

Introduced	<u>1-4-2021</u>
Public Hearing	<u>1-19-2021</u>
Council Action	<u>4-5-2021</u>
Executive Action	<u>4-6-2021</u>
Effective Date	<u>6-6-2021</u>

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 1

Bill No. 1 -2021

Introduced by the Chairperson at the request of the County Executive

AN ACT requiring a license for private animal shelters; defining certain terms; authorizing the adoption of certain regulations; providing for certain exemptions; requiring that a license application contain certain information; requiring an application fee; requiring that certain fees be adopted by Resolution of the County Council; providing for inspections; providing that a denied application can be resubmitted under certain conditions; providing for a license term; providing the conditions under which the license can be suspended or revoked; providing for appeals and license renewals; requiring certain records; providing standards of care for private animal shelters; providing for certain penalties; adding to the duties of the Animal Matters Hearing Board; and generally relating to private animal shelters in Howard County.

Introduced and read first time January 4, 2021. Ordered posted and hearing scheduled
 By order Nichelle Haerrod
 Diane Schwartz Jones, 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 January 19, 2021.
 By order Nichelle Haerrod
 Diane Schwartz Jones, Administrator

This Bill was read the third time on April 5, 2021 and Passed , Passed with amendments , Failed .
 By order Nichelle Haerrod
 Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6 day of April, 2021 at 5⁰⁰ a.m. (P)
 By order Nichelle Haerrod
 Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive April 6, 2021
Calvin Ball
 Calvin Ball, 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
2 Howard County Code is amended as follows:

3 By amending:

4 Title 17. - Public Protection Services.

5 Subtitle 3. – Animals.

6 17.310(a)

7 17.318(g)

8 17.320

9 17.321(a)

10
11 By adding:

12 Title 17. - Public Protection Services.

13 Subtitle 3. – Animals.

14 Section 17.322. Private Animal Shelter License; Standards
15 of Care for Private Animal Shelters.

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

18 **Subtitle 3. Animals.**

19
20 **Section 17.310. - Impoundment and redemption.**

21 (a) Impoundment.

22 (1) The Administrator may impound:

23 (i) A dog, cat, or ferret whose owner has failed to have the animal vaccinated
24 against rabies within seven days after being notified to do so;

25 (ii) An animal whose owner has failed to comply with control, and confinement
26 measures ordered by the Administrator within the time specified by the order;

27 (iii) An animal that has been declared a nuisance by the Administrator, or an
28 animal whose owner receives three citations for disturbing the public peace
29 in a 24-month period, if the citations have not been appealed or have been
30 upheld on appeal;

31 (iv) An animal at large;

- 1 (v) An animal declared dangerous or potentially dangerous by the Administrator
2 or by another jurisdiction;
3 (vi) An animal declared a threat to public safety and welfare;
4 (vii) An animal whose health or safety is endangered through its owner's cruelty
5 or neglect;
6 (viii) A wild or exotic animal kept in violation of this subtitle;
7 (ix) An animal adopted from the County shelter but which has not been spayed or
8 neutered within the period required by the Administrator; and
9 (x) An animal adopted from the County shelter whose owner has not complied
10 with the terms of the adoption agreement.
11 (xi) AN ANIMAL FROM A PRIVATE ANIMAL SHELTER OPERATING WITHOUT A
12 LICENSE OR WITH A LICENSE THAT HAS BEEN SUSPENDED OR REVOKED IN
13 ACCORDANCE WITH SECTION 17.322(i) OF THIS TITLE.

14
15 **Section 17.318. - Civil penalties for violations.**

16 (g) *Fines for Violations of Certain Sections.* The amount of the civil penalty for a violation of
17 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
17.322 (OPERATING WITHOUT A LICENSE)	PER DAY	\$250.00
17.322 (STANDARDS OF CARE)	FIRST OFFENSE IN 24-MONTH PERIOD	\$200.00
	SECOND VIOLATION IN 24-MONTH PERIOD	\$400.00
	THIRD VIOLATION IN 24-MONTH PERIOD	\$600.00
	SUBSEQUENT VIOLATIONS	\$800.00

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Section 17.320. Animal Matters Hearing Board.

(a) *Membership:*

- (1) *General provisions.* General provisions applicable to the Board are set forth in subtitle 3, "Boards and Commissions" of title 6, "County Executive and the Executive Branch," of the Howard County Code.
- (2) *Number of members.* There is an Animal Matters Hearing Board consisting of seven members.
- (3) *Qualifications:*
 - (i) All members of the Board shall be residents of Howard County.

- 1 (ii) One of the members shall be a veterinarian licensed to practice in
2 Howard County.
- 3 (iii) Three of the remaining members shall have some experience in animal
4 matters.
- 5 (iv) Not more than two members shall be residents of the same council
6 district.
- 7 (4) *Executive Secretary.* The Animal Control Administrator or the Administrator's
8 designee shall serve as Executive Secretary to the Board and shall attend all
9 meetings of the Board.
- 10 (5) *Meetings.* The Board shall meet at least once each month and, if necessary to
11 fulfill its duties and responsibilities, more frequently at the call of the
12 Chairperson.
- 13 (b) *Duties and Responsibilities.* The Board shall:
- 14 (1) Subject to section 22.1000 of the County Code, submit an annual report to the
15 Chief of Police, the County Executive, and the County Council concerning its
16 responsibilities, including recommendations pertaining to legislation, regulations,
17 and fiscal planning;
- 18 (2) Recommend standards for the operation and maintenance of County animal
19 control facilities;
- 20 (3) Recommend standards and procedures for the control, collection, custody, and
21 disposal of animals;
- 22 (4) Review the annual budget for the operation of the animal control facility and
23 make recommendations to the Chief of Police;
- 24 (5) Advise the Chief of Police, the County Executive, and the County Council on
25 animal control regulations and legislation;
- 26 (6) Hold hearings under this subtitle;
- 27 (7) Review and affirm, reverse, or modify actions and decisions of the Animal
28 Control Administrator pursuant to this subtitle;
- 29 (8) Issue written decisions and orders; [[and]]
- 30 (9) HEAR APPEALS RELATED TO A PRIVATE ANIMAL SHELTER LICENSE PURSUANT
31 TO SECTION 17.322(J) OF THIS SUBTITLE; AND
- 32 ([[9]])10) Carry out any other duties mandated by law.
- 33 (c) *Notice of Board Hearings:*

- 1 (1) When the Board schedules a hearing, it shall give at least 14 days' written notice
- 2 of the date, time, location, and subject of the hearing to:
- 3 (i) A. The owner of the animal; and
- 4 [(ii)] B. Any person who filed a sworn statement regarding the
- 5 animal[.] OR
- 6 (II) A PRIVATE ANIMAL SHELTER LICENSE LICENSEE OR AN APPLICANT FOR
- 7 A PRIVATE ANIMAL SHELTER LICENSE.
- 8 (2) The notice shall include a copy of any citation issued and sworn statement filed
- 9 in connection with the subject of the hearing.
- 10 (3) The Board shall notify a person of a Board hearing by mailing a notice to the
- 11 person's usual or last-known address, except that it shall notify a person charged
- 12 with a violation of this subtitle by:
- 13 (i) Delivering the notice directly to the person;
- 14 (ii) Mailing the notice first-class mail, return receipt requested; or
- 15 (iii) Posting the notification at the person's usual or last-known address.

16

17 **Section 17.321. Appeals.**

- 18 (a) *Appeal to Board.* A person may appeal to the Board any of the following actions of the
- 19 Administrator within seven days after the Administrator's action:
- 20 (1) A declaration that the person's animal, residence, or facility is a nuisance;
 - 21 (2) A declaration that the person's animal is dangerous or potentially dangerous;
 - 22 (3) A declaration that the person's animal is a threat to public safety;
 - 23 (4) An order requiring the institution of control and confinement measures for the
 - 24 person's animal, but only if the animal has been impounded in connection with
 - 25 the order;
 - 26 (5) Impoundment of the person's animal;
 - 27 (6) Permanent impoundment of the person's animal; [[and]]
 - 28 (7) A declaration that the person is not eligible to adopt an animal[.]; AND
 - 29 (8) A DECISION OF THE ANIMAL CONTROL ADMINISTRATOR TO GRANT, DENY, OR
 - 30 IMPOSE CONDITIONS ON A PRIVATE ANIMAL SHELTER LICENSE PURSUANT TO
 - 31 SECTION 17.322 OF THIS SUBTITLE.

32

33 **SECTION 17.322. PRIVATE ANIMAL SHELTER LICENSE; STANDARDS OF CARE FOR**

34 **PRIVATE ANIMAL SHELTERS.**

1 (A) *ESTABLISHED; PURPOSE; AUTHORITY TO ADOPT REGULATIONS; APPLICABILITY.*

2 (1) THERE IS A PRIVATE ANIMAL SHELTER LICENSE IN HOWARD COUNTY.

3 (2) THE PURPOSE OF THE LICENSE IS TO ENSURE MINIMUM STANDARDS OF CARE
4 FOR ANIMALS KEPT IN PRIVATE SHELTERS.

5 (3) AS PROVIDED IN SECTION 17.312(E), THE ANIMAL CONTROL
6 ADMINISTRATOR MAY ADOPT REGULATIONS TO SET STANDARDS TO
7 IMPLEMENT THIS SECTION.

8 (4) THIS SUBTITLE APPLIES TO A PRIVATE ANIMAL SHELTER THAT:

9 (i) HOUSES, IN ONE LOCATION, MORE THAN THE FOLLOWING NUMBER
10 AND TYPE OF DOMESTICATED ANIMALS, EXCEPT LIVESTOCK AND
11 POULTRY:

12 A. FOR DOGS AND CATS:

13 I. 4 AGE 4 MONTHS OR OLDER; AND

14 II. 15 UNDER THE AGE OF 4 MONTHS; AND

15 B. FOR OTHER DOMESTICATED ANIMALS:

16 I. 10 AGE 4 MONTHS OR OLDER; AND

17 II. 15 UNDER THE AGE OF 4 MONTHS; AND

18 (ii) RE-HOMES, REHABILITATES, OR PROVIDES PERMANENT HOUSING TO
19 DOMESTICATED ANIMALS, EXCEPT FOR LIVESTOCK OR POULTRY.

20 (5) THIS SUBTITLE DOES NOT APPLY TO:

21 (i) A RETAIL PET STORE AS DEFINED IN SECTION 19-701 OF THE
22 BUSINESS REGULATIONS ARTICLE OF THE ANNOTATED CODE OF
23 MARYLAND;

24 (ii) DOG OR CAT FANCIERS WHO HAVE A LICENSE ISSUED UNDER
25 SECTION 17.301 OF THIS SUBTITLE;

26 (iii) UNLESS THE CRITERIA SET FORTH IN SUBSECTION (4)(I) IS MET AS TO
27 THE NUMBER OF DOMESTICATED ANIMALS, AN INDIVIDUAL WHO
28 MAY FOSTER FOR A PRIVATE ANIMAL SHELTER;

29 (iv) A PRIVATE ANIMAL SHELTER THAT IS LICENSED UNDER STATE OR
30 FEDERAL LAW; OR

1 (C) *LICENSE REQUIREMENT.* THE OPERATOR OF A PRIVATE ANIMAL SHELTER SHALL OBTAIN
2 AN ANNUAL PRIVATE ANIMAL SHELTER LICENSE TO OPERATE.

3 (D) *LICENSE APPLICATION.* AN APPLICANT FOR A LICENSE SHALL:

4 (1) PAY THE APPLICATION FEE;

5 (2) PROVIDE THE FOLLOWING INFORMATION ON A FORM CREATED BY THE
6 ANIMAL CONTROL ADMINISTRATOR:

7 (I) THE PHYSICAL LOCATION AND DESCRIPTION OF THE BUILDING(S) IN
8 WHICH ANIMALS WILL BE HOUSED;

9 (II) THE NAME AND RESIDENCE ADDRESS OF ALL RESPONSIBLE PARTIES
10 AND ANY CHANGE IN THE IDENTITY OR RESIDENCE OF ANY
11 RESPONSIBLE PARTY SHALL BE REPORTED TO THE ANIMAL CONTROL
12 ADMINISTRATOR WITHIN 30 DAYS OF THE CHANGE;

13 (III) A STATEMENT THAT NO RESPONSIBLE PARTY HAS EVER BEEN
14 CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING ANIMAL
15 CRUELTY OR NEGLECT EITHER WITHIN OR OUTSIDE OF THE COUNTY;

16 (IV) A STATEMENT THAT THE ORGANIZATION WILL COMPLY WITH
17 FEDERAL, STATE, AND COUNTY LAWS AND THE STANDARDS OF
18 CARE TO RECEIVE AND MAINTAIN THEIR LICENSE TO OPERATE;

19 (V) A STATEMENT THAT THE BUILDING(S) IN WHICH THE ANIMALS WILL
20 BE HOUSED HAS ADEQUATE WATER AND SEWER SERVICE TO COMPLY
21 WITH THE STANDARDS OF CARE;

22 (VI) A STATEMENT THAT THE RESPONSIBLE PARTY WILL COMPLY WITH
23 ALL HEALTH DEPARTMENT NOISE REGULATIONS; AND

24 (VII) THE NAME AND ADDRESS OF THE REGISTERED AGENT.

25 (E) *INSPECTIONS.* THE ANIMAL CONTROL ADMINISTRATOR SHALL COMPLETE AN
26 INSPECTION OF A PRIVATE ANIMAL SHELTER:

27 (1) WITHIN THIRTY (30) DAYS OF RECEIPT OF THE INITIAL APPLICATION;

28 (2) YEARLY THEREAFTER WITH EACH RENEWAL OF A LICENSE;

29 (3) MORE FREQUENTLY AT THE DISCRETION OF ADMINISTRATOR.

30 (F) *APPLICATIONS; RESUBMISSIONS OF DENIED APPLICATIONS.*

- 1 (1) THE ANIMAL CONTROL ADMINISTRATOR SHALL REVIEW THE APPLICATION
2 AND GRANT THE APPLICATION AND ISSUE THE LICENSE UNLESS:
- 3 (I) THE LICENSE IS INCOMPLETE;
- 4 (II) THE ADMINISTRATOR DETERMINES THE APPLICANT CANNOT MEET
5 THE STANDARDS OF CARE;
- 6 (III) THE APPLICANT HAS WITHHELD OR FALSIFIED INFORMATION ON THE
7 APPLICATION; OR
- 8 (IV) ANY RESPONSIBLE PARTY HAS BEEN CONVICTED OF A FELONY OR
9 MISDEMEANOR INVOLVING ANIMAL CRUELTY OR NEGLECT WITHIN
10 OR OUTSIDE OF THE COUNTY.
- 11 (2) RESUBMISSION OF DENIED APPLICATION: IF THE ADMINISTRATOR
12 DETERMINES THERE IS A DEFICIENCY IN AN APPLICATION, THE APPLICANT
13 MAY CORRECT THE DEFICIENCY AS FOLLOWS:
- 14 (I) THE APPLICANT MAY CORRECT A DEFICIENCY RELATED TO
15 PARAGRAPH (1)(I) OR (1)(II) OF THIS SUBSECTION AND RE-APPLY
16 ONE TIME WITHIN A 365 DAY PERIOD.
- 17 (II) THE APPLICANT MAY NOT CORRECT A DEFICIENCY RELATED TO
18 PARAGRAPH (1)(III) OR (I)(IV) OF THIS SUBSECTION. IN THIS
19 INSTANCE, THE APPLICANT MAY NOT RE-APPLY FOR A LICENSE AND
20 THE ADMINISTRATOR WILL PERMANENTLY BAR THE APPLICANT
21 FROM APPLYING FOR A SUBSEQUENT LICENSE.
- 22 (G) *LICENSE TERM.* A LICENSE SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUE.
- 23 (H) *FEEES.*
- 24 (1) *APPLICATION FEE.* THE COUNTY SHALL CHARGE AN APPLICATION FEE THAT
25 IS ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL THAT IS:
- 26 (1) NONREFUNDABLE; AND
- 27 (2) DUE UPON APPLICATION FOR A LICENSE;
- 28 (2) *LICENSE FEE.* THE COUNTY SHALL CHARGE A LICENSE FEE THAT IS ADOPTED
29 BY RESOLUTION OF THE COUNTY COUNCIL FOR A LICENSE ISSUED UNDER
30 THIS SUBTITLE.

1 (I) *LICENSE – SUSPENSION, REVOCATION AND CONDITIONS.* THE ANIMAL CONTROL
2 ADMINISTRATOR MAY:

3 (1) SUSPEND A LICENSE FOR A PERIOD OF TIME FOR ANY CAUSE WHICH IN THE
4 JUDGEMENT OF ADMINISTRATOR IS NECESSARY TO PROMOTE THE SAFETY
5 AND HEALTH OF ANIMALS;

6 (2) REVOKE A LICENSE BASED UPON, BUT NOT LIMITED TO, ANY OF THE
7 FOLLOWING FINDINGS:

8 (I) AN INSPECTION BY ANIMAL CONTROL ADMINISTRATOR IS REFUSED;

9 (II) A RESPONSIBLE PARTY IS CONVICTED OF A FELONY OR
10 MISDEMEANOR INVOLVING ANIMAL CRUELTY OR NEGLECT;

11 (III) A FALSE STATEMENT WAS MADE ON THE LICENSE APPLICATION; OR

12 (IV) THE SHELTER IS FOUND TO BE IN VIOLATION OF THE STANDARDS OF
13 CARE-;

14 (3) IMPOSE CONDITIONS ON A LICENSE BASED UPON AN INSPECTION PERFORMED
15 UNDER THIS SUBTITLE-; OR

16 (4) IN THE INSTANCE OF A SUSPENDED OR REVOKED LICENSE, IMPOUND AN
17 ANIMAL PURSUANT TO SECTION 17.310 OF THIS CODE.

18 (J) *APPEALS.*

19 (1) *WHO MAY APPEAL.* A PERSON MAY APPEAL TO THE BOARD, A DECISION
20 MADE BY THE ANIMAL CONTROL ADMINISTRATOR TO APPROVE, REVOKE OR
21 APPLY ANY CONDITIONS TO A LICENSE.

22 (2) *ACTIONS BY THE BOARD.* THE BOARD MAY UPHOLD, REVERSE, OR MODIFY
23 THE DECISION MADE BY THE ANIMAL CONTROL ADMINISTRATOR.

24 (3) *SCOPE OF APPEAL:* THE ACTION OF THE ANIMAL CONTROL ADMINISTRATOR
25 SHALL BE PRESUMED TO BE PROPER AND TO BEST SERVE THE PUBLIC
26 INTEREST. THE BURDEN OF PROOF SHALL BE UPON THE PETITIONER TO SHOW
27 THAT THE DECISION WAS IMPROPERLY RENDERED.

28 (K) *LICENSE RENEWAL:* THE LICENSE APPLICATION AND INSPECTION PROCESS SHALL BE
29 COMPLETED ANNUALLY FOR LICENSE RENEWAL.

30 (L) *APPLICATIONS PRIOR TO THE EXPIRATION OF A LICENSE.* AN ANNUAL APPLICATION MUST
31 BE RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF A LICENSE.

1 (M) *RECORDS*: THE ANIMAL CONTROL ADMINISTRATOR SHALL MAINTAIN A RECORD OF
2 THE LICENSE.

3 (N) *STANDARDS OF CARE FOR PRIVATE ANIMAL SHELTERS*. THE OPERATOR OF A PRIVATE
4 ANIMAL SHELTER SHALL COMPLY WITH THE FOLLOWING STANDARDS:

5 (1) **BUILDINGS**: THE SHELTER SHALL BE A SAFE, STRUCTURALLY SOUND, AND
6 SANITARY BUILDING THAT MEETS THE FOLLOWING STANDARDS:

7 (i) THE BUILDING SHALL BE FREE FROM ANY STRUCTURAL DEFECTS
8 THAT COULD CAUSE INJURY TO ANIMALS;

9 (ii) SURFACES IN ANIMAL AREAS SUCH AS FLOORS, JUNCTIONS, WALLS,
10 DOORS, SHALL BE MADE OF NONPOROUS MATERIAL THAT CAN BE
11 EASILY DISINFECTED;

12 (iii) CEILINGS SHALL BE IN GOOD CONDITION AND WITHOUT LEAKS;

13 (iv) ALL AREAS WHERE ANIMALS ARE KEPT SHALL HAVE ADEQUATE
14 VENTILATION;

15 (v) ALL AREAS WHERE ANIMALS ARE HOUSED INDOORS SHALL BE KEPT;
16 ~~BETWEEN 60-80 DEGREES FAHRENHEIT;~~

17 A. FOR CATS AND DOGS, BETWEEN 60-80 DEGREES
18 FAHRENHEIT; OR

19 B. FOR ALL OTHER SPECIES, AT THE APPROPRIATE
20 ENVIRONMENTAL CONDITION FOR THE SPECIES BEING
21 HOUSED AS RECOMMENDED BY THE AMERICAN VETERINARY
22 MEDICAL ASSOCIATION OR STANDARDS THAT THE
23 ADMINISTRATOR FINDS EQUIVALENT;

24 (vi) THERE SHALL BE WRITTEN POLICIES AND PROTOCOLS IN PLACE TO
25 MAINTAIN ADEQUATE CAPACITY AND PREVENT OVERCROWDING;

26 (vii) THERE SHALL BE ADEQUATE LIGHTING IN THE ANIMAL AREAS.

27 (2) **PRIMARY ANIMAL ENCLOSURES**: THE SHELTER WILL HAVE PRIMARY
28 ANIMAL ENCLOSURES THAT ARE SAFE AND STRUCTURALLY SOUND AND
29 ENABLE ANIMALS TO REMAIN DRY, CLEAN, AND MAINTAIN PROPER BODY
30 TEMPERATURE AND MEET THE FOLLOWING CONDITIONS:

- 1 (I) THE ENCLOSURE SHALL PROVIDE SUFFICIENT SPACE TO ALLOW AN
2 ANIMAL, REGARDLESS OF SIZE, TO HOLD THEIR TAIL ERECT AND
3 HEAD HIGH WHEN IN A NORMAL STANDING POSITION;
- 4 (II) THE ANIMAL SHALL BE ABLE TO TURN FREELY AND EASILY STAND,
5 SIT, STRETCH, AND MOVE THEIR HEAD WITHOUT CONTACTING THE
6 TOP OF THE ENCLOSURE;
- 7 (III) THE ANIMAL SHALL BE ABLE TO LIE IN A RESTING POSITION WITH
8 LIMBS EXTENDED;
- 9 (IV) THE ANIMAL SHALL BE ABLE TO MOVE ABOUT AND ASSUME A
10 COMFORTABLE POSTURE FOR FEEDING, DRINKING, URINATING, OR
11 DEFECATING;
- 12 (V) FOOD AND WATER BOWLS OR OTHER ITEMS IN THE PRIMARY
13 ENCLOSURE SHALL NOT IMPEDE THE ANIMAL'S ABILITY TO STRETCH
14 OUT;
- 15 (VI) THE ANIMAL SHALL BE ABLE TO SIT, SLEEP, AND EAT AWAY FROM
16 AREAS OF ITS ENCLOSURE WHERE IT MAY URINATE OR DEFECATE;
- 17 (VII) THE ENCLOSURE SHALL BE KEPT FREE FROM BUILDUP OF URINE AND
18 FECES;
- 19 (VIII) TRANSPORT CARRIERS MAY NOT BE USED AS PRIMARY ENCLOSURES;
- 20 (IX) ANIMALS ARE TO BE PLACED IN A MANNER AND PROXIMITY TO LIMIT
21 BARRIER STRESS;
- 22 (X) LATCHES OR OTHER CLOSING DEVICES MUST BE SECURE ENOUGH TO
23 KEEP THE ANIMAL IN THE ENCLOSURE, KEEP OTHER ANIMALS OUT OF
24 THE ENCLOSURE, AND PREVENT INJURY; AND
- 25 (XI) DROP BOXES ARE NOT PERMITTED.
- 26 (3) **COMMUNAL ENCLOSURES:**
- 27 (I) DOGS OVER THE AGE OF 5 MONTHS MAY NOT BE KEPT COMMUNALLY
28 UNLESS THE DOGS PREVIOUSLY LIVED TOGETHER AND ARE SPAYED
29 OR NEUTERED;
- 30 (II) CATS OVER THE AGE OF 4 MONTHS WHO ARE HOUSED COMMUNALLY
31 SHALL BE SPAYED OR NEUTERED; AND

1 (III) ANIMALS WHO ARE HOUSED COMMUNALLY AND WHO ARE
2 OBSERVED FIGHTING OR TO HAVE INJURIES CONSISTENT WITH
3 FIGHTING SHALL BE IMMEDIATELY REMOVED AND PROVIDED A
4 SINGLE ENCLOSURE.

5 (4) **DISEASE PREVENTION AND SANITATION PRACTICES:** THE SHELTER
6 SHALL ENSURE THAT THE BUILDING, PRIMARY ANIMAL ENCLOSURES, AND
7 ALL OTHER AREAS WHERE ANIMALS ARE KEPT ARE CLEANED AT LEAST
8 DAILY TO REDUCE DISEASE TRANSMISSION AMONG ANIMALS, PROTECT
9 HUMAN PUBLIC HEALTH, INCREASE ANIMAL COMFORT, AND MEET THE
10 FOLLOWING STANDARDS:

11 (I) ~~ALL PRIMARY ANIMAL ENCLOSURES;~~ TO MAINTAIN SANITARY
12 CONDITIONS, ALL FOOD BOWLS; AND WATER BOWLS SHALL BE
13 CLEANED DAILY AND PRIMARY ANIMAL ENCLOSURES:

14 A. FOR DOGS AND CATS, SHALL BE CLEANED DAILY; AND

15 B. FOR ALL OTHER SPECIES, SHALL BE SPOT CLEANED DAILY TO
16 REMOVE URINE AND FECES, AND FULLY CLEANED AS
17 NECESSARY;

18 (II) ALL PRIMARY ENCLOSURES, FOOD BOWLS, WATER BOWLS, AND
19 BEDDING SHALL BE DISINFECTED BEFORE GIVEN TO A NEW ANIMAL;

20 (III) FLOORS, JUNCTIONS, WALLS, DOORS, AND DRAINS SHALL BE
21 IMMEDIATELY CLEANED AND DISINFECTED AFTER COMING INTO
22 CONTACT WITH FECES, URINE, VOMIT, OR AN ANIMAL KNOWN OR
23 SUSPECTED OF HAVING AN INFECTIOUS DISEASE;

24 (IV) ONLY CLEANING PRODUCTS THAT ARE SAFE FOR ANIMALS AND WITH
25 PROVEN EFFICACY FOR DISINFECTION OF ANIMAL DISEASE SHALL BE
26 USED TO CLEAN ANY AREAS WHERE ANIMALS WILL BE PRESENT;

27 (V) WATER AND FOOD BOWLS SHALL NOT BE LEFT IN THE ENCLOSURE
28 WHILE CLEANING;

29 (VI) ANIMALS ARE REMOVED FROM THE CAGE DURING CLEANING;

30 ~~(VII) THE BUILDING WILL BE KEPT FREE OF FLEAS, FLIES, MOSQUITOES,~~
31 ~~RATS, MICE AND OTHER DISEASE VECTORS OR NUISANCE SPECIES;~~

1 (VII) PROPER PROTOCOLS SHALL BE PUT INTO PLACE TO PROTECT
2 AGAINST PESTS AND OTHER DISEASE VECTORS OR NUISANCES;

3 (VIII) TRASH SHALL BE CONTAINED IN CONTAINERS WITH LIDS; AND

4 (IX) SHELTER STAFF, WHETHER PAID OR UNPAID, SHALL BE TRAINED IN
5 SANITATION PROTOCOLS AND A WRITTEN RECORD OF THAT
6 TRAINING KEPT ONSITE AND AVAILABLE FOR INSPECTION.

7 (5) **FOOD AND WATER:**

8 (I) FOOD MUST BE SPECIES AND AGE APPROPRIATE AND IN SUFFICIENT
9 QUANTITY TO MAINTAIN PROPER BODY WEIGHT AND CONDITION
10 BASED ON THE BREED OF ANIMAL;

11 (II) FOOD SHALL BE FREE FROM WORMS, MOTHS, MOLD, OR OTHER
12 CONTAMINATION AND MUST NOT BE MORE THAN 6 MONTHS PAST
13 THE "SELL BY" DATE;

14 (III) OPEN FOOD SHALL BE STORED IN A FOOD-SAFE CONTAINER WITH
15 LID; AND

16 (IV) WATER MUST BE CLEAN AND POTABLE AND KEPT IN A SPILL-
17 RESISTANT CONTAINER TO BE AVAILABLE TO THE ANIMAL AT ALL
18 TIMES.

19 (6) **MEDICAL STANDARDS:** THE SHELTER SHALL ENSURE THAT ALL ANIMALS
20 ARE MONITORED, ASSESSED, EXAMINED, AND TREATED FOR MEDICAL
21 CONDITIONS UPON ENTRANCE AND DURING THEIR STAY AS FOLLOWS:

22 ~~(I) A VETERINARIAN SHALL SUPERVISE THE MEDICAL CARE AND~~
23 ~~TREATMENT OF ANIMALS;~~

24 (I) A RESPONSIBLE PARTY SHALL CONSULT WITH A VETERINARIAN FOR
25 THE MEDICAL CARE AND TREATMENT OF A SICK OR INJURED ANIMAL;

26 (II) ALL ANIMALS WITH PARASITES SHALL BE TREATED IMMEDIATELY
27 UNLESS OTHERWISE DIRECTED BY A LICENSED VETERINARIAN;

28 (III) ANIMALS SHALL BE OBSERVED DAILY FOR SIGNS OF ILLNESS OR
29 INJURY AND NECESSARY VETERINARY TREATMENT SHALL BE
30 OBTAINED;

- 1 (IV) AN ANIMAL APPEARING TO BE EXPERIENCING PAIN, SUFFERING
2 DISTRESS, RAPIDLY DETERIORATING HEALTH, LIFE-THREATENING
3 PROBLEMS, OR SUSPECTED ZONOTIC DISEASE SHALL BE ASSESSED
4 BY A VETERINARIAN IMMEDIATELY;
- 5 (V) AN ANIMAL WITH SUSPECTED OR CONFIRMED COMMUNICABLE
6 DISEASE TO OTHER ANIMALS OR HUMANS SHALL BE ISOLATED TO
7 LIMIT EXPOSURE TO OTHER ANIMALS AND PEOPLE AND SHALL BE
8 ASSESSED BY A VETERINARIAN AS SOON AS POSSIBLE;
- 9 (VI) AN ANIMAL THAT IS OBSERVED TO BE EXPERIENCING MENTAL
10 SUFFERING, DISTRESS, OR BEHAVIORAL DETERIORATION SHALL BE
11 ASSESSED AND TREATED BY A VETERINARIAN AS SOON AS POSSIBLE;
- 12 (VII) ALL ANIMALS SHALL BE PROVIDED ON A DAILY BASIS SOME FORM OF
13 LIFE ENRICHMENT SUCH AS ACCESS TO TOYS, TREATS, PLAY,
14 EXERCISE, AND PETTING;
- 15 (VIII) MEDICATIONS SHALL BE STORED IN A SECURE CONTAINER NOT IN A
16 PRIMARY ANIMAL ENCLOSURE;
- 17 (IX) DOGS, CATS, AND FERRETS OVER 4 MONTHS OF AGE SHALL HAVE A
18 CURRENT RABIES VACCINE AT THE TIME OF ADOPTION UNLESS
19 OTHERWISE DIRECTED BY A VETERINARIAN; AND
- 20 (7) **SPAYING OR NEUTERING.** THE PRIVATE ANIMAL SHELTER SHALL REQUIRE
21 THAT ANY PERSON WHO ADOPTS AN ANIMAL FROM THE SHELTER SHALL:
- 22 (I) AGREE TO SPAY OR NEUTER THE ANIMAL WITHIN SIX MONTHS OF
23 ADOPTION; AND
- 24 (II) SUBMIT RECORDS OF THE PROCEDURE TO THE SHELTER TO BE
25 RETAINED ACCORDING TO PARAGRAPH (9) OF THIS SUBSECTION.
- 26 (8) **STRAY ANIMALS:** PRIVATE SHELTERS MAY NOT ACCEPT STRAY ANIMALS
27 UNLESS THE FOLLOWING CONDITIONS ARE MET:
- 28 (I) A FOUND REPORT IS FILED WITH THE ANIMAL CONTROL
29 ADMINISTRATOR ON A FORM CREATED BY THE ANIMAL CONTROL
30 ADMINISTRATOR;

- 1 (II) THE ANIMAL MUST BE SCANNED FOR A MICROCHIP WITHIN 24 HOURS
2 OF ADMISSION; AND
- 3 (III) ~~THE~~ IN ACCORDANCE WITH SECTION 17.310(I)(5) OF THIS CODE,
4 THE ANIMAL MUST BE DEEMED ABANDONED AND HELD FOR 30 DAYS
5 FROM FILING A FOUND REPORT WITH THE ANIMAL CONTROL
6 ADMINISTRATOR BEFORE THE ANIMAL CAN BE RELEASED FOR
7 ADOPTION OR OTHER DISPOSITION, UNLESS OTHERWISE AUTHORIZED
8 IN WRITING BY THE ANIMAL CONTROL ADMINISTRATOR.
- 9 (9) **RECORD KEEPING:** THE FOLLOWING RECORDS SHALL BE KEPT FOR EACH
10 ANIMAL ENTERING THE SHELTER FOR A MINIMUM OF THREE YEARS:
- 11 (I) UNIQUE IDENTIFICATION NUMBER, SPECIES, BREED, GENDER, COLOR,
12 AGE, WEIGHT;
- 13 (II) WHETHER THE ANIMAL IS INTACT OR STERILIZED;
- 14 (III) DATE OF ENTRY;
- 15 (IV) WHERE THE ANIMAL ORIGINATED FROM;
- 16 (V) A HEALTH CERTIFICATE FOR ANIMALS ENTERING FROM OUT-OF-
17 STATE, AS REQUIRED BY THE MARYLAND DEPARTMENT OF
18 AGRICULTURE;
- 19 (VI) DATE AND EXPLANATION OF ALL TREATMENTS AND MEDICAL
20 EXAMINATIONS AND PROCEDURES;
- 21 (VII) FINAL DISPOSITION INCLUDING DATE AND TYPE; AND
- 22 (VIII) SPAY OR NEUTER RECORDS.
- 23 (O) *ENFORCEMENT:* ALTERNATIVELY, OR IN ADDITION TO AND CONCURRENT WITH ALL
24 OTHER REMEDIES, THE ANIMAL CONTROL ADMINISTRATOR MAY ISSUE A CITATION UNDER
25 SECTION 17.318 OF THIS SUBTITLE FOR OPERATING A PRIVATE ANIMAL SHELTER IN
26 VIOLATION OF THIS SUBTITLE, INCLUDING OPERATING A PRIVATE ANIMAL SHELTER
27 WITHOUT A LICENSE OR FOR FAILURE TO COMPLY WITH THE STANDARDS OF CARE, AND A
28 RECORD OF VIOLATIONS SHALL BE KEPT BY THE ANIMAL CONTROL ADMINISTRATOR.
- 29 (P) EDUCATION AND OUTREACH. THE DEPARTMENT SHALL ENGAGE IN AN EDUCATIONAL
30 AND OUTREACH CAMPAIGN ABOUT THE REQUIREMENTS OF THIS SECTION.

1 Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that
2 fees authorized by 17.322(h) are waived for one year after the effective date of this Act. Any
3 application for a license submitted more than one year after the effective date of Act is subject to
4 an application fee and a license fee.
5
6 Section 2-3. And Be It Further Enacted by the County Council of Howard County, Maryland,
7 that this Act shall become effective 61 days after its enactment.

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

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. ____

Bill No. 1 -2021

Introduced by the Chairperson at the request of the County Executive

AN ACT requiring a license for private animal shelters; defining certain terms; authorizing the adoption of certain regulations; providing for certain exemptions; requiring that a license application contain certain information; requiring an application fee; requiring that certain fees be adopted by Resolution of the County Council; providing for inspections; providing that a denied application can be resubmitted under certain conditions; providing for a license term; providing the conditions under which the license can be suspended or revoked; providing for appeals and license renewals; requiring certain records; providing standards of care for private animal shelters; providing for certain penalties; adding to the duties of the Animal Matters Hearing Board; and generally relating to private animal shelters in Howard County.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, 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 _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2021 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2021

Calvin Ball, 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
2 Howard County Code is amended as follows:

3 By amending:

4 Title 17. - Public Protection Services.

5 Subtitle 3. – Animals.

6 17.318(g)

7 17.320

8 17.321(a)

9

10 By adding:

11 Title 17. - Public Protection Services.

12 Subtitle 3. – Animals.

13 Section 17.322. Private Animal Shelter License; Standards
14 of Care for Private Animal Shelters.

15

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

17 **Subtitle 3. Animals.**

18

19 **Section 17.318. - Civil penalties for violations.**

20 (g) *Fines for Violations of Certain Sections.* The amount of the civil penalty for a violation of
21 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
17.322 (OPERATING WITHOUT A LICENSE)	PER DAY	\$250.00
17.322 (STANDARDS OF CARE)	FIRST OFFENSE IN 24-MONTH PERIOD	\$200.00
	SECOND VIOLATION IN 24-MONTH PERIOD	\$400.00
	THIRD VIOLATION IN 24-MONTH PERIOD	\$600.00
	SUBSEQUENT VIOLATIONS	\$800.00

1

2 **Section 17.320. Animal Matters Hearing Board.**

3 (a) *Membership:*

- 1 (1) *General provisions.* General provisions applicable to the Board are set forth in
2 subtitle 3, "Boards and Commissions" of title 6, "County Executive and the
3 Executive Branch," of the Howard County Code.
- 4 (2) *Number of members.* There is an Animal Matters Hearing Board consisting of
5 seven members.
- 6 (3) *Qualifications:*
- 7 (i) All members of the Board shall be residents of Howard County.
- 8 (ii) One of the members shall be a veterinarian licensed to practice in
9 Howard County.
- 10 (iii) Three of the remaining members shall have some experience in animal
11 matters.
- 12 (iv) Not more than two members shall be residents of the same council
13 district.
- 14 (4) *Executive Secretary.* The Animal Control Administrator or the Administrator's
15 designee shall serve as Executive Secretary to the Board and shall attend all
16 meetings of the Board.
- 17 (5) *Meetings.* The Board shall meet at least once each month and, if necessary to
18 fulfill its duties and responsibilities, more frequently at the call of the
19 Chairperson.
- 20 (b) *Duties and Responsibilities.* The Board shall:
- 21 (1) Subject to section 22.1000 of the County Code, submit an annual report to the
22 Chief of Police, the County Executive, and the County Council concerning its
23 responsibilities, including recommendations pertaining to legislation, regulations,
24 and fiscal planning;
- 25 (2) Recommend standards for the operation and maintenance of County animal
26 control facilities;
- 27 (3) Recommend standards and procedures for the control, collection, custody, and
28 disposal of animals;
- 29 (4) Review the annual budget for the operation of the animal control facility and
30 make recommendations to the Chief of Police;
- 31 (5) Advise the Chief of Police, the County Executive, and the County Council on
32 animal control regulations and legislation;
- 33 (6) Hold hearings under this subtitle;

- 1 (7) Review and affirm, reverse, or modify actions and decisions of the Animal
- 2 Control Administrator pursuant to this subtitle;
- 3 (8) Issue written decisions and orders; [[and]]
- 4 (9) HEAR APPEALS RELATED TO A PRIVATE ANIMAL SHELTER LICENSE PURSUANT
- 5 TO SECTION 17.322(J) OF THIS SUBTITLE; AND
- 6 ([[9]]10) Carry out any other duties mandated by law.

7 (c) *Notice of Board Hearings:*

- 8 (1) When the Board schedules a hearing, it shall give at least 14 days' written notice
- 9 of the date, time, location, and subject of the hearing to:
 - 10 (i) A. The owner of the animal; and
 - 11 [[(ii)] B. Any person who filed a sworn statement regarding the
 - 12 animal[.] OR
 - 13 (II) A PRIVATE ANIMAL SHELTER LICENSE LICENSEE OR AN APPLICANT FOR
 - 14 A PRIVATE ANIMAL SHELTER LICENSE.
- 15 (2) The notice shall include a copy of any citation issued and sworn statement filed
- 16 in connection with the subject of the hearing.
- 17 (3) The Board shall notify a person of a Board hearing by mailing a notice to the
- 18 person's usual or last-known address, except that it shall notify a person charged
- 19 with a violation of this subtitle by:
 - 20 (i) Delivering the notice directly to the person;
 - 21 (ii) Mailing the notice first-class mail, return receipt requested; or
 - 22 (iii) Posting the notification at the person's usual or last-known address.

23
24 **Section 17.321. Appeals.**

25 (a) *Appeal to Board.* A person may appeal to the Board any of the following actions of the

26 Administrator within seven days after the Administrator's action:

- 27 (1) A declaration that the person's animal, residence, or facility is a nuisance;
- 28 (2) A declaration that the person's animal is dangerous or potentially dangerous;
- 29 (3) A declaration that the person's animal is a threat to public safety;
- 30 (4) An order requiring the institution of control and confinement measures for the
- 31 person's animal, but only if the animal has been impounded in connection with
- 32 the order;
- 33 (5) Impoundment of the person's animal;
- 34 (6) Permanent impoundment of the person's animal; [[and]]

- 1 (7) A declaration that the person is not eligible to adopt an animal[[]]; AND
- 2 (8) A DECISION OF THE ANIMAL CONTROL ADMINISTRATOR TO GRANT, DENY, OR
- 3 IMPOSE CONDITIONS ON A PRIVATE ANIMAL SHELTER LICENSE PURSUANT TO
- 4 SECTION 17.322 OF THIS SUBTITLE.

5

6 **SECTION 17.322. PRIVATE ANIMAL SHELTER LICENSE; STANDARDS OF CARE FOR**

7 **PRIVATE ANIMAL SHELTERS.**

8 (A) *ESTABLISHED; PURPOSE; AUTHORITY TO ADOPT REGULATIONS.*

- 9 (1) THERE IS A PRIVATE ANIMAL SHELTER LICENSE IN HOWARD COUNTY.
- 10 (2) THE PURPOSE OF THE LICENSE IS TO ENSURE MINIMUM STANDARDS OF CARE
- 11 FOR ANIMALS KEPT IN PRIVATE SHELTERS.
- 12 (3) AS PROVIDED IN SECTION 17.312(E), THE ANIMAL CONTROL
- 13 ADMINISTRATOR MAY ADOPT REGULATIONS TO SET STANDARDS TO
- 14 IMPLEMENT THIS SECTION.

15 (B) *DEFINITIONS.* IN ADDITION TO THE DEFINITIONS SET FORTH IN SECTION 17.300 OF THIS

16 SUBTITLE, FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE

17 MEANINGS SET FORTH.

- 18 (1) *DROP BOX* MEANS AN UNATTENDED RECEPTACLE WHERE LIVE ANIMALS CAN
- 19 BE PLACED BY THE PUBLIC FOR LATER SHELTER INTAKE.
- 20 (2) *LICENSE* SHALL MEAN THE PRIVATE ANIMAL SHELTER LICENSE
- 21 AUTHORIZED BY THIS SECTION.
- 22 (3) *PRIMARY ANIMAL ENCLOSURE* MEANS ANY STRUCTURE USED CONSISTENTLY
- 23 TO CONTAIN AN ANIMAL SUCH AS A ROOM, CAGE, KENNEL, OR PEN.
- 24 (4) *PRIVATE ANIMAL SHELTER* MEANS A NON-GOVERNMENTAL SHELTER FOR
- 25 DOMESTICATED ANIMALS FOR THE PURPOSE OF RE-HOMING,
- 26 REHABILITATION, OR PERMANENT SANCTUARY. A PRIVATE ANIMAL
- 27 SHELTER SHALL NOT INCLUDE THE HOUSING OF 4 OR LESS ADULT ANIMALS
- 28 (4 MONTHS OR OLDER) OR 15 OR LESS ANIMALS UNDER THE AGE OF 4
- 29 MONTHS.
- 30 (5) *RESPONSIBLE PARTY* MEANS ANY PERSON IN CONTROL OF OR MANAGING A
- 31 PRIVATE ANIMAL SHELTER AND INCLUDES THE BOARD OF DIRECTORS,

1 OFFICERS, EXECUTIVE DIRECTOR, OWNER, AND MANAGERS OF A PRIVATE
2 ANIMAL SHELTER.

3 (6) *STANDARD OF CARE* MEANS THOSE CONDITIONS SET FORTH IN SUBSECTION
4 (N) OF THIS SECTION THAT INDICATE WHETHER ANIMALS ARE IN A GOOD
5 STATE OF WELFARE

6 (7) *TRANSPORT CARRIER* MEANS A PORTABLE ENCLOSURE DESIGNED TO
7 TEMPORARILY CONTAIN AN ANIMAL THAT IS BEING TRANSPORTED FROM
8 ONE LOCATION TO ANOTHER.

9 (8) *VETERINARIAN* MEANS A VETERINARIAN WHO IS CURRENTLY LICENSED AND
10 IN GOOD STANDING WITH THE MARYLAND STATE BOARD OF VETERINARY
11 EXAMINERS.

12 (C) *LICENSE REQUIREMENT.* THE OPERATOR OF A PRIVATE ANIMAL SHELTER SHALL OBTAIN
13 AN ANNUAL PRIVATE ANIMAL SHELTER LICENSE TO OPERATE.

14 (D) *LICENSE APPLICATION.* AN APPLICANT FOR A LICENSE SHALL:

15 (1) PAY THE APPLICATION FEE;

16 (2) PROVIDE THE FOLLOWING INFORMATION ON A FORM CREATED BY THE
17 ANIMAL CONTROL ADMINISTRATOR:

18 (I) THE PHYSICAL LOCATION AND DESCRIPTION OF THE BUILDING(S) IN
19 WHICH ANIMALS WILL BE HOUSED;

20 (II) THE NAME AND RESIDENCE ADDRESS OF ALL RESPONSIBLE PARTIES
21 AND ANY CHANGE IN THE IDENTITY OR RESIDENCE OF ANY
22 RESPONSIBLE PARTY SHALL BE REPORTED TO THE ANIMAL CONTROL
23 ADMINISTRATOR WITHIN 30 DAYS OF THE CHANGE;

24 (III) A STATEMENT THAT NO RESPONSIBLE PARTY HAS EVER BEEN
25 CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING ANIMAL
26 CRUELTY OR NEGLECT EITHER WITHIN OR OUTSIDE OF THE COUNTY;

27 (IV) A STATEMENT THAT THE ORGANIZATION WILL COMPLY WITH
28 FEDERAL, STATE, AND COUNTY LAWS AND THE STANDARDS OF
29 CARE TO RECEIVE AND MAINTAIN THEIR LICENSE TO OPERATE;

- 1 (v) A STATEMENT THAT THE BUILDING(S) IN WHICH THE ANIMALS WILL
- 2 BE HOUSED HAS ADEQUATE WATER AND SEWER SERVICE TO COMPLY
- 3 WITH THE STANDARDS OF CARE;
- 4 (vi) A STATEMENT THAT THE RESPONSIBLE PARTY WILL COMPLY WITH
- 5 ALL HEALTH DEPARTMENT NOISE REGULATIONS; AND
- 6 (vii) THE NAME AND ADDRESS OF THE REGISTERED AGENT.

7 (E) *INSPECTIONS.* THE ANIMAL CONTROL ADMINISTRATOR SHALL COMPLETE AN
8 INSPECTION OF A PRIVATE ANIMAL SHELTER:

- 9 (1) WITHIN THIRTY (30) DAYS OF RECEIPT OF THE INITIAL APPLICATION;
- 10 (2) YEARLY THEREAFTER WITH EACH RENEWAL OF A LICENSE;
- 11 (3) MORE FREQUENTLY AT THE DISCRETION OF ADMINISTRATOR.

12 (F) *APPLICATIONS; RESUBMISSIONS OF DENIED APPLICATIONS.*

13 (1) THE ANIMAL CONTROL ADMINISTRATOR SHALL REVIEW THE APPLICATION
14 AND GRANT THE APPLICATION AND ISSUE THE LICENSE UNLESS:

- 15 (i) THE LICENSE IS INCOMPLETE;
- 16 (ii) THE ADMINISTRATOR DETERMINES THE APPLICANT CANNOT MEET
- 17 THE STANDARDS OF CARE;
- 18 (iii) THE APPLICANT HAS WITHHELD OR FALSIFIED INFORMATION ON THE
- 19 APPLICATION; OR
- 20 (iv) ANY RESPONSIBLE PARTY HAS BEEN CONVICTED OF A FELONY OR
- 21 MISDEMEANOR INVOLVING ANIMAL CRUELTY OR NEGLECT WITHIN
- 22 OR OUTSIDE OF THE COUNTY.

23 (2) RESUBMISSION OF DENIED APPLICATION: IF THE ADMINISTRATOR
24 DETERMINES THERE IS A DEFICIENCY IN AN APPLICATION, THE APPLICANT
25 MAY CORRECT THE DEFICIENCY AS FOLLOWS:

- 26 (i) THE APPLICANT MAY CORRECT A DEFICIENCY RELATED TO
- 27 PARAGRAPH (1)(I) OR (1)(II) OF THIS SUBSECTION AND RE-APPLY
- 28 ONE TIME WITHIN A 365 DAY PERIOD.
- 29 (ii) THE APPLICANT MAY NOT CORRECT A DEFICIENCY RELATED TO
- 30 PARAGRAPH (1)(III) OR (I)(IV) OF THIS SUBSECTION. IN THIS
- 31 INSTANCE, THE APPLICANT MAY NOT RE-APPLY FOR A LICENSE AND

1 THE ADMINISTRATOR WILL PERMANENTLY BAR THE APPLICANT
2 FROM APPLYING FOR A SUBSEQUENT LICENSE.

3 (G) *LICENSE TERM.* A LICENSE SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUE.

4 (H) *FEES.*

5 (1) *APPLICATION FEE.* THE COUNTY SHALL CHARGE AN APPLICATION FEE THAT
6 IS ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL THAT IS:

- 7 (1) NONREFUNDABLE; AND
- 8 (2) DUE UPON APPLICATION FOR A LICENSE;

9 (2) *LICENSE FEE.* THE COUNTY SHALL CHARGE A LICENSE FEE THAT IS ADOPTED
10 BY RESOLUTION OF THE COUNTY COUNCIL FOR A LICENSE ISSUED UNDER
11 THIS SUBTITLE.

12 (I) *LICENSE – SUSPENSION, REVOCATION AND CONDITIONS.* THE ANIMAL CONTROL
13 ADMINISTRATOR MAY:

14 (1) SUSPEND A LICENSE FOR A PERIOD OF TIME FOR ANY CAUSE WHICH IN THE
15 JUDGEMENT OF ADMINISTRATOR IS NECESSARY TO PROMOTE THE SAFETY
16 AND HEALTH OF ANIMALS;

17 (2) REVOKE A LICENSE BASED UPON, BUT NOT LIMITED TO, ANY OF THE
18 FOLLOWING FINDINGS:

- 19 (I) AN INSPECTION BY ANIMAL CONTROL ADMINISTRATOR IS REFUSED;
- 20 (II) A RESPONSIBLE PARTY IS CONVICTED OF A FELONY OR
21 MISDEMEANOR INVOLVING ANIMAL CRUELTY OR NEGLECT;
- 22 (III) A FALSE STATEMENT WAS MADE ON THE LICENSE APPLICATION; OR
- 23 (IV) THE SHELTER IS FOUND TO BE IN VIOLATION OF THE STANDARDS OF
24 CARE.

25 (3) IMPOSE CONDITIONS ON A LICENSE BASED UPON AN INSPECTION PERFORMED
26 UNDER THIS SUBTITLE.

27 (J) *APPEALS.*

28 (1) *WHO MAY APPEAL.* A PERSON MAY APPEAL TO THE BOARD, A DECISION
29 MADE BY THE ANIMAL CONTROL ADMINISTRATOR TO APPROVE, REVOKE OR
30 APPLY ANY CONDITIONS TO A LICENSE.

1 ENABLE ANIMALS TO REMAIN DRY, CLEAN, AND MAINTAIN PROPER BODY
2 TEMPERATURE AND MEET THE FOLLOWING CONDITIONS:

- 3 (I) THE ENCLOSURE SHALL PROVIDE SUFFICIENT SPACE TO ALLOW AN
4 ANIMAL, REGARDLESS OF SIZE, TO HOLD THEIR TAIL ERECT AND
5 HEAD HIGH WHEN IN A NORMAL STANDING POSITION;
- 6 (II) THE ANIMAL SHALL BE ABLE TO TURN FREELY AND EASILY STAND,
7 SIT, STRETCH, AND MOVE THEIR HEAD WITHOUT CONTACTING THE
8 TOP OF THE ENCLOSURE;
- 9 (III) THE ANIMAL SHALL BE ABLE TO LIE IN A RESTING POSITION WITH
10 LIMBS EXTENDED;
- 11 (IV) THE ANIMAL SHALL BE ABLE TO MOVE ABOUT AND ASSUME A
12 COMFORTABLE POSTURE FOR FEEDING, DRINKING, URINATING, OR
13 DEFECATING;
- 14 (V) FOOD AND WATER BOWLS OR OTHER ITEMS IN THE PRIMARY
15 ENCLOSURE SHALL NOT IMPEDE THE ANIMAL'S ABILITY TO STRETCH
16 OUT;
- 17 (VI) THE ANIMAL SHALL BE ABLE TO SIT, SLEEP, AND EAT AWAY FROM
18 AREAS OF ITS ENCLOSURE WHERE IT MAY URINATE OR DEFECATE;
- 19 (VII) THE ENCLOSURE SHALL BE KEPT FREE FROM BUILDUP OF URINE AND
20 FECES;
- 21 (VIII) TRANSPORT CARRIERS MAY NOT BE USED AS PRIMARY ENCLOSURES;
- 22 (IX) ANIMALS ARE TO BE PLACED IN A MANNER AND PROXIMITY TO LIMIT
23 BARRIER STRESS;
- 24 (X) LATCHES OR OTHER CLOSING DEVICES MUST BE SECURE ENOUGH TO
25 KEEP THE ANIMAL IN THE ENCLOSURE, KEEP OTHER ANIMALS OUT OF
26 THE ENCLOSURE, AND PREVENT INJURY; AND
- 27 (XI) DROP BOXES ARE NOT PERMITTED.

28 (3) **COMMUNAL ENCLOSURES:**

- 29 (I) DOGS OVER THE AGE OF 5 MONTHS MAY NOT BE KEPT COMMUNALLY
30 UNLESS THE DOGS PREVIOUSLY LIVED TOGETHER AND ARE SPAYED
31 OR NEUTERED;

1 (II) CATS OVER THE AGE OF 4 MONTHS WHO ARE HOUSED COMMUNALLY
2 SHALL BE SPAYED OR NEUTERED; AND

3 (III) ANIMALS WHO ARE HOUSED COMMUNALLY AND WHO ARE
4 OBSERVED FIGHTING OR TO HAVE INJURIES CONSISTENT WITH
5 FIGHTING SHALL BE IMMEDIATELY REMOVED AND PROVIDED A
6 SINGLE ENCLOSURE.

7 (4) **DISEASE PREVENTION AND SANITATION PRACTICES:** THE SHELTER
8 SHALL ENSURE THAT THE BUILDING, PRIMARY ANIMAL ENCLOSURES, AND
9 ALL OTHER AREAS WHERE ANIMALS ARE KEPT ARE CLEANED AT LEAST
10 DAILY TO REDUCE DISEASE TRANSMISSION AMONG ANIMALS, PROTECT
11 HUMAN PUBLIC HEALTH, INCREASE ANIMAL COMFORT, AND MEET THE
12 FOLLOWING STANDARDS:

13 (I) ALL PRIMARY ANIMAL ENCLOSURES, FOOD BOWLS, AND WATER
14 BOWLS SHALL BE CLEANED DAILY;

15 (II) ALL PRIMARY ENCLOSURES, FOOD BOWLS, WATER BOWLS, AND
16 BEDDING SHALL BE DISINFECTED BEFORE GIVEN TO A NEW ANIMAL;

17 (III) FLOORS, JUNCTIONS, WALLS, DOORS, AND DRAINS SHALL BE
18 IMMEDIATELY CLEANED AND DISINFECTED AFTER COMING INTO
19 CONTACT WITH FECES, URINE, VOMIT, OR AN ANIMAL KNOWN OR
20 SUSPECTED OF HAVING AN INFECTIOUS DISEASE;

21 (IV) ONLY CLEANING PRODUCTS THAT ARE SAFE FOR ANIMALS AND WITH
22 PROVEN EFFICACY FOR DISINFECTION OF ANIMAL DISEASE SHALL BE
23 USED TO CLEAN ANY AREAS WHERE ANIMALS WILL BE PRESENT;

24 (V) WATER AND FOOD BOWLS SHALL NOT BE LEFT IN THE ENCLOSURE
25 WHILE CLEANING;

26 (VI) ANIMALS ARE REMOVED FROM THE CAGE DURING CLEANING;

27 (VII) THE BUILDING WILL BE KEPT FREE OF FLEAS, FLIES, MOSQUITOES,
28 RATS, MICE AND OTHER DISEASE VECTORS OR NUISANCE SPECIES;

29 (VIII) TRASH SHALL BE CONTAINED IN CONTAINERS WITH LIDS; AND

1 (IX) SHELTER STAFF SHALL BE TRAINED IN SANITATION PROTOCOLS AND
2 A WRITTEN RECORD OF THAT TRAINING KEPT ONSITE AND
3 AVAILABLE FOR INSPECTION.

4 (5) **FOOD AND WATER:**

5 (I) FOOD MUST BE SPECIES AND AGE APPROPRIATE AND IN SUFFICIENT
6 QUANTITY TO MAINTAIN PROPER BODY WEIGHT AND CONDITION
7 BASED ON THE BREED OF ANIMAL;

8 (II) FOOD SHALL BE FREE FROM WORMS, MOTHS, MOLD, OR OTHER
9 CONTAMINATION AND MUST NOT BE MORE THAN 6 MONTHS PAST
10 THE "SELL BY" DATE;

11 (III) OPEN FOOD SHALL BE STORED IN A FOOD-SAFE CONTAINER WITH
12 LID; AND

13 (IV) WATER MUST BE CLEAN AND POTABLE AND KEPT IN A SPILL-
14 RESISTANT CONTAINER TO BE AVAILABLE TO THE ANIMAL AT ALL
15 TIMES.

16 (6) **MEDICAL STANDARDS:** THE SHELTER SHALL ENSURE THAT ALL ANIMALS
17 ARE MONITORED, ASSESSED, EXAMINED, AND TREATED FOR MEDICAL
18 CONDITIONS UPON ENTRANCE AND DURING THEIR STAY AS FOLLOWS:

19 (I) A VETERINARIAN SHALL SUPERVISE THE MEDICAL CARE AND
20 TREATMENT OF ANIMALS;

21 (II) ALL ANIMALS WITH PARASITES SHALL BE TREATED IMMEDIATELY
22 UNLESS OTHERWISE DIRECTED BY A LICENSED VETERINARIAN;

23 (III) ANIMALS SHALL BE OBSERVED DAILY FOR SIGNS OF ILLNESS OR
24 INJURY AND NECESSARY VETERINARY TREATMENT SHALL BE
25 OBTAINED;

26 (IV) AN ANIMAL APPEARING TO BE EXPERIENCING PAIN, SUFFERING
27 DISTRESS, RAPIDLY DETERIORATING HEALTH, LIFE-THREATENING
28 PROBLEMS, OR SUSPECTED ZOO NOTIC DISEASE SHALL BE ASSESSED
29 BY A VETERINARIAN IMMEDIATELY;

30 (V) AN ANIMAL WITH SUSPECTED OR CONFIRMED COMMUNICABLE
31 DISEASE TO OTHER ANIMALS OR HUMANS SHALL BE ISOLATED TO

- 1 LIMIT EXPOSURE TO OTHER ANIMALS AND PEOPLE AND SHALL BE
2 ASSESSED BY A VETERINARIAN AS SOON AS POSSIBLE;
- 3 (VI) AN ANIMAL THAT IS OBSERVED TO BE EXPERIENCING MENTAL
4 SUFFERING, DISTRESS, OR BEHAVIORAL DETERIORATION SHALL BE
5 ASSESSED AND TREATED BY A VETERINARIAN AS SOON AS POSSIBLE;
- 6 (VII) ALL ANIMALS SHALL BE PROVIDED ON A DAILY BASIS SOME FORM OF
7 LIFE ENRICHMENT SUCH AS ACCESS TO TOYS, TREATS, PLAY,
8 EXERCISE, AND PETTING;
- 9 (VIII) MEDICATIONS SHALL BE STORED IN A SECURE CONTAINER NOT IN A
10 PRIMARY ANIMAL ENCLOSURE;
- 11 (IX) DOGS, CATS, AND FERRETS OVER 4 MONTHS OF AGE SHALL HAVE A
12 CURRENT RABIES VACCINE AT THE TIME OF ADOPTION UNLESS
13 OTHERWISE DIRECTED BY A VETERINARIAN; AND
- 14 (7) **SPAYING OR NEUTERING.** THE PRIVATE ANIMAL SHELTER SHALL REQUIRE
15 THAT ANY PERSON WHO ADOPTS AN ANIMAL FROM THE SHELTER SHALL:
- 16 (I) AGREE TO SPAY OR NEUTER THE ANIMAL WITHIN SIX MONTHS OF
17 ADOPTION; AND
- 18 (II) SUBMIT RECORDS OF THE PROCEDURE TO THE SHELTER TO BE
19 RETAINED ACCORDING TO PARAGRAPH (9) OF THIS SUBSECTION.
- 20 (8) **STRAY ANIMALS:** PRIVATE SHELTERS MAY NOT ACCEPT STRAY ANIMALS
21 UNLESS THE FOLLOWING CONDITIONS ARE MET:
- 22 (I) A FOUND REPORT IS FILED WITH THE ANIMAL CONTROL
23 ADMINISTRATOR ON A FORM CREATED BY THE ANIMAL CONTROL
24 ADMINISTRATOR;
- 25 (II) THE ANIMAL MUST BE SCANNED FOR A MICROCHIP WITHIN 24 HOURS
26 OF ADMISSION; AND
- 27 (III) THE ANIMAL MUST BE HELD FOR 30 DAYS FROM FILING A FOUND
28 REPORT WITH THE ANIMAL CONTROL ADMINISTRATOR BEFORE THE
29 ANIMAL CAN BE RELEASED FOR ADOPTION OR OTHER DISPOSITION,
30 UNLESS OTHERWISE AUTHORIZED IN WRITING BY THE ANIMAL
31 CONTROL ADMINISTRATOR.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 6, 2021.

Michelle Harrod
Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, Administrator to the County Council