

Salisbury, MD Municipal Code

Title 6

ANIMALS

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6.04 DOGS, FOWL AND OTHER ANIMALS

Chapter 6.04

DOGS, FOWL AND OTHER ANIMALS

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Section 6.04.010 Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meanings indicated:

"Animal" means every non-human species of mammal.

"Animal control officer" means any person designated as having the authority to enforce the laws of this chapter.

"At large" means off the premises of the custodian and not under the control of the custodian by leash, cord or chain.

Collar, Chain or Pens. The collar should be loose enough around the animal's neck to prevent injury. Chains must be positioned to prevent tangling. Chains must be long enough to allow the animal movement away from the bedding and feces areas. The chain should be strong enough to restrain the animal in relation to the animal's size. The pen should be sturdy enough to restrain the animal. The size of the pen should be determined by the size of the animal, allowing free movement.

"Kennel" means any licensed business that shall house or safekeep animals on a temporary basis during an owner's absence.

"Owner/custodian" means any person owning, keeping, harboring or entrusted to safekeep an animal or any persons allowing animals to be housed, harbored or kept on said person's property. Animals owned by persons under the age of eighteen shall, for the purpose of this chapter, be considered owned by said persons' parent/guardian.

"Person" means any person, corporation, partnership, association or joint venture.

"Pet shop" means any licensed business that shall have as its primary purpose the selling of animals and animal supplies to the public.

"Sanitary living conditions" means free from fecal build up. Animal should be able to move around without making contact with any fecal build up.

"Secure enclosure" means two chain link mesh enclosures, one of which fits inside the other, both having the following:

1. A chain link mesh or wood ceiling and chain link mesh sides;
2. The ceiling of the inner enclosure must be securely attached to the sides of the inner enclosure and the ceiling of the outer enclosure must be securely attached to the sides of the outer enclosure.
3. The gates for both enclosures shall be securely locked.
4. The inner enclosure must also have a solid impenetrable floor.

Shelter. The shelter should be of solid construction with no cracks or openings other than the entrance. The shelter should be large enough to allow the animal to stand, turn around and lie down comfortably. The shelter should be small enough to allow the animal to warm the interior with its body heat. The door should be just large enough to allow the animal to enter easily. There should be bedding such as cedar chips or straw during the fall and winter months. The shelter should be made of wood or plastic with no metal interior parts. Lightweight shelters should be secured to the ground to prevent roiling over. Trash cans will not be accepted as adequate shelter. All animals left outside for more than thirty (30) minutes must be provided with shelter. During the summer months, outside animals must be provided with shade from the sun.

Sufficient Living Space. Area around animal should be clean and there should not be any

trash, junk or any other materials preventing the free movement of the animal. (Ord. 1709 § 1 (part), 1999)

Section 6.04.020 Keeping of swine within city limits prohibited.

No person shall keep, raise or maintain swine within the corporate limits of the city. The provisions of this section shall not be construed to apply to the operating of any licensed slaughterhouse located within the corporate limits of the city. (Ord. 1709 § 1 (part), 1999)

Section 6.04.030 Maintenance of stables and stable yards.

All stables and stable yards shall be kept in a clean and sanitary condition at all times, and no manure shall be allowed to accumulate in the stables or yards. (Ord. 1709 § 1 (part), 1999)

Section 6.04.040 Maintenance of fowl within residential districts prohibited.

No person shall keep, own, maintain, use or have in his possession any live chickens, turkeys, guineas, geese, ducks or pigeons within any residential district within the corporate limits of the city of Salisbury, other than in a municipal park or licensed slaughterhouse. (Ord. 1709 § 1 (part), 1999)

Section 6.04.050 Cruelty to animals prohibited--Animal care.

A. No person shall overdrive, override, overload, torture, ill treat, cruelly or unnecessary beat, maim, mutilate or kill (not including veterinary euthanasia) any animal, whether belonging to himself or another, or permit such acts to be done by another; nor shall said person instigate, engage in or in any way further any act of cruelty to any animal. The above, as refers to the killing of animals, shall not apply to slaughterhouses or poultry processing plants.

B. No person shall fail to provide an animal under his control with:

1. Sufficient quantities of food and water to maintain such animal in good condition. Water containers should be secured in a manner to prevent overturning.

2. Sufficient air and ventilation to maintain such animal in good condition.

3. Shelter and protection from the weather.

4. Veterinary care when needed to prevent undue suffering.

5. Sanitary living conditions.

6. Sufficient living space.

7. Proper collar, or chains, or pens.

C. No person shall leave an animal unattended in a motor vehicle in a manner that endangers the health or safety of the animal. Animals shall not be left unattended in said vehicle for a time period greater than twenty (20) minutes. (Ord. 1709 § 1 (part), 1999)

Section 6.04.060 Damage or destruction of zoo animals and birds prohibited--Trespassing on zoo property.

A. No person shall willfully damage or destroy, hunt, shoot, kill, catch, trap, poison, wound, remove, drive off, harass, or enclose any birds, reptiles, animals or young or eggs of such birds, reptiles, or animals, while such are kept or maintained in the city zoo.

B. No visitor to the city zoo shall:

1. Feed, touch, or pet any animal, bird or reptile without permission of zoo staff.

Visitors must be in the presence and under the supervision of zoo staff or zoo docents that are

specifically authorized by the director of the zoo to supervise feeding, touching, or petting animals, birds or reptiles;

2. Climb over any fence, gates, or other similar structures intended to provide a safety buffer between visitors and the zoo's collection of birds, animals, and reptiles without zoo staff permission and escort;

3. Enter or attempt to enter any animal, bird, or reptile enclosure without zoo staff permission and escort;

4. Enter or attempt to enter the zoo at any time other than the posted visitor hours without zoo staff permission and escort;

5. Climb over, under, through, around, or damage any fence, gates, or other similar structures that comprise the zoo's perimeter barrier;

6. Bring any animals into the zoo without prior zoo staff permission. Specially trained "assist animals" to help disabled people are exempt from the animal restriction;

7. Ride bicycles, scooters, skateboards, or other wheeled transport within the city zoo's perimeter except:

a. Wheelchairs or other similar transport for visitors with a disability or handicap, and

b. Strollers, baby carriages, or other similar transports for young children.

C. No visitor to Ben's Red Swings playground shall:

1. Enter or attempt to enter the playground at any time other than the posted visitor hours without city staff permission and escort;

2. Climb over, under, around, or damage any fence, gates, or other similar structures that comprise the playground's perimeter barrier;

3. Bring any animals into the Ben's Red Swings playground without prior city staff permission. Specially trained "assist animals" to help handicapped and disabled people are exempt from the animal restriction;

4. Ride bicycles, scooters, skateboards, or other wheeled transport within the playground's perimeter except:

a. Wheelchairs or other similar transport for visitors with a disability, and

b. Strollers, baby carriages, or other similar transport for young children.

(Ord. 1920, 2004)

Section 6.04.070 Running at large prohibited.

No custodian or keeper of any dog shall permit such dog to run at large. (Ord. 1709 § 1 (part), 1999)

Section 6.04.080 Impounding of animals.

A. The animal control authority may seize and impound any animal found to be in violation of any code under this chapter. The custodian shall be entitled to resume possession of the animal upon compliance with the provisions of this chapter.

B. Impounded animals shall be kept for a minimum of six days prior to euthanization; provided, however, that impounded animals which show physical and behavioral evidence of being injured, wild, sick with contagious disease or rabid may be immediately euthanized, without notice to the custodian of such animal.

C. If the impounded animal is wearing a license or any other reasonable means of identification, the Humane Society of Wicomico County shall make reasonable attempts to

notify the custodian within forty-eight (48) hours, it shall post notice at city hall, at the usual place for posting public notice, for a period of six days. Such notice shall give a reasonable description of the animal, the time and place of impoundment and the business hours during which the animal may be reclaimed.

D. An impounded animal may not be reclaimed until all impounding charges have been paid, by the custodian or a person entrusted by the custodian to care for such animal, to the Humane Society of Wicomico County at a rate set by it to cover the expenses related to:

1. Impounding the animal;
2. Boarding the animal;
3. Giving notice to the custodian; and
4. Administering distemper shots to the animal. Such fees shall be reasonable and shall not exceed ten dollars (\$10.00) per day.

E. In addition to, or in lieu of, impounding an animal found in violation of this chapter, the animal control officer may issue to the known custodian of such animal a notice of violation of this chapter.

F. Any animal found in a critical condition from wounds, injuries or disease may, at the discretion of the animal control officer, the Humane Society of Wicomico County staff or a licensed veterinarian, be euthanized. If the animal is suffering great pain, it may be euthanized immediately and the custodian, if known, notified as soon as possible thereafter. Neither the Humane Society of Wicomico County nor the animal control officer shall be held liable for such an act.

G. The Humane Society of Wicomico County shall keep complete and accurate records of the care and disposition of all animals impounded in the city of Salisbury.

H. Neither the Humane Society of Wicomico County nor its employees shall be liable for injury or illness which occurs or is contracted while an animal is confined at the Humane Society of Wicomico County. (Ord. 1709 § 1 (part), 1999)

Section 6.04.090 Female dogs in heat--Impoundment and redemption procedures.

It shall be the custodian's responsibility to keep a dog that is in heat confined to a building or other secure enclosure in such manner as to prevent the attraction of other animals. If the same dog, belonging to the same custodian, shall be impounded in heat for a second time within twelve (12) months, such dog cannot be reclaimed by the custodian thereof until the animal be spayed by a veterinarian at the request of the Humane Society of Wicomico County and the custodian shall have paid for the costs associated with the spaying of such animal. (Ord. 1709 § 1 (part), 1999)

Section 6.04.100 Frequent and disturbing noise by dogs.

No person shall keep any dog which, by frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity of such dog. (Ord. 1709 § 1 (part), 1999)

Section 6.04.110 Duration of impoundment--Destruction.

If an animal goes unclaimed for a period of at least six days from the date of notice to the custodian, such animal may be euthanized. Any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released and may be euthanized without notice. (Ord. 1709 § 1 (part), 1999)

Section 6.04.120 Wearing of dog license.

Every dog four months of age and older must have assigned to it a current dog license issued by the Humane Society of Wicomico County. A tag, evidencing the issuance of a license shall be affixed to a collar kept about the dog's neck. No license can be issued unless the custodian of such animal presents a certificate of inoculation against rabies. Moreover, any and all fines assessed under this chapter must be paid prior to issuance of current license. (Ord. 1709 § 1 (part), 1999)

Section 6.04.130 Seizure of vicious or rabid dog.

After making a reasonable effort to seize and impound a vicious or rabid animal, an animal control officer may kill such animal in as humane a manner as possible. Animal control officers may carry such weapons in the performance of their duties as they shall be authorized, from time to time, by the Salisbury police department. (Ord. 1807, 2001)

Section 6.04.140 Impoundment of vicious dog.

Any vicious dog having bitten a person or other domestic animal may be impounded by the animal control officer and held until such time as the custodian of said animal has submitted satisfactory evidence to the animal control officer that adequate provisions have been made to protect the public from said animal. (Ord. 1709 § 1 (part), 1999)

Section 6.04.150 Pet shop.

A. All pet shops within the city shall permit the city's animal control officer, upon reasonable notice, to inspect the premises. Said inspection shall be performed during normal business hours and shall have the purpose of assuring compliance with the provisions of this chapter as well as state law.

B. All pet shops shall, in addition to any other requirement of law, comply with the following minimum standards:

1. No puppies or kittens shall be sold or given away that are under eight weeks of age.
2. Any animal which exhibits symptoms of disease or illness shall be separated to the greatest extent possible from other healthy animals.
3. Any animal which is known to have or is suspected of having a disease contagious or communicable to humans shall be treated by a licensed veterinarian and shall not be offered for sale.
4. Fresh water shall be available to all animals and replaced whenever necessary.
5. All areas of confinement, display areas and sales areas shall be maintained in a sanitary condition. (Ord. 1709 § 1 (part), 1999)

Section 6.04.160 Rabies vaccinations required.

It is unlawful for any person to own, harbor or keep an animal over the age of four months unless such an animal has been vaccinated against rabies. It shall be the responsibility of every animal custodian to have all animals over four months of age owned by him to be continuously protected against contracting rabies. (Ord. 1709 § 1 (part), 1999)

Section 6.04.170 Motorist striking dog.

If a motor vehicle strikes a dog, the driver of the motor vehicle shall immediately notify the city police. (Ord. 1709 § 1 (part), 1999)

Section 6.04.180 Confinement.

The police or animal control officer may direct that any animal which has bitten, scratched or attacked any person, or is suspected of having rabies, be confined for a ten-day observation period. Custodians of animals which are required to be confined may be authorized to quarantine their animals at home after the premises have been inspected by an animal control officer. If the custodian's premises are found to be inadequate for home confinement, the animal will be confined at the Humane Society of Wicomico County at the custodian's expense. No person shall refuse to surrender any animal for quarantine when the demand is made by the animal control officer. No person shall release from confinement any such animal or remove such animal from its place of confinement without the consent of the animal control officer. The custodian of the quarantined animal shall have such animal vaccinated against rabies within fifteen (15) days after the confinement period. (Ord. 1709 § 1 (part), 1999)

Section 6.04.190 Hindering an animal control officer in performance of duty.

It is unlawful for any person to interfere in any manner with the animal control officer in the performance of his duties. (Ord. 1709 § 1 (part), 1999)

Section 6.04.200 Tampering with traps or cages.

It is unlawful to tamper with, damage or destroy any trap or cage or to release any animal from a trap or cage set by the animal control officer. (Ord. 1709 § 1 (part), 1999)

Section 6.04.210 Inspection of kennels.

All kennels within the city shall permit the city's animal control officer, upon reasonable notice, to inspect the premises during normal business hours. (Ord. 1709 § 1 (part), 1999)

Section 6.04.220 Number of animals--Permit required.

A. No person shall own more than a total of five animals within the city without a valid permit issued by the Humane Society of Wicomico County. The fee for a permit shall be five dollars (\$5.00) payable to the Humane Society of Wicomico County. An application for such a permit shall be filed with the Humane Society of Wicomico County and shall identify (1) the number and type of all animals the custodian proposed to keep; and (2) the property where such animals will be kept.

B. Such permit shall be issued when it has been determined by the animal control officer or Humane Society of Wicomico County that:

1. All sections of this chapter have been satisfied;
2. The size of the property and the shelter thereon are adequate for the number or type of animals the custodian proposes to keep on the property; and
3. The number and type of all animals the custodian proposes to keep on the property will not have a material adverse effect on the neighboring properties or the general welfare of such animals.

C. Such permit may be revoked for failing to abate violations of this chapter within fifteen (15) days of notice to the custodian of said violation(s) or in the event the custodian no longer satisfies the criteria upon which the permit was issued. If such permit is revoked, it shall be the custodian's responsibility to reduce the number of animals to a permissible number, as set by the animal control officer or Humane Society of Wicomico County, after due consideration of the factors set forth in subsection B of this section.

D. If the applicant has withheld or falsified any information on the permit application, the Humane Society of Wicomico County shall refuse to issue a permit. (Ord. 1709 § 1 (part), 1999)

Section 6.04.230 Potentially dangerous dog.

A. For the purpose of this chapter a "potentially dangerous dog" shall be defined as:

1. A dog which has inflicted a bite on a person either on public or private property; or
2. A dog which has killed or inflicted injury to a domestic animal when not on the owner's real property; or
3. Any dog which constitutes a physical threat to human beings or animals by virtue of specific training or demonstrated behavior including, but not limited to, chasing, charging, lunging, attacking or in any way molesting.

B. Upon finding that an animal is a potentially dangerous dog, the health officer or his/her designee shall notify the owner/custodian in writing, giving the reasons for this determination.

C. An owner shall not leave a potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors or in a locked and secure enclosure.

D. Upon receipt of written notification that the owner's dog is a potentially dangerous dog, the owner shall pay for and attend a certified obedience class, chosen by the animal control authority, with the dog. Within ten days of the end of class, the owner shall provide documentation to the animal control authority certifying successful completion of that class.

E. Potentially dangerous dogs must be leashed and muzzled while off the property of the owner.

F. Potentially dangerous dogs must be under the immediate control of the owner while outside whether on the owner's property or not. (Ord. 1709 § 1 (part), 1999)

Section 6.04.240 Dangerous dog.

A. For the purpose of this chapter a "dangerous dog" shall be defined as:

1. A dog which has without provocation killed or inflicted severe injury on a person; or
2. A dog which after having been deemed a potentially dangerous dog under Section 6.04.230, subsequently engages in one or more of the behaviors listed in Section 6.04.230.

B. No dog may be declared a dangerous dog if the threat, injury or damage was sustained by a person who:

1. At the time was committing a willful trespass or other tort upon the premise occupied by the owner or keeper of the animal;
2. Was tormenting, abusing or assaulting the animal; or
3. Was committing or attempting to commit a crime.

C. Upon finding that an animal is a dangerous dog, the animal control officer or his designee shall notify the owner in writing, giving the reasons for this determination.

D. An owner shall not leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors or in a locked and secure enclosure. When a dangerous dog is not confined indoors or locked in a secure enclosure, it shall be leashed and muzzled and under the immediate control of the owner, whether the dog is on the owner's property or not.

E. The animal control authority shall seize and impound a dangerous dog, which engages in one or more of the following behaviors after having previously been determined to be a dangerous dog:

1. Without provocation has killed, inflicted severe injury or bitten a person; or
2. Has killed or inflicted severe injury to a domestic animal; or

3. The dog or the dog's owner are found to be in violation of any City Code under Chapter 6.04.

F. A dog seized or impounded under this section may, upon order of the animal control officer or selected designee, be destroyed for the protection of the public health, safety and welfare. If a dangerous dog is returned, the owner must provide proof of spaying or neutering within ten days to the animal control officer or the dangerous dog will be seized and destroyed. (Ord. 1709 § 1 (part), 1999)

Section 6.04.250 Public nuisances.

A. It is unlawful for any owner to allow his animal to become a public nuisance.

1. Any animal shall be determined a public nuisance when it engages in activities that disturb the peace of any neighborhood.

2. Any animal that damages any property other than its owner's.

3. Any animal that causes unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facility.

4. Any animal that is restrained in a manner which allows that animal to reach onto property that is not owned by the animal's owner.

5. Any animal that makes or causes noises audible within a building or adjacent property and of sufficient volume so as to disturb the quiet enjoyment of the occupants thereof.

B. Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by such dog on any public property or on private property without the consent of the owner or person in lawful possession of said property. For the purpose of this section, such dog fecal matter shall be immediately removed by placing said matter in a bag, wrapper or other container and thereafter disposing of it by depositing said matter in a trash receptacle.

No person owning, possessing, harboring or having the care, charge, control or custody of any dog, cat or other animal shall knowingly permit any waste matter from the animal to collect and remain on the owner's or custodian's property, or the property of others, so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property or to the property of others.

This section shall not apply to a person who has a physical handicap which would prevent the person from complying with the requirements of this section. (Ord. 1709 § 1 (part), 1999)

Section 6.04.260 Dogs on school grounds prohibited.

It is unlawful for any owner or custodian to permit his dog to be on any school grounds on any day school is in session or on any public recreation area where organized activity is being conducted, unless such dog is controlled by a leash or similar device. (Ord. 1709 § 1 (part), 1999)

Section 6.04.270 Farm animals prohibited.

No person shall keep, raise, maintain, or have in his possession any live cows, goats, sheep or other farm animals within the corporate limits of the city other than a licensed slaughterhouse. (Ord. 1709 § 1 (part), 1999)

Section 6.04.280 Violation--Penalty.

Any violation of this chapter shall be punishable as a municipal infraction. A fine of fifty

dollars (\$50.00) may be imposed for each violation of this chapter. A fine of one hundred dollars (\$100.00) may be imposed for a second violation of this chapter. Each day a violation continues shall be deemed a separate municipal infraction. (Ord. 1709 § 1 (part), 1999)

Section 6.04.290 Applicability and enforcement.

The city's animal control officer shall enforce the provisions of this chapter. He shall have authority to issue citations for municipal infractions pursuant to Chapter 1.16.

Nothing herein shall divest the city's animal control officer of his right to bring criminal charges, under Maryland state law, upon the swearing of a complaint. Moreover, the prosecution of a criminal complaint shall not estop a municipal infraction issued hereunder. (Ord. 1709 § 1 (part), 1999)

Section 6.04.300 Invalidity.

In the event that any portion of this chapter is held to be invalid, such invalidity shall not affect the other valid portions of this chapter. (Ord. 1709 § 1 (part), 1999)