

Bill No. 23-17
Concerning: Animal Control –
Performance Animal - Violations
Revised: 12/12/2017 Draft No. 11
Introduced: June 27, 2017
Enacted: December 12, 2017
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Rice and Leventhal
Co-Sponsors: Councilmembers Katz, Navarro, Riemer, Elrich, Hucker and Council President
Berliner

AN ACT to:

- (1) Define ~~[[the term “exhibit”]]~~ certain terms;
- (2) ~~[[Define the term performance animal;~~
- (3)]] Prohibit the exhibition of ~~[[performance]]~~ wild animals in a traveling animal act;
- ~~[[4)]] (3) Authorize the Animal Control Division to enforce the prohibited act; and~~
- ~~[[5)]] (4) Generally amend the provisions concerning animal cruelty.~~

By amending

Montgomery County Code
Chapter 5, Animal Control
Sections 5-101, 5-102, and 5-201

By adding

Chapter 5, Animal Control
Section 5-204

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

The County Council for Montgomery County, Maryland approves the following Act:

28 (9) artiodactyla (such as hippos, giraffes, camels, etc.) – all species
29 except domestic cattle, swine, sheep, or goats;

30 (10) perissodactyla (such as zebras, rhinos, and tapirs) – all species except
31 domestic horses, donkeys, or mules;

32 (11) struthioniformes (such as ostriches) – all species;

33 (12) casuariiformes (such as emus) – all species;

34 (13) Elasmobranchii (including nurse sharks and lemon sharks); and

35 (14) Pinnipedia (including seals, sea lions, and walruses).]]

36 * * *

37 **5-102. Administration.**

38 * * *

39 (e) Enforcement of [state] animal control laws. To the extent allowed by
40 State law, the Division may enforce any State animal control law and
41 any law under this Chapter. A reference in a State animal control law to
42 the "appropriate authority" (or any similar term) in the County means
43 the Division and any other County agency designated by regulation
44 adopted under method (3).

45 * * *

46 **5-201. Cruelty.**

47 (a) Violation [[under State Laws]].

48 A person must not violate State laws against cruelty to animals, such as
49 by:

50 * * *

51 [[b) Additional violation: A person or business must not exhibit or
52 financially benefit from the exhibition of any performance animal in a
53 traveling animal act.]]

54 ~~[(c)]~~ (b) Regulations. The County Executive may issue regulations,
55 consistent with State law, to interpret and implement State anti-cruelty
56 laws in the County ~~[[to interpret and enforce this subsection]]~~.

57 * * *

58 **Sec. 5-202. Dangerous and potentially dangerous animals.**

59 (a) Violation.

60 (1) Except as provided in subsection ~~[(d)]~~(h) a person must not import, sell,
61 trade, buy, barter, breed, raise, keep, or possess:

62 (A) a wild animal; or

63 (B) any animal that the County or any other jurisdiction finds is
64 dangerous or a threat to public health or safety, including
65 types of animals excluded from State law prohibitions on
66 dangerous animals.

67 * * *

68 (h) ~~[[Exception]]~~ Exceptions.

69 (1) A dog serving a law enforcement agency is not a dangerous or potentially
70 dangerous animal or a guard dog under this Section.

71 (2) Animals in the possession of an animal sanctuary are not dangerous or
72 potentially dangerous animals if the animal sanctuary:

73 (A) is a nonprofit organization qualified under §501(c)(3) of the
74 Internal Revenue Code;

75 (B) operates a place of refuge for abused, neglected, impounded,
76 abandoned, orphaned, or displaced wildlife; and

77 (C) does not conduct commercial activity with respect to any animal
78 of which the organization is an owner.

79 (3) Wild animals do not include kangaroos, wallabies, or sugar gliders.

80 * * *

81 **5-204. Traveling Animal Act - Prohibited.**

82 (a) Definitions. In this section, the following words have the meanings
83 indicated:

84 (1) Exhibition means an act, circus, ride, or similar undertaking in
85 which a wild animal is required to perform tricks, give rides, or
86 participate as accompaniments for the entertainment, amusement,
87 or benefit of any live audience.

88 (2) Mobile or traveling housing facility means a transporting vehicle
89 such as a heavy commercial vehicle as defined by Section
90 59.1.4.2, trailer, or railway car, used to move or house wild
91 animals.

92 (3) Traveling animal act means the exhibition of a wild animal where
93 the animal is transported to, from, or between locations for
94 exhibition, in a mobile or traveling housing facility.

95 (4) Wild animal means all animals classified in the following orders
96 or families except the species noted:

97 (A) non-human primates and prosimians;

98 (B) felidae, except domestic cats;

99 (C) canidae, except domestic dogs;

100 (D) ursidae;

101 (E) marsupialia;

102 (F) proboscidea;

103 (G) crocodilia;

104 (H) artiodactyla, except domestic cattle, bison, American
105 buffalo, water buffalo, yak, zebu, gayal, bali cattle, suidae,
106 sheep, goats, llamas, or alpacas;

107 (I) perissodactyla, except domestic horses, ponies, donkeys, or
108 mules;

109 (J) elasmobranchii; and

110 (K) pinnipedia.

111 (b) Prohibition. A person or business must not charge guests or visitors a fee
112 to attend the exhibition of a wild animal in a traveling animal act.

113 (c) Any activity, including agriculture and farming uses defined by Chapter
114 59, that uses animals other than those identified as wild under Subsection
115 5-204(a)(4) is exempt from the prohibition in Subsection 5-204(b).

116 (d) Regulations. The County Executive may issue regulations under Method
117 2, to interpret and enforce this subsection.

118 *Approved:*

119

120

121 _____
Hans D. Riemer, President, County Council Date

122 *Approved:*

123

124

125 _____
Isiah Leggett, County Executive Date

126 *This is a correct copy of Council action.*

127

128

129 _____
Linda M. Lauer, Clerk of the Council Date