

Introduced 6/4/18
Public Hearing 6/18/18
Council Action 7/27/18
Executive Action 8/16/18
Effective Date 10/16/18

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 8

Bill No. 39 -2018

Introduced by: Jon Weinstein

AN ACT requiring specified shelter and conditions for certain dogs at certain times; specifying how dogs may be tethered, authorizing the Animal Control Officer to issue certain animal safety alerts in a specified manner; requiring certain publicity of certain provisions of Title 17 Subtitle 3; providing for civil penalties for specified violations; and generally relating to animal control in Howard County.

Introduced and read first time June 4, 2018. Ordered posted and hearing scheduled.
By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on June 18, 2018.
Tabled 7/2/18

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on July 27, 2018 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 30th day of July, 2018 at 11 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive Aug 6,, 2018

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By adding:

4 Title 17. - Public Protection Services.

5 Subtitle 3. - Animals.

6 Sec. 17.305A. Shelter and tether requirements for dogs.

7 Sec. 17.305B. Tethers for dogs.

8 ~~Sec. 17.305B~~ Sec. 17.305C. Animal safety alerts.

9 By amending:

10 Title 17. - Public Protection Services.

11 Subtitle 3. - Animals.

12 Sec. 17.312. - Animal Control Division.

13 (e) Administrator's Duties.

14 Sec. 17.318 Civil penalties for violations.

15 (g) Fines for Violations of Certain Sections.

16
17 **Title 17. - Public Protection Services.**

18 **Subtitle 3. - Animals.**

19
20 **SEC. 17.305A. ~~SHELTER AND TETHER~~ OUTDOOR SHELTER AND WATER REQUIREMENTS**

21 **FOR DOGS.**

22 (A) *PURPOSE.*

23 (1) THE PURPOSE OF THIS SECTION IS TO AVOID RISK TO THE HEALTH OR SAFETY OF
24 DOGS.

25 (2) AS PROVIDED IN SECTION 17.312(E), THE ANIMAL CONTROL ADMINISTRATOR
26 MAY ADOPT REGULATIONS TO SET STANDARDS TO IMPLEMENT THIS SECTION.

27 (B) *IN GENERAL.*

28 (1) THIS SECTION APPLIES TO DOGS THAT ARE KEPT OUTSIDE WITHOUT FREE ACCESS TO
29 A RESIDENCE WHEN:

30 (I) THE OWNER IS ABSENT; OR

31 (II) THE DOG IS UNATTENDED FOR 30 MINUTES OR LONGER.

32 (2) THIS SECTION DOES NOT APPLY TO A WORKING DOG THAT IS NOT TETHERED AND IS

33 TRAINED AND KEPT OUTSIDE FOR THE PURPOSE OF GUARDING LIVESTOCK OR FOWL.

1 (3) IN ADDITION TO GENERAL REQUIREMENTS TO KEEP AN ANIMAL FREE FROM CRUELTY
2 AND NEGLECT, AS DEFINED BY THIS SUBTITLE, THE OWNER OF A DOG SHALL:

3 (I) ENSURE THAT THE DOG IS PROTECTED FROM THE WEATHER AS REQUIRED
4 BY THIS SECTION; AND

5 (II) ~~FOLLOW THE TETHERING REQUIREMENTS OF THIS SECTION NOT SUBJECT~~
6 A DOG TO PROLONGED EXPOSURE TO WEATHER THAT CAUSES OR COULD CAUSE THE DEATH OF
7 OR HARM TO THE DOG, INCLUDING BUT NOT LIMITED TO HYPOTHERMIA, HYPERTHERMIA, AND
8 FROSTBITE OR A SIMILAR CONDITION.

9 ~~(B) CONDITIONS DURING COLD WEATHER. (C) ADEQUATE SHADE AND SHELTER.~~

10 ~~(1) THIS SUBSECTION APPLIES BETWEEN DECEMBER 1 AND MARCH 31 OR WHEN~~
11 ~~TEMPERATURES ARE COLDER THAN 32 DEGREES FAHRENHEIT.~~

12 ~~(2) (1) THE DOG SHALL HAVE ACCESS TO A SHELTER THAT:~~

13 (I) IS OF A PROPER SIZE TO ALLOW THE DOG TO ADJUST POSITION AND IS
14 INSULATED SO THAT THE DOG IS ABLE TO MAINTAIN PROPER BODY TEMPERATURE;

15 (II) IS ENCLOSED AND MADE FROM MATERIALS THAT PROTECT THE DOG FROM
16 THE WEATHER; AND

17 (III) HAS AN ~~ENTRYWAY~~ ENTRANCE THAT PROTECTS THE DOG FROM THE
18 WEATHER.

19 ~~(3) (2) THERE SHALL BE BEDDING MADE OF DRY WOOD SHAVINGS, STRAW, OR OTHER~~
20 ~~NON-ABSORBENT MATERIAL IN THE SHELTER PROVIDED IN A QUANTITY THAT INSULATES THE~~
21 ~~SHELTER TO PROTECT THE DOG FROM COLD AND DAMP WEATHER.~~

22 ~~(C) WATER REQUIREMENTS.~~

23 THE OWNER SHALL ENSURE THAT THE DOG HAS ACCESS TO POTABLE LIQUID WATER
24 AT ALL TIMES AS NEEDED TO MAINTAIN PROPER HEALTH.

25 ~~(E) (D) SANITATION.~~

26 THE DOG SHELTER AND THE AREA IN WHICH THE DOG MAY MOVE ~~WHILE TETHERED~~
27 SHALL BE KEPT CLEAN AND SANITARY.

28 ~~(D) TETHER REQUIREMENTS.~~

29 ~~(1) A TETHER MEANS A CHAIN, ROPE, CABLE OR SIMILAR RESTRAINT USED TO ATTACH A~~
30 ~~DOG TO A STATIONARY OBJECT OR PULLEY, BUT NOT A LEASH USED TO WALK A DOG.~~

31 ~~(2) A TETHER SHALL BE:~~

32 ~~(I) AT LEAST FIVE TIMES THE LENGTH OF THE DOG, AS MEASURED FROM THE TIP~~
33 ~~OF ITS NOSE TO THE BASE OF ITS TAIL;~~

1 _____ (II) AFFIXED SO THAT THE DOG WILL NOT BE INJURED, ENDANGERED, OR
2 ENTANGLED; AND

3 _____ (III) OF A WEIGHT THAT IS NOT MORE THAN 1/8 OF THE DOG'S BODY WEIGHT AND
4 IS APPROPRIATE FOR THE DOG.

5 _____ (3) THE DOG SHALL BE CONNECTED TO THE TETHER WITH A BUCKLE-STYLE COLLAR OR A
6 HARNESS. CHOKE-STYLE COLLARS ARE PROHIBITED ON TETHERED DOGS.

7 _____ (4) THIS SUBSECTION DOES NOT PROHIBIT A REGIMEN OF RESTRAINT THAT THE ANIMAL
8 CONTROL ADMINISTRATOR APPROVES FOR A PARTICULAR TRAINING OR WORKING DOG PURPOSE.

9
10 **SEC. 17.305B. TETHERS FOR DOGS.**

11 (A) THIS SECTION APPLIES TO DOGS THAT ARE KEPT OUTSIDE WHEN:

12 (I) THE OWNER IS ABSENT; OR

13 (II) THE DOG IS UNATTENDED FOR 30 MINUTES OR LONGER.

14 (B) TETHERS.

15 FOR PURPOSES OF THIS SECTION, A TETHER MEANS A CHAIN, ROPE, LINE, OR SIMILAR
16 RESTRAINT THAT CONNECTS A DOG TO A SHELTER, TREE, FENCE, OR ANY OTHER
17 STATIONARY OBJECT.

18 (C) GENERALLY PROHIBITED.

19 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SUBSECTION, AN
20 OWNER MAY NOT KEEP A DOG ON A TETHER.

21 (D) EXCEPTIONS.

22 (1) AN OWNER MAY KEEP A DOG ON A TETHER WHILE THE OWNER COMPLETES A
23 TEMPORARY TASK.

24 (2) AN OWNER MAY USE A TETHER WHILE SUPERVISING THE DOG AND:

25 (I) THE OWNER INTENDS TO ALLOW THE DOG TO ELIMINATE; OR

26 (II) THE OWNER IS EXERCISING THE DOG.

27 **SEC. 17.305B SEC. 17.305C. ANIMAL SAFETY ALERTS.**

28 (A) IN GENERAL.

29 WHENEVER THE ANIMAL CONTROL ADMINISTRATION CONSIDERS THAT AN ALERT IS
30 WARRANTED, THE ANIMAL CONTROL ADMINISTRATOR SHALL ISSUE AN ANIMAL ALERT
31 ADVISING THE PUBLIC OF THE ANIMAL SAFETY PRECAUTIONS THAT THE ANIMAL CONTROL
32 ADMINISTRATOR CONSIDERS APPROPRIATE.

1 (B) *PUBLICITY.*

2 IF AN ANIMAL SAFETY ALERT IS ISSUED:

3 (1) THE ALERT SHALL BE POSTED ON THE ANIMAL CONTROL WEBSITE AND SOCIAL MEDIA
4 WEBSITES; AND

5 (2) THE ANIMAL CONTROL ADMINISTRATOR MAY ISSUE A PUBLIC PRESS RELEASE.

6
7 **Sec. 17.312. - Animal Control Division.**

8 (e) *Administrator's Duties.* The Animal Control Administrator shall:

9 (1) Serve as Executive Secretary to the Animal Matters Hearing Board;

10 (2) Administer and enforce the animal control laws;

11 (3) Maintain records of microchip identification numbers cross-referenced to the
12 animal license files;

13 (4) Maintain records of rabies vaccinations cross-referenced to the animal license files;

14 (5) Administer the animal control facility;

15 (6) Supervise the Animal Control Officers and other employees of the Animal Control
16 Division;

17 (7) Adopt written regulations necessary to implement this subtitle; ~~[[and]]~~

18 (8) PUBLICIZE THE REQUIREMENTS OF THIS SUBTITLE INCLUDING BUT NOT LIMITED
19 TO BREED-SPECIFIC REQUIREMENTS TO THOSE WHO ARE REQUIRED TO COMPLY WITH THIS
20 SUBTITLE; AND

21 (9) Perform such other functions as may be prescribed by directive of the County
22 Executive or by law.

23
24 **Sec. 17.318. - Civil penalties for violations.**

25 (g) *Fines for Violations of Certain Sections.* The amount of the civil penalty for a violation of
26 this subtitle is:

| Code Section Violated | Amount of Fine | |
|-----------------------|-----------------------------------|---------|
| 17.301 and 17.306 | First Offense | \$25.00 |
| | Second Offense in 24-Month Period | 50.00 |
| | Third Offense in 24-Month Period | 100.00 |
| | Subsequent Offenses | 250.00 |

| | | |
|----------------------------------|---|--------|
| 17.302 | First Offense | 50.00 |
| | Second Offense in 24-Month Period | 100.00 |
| | Third Offense in 24-Month Period | 200.00 |
| | Subsequent Offenses | 200.00 |
| 17.303 | \$250.00 to \$500.00; Board may waive fine if owner agrees to destruction of animal | |
| 17.304 and 17.305 | First Offense | 100.00 |
| | Second Offense in 24-Month Period | 150.00 |
| | Third Offense in 24-Month Period | 300.00 |
| | Subsequent Offenses | 500.00 |
| 17.305A, AND 17.305B, AND 17.306 | FIRST OFFENSE | 100.00 |
| | SECOND OFFENSE IN A 24-MONTH PERIOD | 150.00 |
| | THIRD OFFENSE IN A 24-MONTH PERIOD | 300.00 |
| | SUBSEQUENT OFFENSES | 500.00 |
| 17.307 | First Offense | 100.00 |
| | Second Offense in 24-Month Period | 150.00 |
| | Third Offense in 24-Month Period | 300.00 |
| | Subsequent Offenses | 500.00 |
| 17.311(d)(2) | | 100.00 |
| 17.315 | First Offense | 100.00 |
| | Second Offense in 24-Month Period | 150.00 |
| | Third Offense in 24-Month Period | 300.00 |
| | Subsequent Offenses | 500.00 |
| 17.316 | First Offense | 25.00 |

| | | |
|--------|-----------------------------------|--------|
| | Second Offense in 24-Month Period | 50.00 |
| | Third Offense in 24-Month Period | 100.00 |
| | Subsequent Offenses | 200.00 |
| 17.317 | | 300.00 |

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Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 6, 2018.

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council