

## **CHAPTER 4 ANIMALS AND FOWL**

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### **Article I. In General.**

#### **Sec. 4-1. Animals or poultry - license for raising.**

All persons engaged in the raising or breeding of poultry, pigeons, rabbits, hares and/or guinea pigs within the limits of the town, for commercial purposes, shall be required to obtain a license; each application for such license shall state the approximate number and kind of poultry or animals to be raised and the location of the premises to be used for said purpose and said license shall be issued without a fee. (Ordinance 9 effective 1/1/1941)

#### **Sec. 4-2. Same - sanitary conditions for raising.**

All persons raising poultry or animals within the town, whether for commercial purposes or otherwise, shall be required to keep the same at all times in a clean and sanitary condition and free from obnoxious odors. (Ordinance 9 effective 1/1/1941)

#### **Sec. 4-3. Complaint of unsanitary conditions; hearing.**

Whenever a complaint is made to the council that any poultry, pigeons, rabbits hares and/or guinea pigs raised in said town are creating a condition which is unsanitary or obnoxious to surrounding property owners, the council shall give notice of a hearing to be held before it at such time and place as it shall designate, at which the party complained against, and the complainant or complainants shall be notified to be present, and if upon hearing the matter, the town council shall deem the condition in which said poultry, pigeons, rabbits, hares, and/or guinea pigs are raised to be unsanitary and obnoxious, it shall revoke any license which may have been obtained by the said

owner of said poultry, pigeons, rabbits, hares and/or guinea pigs, and order said poultry or animals removed forthwith from the limits of the town within a period not to exceed three (3) days. (Ordinance 9 effective 1/1/1941)

**Sec. 4-4. Poultry running at large prohibited.**

It shall be unlawful for poultry to be turned loose or to be allowed to run at large within the town limits. (Ordinance 9 effective 1/1/1941)

**Sec. 4-5. Keeping swine prohibited.**

The breeding, feeding, pasturing and/or penning of hogs or pigs, and the maintenance of piggeries, pig pens or pig runs within the limits of the town is hereby prohibited. (Ordinance 9 effective 1/1/1941)

**Sec. 4-6. Animals running at large or unattended.**

It shall be unlawful for any person to permit an animal to be turned loose or to be allowed to run at large within the town limits, or to leave a draft animal whether hitched to a vehicle or not, to stand upon any street or alley without being securely tied or fastened or in the immediate custody of the owner, driver or some competent person. (Ordinance 519 aka E-34, effective 5/7/1967)

**Sec. 4-7. Animal carcasses.**

It shall be unlawful for any owner of any dead horse, cow, sheep or other animal carcass, to permit the same to lie within the town limits longer than a reasonable time for removing or burying the same. (Ordinance 519 aka E-34, effective 5/7/1967)

**Article II. Dogs**

**Sec. 4-8. Definitions.**

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to therein by this section:

**At large.** A dog shall be deemed to be at large whenever the dog is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining the animal either by leash, cord, chain, or similar means.

**Keeping or harboring.** The act or sufferance either of feeding or sheltering a dog on the premises of the occupant or owner thereof.

**Owner or own.** Any person having a right of property in a dog and any person who keeps or harbors a dog or has it in his care or acts as custodian or permits it to remain on or about any premises occupied or controlled by him.

**Public nuisance.** Any animal found repeatedly making loud or objectionable sounds, damaging property, molesting passersby, chasing vehicles or acting in any manner which is deemed to be doing damage to property or to the public health and well being or which is known to have bitten two (2) or more persons or shall have been determined by the animal control officer, the public health officer, or any other authorized representative of the county to be a detriment to public health, welfare and safety shall be deemed to be a public nuisance. If a dead animal is not properly disposed of and is deemed to be a public nuisance by reason of its appearance, odor, or for public health reasons its owner may be charged by the local health officer or the animal control officer for maintaining a public nuisance.

**Vicious dog.** Any dog that constitutes a physical threat to human beings, other dogs, cats, livestock, swine, or fowl by the virtue of its specific training or demonstrated behavior excepting dogs belonging to a government agency acting in the official performance of authorized duty.  
(Ordinance 72 effective 9/7/1975, historical reference 53, 55)

#### **Sec. 4-9. License Required; Rabies Vaccination.**

No person shall own or have custody of any dog over four (4) months of age unless the dog is licensed as herein provided, and has been vaccinated against rabies in a procedure approved by the Maryland Public Health Veterinarian. Proof of rabies vaccination shall be given to the dog license agent. This provision shall not apply to dogs in the town owned by a non-resident, provided the dogs are duly licensed in their home city, county, or state, and providing the owner sends a valid rabies vaccination certificate for the dog with the dog while it is in town.

(a) Application for licenses shall be made to Talbot County, Maryland, or its authorized representative accompanied by a license fee of \$4.00 for spayed female and male dogs, veterinarian certificate to be shown on request of licensing authority, and \$8.00 for female dogs. However, if individual licenses for owned dogs exceeds \$25.00, the owner may request a blanket dog or kennel license for \$25.00 providing he gives duplicate copies of the rabies certificate to the county and he notifies the animal control officer by the first of the following month of the transfer of ownership of any dog so licensed. The notice shall be on a county dog transfer form. Applications made during the license year which are not in default as provided in this paragraph may be prorated to the nearest month.

(b) "Seeing eye" dogs trained to assist the blind and dogs trained and used by police in the official performance of their duties shall be provided licenses free of charge.

(c) All licenses shall be valid for one year from each July 1; to June 30, of the following year.

(d) Applications for licenses may be made within 30 days following the establishment of residence within the town, or within 30 days following the procurement of a dog, without a penalty.

(e) The license of an animal may not be transferred with a change of ownership. A license may not be transferred by the owner from one dog to another.

(f) Upon payment of the dog license fee, a receipt and a numbered identification tag shall be issued to the owner. The dog license tag should be securely fastened to each dog's choke chain, collar, or harness and worn by the dog at all times.

(g) A dog license tag to replace a lost tag shall be issued to the dog's owner upon application and payment of a \$1.00 fee.

(Ordinance 72 effective 9/7/1975, historical reference 55)

#### **Sec. 4-10. Obtaining title to stray dogs.**

Any person obtaining possession of a stray unlicensed dog who wished to keep the dog, shall within 48 hours deliver it to the animal control officer of Talbot County along with a statement declaring his assumption of boarding expenses and his intention of obtaining ownership of the dog.

If the dog is unclaimed for five (5) days, any former title shall be forfeited, and the person delivering the dog shall be given the dog upon payment of the board charges, other proper charges, his receiving a current dog license, and upon receiving adoption approval of the Talbot County Humane Society.

(Ordinance 72 effective 9/7/1975, historical reference 55)

**Sec. 4-11. At Large, Public Nuisance; Impoundment.**

(a) It shall be unlawful for the owner to permit his dog to run at large or to permit his animal to constitute a public nuisance. (Ordinance 74 effective 6/7/1976, historical reference 53)

(b) Whenever any person finds a dog running at large with or without a license tag, or believes an animal constitutes a public nuisance, he may notify the animal control officer who may cause the dog to be taken and impounded. Upon the capture of any dog, the animal control officer shall make a genuine effort to notify the owner of its capture if his identity can be ascertained through license records, if any, or otherwise. The dog may be confined and disposed of either by destroying or being offered for adoption if not identified and claimed with five (5) days after its capture. No owner may claim his dog unless and until all charges incident to the confinement of the dog shall be paid. Dogs found "at large" and unlicensed which during the episode have bitten a human shall not be released from impoundment, except as authorized by a court order but shall become the property of the town and shall be humanely destroyed after 72 hours and its brain tested for rabies.

(Ordinance 72 effective 9/7/1975 and Ordinance 74 effective 6/7/1976, historical reference 53,55)

**Sec. 4-12. Female dogs in season; impoundment; redemption.**

Female dogs in heat found running at large shall be taken and impounded. Any female dog so captured may be redeemed by the owner thereof upon payment of the impoundment service fee as provided in section 4-14. If the same dog, belonging to the owner, shall be impounded for a second time within 12 months, the dog cannot be reclaimed by the owner thereof unless the owner shall pay for the spaying of the dog within one week after notice. (Ordinance 72 effective 9/7/1975, historical reference 53)

**Sec. 4-13. Suspected rabid dogs.**

(a) If a dog is believed to have rabies, or has been bitten by a dog suspected by having rabies, the dog or dogs shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks. The owner shall notify the animal control officer of the fact that his dog has been exposed to rabies and at his discretion the animal control officer is empowered to have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of 12 weeks at the expense of the owner.

(b) It shall be unlawful for any person knowing or suspecting a dog to have rabies to allow the dog to be taken off his premises or beyond the limits of the town without the written permission of the animal control officer. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the animal control officer who shall either remove the dog to the pound or, if required under the circumstances, summarily destroy it.

(Ordinance 72 effective 9/7/1975)

**Sec. 4-14. Impoundment service fee.**

Whenever a dog is impounded pursuant to this article or any other provision of the law, the owner thereof shall pay an impounding fee of \$10.00 for a dog with a valid license and \$20.00 for a dog subject to license and without a current valid license and costs of any required veterinary services, and furnish satisfactory evidence that the dog is licensed before release. (Ordinance 72 effective 9/7/1975)

**Sec. 4-15. Liability for impounding fee.**

Where the owner of an impounded dog can be ascertained the owner shall be liable for the impounding fee and other proper charges even in cases wherein the dog is disposed of pursuant to this article. In addition to the impounding fee the animal control officer may issue a summons pursuant to section 4-24 of this article. (Ordinance 72 effective 9/7/1975)

**Sec. 4-16. Enforcement.**

An animal control officer shall be designated by the mayor as the enforcement authority for the provisions of the animal control and dog licensing provisions of the town, acting under the general supervision of the mayor. The animal control officer may be an employee of a nonprofit organization, independent of the town governmental system. (Ordinance 72 effective 9/7/1975)

**Sec. 4-17. Animal wardens.**

The animal control officer is authorized and empowered to deputize animal wardens, who, acting under his supervision, shall be empowered to take into custody and turn over to the Talbot County Humane Society stray, injured, sick or dead animals in accordance with the provisions of this article. (Ordinance 72 effective 9/7/1975, historical reference 53,55)

**Sec. 4-18. Dog license responsibility.**

Nothing in this article shall relieve any dog owner of the responsibility for securing a proper dog license as required by section 4-9 of this article. (Ordinance 72 effective 9/7/1975)

**Sec. 4-19. Humane Care Required: Poisoning Prohibited; Control of Animals; Humane Destruction of a Suffering Animal.**

(a) All owners of animals shall provide the animals with sufficient food and water, suitable shelter, veterinary care when needed to prevent suffering, and humane care and treatment. No person shall poison any animal other than rodents. No person shall mistreat or abandon any animal in a manner as to cause suffering by the animal.

(b) All owners of animals shall exercise care and control of such animals, so as to prevent same from becoming public nuisances.

(c) Any Maryland licensed veterinarian in Talbot County is herein authorized by the town to immediately and humanely euthanize a suffering animal without liability if its owner cannot be promptly identified. (Ordinance 72 effective 9/7/1975)

**Sec. 4-20. Interference with authorized person prohibited.**

No person shall attempt to interfere with the animal control officer, animal warden or any other authorized person in the performance of their duties; nor shall any person attempt to or release without authority any animal impounded pursuant to the animal control laws of the town. (Ordinance 72 effective 9/7/1975)

**Sec. 4-21. Kennels.**

(a) Any structure or place used for the housing, maintaining, or breeding of three (3) or more dogs (or other animals) for which a fee is charged shall be deemed a "commercial kennel."

(b) In order to maintain such a structure a special exception must be approved by the board of zoning appeals as follows: veterinary clinic, animal hospital, or commercial kennel for the raising, breeding or boarding of dogs and other animals, provided that all buildings and runways shall be distant at least 200 feet from any lot line.

(c) It shall be unlawful to maintain any kennel, commercial or otherwise, within the corporate limits of the town that becomes a nuisance. If upon an investigation by the town or county animal control officer, a kennel is found to be a nuisance, it shall be the owner's duty to close the kennel and remove the dogs or bitches from the corporate limits of the town with 24 hours. Upon failure of the owner to comply, the animal control officer shall have the dogs or

bitches impounded; however, nothing in this section is intended to interfere with the proper operations of animal hospitals.  
(Ordinance 72 effective 9/7/1975, historical reference 53)

**Sec. 4-22. Penalty.**

(a) To the extent that the provisions of this article are coincident with those of the Talbot County Animal Control Ordinance (County Ordinance) the penalty shall be that provided for under Section Sixteen of the County Ordinance.

(b) Any person who violates any section of this article in which the provisions differ from those of the County Ordinance; being Section 4-11 (Impoundment for running at large with a license tag), 4-12 (Females in season), 4-13 (Suspected rabid dogs), 4-21 (Kennels) and any other section in which there is a material variance from the provisions of the County Ordinance; shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Fifty Dollars (\$50.00) for each violation. Each day the violation continues shall be deemed a separate offense. All fines imposed under this section shall be transferred to the Town.  
(Ordinance 72 effective 9/7/1975, historical reference 53)

**Sec. 4-23. Animal Fierce - Penalty.**

Any animal of fierce, dangerous, or vicious nature must be confined on the premises of the owners or person in possession of the animal, at all times, and in a manner that it cannot reach persons who may have occasion to lawfully enter upon the premises at any reasonable time. The animal shall not be taken out of the confinement on the premises unless securely muzzled and under suitable control. Any person violating this section shall be guilty of a misdemeanor and upon conviction be fined not less than Twenty-five Dollars (\$25.00) nor more than Two hundred Fifty Dollars (\$250.00) for each offence. Upon conviction the prosecuting judge may order the animal destroyed and the owner to refrain from the ownership of other animals as be deemed proper. (Ordinance 72 effective 9/7/1975)

**Sec. 4-24. Summons: Trial: Penalty.**

The animal control officer, animal wardens, the county health officer or his deputy, or any law enforcement officer may issue a summons to anyone found to be in violation of this article. No summons shall be issued except under their personal knowledge. The animal control officer shall be promptly notified of such action. In addition, the animal control officer may accept a written affidavit of any other person personally observing the violation. Any owner so summoned, desiring to stand trial on the date of trial set on the summons, shall notify the district court of Talbot County of such desire at least seven (7) days prior to his trial date. Any person desiring to plead guilty to the violation prior to his trial shall be subject to a fine as fixed by the summons, payable by mail or in person at the clerk's office of the district court. Any person who shall fail to appear at the trial when there has been no pre-trial plea of guilty and payment of fine shall be guilty of a separate misdemeanor and upon conviction thereof be fined not less than Twenty-Five Dollars (\$25.00), plus court costs. (Ordinance 72 effective 9/7/1975)

**Sec. 4-25. Records.**

Except for any necessary accounting records, no criminal record shall be kept of any violations of this article.  
(Ordinance 72 effective 9/7/1975).

