

# ENROLLED

2023 Legislative Session

Legislative Day No. 09

## Legislative Bill 2023- 06

Introduced: May 2, 2023

Introduced by: Wicomico County Council

AN ACT TO AMEND CHAPTER 133 OF THE WICOMICO COUNTY CODE, TITLED "ANIMAL CONTROL," ARTICLE I, TITLED "GENERAL PROVISIONS," ARTICLE III, TITLED "STATE ANIMAL CARE AND CRUELTY LAW," ARTICLE IV, TITLED "POTENTIALLY DANGEROUS ANIMALS AND DANGEROUS ANIMALS," ARTICLE VI, TITLED "IMPOUNDMENT, CONFINEMENT AND EUTHANIZATION," ARTICLE VII, TITLED "PUBLIC NUISANCES; ADOPTION; LIABILITY," ARTICLE VIII, TITLED, "ANIMAL CARE" AND ARTICLE XII, TITLED, "CIVIL PENALTY"

WHEREAS, Wicomico County, Maryland recognizes the importance of maintaining domestic animals safely and responsibly; and

WHEREAS, domestic animals require certain standards of living and care; and

WHEREAS, the Animal Control Authority is responsible for ensuring that these standards are met; and

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 133 of the Wicomico County Code, titled "Animal Control" is hereby amended, to read as follows:

Chapter 133

Animal Control

Article I

General Provisions

### § 133-1 Definitions

VACANT PROPERTY- DWELLINGS, DWELLING UNITS, MULTIPLE-FAMILY DWELLINGS, APARTMENT HOUSES, BOARDINGHOUSES, NURSING HOMES, AND OTHER STRUCTURES INCLUDING, AMONG OTHERS, GARAGES, SHEDS, AND SIMILAR ACCESSORY STRUCTURES, WHICH ARE UNHABITATED.

EXTERIOR BEDDING- ANY NON-ABSORBENT MATERIAL PROVIDED IN SUFFICIENT QUANTITY FOR INSULATION AGAINST COLD AND MOISTURE. EXTERIOR BEDDING MAY CONSIST OF STRAW, PINE SHAVINGS, AND/OR PINE NEEDLES.

MICROCHIP- A MICROCHIP IS AN ELECTRONIC CHIP EMBEDDED IN AN ANIMAL WHICH CONTAINS INFORMATION FOR AN AUTHORIZED PARTY TO DISCERN THE OWNER OF THE ANIMAL. A MICROCHIP SHALL NOT INCLUDE GLOBAL POSITIONING SYSTEM COORDINATES.

Chapter 133

Animal Control

Article III

State Animal Care and Cruelty Law

§133-7 Dogs outside, unattended and restrained

~~B. Violation of the foregoing constitutes a misdemeanor subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000, or both.~~

Chapter 133

Animal Control

Article IV

Potentially Dangerous Animals and Dangerous Animals

§ 133-11 Potentially Dangerous Animals and Dangerous Animals

D. Consequences of a dangerous or potentially dangerous animal determination.

(1)(b) A proper enclosure to prevent the entry of any person or animal and the escape of the potentially dangerous animal; or

(c) The animal to be photographed by the Animal Control Authority; or

(D) REQUIRING THAT THE ANIMAL BE SPAYED OR NEUTERED BEFORE BEING RETURNED TO THE OWNER OR WITHIN 30 DAYS OF THE DETERMINATION OF POTENTIALLY DANGEROUS IF THE ANIMAL IS IN THE OWNER'S CUSTODY. THE EXPENSE OF THE SPAY OR NEUTER SHALL BE PAID BY THE OWNER.

(E) THAT THE ANIMAL BE MICROCHIPPED AND THAT THE MICROCHIP CONTAIN, AT MINIMUM, THE DETERMINATION OF THE ANIMAL AS POTENTIALLY DANGEROUS OR DANGEROUS. THE EXPENSE OF THE MICROCHIP SHALL BE PAID BY THE OWNER;

(2)(g)The owner of the animal to have the animal spayed or neutered BEFORE BEING RETURNED TO THE OWNER OR within 30 days of being determined dangerous. THE EXPENSE OF THE SPAY OR NEUTER SHALL BE PAID BY THE OWNER.; or

§ 133-12 Appeals

(B)(2) To have the animal spayed or neutered BEFORE BEING RETURNED TO THE OWNER OR within 30 days of the animal being determined POTENTIALLY DANGEROUS OR dangerous.

Chapter 133

Animal Control

Article VI

Impoundment, Confinement and Euthanization

§ 133-16 Impoundment and redemption provisions.

G. AN IMPOUNDED ANIMAL SHALL BE MICROCHIPPED, AT THE OWNER'S EXPENSE, PRIOR TO REDEMPTION IF, WITHIN 1 YEAR PRIOR TO IMPOUNDMENT, THE OWNER OR THE ANIMAL WAS FOUND GUILTY, PLACED ON PROBATION BEFORE JUDGEMENT, OR PAID A CIVIL CITATION FOR A VIOLATION OF §133-11, §133-14, §133-17, OR §133-18 OF THE WICOMICO COUNTY CODE.

§ 133-17 Confinement and euthanization of certain animals

(c) If a ~~female dog or cat in heat or an unneutered male dog or cat~~, WHICH HAS NOT BEEN SPAYED OR NEUTERED, belonging to the same owner is impounded twice within 12 months, the dog or cat must not be released to its owner and will become property of the Animal Control Authority unless the owner pays for the spaying or neutering of the dog or cat by the Animal Control Authority within one week after notice.

Chapter 133

Animal Control

Article VII

Public Nuisances; Adoption; Liability

§ 133-18 Nuisances.

A. It is unlawful to allow an animal to become a public nuisance, including to allow:

~~A.~~ 1. An animal to be a danger to a person;

~~B.~~ 2. An animal to disturb the peace and quiet of a neighborhood with excessive barking, whining, howling, CROWING, chasing vehicles, attacking other domestic animals, or damaging property;

~~C.~~ 3. An animal to repeatedly soil, defile, defecate, or commit another nuisance upon public property, recreation areas, or private property other than the owner's property;

~~D.~~ 4. An animal to enter private property without the property owner's permission;

~~E.~~ 5. A female dog or cat in heat outside of a building or other proper enclosure while not in the control or supervision of a person; or

~~F.~~ 6. An animal to cause an unsanitary, dangerous, or offensive condition because of the size or number of animals in a single location or because a facility is not appropriate or properly maintained.

B. ANY PERSON MAY FILE A SWORN COMPLAINT, CONTAINING A DATE, TIME, LOCATION, DESCRIPTION OF THE ANIMAL, OWNER OF THE ANIMAL AND A DESCRIPTION OF THE ALLEGED PUBLIC NUISANCE CAUSED BY THE ANIMAL, WITH AN ANIMAL CONTROL OFFICER ALLEGING A VIOLATION OF SUBSECTION A OF THIS SECTION WITHIN 30 DAYS OF THE ALLEGED PUBLIC NUISANCE. THE ANIMAL CONTROL OFFICER MAY ISSUE A CITATION ON THE COMPLAINT WITHOUT CORROBORATION OF THE ALLEGATION.

C. AN ANIMAL WHICH HAS BEEN FOUND IN VIOLATION OF THIS SECTION FOUR TIMES IS DEEMED A NUISANCE AND SHALL BE REQUIRED TO RESIDE INSIDE OF THE OWNER'S RESIDENCE.

#### § 133-19 ~~Adoption~~ STRAY ANIMALS

A. AN INDIVIDUAL WHO FINDS AND TAKES POSSESSION OF A DOMESTIC ANIMAL, WHICH IS AT-LARGE, SHALL:

1. NOTIFY WICOMICO COUNTY ANIMAL CONTROL OR THE HUMANE SOCIETY OF WICOMICO COUNTY WITHIN 24 HOURS OF TAKING POSSESSION OF THE ANIMAL;
2. COMPLETE A REPORT WITH WICOMICO COUNTY ANIMAL CONTROL OR THE HUMANE SOCIETY OF WICOMICO COUNTY;
3. NOT REMOVE THE ANIMAL FROM WICOMICO COUNTY UNLESS AUTHORIZED BY ANIMAL CONTROL OR THE HUMANE SOCIETY OF WICOMICO COUNTY.

B. ANY DOMESTIC ANIMAL FOUND AT LARGE, WHICH IS NOT MICROCHIPPED, SHALL BE ELIGIBLE FOR ADOPTION AFTER SIX (6) BUSINESS DAYS OF BEING REPORTED.

~~To adopt a dog or cat from the Animal Control Authority, the adopter must pay or reimburse the Animal Control Authority to neuter or spay the animal (if not already done) and other reasonable charges and fees. In addition, the adopter must certify in writing under penalty of perjury that he or she has not been convicted of animal cruelty or neglect by a court of law.~~

Chapter 133

Animal Control

Article VIII

Animal Care

§ 133-23 Animal care.

B. Required shelter for domestic animals.

(2) The owner of an animal ~~that is not regularly kept within a home or building~~ shall provide the animal with suitable shelter to protect it from the wind, snow, rain, cold, and sunlight **WHEN THE ANIMAL IS OUTSIDE FOR MORE THAN 30 MINUTES UNLESS ACCOMPANIED BY THE OWNER.**

(3) The shelter shall have a **SOLID** floor, **RAISED AT LEAST TWO INCHES ABOVE THE GROUND AND** appropriate to protect from flooding, a **WEATHERPROOF** roof and ~~four walls~~ **ENCLOSED SIDES WITH NO CRACKS**, one of which shall contain a doorway, **THROUGH WHICH THE ANIMAL CAN EASILY ENTER AND EXIT. PROPER AND SUFFICIENT EXTERIOR BEDDING SHALL ALSO BE PRESENT IN THE SHELTER. BEDDING SHALL BE KEPT DRY.**

C. (1) It is unlawful to leave animals unattended in a parked vehicle without sufficient ventilation that is adequate to prevent the animal from suffering physical distress from heat exhaustion. If an animal is found to be in distress by an Animal Control Officer or law enforcement, the Animal Control Officer or law enforcement officer has the right to remove the animal by any means necessary.

(2) **IT IS UNLAWFUL TO LEAVE AN ANIMAL UNATTENDED IN OR ON A VACANT PROPERTY.**

Chapter 133

Animal Control

Article XII

Penalty and Fines

§133-37

A. A person who violates a provision of this chapter will be guilty of a civil infraction and will be subject to a fine up to ~~\$1,000 per violation~~ **THE AMOUNT ENUMERATED IN THE TABLE BELOW. IF AN OFFENSE DOES NOT HAVE A FINE**

ENUMERATED ELSEWHERE, THE FINE SCHEDULE IS \$100 FOR A FIRST OFFENSE, \$500 FOR A SECOND OFFENSE WITHIN ONE YEAR OF A FIRST OFFENSE; AND \$1,000 FOR A THIRD OR SUBSEQUENT OFFENSE WITHIN ONE YEAR OF A FIRST OFFENSE. Each day the violation continues will be a separate violation.

C.

Section	Violation	First Offense	Second Offense within One Year of First Offense	Third or Subsequent Offense Within One Year of First Offense
§133-7	Dogs outside, unattended and restrained	\$100	\$500	\$1,000

D. (1) AN OWNER CHARGED WITH A SUBSEQUENT VIOLATION OF §133-13, §133-23 OR §133-26, SHALL NOT HAVE THE ANIMAL RETURNED UNTIL THE OWNER ABATES THE VIOLATION. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF BOARDING THE ANIMAL UNTIL THE OWNER ABATES THE VIOLATION.

(2) UNDER SECTION (D)(1), AN OWNER'S CORRECTIVE ACTION TO HAVE THE ANIMAL RETURNED IS NOT AN ADMISSION OF A VIOLATION OF THE STATUTE. IF THE OWNER CONTESTS A CITATION, AND IS FOUND TO NOT HAVE BEEN IN VIOLATION OF THE CODE, ANY BOARDING COSTS SHALL NOT BE IMPOSED ON THE OWNER. IF THE OWNER CONTESTS A CITATION, AND IS FOUND TO HAVE BEEN IN VIOLATION OF THE CODE, ANY BOARDING COSTS SHALL BE IMPOSED IN ADDITION TO THE FINE AND COURT COSTS.

SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2023-~~06~~ and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 6<sup>th</sup> day of June, 2023.

WICOMICO COUNTY, MARYLAND

 (SEAL)

By: John T. Cannon, President

 (SEAL)

By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Laura Hurley (SEAL)  
By: Laura Hurley, Secretary

Explanation:

~~Strike Out indicates matters deleted from existing law.~~

CAPITALS INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2023 Legislative Session

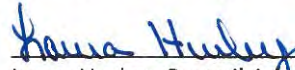
Legislative Day No. 09

**LEGISLATIVE BILL NO. 2023-06**

**INTRODUCED BY:** Wicomico County Council

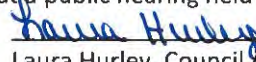
**Legislative Bill No. 2023-06:** AN ACT TO AMEND CHAPTER 133 OF THE WICOMICO COUNTY CODE, TITLED "ANIMAL CONTROL," ARTICLE I, TITLED "GENERAL PROVISIONS," ARTICLE III, TITLED "STATE ANIMAL CARE AND CRUELTY LAW," ARTICLE IV, TITLED "POTENTIALLY DANGEROUS ANIMALS AND DANGEROUS ANIMALS," ARTICLE VI, TITLED "IMPOUNDMENT, CONFINEMENT AND EUTHANIZATION," ARTICLE VII, TITLED "PUBLIC NUISANCES; ADOPTION; LIABILITY," ARTICLE VIII, TITLED, "ANIMAL CARE" AND ARTICLE XII, TITLED, "CIVIL PENALTY"

Introduced and read first time on May 2, 2023. Ordered posted and public hearing scheduled for June 6, 2023 at 6:00 p.m.



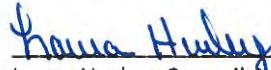
Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on June 6, 2023.



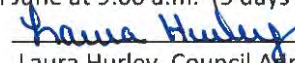
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 6<sup>th</sup> day of June, 2023.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 7<sup>th</sup> day of June at 9:00 a.m. (5 days §411)



Laura Hurley, Council Administrator

**BY THE COUNTY EXECUTIVE:**

APPROVED

Date: 6/7/2023  
(21 days §411)

VETOED

Date: \_\_\_\_\_

  
County Executive

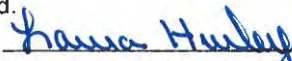
**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on June 7, 2023 and effective on: August 7, 2023.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2023-06 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator