at large; or

(3) Any hybrid or crossbred animal, which is part exotic or wild.

**WOLF HYBRID.** Any animal that is advertised, registered, licensed, or otherwise described or represented as a **WOLF HYBRID** by its owner or any animal exhibiting primary physical and behavioral wolf characteristics.

**ZOOLOGICAL PARK.** Any property displaying, harboring, or exhibiting one or more species of wild or exotic animals owned by a person, partnership, corporation, or governmental agency. (Does not include farm/agricultural animals.)

(2004 Code, § 81-1) (Ord. 26, passed 1-21-1980; Ord. 26B, passed 10-30-1984; Ord. 26C, passed 7-29-1986; Ord. 26D, passed 8-28-1990; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006; Ord. 2015-04, passed 7-2-2015)

**§ 90.02 LICENSING.**

(A) An owner of a dog shall obtain a license for the dog as herein provided, unless the dog is less than four months old.

(B) Written application for licenses shall be made to the Animal Care and Control Authority (or its agents) which shall include name, address, and telephone number of applicant, a description of the animal, proof of neutering and rabies vaccination, and the appropriate fee.

(C) If not revoked, the license for the keeping of a dog shall be for a period of the calendar year.

(D) The owner of a dog shall apply for a license upon obtaining a dog as required by this chapter to be licensed, and the owner of a dog shall apply for a license immediately upon the dog attaining the age of four months.

(E) License fees shall not be required for seeing eye dogs, hearing ear dogs, service dogs, or governmentally owned dogs; however, they must be licensed.

(F) Upon acceptance of the license application and fee, the Animal Care and Control Authority shall issue a durable tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(G) The owner of a dog shall require that the dog wear identification tags (as provided in division (F) above) at all times, unless actually being shown at a dog show or event, recognized as such by the Animal Care and Control Authority, or the dog is actually being run on a hunt and is under the effective control of its owner.

(H) The Animal Care and Control Authority shall maintain a record of the identifying numbers of all tags issued for a period of three years and shall make this record available to the public.

(I) The licensing period shall begin January 1 and shall run for one year. Application for license may be made 30 days prior to the start of the new year.

(J) A license may be issued after payment of a fee of \$5 for each spayed or neutered dog required to be licensed, and a fee of \$25 for each unspayed or unneutered dog required to be licensed. For owners age 62 and over, the fees shall be \$3 for each spayed or neutered dog required to be licensed, and \$10 for each unspayed or unneutered dog required to be licensed. Persons who fail to obtain a license as required herein before March 1 of any year will be subjected to a penalty of \$10 for each license that was not obtained. This penalty shall be in addition to any citation issued under the provisions of § [90.16](#) or § [90.99](#).

(K) A duplicate license may be obtained upon payment of a replacement fee of \$1.

(L) No person may use any license for any animal other than the animal for which it was issued.

(M) Any person, partnership, or corporation who harbors an unlicensed dog, or while the owner or lessor of property allows an unlicensed dog to be harbored on the property, is guilty of a misdemeanor and shall be subject to the penalties provided in § [90.99](#), unless the dog is not required to be licensed.

(N) If required by an Animal Control Officer or the Animal Care and Control Authority to obtain a license, the owner shall provide the Animal Control Officer or the Animal Care and Control Authority with the current year's license number within 15 days of the request for documentation of licensing.

(2004 Code, § 81-2) (Ord. 26, passed 1-21-1980; Ord. 26A, passed 4-13-1981; Ord. 26B, passed 10-30-1984; Ord. 26C, passed 7-29-1986; Ord. 26D, passed 8-28-1990; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28- 2006)

### **§ 90.03 PERMITS FOR COMMERCIAL ANIMAL ESTABLISHMENTS, ZOOLOGICAL PARKS, OR ANIMAL SHELTERS.**

(A) No person, partnership, or corporation shall operate a commercial establishment, zoological park, or animal shelter without first obtaining a permit in compliance with this section. However, temporary sales of small animals such as chicks and rabbits for domestic purposes at businesses or residences shall be exempt from this section.

(B) The Animal Care and Control Authority shall promulgate rules and regulations for the issuance of permits which shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The Animal Care and Control Authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection and humane care of animals.

(C) Upon an inspection confirming that an applicant for a permit is willing and able to comply with the regulations promulgated by the Animal Care and Control Authority, a permit shall be issued upon payment of the applicable fee.

(D) The permit period shall begin January 1 and shall run for one year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after the start of the new year. Application for permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time.

(E) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his or her name upon payment of a transfer fee of \$20.

(F) Annual permits shall be issued after passing inspection and upon payment of the applicable fees. Dog fanciers' kennel permits shall be issued to persons age 62 and over at one-half of the rate listed. Infrequent, *de minimis* increases in the number of animals kept at a commercial kennel or cattery shall not affect the permit price:

- (1) For each commercial kennel, authorized to house no more than ten dogs: \$75;
- (2) For each fancier kennel: \$100 if more than three dogs are intact, \$150 if more than five;
- (3) For each commercial kennel authorized to house 11 through 25 dogs: \$150;
- (4) For each fancier kennel: \$250 if more than three dogs are intact, \$400 if more than seven;
- (5) For each cattery authorized to house no more than ten cats: \$75;
- (6) For each cattery authorized to house 11 through 25 cats: \$150;
- (7) For each commercial kennel authorized to house 26 through 50 dogs: \$175;
- (8) For each cattery authorized to house 26 through 50 cats: \$100;
- (9) For each commercial kennel authorized to house more than 50 dogs: \$200;
- (10) For each cattery authorized to house more than 50 cats: \$200;

- (11) For each pet shop: \$175;
- (12) For each grooming shop: \$175; and
- (13) For all other commercial animal establishments: \$175.

(G) Every facility regulated by this chapter shall be considered a separate enterprise and requires an individual permit.

(H) Persons operating kennels for the breeding of dogs may elect to license such dogs individually, subject to [Chapter 158](#), Zoning.

(I) No fee may be required of any not-for-profit animal shelter or government-operated zoological park; however, it shall have a current permit or license and be in compliance to operate.

(J) Any person who has a change in the category under which a permit was issued shall be subject to reclassification, and appropriate adjustment of the permit fee shall be made.

(K) The Animal Care and Control Authority shall maintain a record of the permits issued pursuant to this section for a period of three years and shall make this record available to the public.

(2004 Code, § 81-3) (Ord. 26, passed 1-21-1980; Ord. 26C, passed 7-29-1986; Ord. 26D, passed 8-28-1990; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006; Ord. 2015-04, passed 7-2-2015)

#### **§ 90.04 PROPER OUTDOOR DOG SHELTER, CARE AND PROTECTION STANDARDS.**

(A) Between December 1 and March 15 and whenever the real or effective temperature is 35°F or lower, the following shall be provided:

(1) Dog shelter shall have a weatherproof roof, the entryway shall be protected by a self-closing door, an offset outer door, or a flexible flap made of windproof material. The floor shall be solid and raised off the ground at least two inches. No interior surfaces shall be metal. The dog shelter shall be facing south or east, away from the prevailing winds;

(2) Bedding, such as wood shavings, straw or other nonabsorbent material shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry;

(3) If there is no artificial heat source, structures shall be small enough to allow the dog to warm the interior of the structure and maintain his or her body heat but large enough to permit ease of entry and normal postural adjustments; and

(4) Fresh water without ice shall be made available to the dog a minimum of twice daily. The receptacle shall be made unable to be tipped over.

(B) During the summer months between June 1 and September 15 or whenever the real temperature is above 80°F, shade, either natural or man-made, shall be made available to a confined dog between the hours of 11:00 a.m. and 3:30 p.m.

(1) Fresh water shall always be made available. The water receptacle shall be made unable to be tipped over.

(2) Under no circumstances shall a dog shelter be considered shade during the summer months.

(C) Proper shelter including protection from the weather and elements shall be provided. The shelter for a dog shall have a weatherproof roof, enclosed sides, a doorway, and a solid floor raised at least two inches from the ground and no interior surfaces shall be metal.

(D) A dog kennel for outside dogs shall meet the minimum size requirements as listed in Table 90.04. The requirements in Table 90.04 are not applicable to commercial kennels, veterinary hospitals, or pet stores.

<b>Table 90.04: Kennel Minimum Size Requirements</b>			
<b>Number of Dogs</b>	<b>Kennel Size</b>		
	<b>Small (up to 25 lbs)</b>	<b>Medium (25-50 lbs)</b>	<b>Large (over 50 lbs)</b>
1	3 x 7 (21 sq. ft.)	6 x 10 (60 sq. ft.)	8 x 10 (80 sq. ft.)
2	4 x 8 (32 sq. ft.)	8 x 10 (80 sq. ft.)	10 x 10 (100 sq. ft.)
3	5 x 9 (45 sq. ft.)	8 x 12 (96 sq. ft.)	10 x 14 (140 sq. ft.)
4	8 x 10 (80 sq. ft.)	10 x 12 (120 sq. ft.)	12 x 16 (192 sq. ft.)

(2004 Code, § 81-4) (Ord. 06-15, passed 11-28-2006)

### **§ 90.05 RESTRAINT.**

(A) The owner of a dog shall keep the dog under restraint or effective control at all times.

(B) The owner of an animal shall prevent the animal, except a cat, from leaving the owner's property unattended or unrestrained.

(C) The owner of a dog shall not tie, chain, cable, or in any way tether a dog outside for more than 12 hours a day.

(D) A tether to confine a dog shall be a minimum of four and one-half times the length of the dog (nose to tail base) and under no circumstances less than ten feet long.

(E) The tether shall have swivels at both ends to prevent kinking and knotting. The area covered shall be maintained so that the tether cannot become entangled and positioned so that the dog cannot wrap the tether around posts, trees, debris, or hang by jumping a fence or guardrail.

(F) The owner of animal(s) that are fenced shall erect fencing normally considered suitable for the species and type of animal to be contained. Fencing shall be appropriate so as to keep the intended animals restrained within its boundaries. Fencing shall be monitored, well maintained, and kept in good repair. In the case of a dog, if the owner utilizes an "invisible fence" to restrain a dog it may only be used if it consistently and effectively restrains the dog and is appropriate to be used for the dog in question. No aggressive dog may be restrained behind an "invisible fence".

(G) All areas where animals are confined shall be maintained so as to provide a safe and healthy environment for the animals within the confinement.

(2004 Code, § 81-5) (Ord. 26, passed 1-21-1980; Ord. 26C, passed 7-29-1986; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006)

#### **§ 90.06 LICENSE AND PERMIT ISSUANCE AND REVOCATION.**

(A) The Animal Care and Control Authority may refuse to issue or revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the Animal Care and Control Authority, or any law governing the protection and humane keeping of animals.

(B) Any person whose permit or license is revoked may, within seven days of the decision revoking such license or permit, appeal the decision to the County Commissioners or town councils (when applicable in the incorporated limits of the town or city). A date and time will be set for a hearing at which those wishing to be heard concerning the revocation of the license or permit will be heard. A decision affirming or reversing the decision of the Animal Care and Control Authority shall be made by the County Commissioners or town councils (when applicable in the incorporated limits of the town or city) within 30 days after such hearing.

(C) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored and no part of the permit or license fee shall be refunded.

(D) It shall be a condition of the issuance of any permit or license that the Animal Care and Control Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

(E) If the applicant has withheld or falsified any information on the application, the Animal Care and Control Authority shall refuse to issue a permit or license or may revoke a permit or license.

(F) No person who has been convicted of cruelty to animals shall be issued a permit or license.

(G) Any person having been denied a license or permit may not reapply for a period of 30 days and such person shall demonstrate that any corrective action requested by the Animal Care and Control Authority has been implemented.

(2004 Code, § 81-6) (Ord. 26, passed 1-21-1980; Ord. 02- 23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

### **§ 90.07 FEMALE DOGS IN ESTRUS (HEAT).**

The owner of a female dog in heat shall keep the dog secure inside a well ventilated building on the owner's property, except that:

(A) When the dog is on a leash and is accompanied by the owner, the dog may be allowed outside for the purpose of natural relief, but may not be taken off the owner's property; or

(B) When necessary for medical treatment, boarding, or breeding and while under the direct and effective control of the owner, the dog may be conveyed to and left at a suitable place to be treated, boarded, bred, or shown in an organized dog show or event. For purposes of this section, suitable place shall mean a licensed kennel, an establishment operated by a licensed veterinarian, or in the case of the dog's breeding, a location at which the person assuming care and custody of the dog prevents the dog from coming in contact with other dogs except for planned breeding.

(2004 Code, § 81-7) (Ord. 26, passed 1-21-1980; Ord. 26C, passed 7-29-1986; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006)

### **§ 90.08 VICIOUS OR DANGEROUS ANIMALS.**

(A) Every vicious animal, as determined by the Animal Care and Control Authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner, or restrained as otherwise directed by the Animal Care and Control Authority. Upon determination by the Animal Care and Control Authority that an animal is vicious and after the exhaustion of any appeals, the owner shall have the animal microchipped for permanent identification by a licensed veterinarian within ten days and the corresponding microchip data shall be given to the Animal Care and Control Authority. If an owner of an animal determined to be vicious or potentially dangerous sells or gives the animal to another person, the owner shall provide written notice to the Animal Care and Control Authority that made the determination and state the name and address of the new owner of the animal and notify the person taking possession of the animal in writing of the animal's vicious or potentially dangerous behavior and the circumstances surrounding its vicious or potentially dangerous determination.

(B) The Animal Care and Control Authority's Animal Control Officers may enter onto the property where a vicious dog is to be confined and check for special restraint compliance at any reasonable time.

(C) An Animal Control Officer or law enforcement officer may pursue and destroy an animal at large placing the public in imminent danger or animals in the act of attacking livestock or other domestic animals if necessary.

(2004 Code, § 81-8) (Ord. 26, passed 1-21-1980; Ord. 02- 23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006)

#### **§ 90.09 ANIMAL BEHAVIOR/ACTIONS.**

(A) The owner shall keep his or her animal from approaching a passerby in a menacing or aggressive fashion.

(B) The owner shall keep his or her animal from vocalizing unreasonably so as to disturb neighbors in the community during the day or night or prevent neighbors from the use and enjoyment of their property. This section does not include a working farm.

(C) The owner shall keep his or her animal from destroying private property.

(D) The owner shall keep his or her animal from continuous actions and behaviors that could reasonably lead to his or her animal at some future date to be deemed a public nuisance animal.

(2004 Code, § 81-9) (Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

#### **§ 90.10 WILD ANIMALS.**

No private citizen may possess or harbor a potentially dangerous or vicious wild animal within the geographic boundaries of the county.

(2004 Code, § 81-10) (Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

#### **§ 90.11 IMPOUNDMENT AND VIOLATION NOTICE.**

(A) Unrestrained dogs, public nuisance animals, vicious animals, or domestic animals found at large shall be taken by an Animal Control Officer, by any means necessary, and if restrained shall be impounded and confined in a humane manner.

(B) Impounded domestic animals, other than cats, shall be kept for five days. Seriously diseased, contagious, badly injured, or suffering animals, undomesticated cats, kittens less than six weeks old and litters of kittens under three months old may be humanely euthanized immediately at the discretion of the Animal Care and Control Authority. Animals displaying identification may at the discretion of the Animal Care and Control Authority be taken to a local veterinarian for treatment.

(C) If, by a license tag or other means, the owner of an impounded animal can be identified, the Animal Care and Control Authority shall attempt to notify the owner by telephone, mail, or by posting notice in a conspicuous place.

(D) The owner of an impounded animal shall pay a fee of \$40, plus a fee determined by the Animal Care and Control Authority, for each day the animal has been impounded as well as any costs, including veterinary expenses incurred by the Animal Care and

Control Authority during such impoundment, regardless of whether or not the animal is reclaimed.

(E) Any animal not reclaimed by its owner within five days of impoundment shall become the property of the Animal Care and Control Authority, and shall, at its discretion, be placed for adoption in a suitable home or humanely euthanized; provided, however, the Animal Care and Control Authority may sell farm animals and apply the proceeds of the sale to any purpose consistent with this chapter.

(F) In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or law enforcement officer may issue to the known owner of such animal a notice of violation. Such notice shall impose upon the owner a penalty not to exceed \$500 which may, at the discretion of the animal owner, be paid to any agency designated by the Animal Care and Control Authority within 72 hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal charging document shall be initiated before a District Court Commissioner, and upon conviction of a violation of this chapter, the owner shall be punished as provided in § [90.99](#).

(G) The owner of an animal impounded as a result of a violation of this chapter or any other law may also be prosecuted for the violation.

(H) An Animal Control Officer may apply to the proper court having jurisdiction for a mandatory injunction to place an animal deemed vicious in the custody of the Animal Care and Control Authority for public safety purposes until such time as there has been a hearing and all appeals have been exhausted.

(2004 Code, § 81-11) (Ord. 26, passed 1-21-1980; Ord. 26B, passed 10-30-1984; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

## **§ 90.12 ANIMAL WASTE AND DEAD OR DECAYING ANIMALS.**

(A) The owner of every animal shall be responsible for the removal of any excreta deposited by the animal(s) on public property, including walks, recreation areas, or on private property. The owner of every animal shall not allow excreta deposited by animals to accumulate on his or her property so as to cause a health hazard or become a nuisance.

(B) When any domestic animal dies, its owner shall be responsible for the animal to be removed, pursuant to the direction of the Animal Care and Control Authority, to a crematorium, animal rendering company, composted, or buried within 72 hours of the death of the animal.

(C) It shall be unlawful for any person, whether the owner or lessee of a property, to allow a dead domestic animal to remain on his or her property for longer than 72 hours after the animal's death, without having buried, cremated, or composted the animal, or without having butchered the animal.

(D) It shall be unlawful for any person, whether the owner or lessee of a property, to allow a dead domestic animal to decay on his or her property, without the permission of the Animal Care and Control Authority and the Carroll County Health Department.

(E) It shall be unlawful for any person to allow a domestic animal to foul the air of neighboring property owners so as to keep them from the enjoyment of their property through animal waste or an animal's death.

(2004 Code, § 81-12) (Ord. 26, passed 1-21-1980; Ord. 26B, passed 10-30-1984; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

### **§ 90.13 STERILIZATION.**

No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized, unless exempted by the Animal Care and Control Authority. Failure to comply with the terms of the agreement guaranteeing the sterilization of the adopted animal shall constitute a violation of this chapter and shall constitute a misdemeanor, punishable as hereinafter set forth.

(2004 Code, § 81-13) (Ord. 26, passed 1-21-1980; Ord. 26B, passed 10-30-1984; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

### **§ 90.14 QUARANTINE AND RABIES.**

(A) All animal bites must be reported immediately to the Carroll County Health Department or local law enforcement authority. The duty to make this report rests both with the owner of the animal and the person bitten, if a person was bitten, or the owner of any animal bitten by another animal, if an animal was bitten.

(B) The Carroll County Health Department, upon receiving a report of an animal bite or suspected rabies in an animal shall take such action as it deems necessary, including but not limited to the quarantine or destruction of the animal involved.

(C) The owner of any animal which has bitten a person or animal shall be responsible for any expenses which are necessary to carry out the quarantine, examination, treatment, or destruction of an animal pursuant to this section.

(D) The owner of a dog, cat, or ferret four months of age or older shall have the dog, cat, or ferret currently vaccinated against rabies and shall maintain a record of the vaccinations given the dog, cat, or ferret which shall constitute the only acceptable evidence of compliance with this division (D). In addition to any penalties for failure to comply with this provision, the owner of a dog, cat, or ferret who does not have an acceptable record showing that the dog, cat, or ferret has been vaccinated against rabies may be ordered by the Animal Control Officer to have the dog, cat, or ferret vaccinated against rabies, and the owner so ordered shall comply with the order within 72 hours. The Animal Care and Control Authority shall determine in its sole discretion the acceptability of a record of vaccination against rabies.

(E) Any person or agency that neglects or refuses to comply with an order of the Carroll County Health Department concerning the quarantine or destruction of an animal is guilty of a misdemeanor and, upon conviction, shall be punished as provided herein.

(F) The Animal Care and Control Authority has responsibility to make provisions for the removal of the head of any animal suspected of having rabies as required by the Carroll County Health Department.

(G) The Carroll County Health Department shall promulgate such rules and regulations and issue such orders as are necessary to carry out the provisions of this section, the violation of which shall be punished in accordance with this chapter.

(2004 Code, § 81-14) (Ord. 26, passed 1-21-1980; Ord. 26C, passed 7-29-1986; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

### **§ 90.15 DECLARING AN ANIMAL TO BE A PUBLIC NUISANCE OR VICIOUS.**

(A) The Animal Care and Control Authority may determine that an animal is a public nuisance or a vicious animal. If an animal is determined to be a public nuisance or vicious, the owner shall have the right to appeal, to the County Commissioners or a Board of Appeals appointed by the County Commissioners or town councils (when applicable in the incorporated limits of a town or city) within ten days. The request for appeal shall be made in writing and received on or before the tenth day. A date and time will be set for an appeal hearing.

(B) The governing body, following the hearing described in division (A) above, but no later than 30 days after such hearing, will issue a decision which will include a determination of the status of the animal as a public nuisance or vicious and give reasons therefor.

(C) The owner of a public nuisance animal shall be required to have the animal humanely euthanized or turned over to the Animal Care and Control Authority to be disposed of at its discretion within ten days of the receipt of notice of a determination that the animal is a public nuisance.

(D) If the owner refuses or neglects to have a public nuisance animal destroyed, or turned over to the Animal Care and Control Authority as herein provided, the Animal Care and Control Authority may take the animal into its custody, by any lawful means necessary, wherever found. The owner of the animal shall be liable for any expenses or damages incurred in carrying out the provisions of this section.

(2004 Code, § 81-15) (Ord. 26, passed 1-21-1980; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

### **§ 90.16 ENFORCEMENT.**

(A) The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by the County Commissioners. It shall be a violation of this chapter to interfere with an Animal Control Officer in the performance of his or her duties.

(B) In the discretion of an Animal Control Officer or law enforcement officer, a notice of violation may be issued to any person in violation of this chapter, any rules and regulations adopted pursuant hereto, or of the Md. Code, Criminal Law Article or any other state law regarding the control or treatment of animals which local Animal Control Officers are authorized to enforce. Such notice shall impose upon the owner a fine as indicated by the Animal Control Officer or law enforcement officer, which may, at the discretion of the person receiving such notice, be paid to any agency designated by the Animal Care and Control Authority within 72 hours in full satisfaction of the violation. In the event that such fine is not paid within the time prescribed, a criminal charging document shall be initiated before a District Court Commissioner, and upon conviction of a violation of this chapter, or any rules and regulations adopted pursuant hereto, the defendant shall be punished as provided in § [90.99](#). The fine assessed by the Animal Control Officer, as herein provided, may be increased or decreased by the Court upon conviction as aforesaid.

(C) The Animal Care and Control Authority, in addition to and not in substitution for any of the provisions of this chapter, may apply to the court having jurisdiction for a mandatory injunction when the impoundment, confinement, or destruction of an animal is necessary to protect public safety or if an animal is in need of immediate medical care and the owner is either uncooperative or unable to be contacted in a timely fashion.

(2004 Code, § 81-16) (Ord. 26, passed 1-21-1980; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006) Penalty, see § [90.99](#)

#### **§ 90.99 PENALTY.**

Any person who fails to perform an act required by this chapter, or by any rule or regulation adopted pursuant hereto; or who takes any action prohibited by any provision of this chapter, or by any rule or regulation adopted pursuant hereto; or who in any way violates any provision of this chapter, or any rule or regulation adopted pursuant hereto, shall be deemed guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than 30 days or by a fine up to \$500, or both. If any violation be continuing, each day's violation shall be deemed a separate violation.

(2004 Code, § 81-17) (Ord. 26, passed 1-21-1980; Ord. 26C, passed 7-29-1986; Ord. 02-23, passed 11-26-2002; Ord. 06-15, passed 11-28-2006)