

ORDINANCE NUMBER 21-0414-01

**AN ORDINANCE ADOPTING CHAPTER 12, ANIMAL CONTROL
TO ROCKVILLE'S LAND USE CODE**

WHEREAS, the Rockville Planning Commission has held a Public Hearing regarding the proposed Chapter 12, Animal Control; and

WHEREAS the Planning Commission has made recommendations to the Town Council for adoption of Chapter 12 of the Code; and

WHEREAS, the Town Council has reviewed the recommendations of the Planning Commission; and

WHEREAS, the Town Council desires to incorporate the proposed Chapter 12, Animal Control into the Rockville Land Use Code,

NOW, THEREFORE, the Rockville Town Council approves the adoption Chapter 12, Animal Control, into the Rockville Land Use Code as detailed in the attached copy.

THIS ORDINANCE shall go into effect immediately upon signature.

DATED THIS 14th day of April 2021.

TOWN OF ROCKVILLE

Pam Leach, Mayor

Jeff Ballard, Councilmember

Terry Bell, Councilmember

Megan Honer-Orton, Councilmember

David Firmage, Councilmember

ATTEST:

Town Clerk

The foregoing Ordinance No. _____ was posted at the cabinet on the north side of SR-9 near Dennett Lane, the foyer of the Rockville Town Office, and the cabinet on the north side of SR-9 near Bridge Road by _____ at approximately _____ AM/PM on _____.

Chapter 12: Animal Control

12.1 Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall mean:

AT LARGE: An animal under control by means of a) a leash or lead, b) under voice or signal command while on trails, c) a pen or other physical enclosure, or d) being kept within the real property limits of the owner. Any animal is considered at large when not controlled as outlined above.

DOMESTIC ANIMALS: Animals accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, lizards, or birds.

EXOTIC WILDLIFE: Animal species that in its natural life is wild and is not native to an area.

LIVESTOCK: Shall include goats, sheep, horses, ponies, cows, donkeys, fowl, buffalo, pigs, and the like.

IMPOUNDED: Having been received into the custody of Animal Control or into the custody of any authorized agent or representative of the Town.

NUISANCE: Repeatedly (more than once) violating the animal control Land Use Codes: animal at large; barking, or unsanitary conditions.

OWNER: When applied to the proprietorship of an animal, shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.

SHELTER: A premises or building maintained by a person authorized or employed by the Town for the confinement and care of animals seized either under the provisions of this chapter or otherwise.

UNLICENSED DOG: A dog for which the license for the current year has not been paid.

VICIOUS ANIMAL: An animal that attacks or bites a person without provocation or an animal that has a known propensity to attack or bite human beings or other animals.

12.2 No Exotic Wildlife

No protected or exotic wildlife shall be possessed or released in the Town of Rockville Code 23-13-4 and 5.

12.3 Shelter

The Town Council may contract with some humane person as animal control officer, with an adjoining municipality or with the county for the purpose of providing suitable premises and

facilities to be used by the Town as the shelter. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water, and protect the animals from injury, and provide medical care as needed.

12.4 Licensing Requirements

A. Dog Licensing

1. Time for Obtaining License; Effective Date:
 - a. It is unlawful for any person to keep, harbor or maintain any dog six (6) or more months old unless such dog has been registered and licensed in the manner herein provided.
 - b. The fee due and payable pursuant to this chapter shall be due December 31 and shall be delinquent after January 15 of each year. A penalty of fifty percent (50%) shall be added to delinquent payments.
 - c. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall register and license the dog within thirty (30) days after such acquisition or attaining the above stated age.
2. Registration; Expiration: Registration and licensing shall be made to the Town Clerk or such other person as the Town Council may authorize to receive such registrations. The owner shall state at the time of registration, the owner's name and address and the name, sex, breed, and color of each dog, as well as whether spayed or neutered, and proof of vaccination or immunity for the dog(s) kept at the address.
3. License Fees Enumerated: No dog license shall be issued by the Town unless the fee required herein is paid. The fee shall be in such amount as established by resolution of the Town Council. Should the Town elect to implement a permanent tag, those who elect to use the permanent tag would receive a 25% discount off the licensing fee.
4. Expiration: The license shall expire on December 31 of each year, regardless of the date issued.

B. Private Kennel Licensing

1. Time for Obtaining License; Effective Date:
 - a. It is unlawful to keep, harbor or maintain more than four (4) dogs over the age of six (6) months old unless a license to operate a kennel has been applied for and received.
 - b. The fee due and payable pursuant to this chapter shall be due December 31 and shall be delinquent after January 15 of each year. A penalty of fifty percent (50%) shall be added to delinquent payments.

2. **Kennel License Fee:** No kennel license shall be issued by the Town unless the fee required herein is paid. The fee shall be in such amount as established by resolution of the Town Council.
3. **Application:** Application for a kennel license shall be made to the Town Clerk.
4. **If dog breeding, training, or other animal related business is occurring,** a Home Occupation Permit must be obtained.
5. **Expiration:** The kennel license shall expire on December 31 of each year, regardless of the date issued.
6. **Conditions of Private Kennel License:**
 - a. No valid complaints filed with the town.
 - b. Sanitary conditions must be maintained on the parcel.
 - c. No significant, constant, or overnight noise from barking.
 - d. Maximum number of dogs is 9 over the age of 6 months old.

C. License Tag

1. **Issuance:** A dog license shall be issued by the Town Clerk. Upon payment of the license fee and proof of rabies vaccination, or proof of immunity as assessed by a veterinarian, the Town Clerk shall issue to the owner a license certificate and a tag number for each dog so licensed. Every dog owner shall see that the tag is immediately accessible at all times.
2. **Duplicate Tag:** In case a dog tag is lost or destroyed, a duplicate will be issued by the Town Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of half price for such duplicate as specified on the Fee Schedule.
3. **Tag Not Transferrable or Refundable:** Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the town before expiration of the license period.

D. Licensing Exemptions

Temporary Residents: The provisions of this section shall not apply to owners who are temporary guests in town for fewer than thirty (30) days, nor to dogs brought to Town for the purpose of staying in any commercial kennels.

12.5 Cruelty to Animals Prohibited (2015 Code § 76-9-301)

It shall be unlawful for any person to:

- A. **Treat in Cruel and Inhumane Manner:** Overdrive, overload, overgraze, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal or cause any of these acts to be done.

- B. Abandon: Abandon or turn out at large any animal.
- C. Kill or Poison: Willfully kill or poison any domestic animal or livestock, except in the case of euthanasia.
- D. Fail to Provide Care: Fail to provide any animal with necessary sustenance, drink, and protection from the elements, or cause any of these acts to be done.
- E. Fail to Maintain Place of Habitation: Maintain any place where animals are kept. Animal waste and other debris must be picked up and disposed of in such manner as to create no nuisance or hazard to health. When irrigating, caution must be taken to ensure that animal waste does not wash off the premises into any drainage of any kind, and/or onto sidewalks.

12.6 Officials May Access Private Property

Only if there is an immediate threat or exigent circumstances shall the Animal Control Officer be able to enter private property without threat of trespass or harm. Otherwise, if there is concern about the welfare of animals, any visit must be preceded with a written notice with a minimum of 36 hours' notice.

12.7 Dangerous or Vicious Animals

- A. Unlawful to Own and Possess: It shall be unlawful for any person to harbor any vicious animal within the town. Whenever a prosecution for this offense is commenced, the animal so involved may be confined per court order, while awaiting final decision of the court as to the disposition to be made of such animal.
- B. Disposition After Conviction of Offense: Upon the trial of any offense, the court may, upon conviction and in addition to the usual judgement of conviction, order the animal control officer or licensed vet to put the animal to death in a humane manner or may order such other disposition of the animal as will protect the inhabitants of the town.
- C. Vicious Animals Off "Home" Premises: If the court deems an animal is vicious, but the owner is allowed continued possession, the animal must be kept on a maximum six (6) foot long leash or shorter and muzzled when off their "home" premises.

12.8 Control of Rabies and Rabid Animals; Vaccinations

- A. Rabies Vaccinations Required: Every owner of any dog over the age of six (6) months within the town shall be required to have such animal vaccinated for rabies by a duly licensed veterinarian and obtain the certificate thereof, unless proof of immunity is provided by the veterinarian.
- B. Unvaccinated Animals Not Allowed in Public: It shall be unlawful for the owner of any dog or other animal of a species subject to rabies to allow or permit such animal to be or go upon any sidewalk, street, alley, public place or square within the town unless and until that animal has a current rabies vaccination, or proof of immunity certificate.

- C. Reporting of Rabid Animals: Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the animal control officer, the town clerk, or any other person of authority. The animal control officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal. (1981 Code § 26-6-11)
- D. Biting Animal Quarantined: Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person or other animal to cause an abrasion of the skin, shall be placed in confinement under observation of a veterinary hospital, the town shelter, or quarantined at home unless owner can provide certificate showing the vaccinations are current or proof of immunity. Such animal shall not be killed or released until at least fourteen (14) days after the biting or injury has occurred to determine whether the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.
- F. Bitten Animal Quarantined: Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the animal control officer for a period of one hundred twenty (120) days or destroyed.

12.9 Animals at Large

No animal, including, but not limited to, cattle, horses, mules, sheep, goat, or dog, shall be allowed to run at large or to be picketed or staked out upon any street, sidewalk, or other public place within the limits of the town, and all such animals so found may be impounded. Any person may drive cows, horses, mules, or other animals from outside the town limits to any enclosure or from any enclosure in the town to a place outside the town or from one enclosure to another within limits of the town. An exception can be made if the animal is tied safely for a few minutes.

12.10 Dogs at Large; Nuisance Declared

- A. Unlawful Acts: It shall be unlawful:
 - 1. for the owner or keeper of any dog to permit such dog to run at large.
 - 2. for the owner of a dog to let their dog go on private property without permission of the owner of that property.
- B. Violation Regardless of Precautions: The owner of any dog running at large shall be deemed in violation, regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large regardless of whether such owner or person know that the dog is running at large.
- C. Declared Nuisance: Any dog found running at large more than three times within six months is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be impounded as provided in this chapter or as declared by the Complaint Discernment Committee.

12.11 Prohibited Acts and Conditions

- A. Disposition of Dead Animals; Violation: The owner of any dead animal shall remove or bury the carcass of such animal within twenty-four (24) hours after its death. No horse, cow, donkey, or other animal shall be buried within 100 yards from wells, streams, and other water sources.
- B. Diseased Animals: It is a class C misdemeanor for any person to bring into the town for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease, or which has been exposed to or which is liable to carry infection from a communicable disease.
- C. Diseased Animals for Human Consumption: It is a class C misdemeanor, for any person to bring into the town for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.
- E. Unlawful to Harbor Stray Dogs: It shall be unlawful for any person to harbor or keep within the town any lost or stray dog without notifying the animal control officer, who shall determine whether it should be fostered or impounded. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the Town Clerk or animal control officer. If there shall be attached to such dog a license tag for the then current calendar year, the Town Office or Animal Control shall notify the person to whom such license was issued, at the address given on the license.

12.12 Impounding

- A. Duty of Official to Impound: It shall be the duty of every police officer or other designated official to apprehend any animal found running at large, may impound such animal in the shelter or other suitable place at their discretion. The animal control officer, or some other designated official, upon receiving any such animal, shall make a complete registry, entering the species, breed, color, and sex of such animal and whether licensed. Whether or not the animal control officer impounds a licensed animal, he shall record the name and address of the owner and number of the license.,
- B. Interference with Impounding Prohibited: It shall be unlawful for any person to hinder, delay, interfere with or obstruct the animal control officer or any of his assistants while engaging in capturing, securing, or taking to the pound any animal or animals liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any pound or ambulance, wagon or other vehicle used for the collecting or conveying of animals to the pound.
- C. Records Maintained By Animal Control Officer: The animal control officer shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed or adopted, the name of the person by whom redeemed, reclaimed or adopted, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or adoption

thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or adoption of such animal.

- D. Redemption of Impounded Animals: Any licensed or unlicensed animal impounded may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the animal control officer or person having charge of said pound, a certificate of registry with the town, showing that the license imposed by this chapter has been paid for such animal and upon paying the person in charge of the pound any impounding fee in such amount as established by resolution of the town council for each and every day such animal shall have been impounded. All impounded animals not redeemed within a reasonable time shall be delivered to a no kill shelter or rescue organization.
- E. Impound Fees as Designated on Schedule: Refer to the Fee Schedule for Impound Fees.

12.13 Leash Restrictions; Off Leash Areas and Restrictions

- A. Dogs must be controlled by a leash not to exceed six feet (6') in length in the following areas:
 - 1. The entire length of Main Street (SR-9), including sidewalks and pavement.
 - 2. At any public event, festival or gathering.
 - 3. The Town Park if occupied by another individual or group.
 - 4. All paved streets throughout town.
 - 5. Any other areas specifically designated by signage to require dogs to be on a leash.
- B. Dogs shall be permitted to run off leash:
 - 1. In the Town Park, if not occupied by another individual or group.
 - 2. On trails, including all unpaved streets in town.
 - 3. At the river.
- C. The owner of a dog off leash must:
 - 1. Carry a leash sufficient to bring the dog under effective control if the dog behaves in a manner that disturbs any person or animal.
 - 2. Remain in effective voice or signal control of the dog and within constant sight of the dog.
 - 3. Not allow the dog to rush at, threaten or attack any person or animal.
 - 4. Not allow the dog to obstruct or interfere with any person or motor vehicle on public property.
 - 5. Obey control signs erected to indicate dog off and on leash areas.
 - 6. Not allow the dog to damage or disturb any vegetation, habitat, or native wildlife.
 - 7. Not allow the dog to enter private property.