

Animal Control and Anti-Cruelty Laws

Cruelty to Animals (Montgomery County Code, Sec. 5-201)

Any person who (1) overdrives, overloads, deprives of necessary sustenance, tortures, torments, or cruelly beats; or (2) causes, procures, or authorizes such acts; or (3) having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the animal with nutritious feed in sufficient quantity, necessary veterinary care, proper drink, air, space shelter or protection from the weather; or (4) uses or permits to be used any bird, fowl, or cock for the purposes of fighting with any other animal, which is commonly known as cockfighting, is guilty of cruelty.

Any person who (1) intentionally mutilates or cruelly kills an animal, or causes, procures, or authorizes the cruel killing or intentional mutilation of an animal; or (2) uses or permits a dog to be used in or arranges or conducts a dogfight is guilty of cruelty.

Customary and normal veterinary and agricultural husbandry practices including but not limited to dehorning, castration, docking tails and limit feeding, are not covered by the provisions of this section. In the case of activities in which physical pain may be unavoidably caused to animals, such as food processing, pest elimination, animal training, and hunting, cruelty shall mean a failure to employ the most humane method reasonably available.

The Division recommends that all dogs be kept inside as household pets, but owners who choose to keep their dogs outside must meet certain standards of care.

- **Penalty for Violation: \$500. Criminal charges may also be filed, which carry a penalty of up to \$1,000, up to 3 Years in jail, or both.**

At Large

Any dog is at large if it is outside the owner's premises and not leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission, or is participating in an approved activity.

Any other animal (i.e., cat or livestock animal) is at large if it is outside the owner's premises and not leashed or immediately responsive to verbal or non-verbal direction.

The common area of a homeowner's association, condominium or cooperative is not the owner's premises.

- **Penalty for Violation: \$100 for first offense, \$500 for each subsequent violation.**

Unwanted Contact

The pet owner must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping.

- **Penalty for Violation: \$500**

Public Disposal of Animals

An owner must not sell trade or give a domestic animal to another person at a place open to the public, except a business licensed to sell animals under Section 5-404.

- **Penalty for Violation: \$500**

Dangerous Animals (Montgomery County Code, Sec. 5-202)

A person may not possess any wild animal or any animal that has been declared to be dangerous.

An animal is deemed to be dangerous if it has without provocation killed or inflicted severe injury on a person; if it poses a physical threat to humans because of specific training or demonstrated behavior; or if its bite is poisonous.

An animal is deemed to be potentially dangerous if it has inflicted a bite on a person either on public or private real property or has killed or inflicted severe injury to a domestic animal when not on the owner's property or has attacked without provocation. An animal which has been declared to be potentially dangerous and subsequently engages in one of these behaviors again will then be deemed to be dangerous. Animals which have been declared dangerous or potentially dangerous by other jurisdictions must be removed from Montgomery County unless the Division Director waives the requirement and imposes restrictions for the animal to remain in the County.

Animals which have been deemed to be dangerous must be kept confined in a secure enclosure to prevent direct contact with humans or other animals, and must be leashed and muzzled, and under the control of a person at least 18 years old who is physically able to restrain the animal any time it is removed from the owner's property. An animal which has been declared to be vicious or dangerous by the Director or the Animal Matters Hearing Board may have additional restrictions imposed.

- **Penalty for failing to keep a dangerous animal confined — \$500 – \$2500 and/or impoundment of the animal.**

Vaccination and licensing requirements (Montgomery County Code, Sec. 5-203(a)(9))

All dogs and cats 4 months of age or older must have a current rabies vaccination and a County license. The rabies tag provided by your veterinarian is NOT a County license — the license must be purchased separately.

- **Penalty for Violation of vaccination laws – \$500**
- **Penalty for Violation of licensing laws – \$100**

Animal Defecation (“pooper scooper” law) (Montgomery County Code, Sec. 5-203(a)(2))

An owner must not allow an animal to damage or defecate on property outside of the owner's property. An animal may defecate on public property or the common area of property in which the owner shares an interest if the owner immediately removes and disposes of the feces by a sanitary method approved by the Director. Feces may be picked up in a plastic bag. If this bag is placed inside another plastic bag, it may be put out for disposal in your normal household trash.

- **Penalty for Violation – \$100**

Animal Trespass (Montgomery County Code, Sec. 5-203(a)(3))

An owner must not allow an animal to enter private property without the property owner's permission.

- **Penalty for Violation – \$100**

Animal Noise (Montgomery County Code, Sec. 5-203(a)(6))

An owner must not allow an animal to cause noise that is loud enough and persistent enough to disturb another person's quiet enjoyment.

- **Penalty for Violation – \$100**

Dogs on School Grounds and Recreation Areas (Montgomery County Code, Sec. 5-203(a)(7))

An owner must not allow a dog to be on public school grounds on a day when school is in session, or in a public recreation area during an organized activity, unless the dog is controlled by a leash or similar restraining device. This does not apply if the dog is participating in an activity such as obedience or agility training if the owner or sponsor of the activity has permission from the agency controlling the school or recreation area.

- **Penalty for Violation – \$100**

Other Animal Public Nuisance Laws:

Female animal in heat (Montgomery County Code, Sec. 5-203(a)(4)) – An owner must not allow a female dog or cat in heat to be outside a building or other secure enclosure that prevents attraction of other animals.

Unsanitary conditions – (Montgomery County Code, Sec. 5-203(a)(5)) – An owner must not allow an animal to cause an unsanitary, dangerous or offensive condition because of the size or number of animals kept in a single location or because a facility is not appropriate for the animal or properly maintained.

Aviaries –(Montgomery County Code, Sec. 5-203(a)(8)) - An owner must not allow a domestic or exotic bird, including a homing pigeon, to be in an aviary within 100 feet of any structure used for human habitation or work. This does not apply to a bird inside the owner's dwelling, in a pet shop, in an agricultural area, or in a market for less than 24 hours for sale for human consumption.

- **Penalty for Violation – \$100**

Contact Us: Montgomery County Animal Services and Adoption Center
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