

## CHAPTER 1-5: ANIMALS AND FOWL

### ARTICLE I: IN GENERAL

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***Cross references:***

*Animals in parks, see § 1-12-37;*

*Penalty for violation of Md. Code Ann., Local Government Article, Title 13, Subtitle 1, see § 2-3-1*

***Statutory reference:***

*Power of county to regulate animals, see Md. Code Ann., Local Government Article, Title 13, Subtitle 1.*

***Editor's note:***

*Ord. 94-24-119, adopted Nov. 15, 1994, amended Chapter 1-5 to read as herein set out. Prior to this amendment, Chapter 1-5 pertained to similar subject matter and was derived from Code 1959, §§ 32-1 through 32-15; and from the following legislation: Ord. 77-17-94, § 1, 10-17-77; Ord. 84-27-324, 10-23-84; Ord. 84-28-325, 10-23-84; Ord. 93-04-068, 1-19-93.*

#### **§ 1-5-1. DEFINITIONS.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to therein by this section.

**ANIMAL.** Specifically includes, but is not limited to, domestic dogs, domestic cats, animals used for agricultural purposes and animals used for public exhibitions.

**AT LARGE.** An animal shall be deemed to be at large whenever it is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining the animal.

**COMMERCIAL OPERATION.** An establishment operating as a business within the county to include, but not be limited to, pet shops, boarding stables, boarding kennels and sales barns.

**COUNTY.** Frederick County, Maryland.

**DANGEROUS DOG.** Any dog that:

- (1) Without provocation causes death or serious injury to a person; or
- (2) After having been designated as a potentially dangerous dog by the Director of Animal Control, engages in any behavior which results in death or serious injury to a person or death or serious injury to an animal.

**IMPOUND.** The taking into physical custody of any animal by the Division of Animal Control.

**KEEPING or HARBORING.** The act or sufferance either of feeding or sheltering an animal on the premises of the occupant or owner thereof.

**OWNER.**

- (1) Any person having a right of property in an animal or any person who keeps or harbors an animal or has it in his/her care or acts as custodian or permits it to remain on or about any premises occupied or controlled by him.; or
- (2) Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

**POTENTIALLY DANGEROUS DOG.** A dog that poses a threat to public safety, demonstrated by any of the following behaviors:

- (1) Causes injury to a person without provocation which is less severe than a serious injury, or causes severe injury to or kills a domestic animal; or
- (2) Running at large, meaning whenever the animal, three or more times within any consecutive six month period is not on the owner's real property or under the immediate physical control of a responsible person capable of physically restraining the dog, or impounded by the Division of Animal Control three or more times within any consecutive six month period.

**PROPER ENCLOSURE.**

- (1) Secure confinement indoors; or
- (2) Secure confinement outdoors in a locked pen or structure measuring at least five feet in width, 10 feet in length, and six feet in height, with secure sides, roof and floor, which provides protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping.

**PUBLIC NUISANCE.** Any animal found repeatedly running at large, damaging property, molesting passersby, chasing vehicles or acting in any manner which is deemed to be doing damage to property or to the public health and well being, or shall have been determined by the animal control officer, the local health officer or any other authorized representative of the county to be a detriment to public health, welfare and safety shall be deemed to be a public nuisance.

***SERIOUS INJURY.*** Any physical injury that results in broken bones or lacerations that require two or more sutures, or cosmetic surgery.

(Ord. 94-24-119, 11-15-1994; Ord. 04-13-357, 8-17-2004; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-2. ENFORCEMENT.**

Animal control officers are hereby designated as the enforcement authority for animal control and dog and cat licensing provisions of the county.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-3. ANIMAL CONTROL OFFICERS.**

(A) Animal control officers are hereby empowered to take into custody stray, injured, sick or dead animals in accordance with the provisions of this chapter.

(B) For enforcement purposes, animal control officers are authorized to act after receipt of a complaint or witnessing a violation.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-4. ABANDONMENT PROHIBITED; CONTROL; HUMANE DESTRUCTION OF SUFFERING ANIMAL.**

(A) It shall be unlawful for any person to abandon any animal, whether or not the person is the owner.

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

(C) Any state-licensed veterinarian in the county is hereby authorized by the county to immediately humanely euthanize or treat a suffering animal without liability if its owner cannot be promptly identified.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-5. POISONING PROHIBITED.**

No person shall poison any animal other than rodents unless authorized by the local health officer to protect human health.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-6. DISPOSITION OF FINES.**

All fines imposed under this chapter shall be transferred to the County Treasurer by the Clerk of the Court.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-7. INTERFERENCE WITH AUTHORIZED PERSONS.**

No person shall attempt to interfere with the animal control officers or any other authorized persons in the performance of their duties, nor shall any person attempt to or release without authority any animal impounded pursuant to the animal control laws of the county.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-8. COMMERCIAL OPERATIONS.**

Upon receipt of a complaint concerning improper care or treatment of animals at a commercial operation, an animal control officer shall have the authority to conduct inspections of the facility, to the extent not preempted by state law or federal regulations, in order to determine if there is any abuse of animals.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-9. PENALTY.**

Except as otherwise provided herein, any person who violates any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$500 for each offense.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§§ 1-5-10 – 1-5-21. RESERVED.**

## **ARTICLE II: DOGS, CATS AND OTHER ANIMALS**

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1-5-53 Generally

**DIVISION 1. GENERALLY**

**(A) *Determination of a potentially dangerous dog.***

(1) The Director is authorized to make a determination whether a dog is potentially dangerous as defined in § 1-5-1. An investigation must be initiated within ten days after the situation becomes known to the Division of Animal Control. The Director shall notify the owner of the dog in writing of that status within ten days after the completion of the investigation.

(2) Following notice to the owner, if the Director has probable cause to believe that a dog is a potentially dangerous dog and poses a threat to public safety, may impound the dog pending disposition of the case. The owner of the dog shall reimburse to Frederick County for the costs and expenses of keeping the dog.

(3) An owner may, within ten days after a determination that a dog is potentially dangerous, request a hearing before the Director seeking review of the determination.

**(B) *Determination of a dangerous dog.***

(1) If the Director has probable cause to believe that a dog is a dangerous dog, the Director may convene a hearing for the purpose of determining whether the dog in question shall be declared a dangerous dog and to determine if the dog would pose a threat to public safety if returned to its owner.

(2) The hearing shall be held no less than ten days after service of notice upon the dog's owner. The hearing shall be informal and open to the public. The owner shall have the opportunity to present evidence as to why the dog should not be declared a dangerous dog. The Director may present all issues for or against the owner of the dog regardless of whether the owner appears at the hearing.

(3) Within five days after the hearing, the Director shall notify the owner in writing of the decision.

**(C) Exceptions. No dog shall be declared a dangerous or potentially dangerous dog if:**

(1) The dog was used by a law enforcement official for legitimate law enforcement purposes.

(2) The injury or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog; or

(b) Who was tormenting, abusing, or assaulting the dog; or

(c) Who was committing or attempting to commit a crime on the owner's property; or

(3) The dog was:

(a) Responding to pain or injury, or was protecting itself, or its offspring; or

(b) Protecting or defending a human being within the immediate vicinity of the dog from a physical attack or assault.

(D) *Consequence of a dangerous or potentially dangerous dog determination.*

(1) If the Director determines that a dog is a potentially dangerous dog under this section, the owner shall comply with the provisions of this section and any other security or care requirements the Director may establish.

(2) If the Director determines that a dog is a dangerous dog under this section, the owner shall comply with the provisions of this section and any other security or care requirements the Director may establish.

(3) The Director may humanely destroy a dog that has been determined to be a dangerous dog and poses a threat to public safety if returned to its owner.

(4) The Director may impound the dog until the owner of the dog has satisfied all of the requirements of which deemed the dog dangerous or potentially dangerous. The owner of the dog shall be liable to Frederick County for the costs and expenses of holding the dog. The requirements must be met within 30 days.

(E) *Dangerous dog and potentially dangerous dog registration requirements.*

(1) The Director shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Director:

(a) The owner of the potentially dangerous dog is 21 years of age or older; and

(b) The owner has paid an annual fee in an amount to be determined by the Animal Control Director, in addition to regular dog licensing fees, to register the potentially dangerous dog; and

(c) The potentially dangerous dog has current rabies vaccinations; and

(d) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog; and

(e) A valid license has been issued for the potentially dangerous dog pursuant to this jurisdiction.

(2) The Director shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration of a potentially dangerous dog pursuant to subparagraph (1) of this section, establishes to the satisfaction of the Director:

(a) The owner of the dangerous dog has written permission of the property owner, landlord or property manager to maintain the animal on the premises where the dangerous dog will be kept; and

(b) The owner will maintain the dangerous dog exclusively on the owner's property except for examination or medical treatment; and

(c) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign will be visible from the public highway or 50 feet whichever is less; and

(d) The owner of the dog will have the dog spayed or neutered within 30 days of being deemed dangerous; and

(e) The owner will have the dog implanted with a microchip containing owner identification information. The microchip information must be registered and provided to the Director within three days of being deemed dangerous.

(3) The Director may order the immediate impoundment or humane destruction of a dangerous dog if the owner fails to abide by the conditions for registration of a dangerous dog.

(F) Dangerous or potentially dangerous dog owner responsibility. It shall be unlawful for the owner of a dangerous dog or potentially dangerous dog to:

(1) Keep a dangerous or potentially dangerous dog without a valid certificate of registration issued under this section;

(2) Permit a potentially dangerous dog off the owner's real property unless the potentially dangerous dog is under the immediate physical control of a responsible adult and restrained by a chain or leash;

(3) Fail to keep a dangerous dog within the owner's real property except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible adult capable of physically restraining the animal, and muzzled and restrained with a chain or leash, not exceeding four feet in length. The muzzle shall be approved by the Director.

(4) Fail to notify the Director within 24 hours if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner shall also provide the Director with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog.

(5) Fail to surrender a dangerous or potentially dangerous dog to the Director for safe confinement pending a disposition of the circumstances when there is reason to believe that the dangerous or potentially dangerous dog poses a threat to public safety after an investigation is conducted by animal control.

(G) *Penalties.* Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof shall be fined no more than \$1,000.

(H) Annual dangerous dog licensing drive; educational program. The Director shall encourage the owners of dangerous dogs to participate in preventive, behavioral and/or obedience programs.

(Ord. 94-24-119, 11-15-1994; Ord. 04-13-357, 8-17-2004; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-23. FEMALES IN HEAT.**

The owner of a female dog or cat which is in oestrus or in a condition commonly known as "in heat" or "in season" shall keep such dog or cat confined in a secure enclosure or under the immediate physical control of the owner.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-24. RUNNING AT LARGE.**

(A) It shall be unlawful for an owner to allow any animal to run at large.

(B) The provisions of subsection (A) shall not apply to any dog which is accompanied by its owner and is being used for hunting or is being trained, exhibited or accompanied by its owner on horseback.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-25. OFFENSIVE DOG AND CAT NOISES.**

(A) It shall be unlawful for any dog or cat owner to permit, either willfully or through failure to exercise due care and control, his dog or cat to repeatedly bark, cry, howl, whine or cause other objectionable noises which disturb the comfort, peace, quiet or repose of members of the community residing in the vicinity as reflected by reasonable persons with normal sensitivities to noise.

(B) The provision of subsection (A) shall not apply to the barking of hunting dogs while in the pursuit of game and supervised by the owners or trainers.

(C) Between the hours of 7:00 a.m. and 10:00 p.m., the provisions of subsection (A) shall not apply to commercial operations that have received special exception and site plan approval.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-26. PROPER RESTRAINT, SHELTER, PROTECTION AND CARE FOR DOGS.**

#### *(A) Restraint requirement.*

(1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint for the purpose of confinement for more than ten hours, cumulatively in any 24-hour period.

(2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least four times the body length of the dog, measured from the dog's nose to the back of the hindquarters, or at a minimum be ten feet in length, and which the tether is free from entanglement.

(3) The tether shall have swivels at both ends and all areas of confinement shall be maintained as to provide a safe and healthy environment for the dog.

(4) An individual found chaining or tethering an animal in violation of this section has 30 days to provide other means of confinement, as long as other conditions of confinement and care are being met. The grace period is null and void immediately if the owner, at any time during the grace period, is not in compliance with other applicable laws relating to animals.

(5) Individuals who do not comply within the 30-day grace period are subject to fines and penalties stipulated in this chapter.

#### *(B) Shelter and outdoor enclosure requirements.*

(1) Proper shelter, including protection from the weather and elements, shall be provided at all times. The shelter for a dog shall have a weatherproof roof, enclosed sides, a doorway, and a solid floor raised at least two inches above the ground. No interior surfaces shall be metal. The shelter shall have an entryway that the dog can easily enter and sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times.

(2) Bedding, such as wood shavings, straw or other material, shall be provided in sufficient quantity for



insulation. Bedding shall be kept dry.

(3) Shade, separate from the shelter, either natural or manmade, shall be available at all times to a tethered dog, or a dog confined to an outdoor enclosure.

(4) Any dog confined within an outdoor enclosure must have adequate space for exercise. A minimum of 100 square feet is required. Dogs over 75 pounds must have an additional 50 square feet. Seventy-five square feet is required for each additional dog kept within the same enclosed area.

(C) *Care requirements.*

(1) Any person owning or having care, control or custody of a dog shall provide daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.

(2) Potable water must be accessible to the dog at all times.

(3) The dog must receive care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health.

(4) Any outdoor area where a dog is confined must be kept free of excretions and contaminated materials and cleaned regularly.

(D) *Penalties.* A violation of this section may result in a civil citation pursuant to § 1-5-53 of this chapter, or impoundment of the dog(s), or both.

(Ord. 08-24-500, 9-23-2008; Ord. 14-23-678, 11-13-2014)

**§§ 1-5-27 – 1-5-32. RESERVED.**

## **DIVISION 2. LICENSE AND VACCINATION**

**§ 1-5-33. REQUIRED.**

No persons shall own or have custody of any dog or cat over 4 months of age unless such dog or cat is licensed as herein provided and has been vaccinated against rabies in a procedure approved by the Maryland Public Health Veterinarian. Proof of rabies vaccination shall be given to the seller of dog and cat licenses. This provision shall not apply to dogs or cats in the county owned by a nonresident, provided such dogs or cats are duly licensed in their home jurisdiction, providing the owner has a valid rabies vaccination certificate for said dog or cat while it is in the county.

(Ord. 94-24-119, 11-15-1994; Ord. 05-16-377, 6-23-2005; Ord. 14-23-678, 11-13-2014)

**§ 1-5-34. APPLICATION AND FEES.**

(A) Application for dog and cat licenses shall be made to the Frederick County Animal Control Center or any other authorized facility accompanied by a license fee of \$15 for unaltered dogs and cats for each year; however, if individual licenses for owned dogs or cats exceed \$40, the owner may request a multiple domestic animal license, or a blanket kennel or cattery license for \$40 for each year, providing the owner gives duplicate copies of the rabies certificates to the county and the owner notifies the animal control center by the first of the following month of the transfer of ownership of any licensed dog or cat.

(B) County residents who are 65 years of age or older can obtain dog or cat licenses at the rate of \$7 for an unaltered dog or cat.

(C) The license fee for a spayed or neutered dog or cat under subsections (A) and (B) above shall be ½ the fee for an unaltered dog or cat.

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

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

(F) Fees specified in this section may be modified at any time by resolution of the county governing body, after a duly advertised public hearing.

(Ord. 94-24-119, 11-15-1994; Ord. 05-16-377, 6-23-2005; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-35. LICENSE EXPIRATION.**

The license of a dog or cat shall expire when the rabies vaccination certification for that animal issued under Md. Code Ann., Health General Article, § 18-319(A)(3) expires.

(Ord. 94-24-119, 11-15-1994; Ord. 05-16-377, 6-23-2005; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-36. TRANSFER.**

(A) If the ownership of a licensed dog or cat changes during the licensing year, the Director of Animal Control shall be notified of the change of ownership, together with the name and address of the new owner and identification number of the old license. The new owner may apply to have the original license transferred, provided a transfer fee of \$1 is made to the Frederick Animal Control Center.

(B) The provisions of subsection (A) shall apply to dogs licensed as part of a kennel and cats licensed as part of a cattery. Owners of kennels and catteries must notify animal control of any changes in their kennel or cattery.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

### **§ 1-5-37. TAG.**

(A) Upon payment of a dog or cat license fee, a receipt and a numbered identification tag shall be issued to the owner. The license tag shall be securely fastened to each dog or cat collar or harness and worn by the dog or cat at all times when not on the owner's property. Any dog that is engaged in supervised hunting or other sport where the collar would endanger the dog's safety or adversely affect its hunting or sport purpose is exempt from this section only for the period that the dog is actually engaged in activity.

(B) The provisions of subsection (A) shall not apply to dogs licensed as part of a kennel or cats licensed as part of a cattery.

(C) A license tag to replace a lost tag shall be issued to the owner upon application and payment of a \$2

fee.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

**§§ 1-5-38 – 1-5-48. RESERVED.**

**DIVISION 3. IMPOUNDMENT**

**§ 1-5-49. GENERALLY.**

Whenever any person finds an animal running at large or complains that an animal constitutes a public nuisance, that person may notify the animal control officer, who, after investigation, may cause the animal to be impounded. No individual shall have the right to willfully destroy or attempt to destroy or maim the animal so long as the animal does not pose a threat to life. Upon the capture of any animal, the animal control officer shall make diligent effort to notify the owner of its capture, if the owner's identity can be ascertained. An impounded animal may be confined and offered for adoption or euthanized if not identified and claimed within 5 calendar days after its capture. No owner may claim an animal unless and until all charges incident to the confinement of the animal have been paid. An animal which is ill or injured may be euthanized in less than 5 calendar days.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

**§ 1-5-50. SERVICE FEE.**

Whenever an animal is impounded pursuant to this chapter or any other provision of law, the owner thereof shall pay a service fee of \$10 per day or part thereof and costs of any required veterinary services and furnish satisfactory evidence that the dog or cat is licensed and vaccinated for rabies before release.

(Ord. 94-24-119, 11-15-1994; Ord. 04-13-357, 8-17-2004; Ord. 14-23-678, 11-13-2014)

**§ 1-5-51. REDEMPTION FEES FOR VIOLATIONS.**

(A) In addition to the service fee, an owner shall pay the following redemption fee if the owner's animal was impounded for a violation of this chapter:

- (1) For the first impoundment within a 6 month period, \$20;
- (2) For the second or subsequent impoundment within a 6 month period, \$50.

(B) The Director of Animal Control has the authority to reduce or suspend all or a portion of the redemption fee payable through the Director's office upon a showing of financial hardship.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

**§ 1-5-52. LIABILITY FOR IMPOUNDING FEE.**

Where the owner of an impounded animal can be ascertained, such owner shall be liable for the service fee and other proper charges even in cases where the animal has been adopted or euthanized pursuant to § 1-5-

49 of this Code.

(Ord. 94-24-119, 11-15-1994; Ord. 14-23-678, 11-13-2014)

## **DIVISION 4. CIVIL ANIMAL INFRACTIONS**

### **§ 1-5-53. GENERALLY.**

(A) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-5 entitled “Animals and Fowl” is a civil infraction and shall be called a civil animal infraction. If, after investigation, a civil animal infraction is believed to exist, the Frederick County Director of Animal Control or his authorized agent shall deliver a citation or warning to the animal owner and others responsible for the infraction. If the Director or his authorized agent is unable to locate the owner personally, the Director or authorized agent may post the citation or warning in a conspicuous place on the property of the owner and mail a copy of same to the person, which shall be sufficient for delivery under this section.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged or warned;
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount or potential amount of the fine assessed;
- (6) The manner, location and time in which the fine may be paid, or violation corrected, if applicable;
- (7) The person’s right to stand trial for the violation if applicable;
- (8) A certification by the Director or authorized agent attesting to the truth of the matters set forth.

(C) Whenever an alleged or possible civil animal infraction comes to the attention of the Animal Control Director, the following procedures shall apply:

- (1) The Director of Animal Control will investigate whether an infraction has occurred;
- (2) If the Director finds that an infraction has occurred, he will issue a warning to the person(s) responsible in the form and manner as outlined in this section, with a reasonable time stated to abate or to prevent future infractions;
- (3) If the infraction continues or is allowed to occur after the reasonable time stated, the Director will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the Director may issue a citation at step (2) without the prior issuance of a warning.

(D) A fine of \$50 is hereby imposed upon any person responsible for a civil animal infraction for the first violation. A fine of \$75 will be imposed for the second violation and a fine of \$100 will be imposed for the third violation or any subsequent violation. Each day such violation is permitted to exist shall be considered a separate infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of

the Animal Control Center.

(E) A person who receives a citation may elect to stand trial for the offense by filing with the Director of Animal Control a notice of intention to stand trial. The notice shall be given at least 10 days before the date of payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director shall forward to the district court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for any civil animal infractions shall be remitted to the Treasurer of Frederick County, Maryland.

(F) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person shall be liable for double the amount of the initial fine levied for each infraction. If after 35 days the citation is not satisfied, the Director may request adjudication of the case through the district court by the filing of civil judgment procedures.

(G) Adjudication of an infraction under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(H) In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code Ann., Local Government Article, Title 6. However, the County Attorney is hereby authorized to prosecute all civil animal infractions under this section.

(I) If a person is found by the district court to have committed a civil animal infraction, that person shall be liable for costs of the proceedings in the district court.

(J) Depending on the circumstances of each case and after consultation with the County Attorney, the Director has the discretionary authority to reduce or suspend all or a portion of the fine payable through the animal control office.

(K) Nothing contained in this section shall prohibit or prevent the Director of Animal Control, or any one else, from seeking other legal remedies, such as injunctions or criminal prosecution.

(L) Provisions of this section are in addition to, not in lieu of, those penalties specified in other sections of this chapter, specifically §§ 1-5-9 and 1-5-22.

(M) The fines specified in this section can be modified at any time by resolution of the county governing body, after a duly advertised public hearing.

(Ord. 94-24-119, 11-15-1994; Ord. 00-01-243, 2-1-2000; Ord. 14-23-678, 11-13-2014)

## **§ 1-5-22. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.**