

ORDINANCE NO. O-6-11

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE, ENTITLED, "ANIMALS AND FOWL," ARTICLE I, ENTITLED, "IN GENERAL," § 4-7 ENTITLED, "REGULATIONS FOR KEEPING OF PIGEONS AND OTHER DOMESTIC FOWL," § 4-8 ENTITLED, "LICENSING REGULATIONS," ARTICLE III, ENTITLED, "PET SHOPS," § 4-81 ENTITLED, "LICENSING, ISSUANCE; RENEWAL; REVOCATION; APPEALS," SO AS TO BRING THE CODE INTO COMPLIANCE WITH STATE REGULATIONS AND ADMINISTRATIVE PRACTICES OF THE ANIMAL CONTROL DIVISION OF GAITHERSBURG

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that Chapter 4 of the City Code, entitled, "Animals and Fowl," is hereby amended to read as follows:

Chapter 4

ANIMALS AND FOWL

ARTICLE I. IN GENERAL

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Sec. 4-7. - Regulations for keeping of pigeons and other domestic fowl.

(a) Fowl should be kept in a secure pen or enclosure that is at least thirty (30) feet from any inhabited dwelling other than the residence of the person keeping the fowl, and the enclosure shall be at least five (5) feet from any adjoining property lines.

(b) Houses shall be dry, well ventilated and with windows placed to admit sunlight. It shall be kept whitewashed within and shall be cleaned at least once a week between May 1 and November 1 of each year, and more often if necessary. Drinking containers shall be kept clean and supplied at all times with clean water.

(c) Manure and droppings shall be removed from pens, enclosures, shelter, etc. at least once each day and be disposed of in such manner to prevent unsanitary conditions and the cause of a nuisance such as odor or unsightly matter.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

~~(e)~~(d) It shall be unlawful for any person to keep more than six (6) fowl at any residential location within the city unless the enclosure for the fowl is two hundred (200) feet from any inhabited dwelling other than the residence of the person keeping the fowl.

Sec. 4-8. Licensing regulations.

(a) Every person who resides within the city and who owns, harbors or keeps a dog or cat four (4) months of age or older within his custody in the city shall at all times have for such dog or cat a current City of Gaithersburg license tag, which shall be worn by the dog or cat, as provided hereinafter in subsection (c) of this section. Such license shall be obtained from a person designated by the city manager to issue such license. License fees shall be set by resolution of the city council and may vary, depending upon whether the dog or cat is neutered or spayed. Before a license is issued, the owner shall produce satisfactory evidence that the dog or cat has been vaccinated against rabies. The city council may establish various requirements and fees for dog and cat licenses. ~~The requirements of a license must not exceed the expiration of the rabies vaccination certificate submitted to obtain the license. A pet license shall expire when a rabies vaccination certification issued under § 18-319(a) of the Health-General Article of the State of Maryland Annotated Code expires.~~ A dog or cat license shall become invalid with the transfer of the dog or cat to a new owner. It shall be unlawful to transfer a license tag from one dog or cat to another, or to deface the tag in any manner. No fee shall be required for persons legally blind and/or deaf and whose dog serves the purpose of aiding their owner.

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ARTICLE III. PET SHOPS AND COMMERCIAL KENNELS

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Sec. 4-81. Licensing, issuance; renewal; revocation; appeals.

(a) It shall be unlawful for any person, association, corporation or entity to operate, establish or maintain a pet shop or commercial kennel, either independently or as part of another commercial enterprise, without first obtaining an annual license therefore from the animal control officer. No license shall be required to operate a pet supply store or that portion of a business premises not operating as a pet shop. Before any license or renewal thereof shall be issued, an application therefore shall be made in such form as shall be prescribed by the city manager or his designee, and shall be accompanied by a license fee to be fixed from time to time by the city council. ~~In addition, any license application or renewal thereof shall be accompanied by a cash or corporate bond, letter of credit or other security instrument to the city in the amount of one thousand dollars (\$1,000.00), which shall be maintained in that amount throughout the license period to ensure payment of~~

~~veterinary or other care for animals ordered by the animal control officer.~~ Prior to the issuance of any license or renewal thereof under this article, the animal control officer shall conduct an inspection or survey of the pet shop or commercial kennel to determine compliance with this article and shall not issue or renew a license without full compliance herewith. Licenses issued under this article shall expire one year from the date of issuance, unless earlier suspended or revoked, as provided herein. Each license issued under this article shall be prominently displayed at all times in the establishment for which it is issued. A license shall only be issued to a natural person(s) and upon such conditions as may be imposed by the animal control officer. A licensee shall be responsible for all actions and conduct of any employee or agent of licensee, and any violation of this article by an employee or agent shall be deemed to be the actions and conduct of the licensee.

(b) Each employee, including managing employees of a pet shop or commercial kennel, shall receive within fifteen (15) days of their employment at a pet shop or commercial kennel, training of not less than one and one-half (1½) hours in each of the following areas:

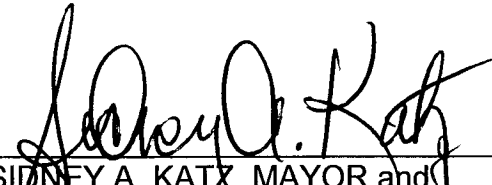
- (1) The provisions and requirements of Chapter 4 of the City Code;
- (2) The proper detection of illness or disease in pet shop or commercial kennel animals and the course of action to take upon such detection of illness or disease.

The animal control officer may, in consultation with a veterinarian, shall develop an appropriate examination to be administered by the manager or managing employee of the pet shop or commercial kennel. Upon completion of training, and not later than seven (7) days thereafter, the employee shall successfully complete an examination on such training prior to continuing employment within the pet shop or commercial kennel. The animal control officer, may from time to time, orally examine any employee to determine the adequacy of the employee's knowledge in the areas specified above and order additional training when he deems it necessary to protect the health and safety of the animals. At all times when a pet shop or commercial kennel is open for business, an employee who has successfully completed the required training shall be on the premises.

(c) The holder of any expiring license under this article, desiring a new annual license to be effective on the expiration of the existing license, shall, ~~not less than ten (10), nor more than thirty (30) days before the expiration of the existing license,~~ file an written application for renewal together with the annual fee. The animal control officer shall conduct an inspection or survey prior to the issuance of the license, and shall not issue a renewal license without full compliance with the requirements of this article.

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ADOPTED this 3rd day of October, 2011, by the City Council of Gaithersburg, Maryland.



SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 3rd day of October, 2011. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 3rd day of October, 2011.



SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 3rd day of October, 2011, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 3rd day of October, 2011. This Ordinance will become effective on the 24th day of October, 2011.



ANGEL L. JONES, City Manager