

ORDINANCE NO. O-7-10

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE
ENTITLED "ANIMALS AND FOWL"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that certain sections of Chapter 4 of the City Code, are hereby amended to read as follows:

Sec. 4-1. Definitions.

Fowl. Chickens, turkeys, pheasants, quail, guineas, geese, ducks, pigeons and other similar feathered animals regardless of age or sex which are kept on residential premises with the exception of roosters.

~~*Prohibited animal.* Any live monkey, alligator, crocodile, caiman, raccoon, skunk, fox, bear, sea mammal, or poisonous snake; any member of the cat family other than the domestic cat; any dangerous animal; any animal which, by virtue of its species, would require a standard of care and control greater than that required for customary or traditional household pets sold by licensed commercial pet shops; any domestic farm animal including, but not limited to, horses, cattle, pigs and sheep.~~

Prohibited animal. Any domestic farm animal including, but not limited to, horses, roosters, cattle, pigs, sheep, llamas, alpacas, goats or any other hoofed animal or miniatures of such animals. Any live monkey, alligator, crocodile, caiman, raccoon, skunk, fox, bear, sea mammal, or poisonous snake; any member of the cat family other than the domestic cat; any dangerous animal; any animal which, by virtue of its species, would require a standard of care and control greater than that required for customary or traditional household pets legally sold by a licensed commercial pet shops in Maryland, except a service animal is not prohibited provided that it does not constitute a threat to public health and safety;

Service animal. Any guide or signal dog or other animal that is trained to provide assistance to an individual with a disability.

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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.
- (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.
(Ord. No. O-15-00, 8-23-00)

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ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 4-53. Removal of dogs, and Prohibited animals, impoundment, humane destruction.

- (a) The city manager or designee shall have the authority to:
 - (1) Order the temporary or permanent removal of any dog from a city park or other public property if the dog poses a threat to persons or other animals by the display of unsafe, threatening or similar conduct or otherwise creates by its conduct any disruptive or unsafe condition; or
 - (2) Order the temporary or permanent removal of any dog from the city boundaries if such dog is deemed a nuisance by repeated and confirmed barking which disturbs the quiet enjoyment of a person or persons; or
 - (3) Order the temporary or permanent removal of any dog that without provocation has bitten or attempted to bite a person or other animal.
 - (4) Order the permanent removal of any other prohibited animal as defined by this Chapter.
- (b) The city manager may also order the impoundment and/or humane destruction of an animal if it is deemed necessary to protect public health and safety, or when it is found that such an animal must be destroyed for humane reasons.

(c) Appeals of decisions and orders pursuant to section 4-53(a)(2) and (a)(3) and (b) above shall be filed no later than thirty (30) days from the date of the decision or order directly to the Circuit Court for Montgomery County. Appeals of decisions and orders pursuant to section 4-53(a)(1) above shall be to the animal control board within the time prescribed in section 4-28 of this Code.

(Ord. No. O-15-00, 8-23-00)

Secs. 4-54--4-65. Reserved.

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ARTICLE IV. PROHIBITED ANIMALS

Sec. 4-101. Prohibited conduct.

No person shall sell, exchange, exhibit, giveaway, donate, board, harbor, foster, keep or permit to be kept on their premises as a pet, or as a source of eggs, or keep with the intent to slaughter as food or permit to be kept on his premises, a prohibited or dangerous animal, ~~whether gratuitously, for a fee or as a pet.~~ Prohibited or dangerous animals are those animals defined in section 4-1 of this chapter.

The provision of this article shall not apply to the following situations:

- (1) The keeping of such animals in zoos, licensed educational or medical institutions or any place, excluding pet shops, where such animals are kept as live specimens for the public to view, or for the purpose of instruction or study.
- (2) The keeping of such animal for exhibition by a circus, carnival, fair or any other commercial or non-profit variety show featuring animal acts for entertainment.
- (3) The keeping of such animals in a licensed veterinary hospital or animal shelter.
- (4) The keeping of falcons, hawks or other raptors pursuant to a permit issued by an authorized federal or state agency.

(Ord. No. O-15-00, 8-23-00)

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ADOPTED this 19th day of April, 2010 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 19th day of April, 2010. APPROVED by the Mayor of the City of Gaithersburg, this 19th day of April, 2010.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the 19th day of April, 2010 and that the same was approved by the Mayor of the city of Gaithersburg on the 19th day of April, 2010. This ordinance will become effective on the 9th day of May, 2010.

Angel L. Jones, City Manager

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>