

**FOR THE PURPOSE OF AMENDING PROVISIONS PERTAINING TO
SHELTER, TETHERING, ABUSE & CRUELTY TO ANIMALS**

WHEREAS, *Local Government Article*, § 13-115(c)(1)(iv) of the Maryland Annotated Code authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter the “Board of County Commissioners”) to “adopt rules and regulations for: ...any other matter concerning dogs the county commissioners consider necessary for the public health, safety, and welfare;”

WHEREAS, the Department of Public Safety has recommended provisions regarding the tethering and shelter for domesticated animals, including provisions pertaining to severe weather events;

WHEREAS, a public hearing regarding this Ordinance was duly advertised in at least one newspaper of general circulation for two consecutive weeks before the public hearing, as required by Section 9-105 of the *Local Government Article* of the Maryland Annotated Code and held on December 10, 2019, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland, to adopt the amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners hereby approves, adopts, and enacts this Ordinance to repeal and readopt with amendments Chapter 7, as set forth herein:

1. Repeal and readopt with amendments § 7-6-103, Prohibited acts.
§ 7-6-103 Abuse; neglect.
 - A. While under his or her care, control or custody, a person shall not:
 - (1) Fail to provide an animal with necessary veterinarian care or equine health care;
 - (2) Fail to provide animals with food in sufficient quantity and quality to allow for healthy growth and for the maintenance of body weight, and:
 - (3) Fail to ensure that, if more than one animal is fed at one time or in one place, that each animal receives nutrition and water in sufficient quantity;
 - (4) Fail to provide equine salt;
 - (5) Fail to ensure that food is properly stored, and served free of mold and other contaminants.
 - (6) Fail to provide food and water served in a clean receptacle, appropriate for the species and number of animals, and securely affixed to prevent the contents from spilling;

- (7) Fail to provide a supply of potable water of a drinkable temperature;
 - (8) Drive or ride equine if a veterinarian has provided the owner, keeper or custodian with written notice advising against such activity; or
 - (9) Cause, arrange, permit or authorize any of the above acts.
- B. Whenever a National Weather Alert is issued, the Deputy Director of Animal Services may issue an animal safety alert advising the public of the animal safety precautions that the Deputy Director of Animal Services considers appropriate.
- C. Constructive notice of an animal safety alert is found where:
- (1) The alert shall be posted on the Animal Control website, Animal Shelter website, and social media websites; and
 - (2) The Deputy Director of Animal Services may issue a public press release in coordination with Communications and Media Relations.
- D. A violation of this section is a Class B violation.
2. Repeal and readopt with amendments § 7-7-101, Outside Areas, scope, as follows:
§ 7-7-101. Scope.
For purposes of this article, an “outside area” is the portion of an owner's, keeper's or custodian's real property used by an animal or where an animal is confined. Examples of outside areas include, but are not limited to, fenced areas, animal enclosures, invisible fencing areas, and tethering areas.
3. Repeal and readopt with amendments § 7-7-102, Outside Areas; prohibited acts, as follows:
§ 7-7-102. Prohibited acts.
- A. A person shall not:
- (1) Confine, tether or otherwise allow an animal to remain in outside areas without access to proper shelter.
 - (2) Allow an animal to use, or confine an animal in, an outside area that is not clean and safe, maintained to:
 - (a) Prevent the accumulation of fecal matter;
 - (b) Prevent standing water;
 - (c) Be free of sharp objects, trash and debris; and
 - (d) Minimize health hazards and obnoxious odors.
 - (3) Confine or tether a dog in an outside area under such conditions, including harsh or extreme weather conditions that endanger its health, safety, or well-being.
 - (4) Confine or tether a dog in an outside area that is not large enough to allow the dog to defecate or urinate in a separate area from the area where it must eat, drink, or lie down.
 - (5) Fail to properly maintain all fencing used to confine an animal.
 - (6) Confine an animal to an outside area without sufficient shade by natural or artificial

means at all times to protect the animal from direct sunlight.

- B. It shall be unlawful for a doghouse to be the only source of sufficient shade to protect a dog from direct sunlight.
4. Repeal and readopt with amendments § 7-7-301, Abuse; neglect, as follows:
- § 7-7-301. Prohibited acts.**
- A. A person shall not tether a dog:
 - (1) Without a properly fitted collar or harness.
 - (2) With a choke collar, training collar, collar with metal spikes, chain or the tether.
 - (3) With a tether:
 - (a) That does not have swivels at both ends to prevent kinking and knotting.
 - (b) That weighs more than 1/8th of the dog's body weight, if the weight and length of the tether prevents the dog from freely moving within the intended area.
 - (c) That is not properly positioned to prevent the:
 - (1) Tether from becoming entangled in or around objects.
 - (2) Dog from reaching or climbing a fence to avoid strangulation.
 - (3) Dog from entering any property other than the owner's.
 - (d) That does not permit the dog to safely enter, exit and turn around inside a shelter or doghouse.
 - (4) With a ground-level tether less than five times the length of the dog, nose to tail or 15 feet, whichever is greater;
 - (5) By securing the dog from two different directions, known as cross-tethering.
 - B. A violation of this article is a Class A violation.

BE IT FURTHER ORDAINED by the Board of County Commissioners that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid;

BE IT FURTHER ORDAINED, by the Board of County Commissioners that the foregoing recitals are adopted as if fully rewritten herein; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 10th day of December, 2019, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5

Nay: Ø

Absent/Abstain: Ø

Ordinance No: 42-19

Subject: Sheltering, Tethering, and Animal Safety Alerts

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ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Phelps
Clerk

Thomas E. Hutchins
Thomas E. Hutchins, President

Kelly D. McConkey
Kelly D. McConkey, Vice-President

Approved for form and legal sufficiency
by:

Earl F. Hance
Earl F. Hance

John B. Norris
John B. Norris, County Attorney

Mike Hart
Mike Hart

Steven R. Weems
Steven R. Weems

Received for Record.....12/17....., 20..19
at.....3:40.....o'clock.....P...M. Same day
recorded in Liber KPS No. 59.....
Folio.....398.....COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith