

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

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 ~~(C) (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
	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

Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 10

Date: July 2, 2018

Amendment No. 1

(This amendment expands the requirements of the Bill to cover all times and all weather conditions, to require access to water, to add more specificity to the provisions that cover use of tethers, and to make a technical correction.)

1 On page 1,

- 2 • before line 7, insert "Sec. 17.305B. Tethers for dogs.".
- 3 • in line 7, strike "Sec. 17.305B" and substitute "Sec. 17.305C".
- 4 • in line 19, strike "SHELTER AND TETHER" and substitute "OUTDOOR SHELTER AND
- 5 WATER".

6 On page 1, in line 26, after "OUTSIDE" insert "WITHOUT FREE ACCESS TO A RESIDENCE".

7 On page 2:

- 8 • In line 1, strike "FOLLOW THE TETHERING REQUIREMENTS OF THIS SECTION" and substitute "KEEP
- 9 THE DOG INDOORS IF THE TEMPERATURE IS BELOW 32 DEGREES FAHRENHEIT OR ABOVE 90
- 10 DEGREES FAHRENHEIT EXCEPT FOR THE ACTIVITY ALLOWED UNDER SECTION 17.305B(C)(2)(I)
- 11 OF THIS SUBTITLE. NOT SUBJECT A DOG TO PROLONGED EXPOSURE TO WEATHER THAT CAUSES OR
- 12 COULD CAUSE THE DEATH OF OR HARM TO THE DOG, INCLUDING BUT NOT LIMITED TO
- 13 HYPOTHERMIA, HYPERTHERMIA, AND FROSTBITE OR A SIMILAR CONDITION".
- 14 • strike line 2 and substitute "(C) ADEQUATE SHADE AND SHELTER.".
- 15 • strike lines 3 and 4 in their entirety.
- 16 • In line 5, strike "(2)" and substitute "(1)".
- 17 • in line 10, strike "ENTRYWAY" and substitute "ENTRANCE".
- 18 • In line 11, strike "(3)" and substitute "(2)".
- 19 • after line 13, insert:

20 "(C) (E) WATER REQUIREMENTS.

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

- 3 • In line 14, strike "(C)" and substitute "(D)".
- 4 • In line 15, strike "WHILE TETHERED".
- 5 • strike lines 17 through 30 in their entirety.
- 6 • after line 31, insert:

7 "SEC. 17.305B. TETHERS FOR DOGS.

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

9 (I) THE OWNER IS ABSENT; OR

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

11
12 ~~(A)~~ (B) TETHERS.

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

16 ~~(B)~~ (C) GENERALLY PROHIBITED.

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

19 ~~(C)~~ (D) EXCEPTIONS.

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

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

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

24 (II) THE OWNER IS EXERCISING THE DOG."

- 25
26 • In line 32, strike "SEC. 17.305B" and substitute "SEC. 17.305C".

27
28 On page 4, in the box that contains "17.305A, 17.305B, AND 17.306", strike the first comma and
29 substitute "AND" and strike ", AND 17.306".

ADOPTED as amended 7/27/18
FAILED
SIGNATURE Jessica Teitelman

Amendment 1 Amendment 1 to Council Bill No. 39-2018

BY: Greg Fox and
Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 1

(This amendment clarifies that a dog that has free access to a residence is not subject to the outdoor restrictions.)

1
2
3
4

Insert on page 1 in line 6:

- 'On page 1, in line 26, after "OUTSIDE" insert "WITHOUT FREE ACCESS TO A RESIDENCE".'

ADOPTED 7/27/18
FAILED _____
SIGNATURE Jessica Feldman



THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 15 1964
BY
DR. J. H. GOLDSTEIN
PHYSICS DEPARTMENT
5712 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 15 1964
BY
DR. J. H. GOLDSTEIN
PHYSICS DEPARTMENT
5712 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

Amendment 2 to Amendment 1 Council Bill No. 39-2018

BY: Greg Fox

Legislative Day No. 11

Date: 7/27/18

Amendment No. 2

(This amendment clarifies that certain requirements may vary depending on specified circumstances.)

1 On page 1, beginning in line 8, strike "KEEP" down through "SUBTITLE" in line 11 and substitute:
2 "NOT SUBJECT A DOG TO PROLONGED EXPOSURE TO WEATHER THAT CAUSES OR COULD CAUSE THE
3 DEATH OF OR HARM TO THE DOG, INCLUDING BUT NOT LIMITED TO HYPOTHERMIA, HYPERTHERMIA,
4 AND FROSTBITE OR A SIMILAR CONDITION".
5

ADOPTED 7/27/18
FILED _____
SIGNATURE Jessica Edman

Amendment 3 to Amendment 1 Council Bill No. 39-2018

BY: Greg Fox

Legislative Day No. 11

Date: 7/27/18

Amendment No. 3

(This amendment clarifies the requirement to ensure that the dog has water.)

1 On page 1, in line 18, strike "(C)" and substitute "(E)" and in line 19, after "TO" insert "POTABLE"
2 and in line 20, after "TIMES" insert "AS NEEDED TO MAINTAIN PROPER HEALTH".
3

ADOPTED 7/27/18
CALLED
SIGNATURE Jessica Feldman

Amendment 4 to Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 4

(This amendment clarifies the area that is to be kept sanitary.)

- 1 On page 2, after line 1, insert: "• In line 15, strike "WHILE TETHERED".
- 2
- 3

ADOPTED 7/27/18
FAILED _____
SIGNATURE Jessica Addamad



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Amendment 5 Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: July 27, 2018

Amendment No. 5

(This amendment clarifies when the tethering restrictions apply.)

1 On page 2, after line 4, insert:

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

3 (I) THE OWNER IS ABSENT; OR

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

5

6

Renumber the rest of the section accordingly.

ADOPTED 7/27/18
PASSED
SIGNATURE Jessica Feldman

Amendment 2 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 2

(This amendment clarifies that publicity about the requirements of the animal control law must include breed-specific requirements.)

1 On page 3, in line 22, after "subtitle" insert "INCLUDING BUT NOT LIMITED TO BREED-SPECIFIC
2 REQUIREMENTS".

ADOPTED 7/27/18
FILED _____
SIGNATURE Jessica Edmark

Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 10

Date: 7/2/18

Amendment No. 1

(This amendment expands the requirements of the Bill to cover all times and all weather conditions, to require access to water, to add more specificity to the provisions that cover use of tethers, and to make a technical correction.)

1 On page 1;

- 2 • before line 7, insert "Sec. 17.305B. Tethers for dogs.".
- 3 • in line 7, strike "Sec. 17.305B" and substitute "Sec. 17.305C".
- 4 • in line 19, strike "SHELTER AND TETHER" and substitute "OUTDOOR SHELTER AND
- 5 WATER".
- 6

7 On page 2:

- 8 • In line 1, strike "FOLLOW THE TETHERING REQUIREMENTS OF THIS SECTION" and substitute "KEEP
- 9 THE DOG INDOORS IF THE TEMPERATURE IS BELOW 32 DEGREES FAHRENHEIT OR ABOVE 90
- 10 DEGREES FAHRENHEIT EXCEPT FOR THE ACTIVITY ALLOWED UNDER SECTION 17.305B(C)(2)(I)
- 11 OF THIS SUBTITLE.".
- 12 • strike line 2 and substitute "(C) ADEQUATE SHADE AND SHELTER.".
- 13 • strike lines 3 and 4 in their entirety.
- 14 • In line 5, strike "(2)" and substitute "(1)".
- 15 • in line 10, strike "ENTRYWAY" and substitute "ENTRANCE".
- 16 • In line 11, strike "(3)" and substitute "(2)".
- 17 • after line 13, insert:
- 18 "(C) WATER REQUIREMENTS.
- 19 THE OWNER SHALL ENSURE THAT THE DOG HAS ACCESS TO LIQUID WATER AT ALL
- 20 TIMES.".

- In line 14, strike “(C)” and substitute “(D)”.
- strike lines 17 through 30 in their entirety.
- after line 31, insert:

“**SEC. 17.305B. TETHERS FOR DOGS.**”

(A) TETHERS.

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

(B) GENERALLY PROHIBITED.

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

(C) EXCEPTIONS.

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

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

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

(II) THE OWNER IS EXERCISING THE DOG.”.

- In line 32, strike “**SEC. 17.305B**” and substitute “**SEC. 17.305C**”.

On page 4, in the box that contains “17.305A, 17.305B, AND 17.306”, strike the first comma and substitute “AND” and strike “, AND 17.306”.

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

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 _____, 2018. Ordered posted and hearing scheduled.
By order _____
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 _____, 2018.
By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments ____, Failed ____.
By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2018 at ____ a.m./p.m.
By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2018

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. Animal safety alerts.*

8 *By amending:*

9 *Title 17. - Public Protection Services.*

10 *Subtitle 3. - Animals.*

11 *Sec. 17.312. - Animal Control Division.*

12 *(e) Administrator's Duties.*

13 *Sec. 17.318 Civil penalties for violations.*

14 *(g) Fines for Violations of Certain Sections.*

15
16 **Title 17. - Public Protection Services.**

17 **Subtitle 3. - Animals.**

18
19 **SEC. 17.305A. SHELTER AND TETHER REQUIREMENTS FOR DOGS.**

20 **(A) PURPOSE.**

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

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

25 **(B) IN GENERAL.**

26 (1) THIS SECTION APPLIES TO DOGS THAT ARE KEPT OUTSIDE WHEN:

27 (I) THE OWNER IS ABSENT; OR

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

29 (2) THIS SECTION DOES NOT APPLY TO A WORKING DOG THAT IS NOT TETHERED AND IS
30 TRAINED AND KEPT OUTSIDE FOR THE PURPOSE OF GUARDING LIVESTOCK OR FOWL.

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

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

1 (II) FOLLOW THE TETHERING REQUIREMENTS OF THIS SECTION.

2 (B) *CONDITIONS DURING COLD WEATHER.*

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

5 (2) THE DOG SHALL HAVE ACCESS TO A SHELTER THAT:

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

8 (II) IS ENCLOSED AND MADE FROM MATERIALS THAT PROTECT THE DOG FROM
9 THE WEATHER; AND

10 (III) HAS AN ENTRYWAY THAT PROTECTS THE DOG FROM THE WEATHER.

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

14 (C) *SANITATION.*

15 THE DOG SHELTER AND THE AREA IN WHICH THE DOG MAY MOVE WHILE TETHERED
16 SHALL BE KEPT CLEAN AND SANITARY.

17 (D) *TETHER REQUIREMENTS.*

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

20 (2) A TETHER SHALL BE:

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

23 (II) AFFIXED SO THAT THE DOG WILL NOT BE INJURED, ENDANGERED, OR
24 ENTANGLED; AND

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

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

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

31
32 **SEC. 17.305B. ANIMAL SAFETY ALERTS.**

33 (A) *IN GENERAL.*

1 WHENEVER THE ANIMAL CONTROL ADMINISTRATION CONSIDERS THAT AN ALERT IS
2 WARRANTED, THE ANIMAL CONTROL ADMINISTRATOR SHALL ISSUE AN ANIMAL ALERT
3 ADVISING THE PUBLIC OF THE ANIMAL SAFETY PRECAUTIONS THAT THE ANIMAL CONTROL
4 ADMINISTRATOR CONSIDERS APPROPRIATE.

5 (B) *PUBLICITY.*

6 IF AN ANIMAL SAFETY ALERT IS ISSUED:

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

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

10
11 **Sec. 17.312. - Animal Control Division.**

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

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

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

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

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

18 (5) Administer the animal control facility;

19 (6) Supervise the Animal Control Officers and other employees of the Animal Control
20 Division;

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

22 (8) PUBLICIZE THE REQUIREMENTS OF THIS SUBTITLE TO THOSE WHO ARE REQUIRED
23 TO COMPLY WITH THIS SUBTITLE; AND

24 (9) Perform such other functions as may be prescribed by directive of the County
25 Executive or by law

26
27 **Sec. 17.318. - Civil penalties for violations.**

28 (g) *Fines for Violations of Certain Sections.* The amount of the civil penalty for a violation of
29 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, 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

1

2

3

4 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*

5 *this Act shall become effective 61 days after its enactment.*

Amendment 1 Amendment 1 to Council Bill No. 39-2018

BY: Greg Fox and
Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 1

(This amendment clarifies that a dog that has free access to a residence is not subject to the outdoor restrictions.)

1 Insert on page 1 in line 6:

- 2 • 'On page 1, in line 26, after "OUTSIDE" insert "WITHOUT FREE ACCESS TO A RESIDENCE".'

3

4

Amendment 2 to Amendment 1 Council Bill No. 39-2018

BY: Greg Fox

Legislative Day No. 11

Date: 7/27/18

Amendment No. 2

(This amendment clarifies that certain requirements may vary depending on specified circumstances.)

1 On page 1, beginning in line 8, strike “KEEP” down through “SUBTITLE” in line 11 and substitute:
2 “NOT SUBJECT A DOG TO PROLONGED EXPOSURE TO WEATHER THAT CAUSES OR COULD CAUSE THE
3 DEATH OF OR HARM TO THE DOG, INCLUDING BUT NOT LIMITED TO HYPOTHERMIA, HYPERTHERMIA,
4 AND FROSTBITE OR A SIMILAR CONDITION”.

5

Amendment 3 to Amendment 1 Council Bill No. 39-2018

BY: Greg Fox

Legislative Day No. 11

Date: 7/27/18

Amendment No. 3

(This amendment clarifies the requirement to ensure that the dog has water.)

- 1 On page 1, in line 18, strike “(C)” and substitute “(E)” and in line 19, after “TO” insert “POTABLE”
- 2 and in line 20, after “TIMES” insert “AS NEEDED TO MAINTAIN PROPER HEALTH”.
- 3

Amendment 4 to Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 4

(This amendment clarifies the area that is to be kept sanitary.)

1 On page 2, after line 1, insert: "• In line 15, strike "WHILE TETHERED"".

2

3

Amendment 5 Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: July 27, 2018

Amendment No. 5

(This amendment clarifies when the tethering restrictions apply.)

1 On page 2, after line 4, insert:

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

3 (I) THE OWNER IS ABSENT; OR

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

5

6 Renumber the rest of the section accordingly.

Amendment 1 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 10

Date: 7/2/18

Amendment No. 1

(This amendment expands the requirements of the Bill to cover all times and all weather conditions, to require access to water, to add more specificity to the provisions that cover use of tethers, and to make a technical correction.)

1 On page 1,

- 2 • before line 7, insert "Sec. 17.305B. Tethers for dogs.".
- 3 • in line 7, strike "Sec. 17.305B" and substitute "Sec. 17.305C".
- 4 • in line 19, strike "SHELTER AND TETHER" and substitute "OUTDOOR SHELTER AND
- 5 WATER".
- 6

7 On page 2:

- 8 • In line 1, strike "FOLLOW THE TETHERING REQUIREMENTS OF THIS SECTION" and substitute "KEEP
- 9 THE DOG INDOORS IF THE TEMPERATURE IS BELOW 32 DEGREES FAHRENHEIT OR ABOVE 90
- 10 DEGREES FAHRENHEIT EXCEPT FOR THE ACTIVITY ALLOWED UNDER SECTION 17.305B(C)(2)(I)
- 11 OF THIS SUBTITLE.".
- 12 • strike line 2 and substitute "(C) ADEQUATE SHADE AND SHELTER.".
- 13 • strike lines 3 and 4 in their entirety.
- 14 • In line 5, strike "(2)" and substitute "(1)".
- 15 • in line 10, strike "ENTRYWAY" and substitute "ENTRANCE".
- 16 • In line 11, strike "(3)" and substitute "(2)".
- 17 • after line 13, insert:

18 "(C) WATER REQUIREMENTS.

19 THE OWNER SHALL ENSURE THAT THE DOG HAS ACCESS TO LIQUID WATER AT ALL

20 TIMES.".

- 1 • In line 14, strike “(C)” and substitute “(D)”.
- 2 • strike lines 17 through 30 in their entirety.
- 3 • after line 31, insert:

4 **“SEC. 17.305B. TETHERS FOR DOGS.**

5 **(A) TETHERS.**

6 **FOR PURPOSES OF THIS SECTION, A TETHER MEANS A CHAIN, ROPE, LINE, OR SIMILAR**
7 **RESTRAINT THAT CONNECTS A DOG TO A SHELTER, TREE, FENCE, OR ANY OTHER**
8 **STATIONARY OBJECT.**

9 **(B) GENERALLY PROHIBITED.**

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

12 **(C) EXCEPTIONS.**

13 **(1) AN OWNER MAY KEEP A DOG ON A TETHER WHILE THE OWNER COMPLETES A**
14 **TEMPORARY TASK.**

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

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

17 **(II) THE OWNER IS EXERCISING THE DOG.”.**

- 18
- 19 • In line 32, strike “SEC. 17.305B” and substitute “**SEC. 17.305C**”.
- 20

21 On page 4, in the box that contains “17.305A, 17.305B, AND 17.306”, strike the first comma and
22 substitute “**AND**” and strike “, AND 17.306”.

Amendment 2 to Council Bill No. 39-2018

BY: Jon Weinstein

Legislative Day No. 11

Date: 7/27/18

Amendment No. 2

(This amendment clarifies that publicity about the requirements of the animal control law must include breed-specific requirements.)

- 1 On page 3, in line 22, after “subtitle” insert “INCLUDING BUT NOT LIMITED TO BREED-SPECIFIC
- 2 REQUIREMENTS”.



ANIMAL MATTERS HEARING BOARD

June 30, 2018

Howard County Council
George Howard Building
3434 Court House Drive
Ellicott City, Maryland 21043-4392

2018 JUL -6 PM 4:58
HOWARD COUNTY COUNCIL
RECEIVED

We, the members of the Animal Matters Hearing Board (AMHB) of Howard County, are writing in support of the Amendment to No. 39-2018 (Chaining Bill).

As a Board we are charged with hearing matters brought before us regarding violations of Howard County's animal laws. We are a Board comprising community members and have heard many cases over the years of varying severity, many of which have been abuse and neglect cases.

Dogs are companion animals and as such, require interaction with humans on a regular basis. They are not solitary animals. Oftentimes tethered animals are left alone for long periods of time. Without proper socialization, behavior problems can develop. For example, tethered dogs can become frustrated and overly protective of themselves and the space where they're tethered. This can be unintentionally dangerous for people as well as the tethered dog. A tethered dog is likely to protect itself from anyone it deems a threat because the dog has learned s/he is not able to run from danger. Also, a dog that develops behavior problems because of inadequate contact with humans becomes more difficult to manage. Often these dogs end up needing intervention from the community such as concerned neighbors, the police, and Animal Control staff who must investigate and advocate on behalf of these dogs.

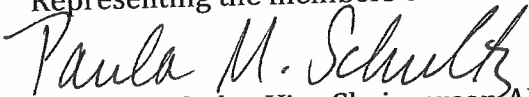
Unsupervised tethered dogs are also vulnerable to other animals that come close to them who may do them harm, such as stray dogs or wild animals. These dogs are also vulnerable to people who have unkind intentions and may harm these confined dogs.

Tethering is also dangerous as there have been cases where dogs have been injured or hanged as their tethers got too tight while wrapping around whatever object the dog was tethered to.

The AMHB members also support this Bill as it legislates bringing dogs in when temperatures are extremely cold or extremely hot. Dogs are domestic animals and, as such, are not suited to living in extreme temperatures. Unfortunately, there have been cases of dogs who have frozen to death or who have succumbed to heat exhaustion as a result of being left outside when temperatures became extreme.

It is for these reasons we, the members of the AMHB, support the Amendment to No. 39-2018 (Chaining Bill) and we hope that you will pass this legislation and protect the human and animal citizens of Howard County.

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Victoria L. F. Gaunt (District 1)
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Paula M. Schultz, Vice Chairman AMHB (District 2)
Dorothy Ruck (District 2)
Elaine R. Ritchey (District 3)
Connie Molter, Chairperson AMHB (District 4)
Flavia Delmastro, DVM (District 5)

cc: Deb Baracco, Administrator, Howard County Animal Control
Deb Edelman, Executive Secretary, Howard County Animal Matters Hearing Board
Barry Sanders, Howard County Office of Law

Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Tuesday, July 03, 2018 6:34 PM
To: Americow56@gmail.com
Subject: Legislation on humane treatment of outside dogs

First Name: Marla

Last Name: Stahl

Email: Americow56@gmail.com

Street Address: 6412 Warm Sunshine Path

City: Clarksville

Subject: Legislation on humane treatment of outside dogs

Message:

As I sit here with a trembling dog in my lap during a fierce thunderstorm after a day when the heat index made it feel like it was over 100° outside, you can imagine how angry and disappointed I was to find out this evening that the council overwhelmingly voted to table the discussion on legislation for the humane treatment of outdoor animals. I am shocked and dismayed at the lack of concern for other living beings. It is very unlike this group to be so callous and uncaring, and it is quite perplexing. Thank you to Mr. Ball for trying to get a discussion going, but a big part of me really wants to say to the rest of you, "shame on you" for putting this off for another month . Perhaps if you held your meetings outside in the sun during 90° days with nothing but a warm bottle of water, you might be able to understand what is happening to these beautiful creatures. But it shouldn't take something that extreme; I expect my county council to have compassion. I respectfully urge you to reconsider and revisit this issue sooner rather than later . Thank you.

Sayers, Margery

From: Florence Wagner <florence.wagner9@gmail.com>
Sent: Friday, July 06, 2018 12:03 PM
To: CouncilMail
Subject: CB39-2018

Dear Council members,

As a resident of Columbia Town Center, I urge you to re-consider CB39-2018 which, due to unknown (to me at least) "concerns" by some members, was recently tabled for a month. I would like to know what those "concerns" are. With the current record-breaking temperatures, I would think the urgency to act on this humane bill is right now! Please don't kick the can down the road!

Thank you for your consideration,

Florence Wagner

Sayers, Margery

From: Feldmark, Jessica
Sent: Monday, July 09, 2018 3:00 PM
To: Sayers, Margery
Subject: FW: Humane Society of the United States - support for CB39-2018
Attachments: Howard County CB39-2018 - Humane Society of the United State letter of support.pdf

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

From: Emily Hovermale [mailto:ehovermale@humanesociety.org]
Sent: Monday, July 09, 2018 11:18 AM
To: Weinstein, Jon <jweinstein@howardcountymd.gov>; Ball, Calvin B <cball@howardcountymd.gov>; Terrasa, Jen <jtterrasa@howardcountymd.gov>; Sigaty, Mary Kay <mksigaty@howardcountymd.gov>; Fox, Greg <gfox@howardcountymd.gov>
Cc: Feldmark, Jessica <jfeldmark@howardcountymd.gov>
Subject: Humane Society of the United States - support for CB39-2018

Dear Howard County Council Members:

Attached please find a letter of support from the Humane Society of the United States in reference to CB39-2018 as amended by the sponsor. On behalf of our members and supporters in Howard County, we respectfully urge passage of this important animal welfare bill.

Please let me know if I can answer any questions or provide any additional information. Thank you for your thoughtful consideration.

My best,
Emily

Emily Hovermale
Maryland/Delaware State Director

ehovermale@humanesociety.org
t 240.708.6899
humanesociety.org



The Humane Society of the United States is the nation's most effective animal protection organization, fighting for all animals for more than 60 years. To support our work, please make a [monthly donation](#), give in [another way](#) or [volunteer](#).





**THE HUMANE SOCIETY
OF THE UNITED STATES**

**Support of Amended CB39-2018
Presented to the Howard County Council
July 9, 2018**

Emily Hovermale, Maryland State Director, Humane Society of the United States

On behalf of The Humane Society of the United States and our members and supporters in Howard County, thank you for the opportunity to submit this letter in support of CB39-2018 as amended by the sponsor, legislation to limit tethering and create additional protections for dogs who are kept outdoors.

Experts have long agreed that tethering is not conducive to the health and welfare of dogs. It is common for continuously tethered dogs to endure physical ailments as a result of being continuously tethered. Their necks can become raw and sore, and their collars can painfully grow into their skin. They are vulnerable to insect bites and parasites, and are at high risk of entanglement, strangulation, and harassment or attacks by other dogs or people.

Back in June of 1996, the U. S. Department of Agriculture (USDA) issued a statement against tethering: "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury." And the Association of Shelter Veterinarians in its 2009 Guidelines for Standards of Care in Animal Shelters said: "Tethering is an unacceptable method of confinement for any animal and has no place in humane sheltering. Constant tethering of dogs in lieu of a primary enclosure is not a humane practice."

Tethering a dog during extreme weather is particularly inhumane, since chained dogs are unable to find sufficient shelter during inclement weather. Pets left outside in extreme temperatures, especially without food and shelter, are at risk of hypothermia, frostbite, heatstroke and even death. It is a common misconception that dogs' fur enables them to withstand extreme cold better than humans. In fact, dogs exposed to cold for long periods of time often suffer from hypothermia or death. Exposed skin like the nose, ears, and paw pads are highly susceptible to frostbite and can be permanently damaged. The American Veterinary Medical Association (AVMA) recommends that dogs, even thick-coated arctic breeds, should never be left outside during below freezing weather – and especially not without shelter that allows the dog to maintain normal body temperature. Including specific prohibitions on unattended dogs being outdoors during these extreme weather conditions allows animal control officers to intervene and assist animals *before* an animal becomes severely ill or injured rather than waiting until a dog is suffering and seriously ill.

Dogs are naturally social beings who need interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months or even years suffers immense psychological damage in addition to being at risk for severe physical damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious and often aggressive.

Tethering is not only bad for dogs—it is a high risk factor in serious dog bites and attacks. Dogs unable to retreat from perceived or real threats can act out aggressively when approached. Dogs feel naturally

protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A tied dog, unable to take flight, resorts to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

The American Veterinary Medical Association has been quoted as saying: "Never tether or chain your dog because this can contribute to aggressive behavior." The Centers for Disease Control (CDC) concluded in a study that the dogs most likely to attack are male, unneutered, and chained. The CDC found that chained dogs are 2.8 times more likely to bite than non-chained dogs. That number increases to 5.4 times more likely to bite children under the age of 12 who are less likely to be aware of the risk of engaging with a strange dog. And the scientific study "Which Dogs Bite? A Case Control Study of Risk Factors" is just one of many studies which demonstrate that "chained dogs account for a substantial portion of serious and fatal bites.

Chained dogs are also often the source of nuisance complaints, impacting the quality of life for community residents. It only makes sense that a dog tethered alone in a yard with nothing to muffle its sound is more likely to engage in nuisance behaviors like barking than a dog inside a house. Good tethering policies, which prevent dogs from living their lives on chains, are not only good for dogs, they are good for people.

The vagueness of the current law creates difficulty for officers who want to take action *before* a dog has suffered an injury or death due to living outdoors with inadequate shelter. Well-defined terms establishing minimum standards of care are essential to combatting animal suffering. These provisions serve as an educational tool which informs pet owners of the minimal level of care they must provide. This bill is not simply an effort to punish violators, but also to provide officers the ability to take proactive steps to *prevent* animal suffering and issues for citizens.

This bill is an important protection for dogs and people in Howard County. The Humane Society of the United States respectfully urges a favorable vote on CB39-2018 as amended by the sponsor.

CM, PRS, JF, MS



ANIMAL MATTERS HEARING BOARD

June 30, 2018

Howard County Council
George Howard Building
3434 Court House Drive
Ellicott City, Maryland 21043-4392

2018 JUL -6 PM 4:58

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RECEIVED

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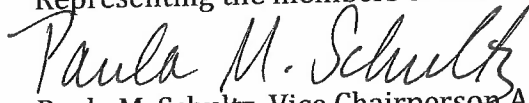
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Flavia Delmastro, DVM (District 5)

cc: Deb Baracco, Administrator, Howard County Animal Control
Deb Edelman, Executive Secretary, Howard County Animal Matters Hearing Board
Barry Sanders, Howard County Office of Law

Sayers, Margery

From: Claudia Eckstrom <claudiaeckstrom@yahoo.com>
Sent: Sunday, July 01, 2018 10:40 AM
To: CouncilMail
Subject: Anti-chaining bill

Dear County Council- I am a volunteer at the Howard County Animal Control and I support the anti-chaining bill. It is an act of cruelty to have a dog tethered. Please vote in support of this bill.

Claudia Eckstrom

Sent from my iPhone

Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Monday, June 18, 2018 2:32 PM
To: eileendjones1956@gmail.com
Subject: Howard County Bill CB39-2018

First Name: Eileen

Last Name: Jones

Email: eileendjones1956@gmail.com

Street Address: 6093 Loventree Rd.

City: Columbia

Subject: Howard County Bill CB39-2018

Message: Please make sure these parts of the bill pass today: 1. A ban on dogs living outdoors on a chain. This is a physical and emotional hardship for dogs and is not an acceptable way to keep a companion animal. 2. When the temperature is extreme, both cold AND heat, dogs need to be brought indoors. 3. Provide a mandate to impound (take) the animal if violations are repeated or if conditions warrant. There are a lot of other things we'd like to see changed in the Howard County Animal laws, but we believe those three changes would make a real difference in the lives of local animals.

Dog advocate warns of hot weather dangers

County Council reviewing proposal to fine pet owners

BY JESS NOCERA
jnocera@baltisun.com

An animal rights advocate said Monday night that a proposal before the County Council to penalize pet owners for leaving their dogs alone outside in cold weather doesn't cover all the bases.

"The dangers of extreme heat must be spelled out," Ann Selnick, a member of the Animal Advocates of Howard County, said during a public hearing. "The public is unhappy seeing dogs outside in these extreme conditions."

Councilman Jon Weinstein, who has introduced legislation designed to deter

pet owners from keeping dogs outside without proper shelter between December and April or when temperatures drop below 32 degrees, said he would change the proposal to include hot weather conditions and to prohibit tethering dogs.

"The intent is to make sure it's [the legislation] covered in hot weather and cold weather," Weinstein said.

An aide to Weinstein, Jessie Keller, said Tuesday specific warm-weather temperature limits haven't been nailed down.

Weinstein's office worked with animal control specialists and reviewed legislation from other jurisdictions when establishing the bill's guidelines and no scientific evidence or testing was examined, Keller said.

The proposal also sets standards for outdoor shelters for dogs. Cats are not

covered.

Weinstein, a Democrat who is seeking re-election in District 1, introduced his plan this month. He said after receiving the feedback on the legislation he will file amendments.

Dog owners could face fines if the legislation passes. A first offense could bring a \$100 ticket, a second offense within two years is \$150 and a third offense is \$300. Tickets could be issued by county police and animal control officers.

Selnick, speaking on behalf of the animal advocates nonprofit, said a \$100 fine "would not be enough to be a deterrent."

"We feel that the animal control penalties are not strong enough," Selnick said.

The group is supporting the bill but

Selnick said it "needs to be tweaked."

"Some [dogs] live their entire lives at the end of a chain," Selnick said. "They [dogs] must be removed from their chains and be removed from extreme temperatures."

Deborah Baracco, administrator for Howard County Animal Control, spoke in favor of the bill on Monday, applauding the addition of a ban on tethering.

"Isolating [a dog] on a chain is one of the cruelest acts we can do against our dogs," Baracco said. "Dogs housed on chains develop both social and behavioral problems."

The bill also would give the county animal administrator the authority to send social media and internet alerts to residents about weather conditions and offering information on pet safety.

Immigrant detention policy debate fires up in state, county

Howard's jail singled out by gubernatorial candidate

BY ERIN COX
AND MICHAEL DRESSER
The Baltimore Sun

Republican Gov. Larry Hogan on Tuesday recalled a small unit of Maryland National Guard soldiers helping to patrol the southern U.S. border amid a national outcry about separating migrant children from their families.

Hogan joined a bipartisan wave of governors across the country revoking resources along the Mexican border in protest of an immigration policy widely condemned by both sides of the aisle.

In Maryland a chorus of Democrats running for governor and state leaders from U.S. Rep. Elijah Cummings, who represents parts of Howard County, to Catholic Archbishop William Lori demanded President Donald J. Trump and Congress end a "zero tolerance" policy that has separated nearly 2,000 children from their parents in recent weeks.

Hogan announced in a tweet that he would rescind all resources until Trump's administration reversed the policy.

"Immigration enforcement efforts should focus on criminals, not separating innocent children from their families," the governor tweeted. He said that early Tuesday he ordered the four Maryland National Guard crew members and their helicopter to return from their station in



JOE RAEDLE/GETTY IMAGES

In El Paso, Texas, on Tuesday, a protestor carries a poster with a message in front of a U.S. immigration detention facility at the Mexican border.

New Mexico.

The Maryland guard members have been there since early June, according to Hogan administration officials.

Hogan's Democratic rivals had been pressuring the governor to take action over the border crisis.

The Trump administration recently

began enforcing a policy that criminally prosecutes anyone trying to cross the border illegally, including parents traveling with children. Adults are sent to the U.S. Marshals Service for criminal proceedings while many children are sent to facilities run by the Department of Health and Human Services.

Nearly 2,000 children were separated from their families over a six-week period in April and May.

In the hours leading up to Hogan's tweet, several of the six Maryland Democrats vying for their party's nomination to be governor called on him to withdraw the guard.

State Sen. Richard S. Madaleno Jr. held a news conference outside the Howard County Detention Center in Jessup to protest what he called a "torturous, monstrous policy." Former NAACP chief Ben Jealous released a statement to Hogan saying "as governor, your job is to stand firm for our values and have the courage to move Maryland forward no matter what happens in Washington." Prince George's County Executive Rushern L. Baker III issued a statement calling the policy "inhumane, immoral and repugnant."

Cummings, the ranking Democrat on the House Committee on Oversight and Government Reform, departed from his prepared remarks to condemn Trump at a hearing.

"We should all be able to agree that we will not keep kids in child internment camps — indefinitely and hidden away

from public view. What country is that?" the Baltimore Democrat said.

Archbishop Lori of Baltimore issued a statement saying there can be no reasonable justification for separating children from their parents to enforce the law.

"This action threatens the stability of families, unduly inflicts trauma and hardship on those involved, including innocent children, and runs counter to the compassion and justice that are foundational to our American society," Lori said.

Madaleno held his news conference outside the Howard County jail, which he identified as one of three sites in Maryland used by U.S. Immigration and Customs Enforcement, or ICE, to detain immigrants. The others are in Frederick and Worcester counties, he said.

Madaleno urged Howard and the other counties to "stop taking the blood money from ICE in order to do this."

Jack Kavanagh, director of corrections for Howard County, said the center's agreement with federal immigration authorities goes back as far as the 1990s. He said the county is paid \$90-a day per person to house detained adult male immigrants.

Kavanagh said the center does not hold men who are picked up for immigration violations. He said the 60 to 100 immigrants held there for an average stay are typically people who have been released from prison after serving their sentences and who are awaiting deportation.

"These are not choir boys," he said. "These are dangerous people."

June 18, 2018

Testimony by Marian Condon, 3600 Fels Lane, Ellicott City, MD 21043

I am generally in support of any bill that will start the process of making the conditions of companion dogs in Howard County more protective. So, I am in support of the proposed bill, #39-2018.

I understand that amendments have been added that will potentially banning the tethering of dog and that will clarify the requirements for adequate shade, shelter and water in all weather conditions and conditions – and as I am in full support of such amendments.

I live in the historic district of Ellicott City and for the last several years have witnessed the tethering of up to 3 dogs on a neighbor's property. The conditions were so concerning last winter for these dogs that the police were called to this home several times, and only one of those times was I the one doing the calling. Several other concerned Howard Co. residents made these calls too.

But it is not just during the freezing winter; these dogs are tethered in all conditions for long hours during the day essentially being neglected. This has been extremely painful to witness as these so-called "companion" dogs are left outside with little or no socialization. Dogs who are left outside become a nuisance due to boredom and frustration. I have witnessed this and endured the dogs' resulting barking from early in the morning till evening. I have seen these dogs have to live in close proximity to their own feces. I have witnessed the fear of humans on the part of at least one of these under-socialized dogs. Howard County Animal Control has not been very helpful, I think essentially due to lack of strong regulations to support them. I would like Animal Control to have the tools they need in the form of stronger and more protective laws.

I am submitting along with this testimony two photos of one of my neighbor's dogs tethered outside. The first taken on a winter day with snow on the ground. As you may be able to see, this is a short-haired dog who has no protective under coat to help insulate him and he doesn't even have dog coat or sweater on, which would be insufficient anyway. The second photo shows more temperate conditions but the dog is still isolated. While this is an isolated dog, this is not an isolated incident and is a sight with which I am all too familiar from these neighbors.

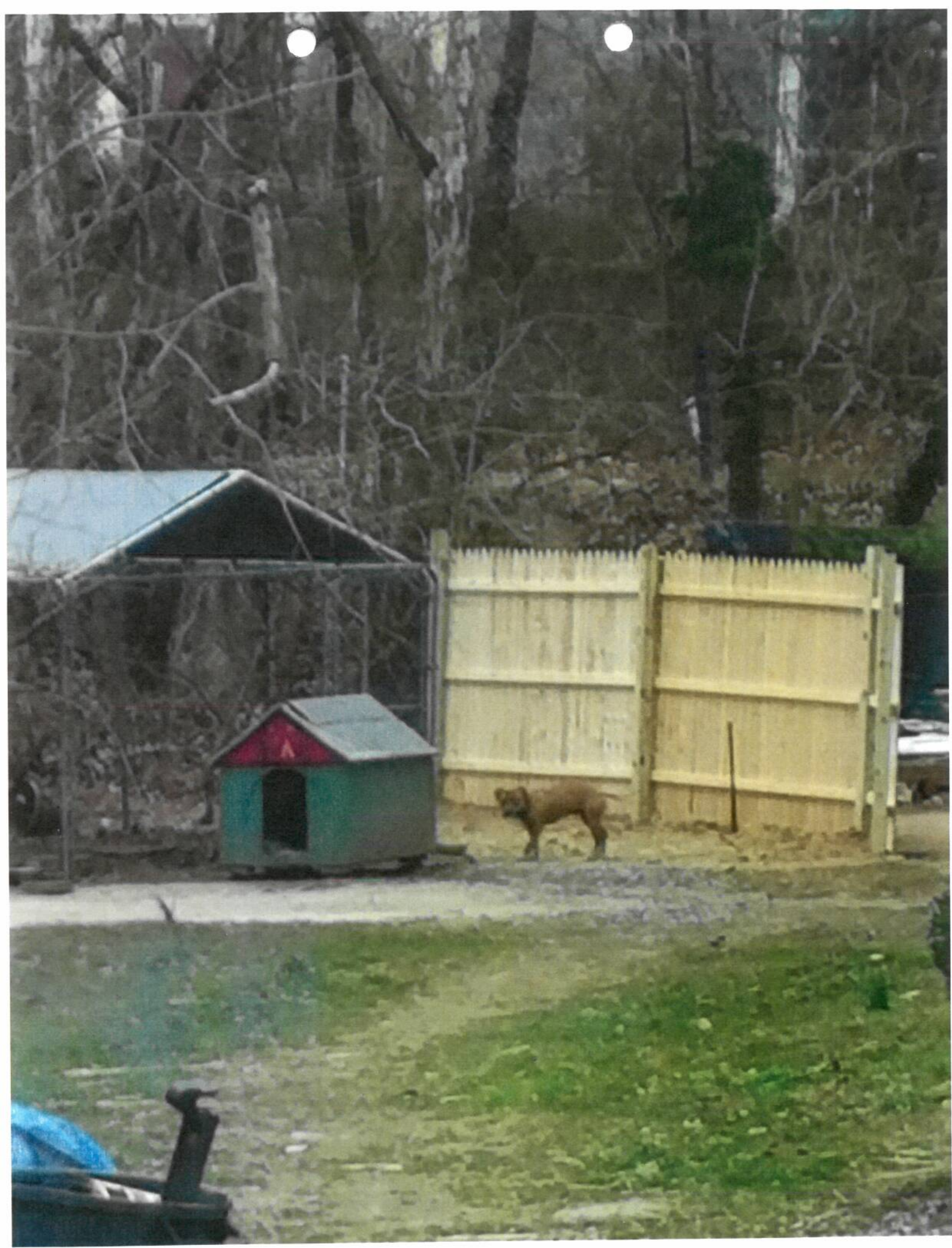
I am also submitting a copy of the Code of Montgomery Co Regulations regarding tethering of dogs. These regulations are far more protective than what Howard County currently has. I would direct your attention in particular to part II; Prohibited Conduct, which includes several protective prohibitions, including bans against tethering a dog longer than two hours cumulatively during any twenty-four hour period, as well as prohibiting tethering a dog by any means other than a harness.

In summation, I support a ban in Howard County on dogs living outdoors on a chain. Dogs need to be inside during extreme temperatures, hot or cold and they should be impounded after repeated violations.

If Montgomery County can protect their companion dogs to this degree, I feel that we in Howard County can do much better than we are presently doing by our own companion dogs.

Thank you





Code of Montgomery County Regulations,

CHAPTER 5. ANIMAL CONTROL — REGULATIONS

05.201.01 Anti-Cruelty Conditions for Dogs

05.201.01.01 Tethering of Dogs.

The following conditions for the tethering of dogs are adopted under Section 5-201(b); Article II -Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, Criminal Law Article, Section 10-604(a), 2002, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct, Chapter 5, Animal Control; Montgomery County Code, 2005, as amended.

I. Definitions.

A. Director means the Director of the Animal Services Division or designee.

B. Sanitary means sanitary as defined in § 5-101 of the Montgomery County Code (1994), as amended.

C. Tether means attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk a dog.

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well being, including:

A. Tethering a dog longer than two hours cumulatively during any twenty-four hour period;

B. tethering a dog by any means other than a harness;

C. tethering a dog between the hours of eight p.m. and eight a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane;

D. unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer,

- E. using a tether that weighs more than 1/8 of the dog's body weight;
- F. using a tether that does not have a swivel attached on each end;
- G. using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
- H. tethering that unreasonably limits a dog's movement;
- I. tethering under conditions where the dog or tether can become entangled on the tether or some other object;
- J. tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
- K. tethering in unsafe or unsanitary conditions;
- L. tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or,
- M. tethering that causes injury, stress, or demonstrable socialization problems.

III. It shall be unlawful for any person to tether, chain, fasten, tie, or otherwise restrain a cat to a house, tree, fence, or other stationary or immobile object.

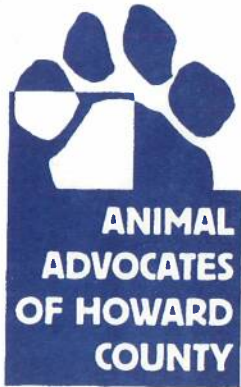
IV. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly, tethered.

V. Exception. Nothing in this regulation prohibits:

A. a regiment of restraint that the Director has approved for a particular training or working dog purpose; or

B. the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.

VI. This regulation establishes requirements for tethering a dog humanely. Notwithstanding any other provision of this regulation, the particular circumstances or conditions of a dog otherwise tethered according to the requirements of this regulation are sufficient evidence of cruelty to constitute a violation of State or County law.



ANIMAL ADVOCATES OF HOWARD COUNTY

P.O. BOX 1403 ELLICOTT CITY, MD 21041

(410) 880-2488

preventing suffering, teaching compassion

6/18/18

To: The Howard County Council

From: Ann Selnick
Animal Advocates of Howard County

Subject: HoCo 39-2018

I am Ann Selnick. I have been a resident of Ellicott City for 29 years. For 24 years I have been an active member of Animal Advocates of Howard County as well as a volunteer with the Howard County Animal Control and Adoption Center. I had the privilege of serving as the President of Animal Advocates for 13 years.

Animal Advocates is an all- volunteer non- profit with over 10,000 supporters across the County
We are dedicated to preventing the suffering of animals in our community.

We have a long successful record of anti-cruelty legislation. Some notable accomplishments have been:

*Being part of a coalition of law enforcement agencies and social welfare agencies that elevated animal cruelty to a felony in the State of Maryland

*After public outrage, we worked with Animal Control to ban the use of steel leghold traps in the County

*Most recently worked to see the ban of puppy mill dogs being sold to unsuspecting Maryland consumers

I am testifying tonight on behalf of Animal Advocates, the strongest and most respected animal welfare group in the area. We are the group the public turns to get things done.

We support the 'intent' of CB39-2018. However, this Bill needs to be significantly improved in order to be effective. Please consider strengthening this Bill. Amend this Bill to get it right. We feel we can work with Animal Control to come up with a stronger bill that will address the actual complaints the public is making.

We object to this Bill as written since the following issues are not being addressed:

***First issue- forcing a dog to live outside on a chain.**

Many dogs in this affluent, progressive County still live outside day and night. Some live their entire lives at the end of a chain. Whether intentionally cruel, or as the result of poor education on the subject of responsible pet ownership, forcing a dog to live outside on a chain, especially in extreme weather conditions, is a form of animal cruelty. The type of shelter, the length and weight of their rope or chain, the type of collar, etc. can all be improved, but the dog still suffers. They must be removed from their chains and protected from extreme temperatures.

Studies have shown that chaining (tethering) dogs outside for long periods leads to substantial behavioral and health problems, in addition to subjecting the dogs to suffering and psychological damage.

Dogs are called companion animals for a reason. Their behavior deteriorates when they are isolated outside: most of the complaints to Animal Control are related to nuisance barking or aggressive incidents. The majority of those complaints are, not coincidentally, dogs who live outside. When outdoor dogs are tied up, their behavior is even worse.

*The U.S. Department of Agriculture stated, "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane.

*Research for the CDC shows that dogs who are tied out for long periods are several times more likely to display aggression and attack people. The CDC found that chained dogs are 2.8 times more likely to bite.

*In a press release for Dog Bite Prevention Week, the American Veterinary Medical Association stated, "Never tether or chain your dog because this can contribute to aggressive behavior."

Animal Advocates is calling upon the County Council to follow in the footsteps of Queen Anne's County who upon the recommendation from their animal control commission, unanimously approved and adopted a new regulation to prohibit the tethering of dogs. A violation of this regulation may result in impoundment of the dog and a maximum civil fine of \$1,000. This regulation sends a clear and tough message. The fine of \$100 mentioned in Howard County Bill will not be enough of a deterrent.

The Anne Arundel County Council also had a hearing recently to ban all unsupervised tethering (supervised is defined as the dog being under direct observation, e.g. someone is outside with the dog), ban tethering during extreme weather and create stronger requirements for what constitutes outdoor shelter. We have learned that this bill received no formal opposition and had a very smooth hearing. The final vote is tonight. Let's follow their example.

***Next issue-allowing a dog to live outside in extreme weather.**

Common sense dictates that dogs must be brought indoors during extreme weather conditions.

When it is hot, dogs must have shade. They have an inefficient cooling system and are not able to sweat to cool themselves off.

This Bill does not address extreme heat or making sure the dog has 'unfrozen' water in cold weather. I know that the County Code supposedly addresses this issue, however, it is our belief that the Code is deficient and needs to be revised. The dangers of extreme heat must be clearly spelled out so that there is no misunderstanding. Citizens should not need a lawyer to comprehend common sense legislation. This Bill should be rewritten. Provisions need to be made to remove an animal in extreme weather.

Once again, we turn to Queen Anne's County., as a good example. On June 12th they passed Emergency Legislation which states, "Any dog shall be brought inside a house, building or other suitable shelter within 30 minutes of the onset of extreme weather conditions which shall be defined for purpose of this provision as temperatures above 90 degrees or below 32 degrees Fahrenheit or during active weather warnings issued by the National Weather Service or Queen Anne's County Department of Emergency Services."

When I spoke with the Queen Anne's County Commissioner's Office they told me they passed the Bill as Emergency Legislation because 'summer is here'.

Third issue - Animal Control's penalties are not strong enough

The bottom line is that the public cares about the dogs and they want Animal Control to immediately rectify the situation. They want action. It's encouraging that this Bill is on the radar. Let's address the issues I have mentioned in order to make it more effective.

There are a lot of other things we'd like to see changed in the County's Animal laws, but we believe these three changes need to be addressed at once and included in "Emergency" legislation.

Please prioritize these issues, it's was 96 degrees outside today!



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Ann Selnick, have been duly authorized by

Animal Advocates of Howard County

_____ to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 39-2018 to express the organization's
(bill or resolution number)

support for / opposition to request to amend this legislation.
(Please circle one.)

Printed Name: Ann Selnick

Signature: Ann Selnick

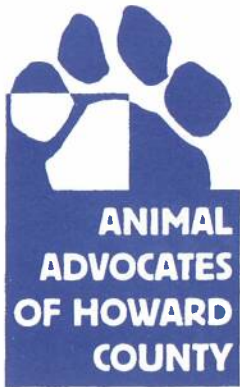
Date: June 18, 2018

Organization: Animal Advocates of Howard County

Organization Address: PO Box 1403 Ellicott City MD 20141

Chair/President: Laurie Wallace

Laurie Wallace



preventing suffering, teaching compassion

ANIMAL ADVOCATES OF HOWARD COUNTY

P.O. BOX 1403 ELLICOTT CITY, MD 21041
(410) 880-2488

June 18, 2018

Re: CB39-2018

Howard County Council Members:

Our organization is deeply involved in animal welfare issues in our community, and our programs serve human residents as well. We have worked closely with Howard County Animal Control (HCAC) since 1994 to prevent needless euthanasia of adoptable animals. We help by promoting adoption, supplying financial support that is not covered in the County's budget, and providing free and reduced-cost spay/neuter assistance to lower income families. To date, our Spay/Neuter Program has funded over 24,000 free procedures, dramatically reducing the number of animals entering HCAC. We also have a Humane Education program focusing on kindness and empathy, one that has reached more than 20,000 students and Scouts. We handle approximately 35,000 inquiries annually, ranging from adoption inquiries to animal cruelty. We have worked on animal legislation at both the State and local levels with success. And many of us also volunteer at HCAC so we have a very clear understanding of the most common animal issues as well as the complexities surrounding them.

We are pleased to see attention being given to dogs living outdoors. However, this bill, as originally submitted, is not going to address the concerns that Howard County residents have.

The vast majority of people who live in Howard County know that having dogs live outside on a chain, or outside in all weather, is wrong. This is at the heart of the complaints we get, the complaints Animal Control gets, and the complaints you are getting. People aren't asking for a change in the type of chain used to tether a dog, or that a certain type of bedding lines the floor of a dog house; they do not want to see dogs being kept in these conditions, period.

So rather than passing a bill with no substantive changes that is going to please no one, we ask you to be fully responsive to your constituents and consider these three changes: 1) A ban on continuous chaining, 2) a requirement that dogs be brought indoors during extreme weather and 3) a mandate to remove the dog from the situation after repeated offenses. These changes are being implemented in neighboring counties and even entire states, and we are behind.

Additionally, we ask that these extreme weather points, including heat, be spelled out in the body of the law rather than couched in a flexible provision stating the Animal Control Administrator will make safety determinations and disseminate them online or via social media. Additional unusual weather situations such as flooding or tornados may warrant these types of communications. But for routinely anticipated dangerous conditions such as extreme heat, residents deserve concrete laws written with clarity so they can be read and understood at any time. The law also needs to be written so there is nothing left to interpretation with regard to enforcement.

We are more than willing to work with the Council and Animal Control to develop a bill with meaningful improvements, one that is enforceable, and one that will satisfy the concerns of Howard County citizens.

Thank you,



Laurie Wallace

President

Animal Advocates of Howard County

(410) 880-2488 #3