

Resolution No. 14-1340  
Introduced: June 25, 2002  
Adopted: June 25, 2002

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

**SUBJECT:** Approval of Executive Regulation 5-01, Anti-Cruelty Conditions for Dogs;  
Animal Services Division (Department of Police)

**Background**

1. On April 11, 2002, the County Council received Executive Regulation 5-01, Anti-Cruelty Conditions for Dogs; Animal Services Division (Department of Police).
2. The Council must review the regulation under method (2) of Section 2A-15 of the County Code.
3. Under method (2), if the Council does not approve or disapprove a regulation with 60 calendar days after the Council receives the regulation, the regulation automatically takes effect.

**Action**

*The County Council for Montgomery County, Maryland approves the following resolution.*

Executive Regulation 5-01, Anti-Cruelty Conditions for Dogs; Animal Services Division (Department of Police), is approved.

*This is a correct copy of Council action.*

  
Mary A. Edgar, CMC, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> ANTI-CRUELTY CONDITIONS FOR DOGS	<b>Number</b> 5-01
<b>Originating Department</b> POLICE, ANIMAL SERVICES DIVISION	<b>Effective Date</b> June 25, 2002

Montgomery County Regulation on:

ANTI-CRUELTY CONDITIONS FOR DOGS  
ANIMAL SERVICES DIVISION

Issued by: County Executive  
Regulation No. 5-01

Authority: Code Section 5-201(b)  
Supersedes: No Previous Regulation  
Council Review: Method (2) under Code Section 5-103  
Register Vol. \_\_\_ No. \_\_\_

Comment Deadline:  
Effective Date: June 25, 2002

**SUMMARY:** County law 5-201(b) allows the establishment of regulations to interpret and implement State anti-cruelty laws in the County.

**ADDRESS:** Director, Animal Services Division  
14645 Rothgeb Drive  
Rockville, Maryland 20850

**STAFF CONTACT:** Captain Wayne M. Fryer, 240-773-5928

**BACKGROUND INFORMATION:** The proposed regulation interprets State anti-cruelty laws by regulating how dogs are to be transported in open bed vehicles, the conditions under which a dog may be tethered, and what constitutes adequate shelter or protection from the weather for dogs.



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<b>Subject</b> ANTI-CRUELTY CONDITIONS FOR DOGS	<b>Number</b> 5-01
<b>Originating Department</b> POLICE, ANIMAL SERVICES DIVISION	<b>Effective Date</b> June 25, 2002

**1.0 TETHERING OF DOGS.** The following conditions for the tethering of dogs are adopted under Section 5-201(b); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended, and interpret State anti-cruelty provisions at Maryland Code, Article 27, Section 59(a), 2000, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct, Chapter 5, Animal Control; Montgomery County Code, 1999, as amended.

**I. Definitions.**

- A.** Director means the Director of the Animal Services Division or designee.
- B.** Sanitary means sanitary as defined in § 5-101 of the Montgomery County Code (1994), as amended.
- C.** Tether means attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk a dog.

**II. Prohibited Conduct.** A person must not tether a dog under circumstances that endanger its health, safety, or well being, including:

- A.** tethering a dog by any means other than a harness;
- B.** tethering a dog between the hours of ten p.m. and six a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane;
- C.** unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer;
- D.** using a tether that weighs more than 1/8 of the dog's body weight;
- E.** using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
- F.** tethering that unreasonably limits a dog's movement;



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- G. tethering under conditions where the dog or tether can become entangled on the tether or some other object;
  - H. tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
  - I. tethering in unsafe or unsanitary conditions;
  - J. tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or
  - K. tethering that causes injury, stress, or demonstrable socialization problems.
- III. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly, tethered.
- IV. Exception. Nothing in this regulation prohibits:
- A. a regimen of restraint that the Director has approved for a particular training or working dog purpose; or
  - B. the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.
- V. This regulation establishes minimum common requirements for tethering a dog humanely. Notwithstanding any other provision of this regulation, the particular circumstances or conditions of a dog otherwise tethered according to the requirements of this regulation are sufficient evidence of cruelty to constitute a violation of State or County law.

2.0 TRANSPORTING DOGS. The following conditions for transporting of dogs are adopted under Section 5-201(b); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended, and interpret State anti-cruelty provisions at Maryland Code, Article 27; Section 59(a), 2000, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code 1999, as amended.

A. Transporting Dogs in Open-Bed Vehicles

Dogs which are transported on or in the back of trucks or other open-bed vehicles must either be cross-tethered or confined in a suitable cage made of wood, wire or plastic to prevent them from departing the vehicle while it is in motion. The cage must be anchored or tethered to prevent movement while the vehicle is in motion.



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3.0 SHELTER OR PROTECTION FROM THE WEATHER FOR OUTDOOR DOGS. The following conditions which define shelter or protection from the weather for outdoor dogs are adopted under Section 5-201 (b); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended, and interpret State anti-cruelty provisions at Maryland Code, Article 27, Section 59 (a), 2000, as amended and applied in Montgomery County pursuant to Section 5-201 (a); Article II - Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended.

- I. Dog houses are considered shelter or protection from the weather provided the dog house:
  - A. is constructed of solid wood, fiberglass or other weather-resistant material (excluding metal);
  - B. is at least 2" off the ground, with a solid, level floor ;
  - C. does not contain cracks or openings other than the entrance;
  - D. has a protected entrance or offset to act as a windbreak with a flexible flap made of wind-proof material when temperatures are below 45 degrees;
  - E. has an overhang on the roof;
  - F. contains non-absorbent bedding such as wood chips or straw; and
  - G. is sufficiently large that the dog is able to stand up and turn around while inside but is sized to all the dog to warm the interior of the structure and retain his or her body heat.
- II. Shade must be available to outdoor dogs at all times from sources other than the dog house, whether the shade is natural or manmade.
- III. Garages, sheds, screened or enclosed porches and alcoves may be considered shelter or protection from the weather, provided that:
  - A. during spring and summer, the structure is ventilated so as to provide movement of air;
  - B. in a heated structure during fall and winter, an area must be provided for the dog that contains bedding (blankets, wood chips, etc.) sufficient to keep the pet insulated from the floor of the structure; or
  - C. in an unheated structure during fall and winter, an enclosure must be provided consisting of four walls and a top (which may also be an igloo-type house), and is sufficiently large that the dog is able to stand up and turn around while inside; said enclosure is for the purpose of retaining the body heat of the dog; bedding (blankets, wood chips, etc.) must also be provided.



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- IV. Any time that a dog is left outside, tethered or not, and the owner is absent from the property, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the dog, and if tethered, the tether must be positioned so the dog may enter the structure easily.

Approved as to Form and Legality  
by the Office of the County Attorney

By

Date

3-7-02

County Executive

Douglas M. Duncan