

## Chapter 89

### ANIMALS

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 7-9-1973 as Ord. No. 230 (Ch. 3 of the 1968 Code). Amendments noted where applicable.]

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#### ARTICLE I

##### Dog Control

[Amended 2-18-1985 by Ord. No. 280, approved 2-19-1985]

##### § 89-1. Definitions.

For the purpose of this Article, the terms used herein are defined as follows:

ANIMAL CONTROL AUTHORITY -- Any officer or agency, public or private, designated by the County Commissioners of Worcester County and/or the Mayor and Council of Pocomoke City as having the responsibility for the administration of any or all provisions of this Article.

AT LARGE -- A dog shall be deemed to be "at large" if off the premises of its owner and not under the immediate control of a person. No dog running "at large" by accident, with a person in pursuit thereof, shall be deemed as running "at large" within this definition.

OWNER -- Any person having a right of property in a dog or any person who keeps or harbors a dog or has it in his or her care or permits it to remain on or about the premises occupied by or controlled by him or her.

PUBLIC NUISANCE -- That action or combination of actions which serves to disturb, annoy, endanger or offend the public in general and is unreasonable, unwarranted or unlawful and which interferes with the enjoyment of life and property. For the purpose of this Article, by way of explanation, without limitation, the following types of actions may constitute a "public nuisance":

- A. The chasing of automobiles, other motor vehicles, mopeds, bicycles or persons.
- B. The destruction of flora or fauna, be it flower beds, livestock or other.
- C. Running in packs.
- D. Barking excessively.
- E. Biting, clawing or otherwise injuring persons.
- F. Any other type of activity which is found to be dangerous, annoying or disturbing to persons or property.

**§ 89-2. Running at large; nuisances.**

No owner of a dog, whether such dog is licensed or unlicensed, shall permit such dog to run at large off the premises of the owner in the City of Pocomoke City, except when it is under the control of the owner or an authorized agent of the owner, nor shall such owner allow a dog to engage in the actions which constitute a public nuisance, as herein defined.

**§ 89-3. Registration.**

All dogs which are kept, harbored or maintained by their owners in the City of Pocomoke City shall be registered in accordance with the Worcester County Dog Ordinance if over four (4) months of age. Such registration is required for the purpose of this Article to identify the dogs so kept, harbored or maintained in the city, and said registration is required under this Article regardless of whether or not such registration would be required under the provisions of the Worcester County Dog Ordinance. The provisions of this section shall not be intended to apply to dogs whose owners are visiting temporarily within the city or to dogs brought into the city for the purpose of participating in any dog show or to Seeing Eye dogs which are properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

**§ 89-4. Tag and collar.**

When the dog is registered in accordance with the provisions of §89-3, every owner shall be required to provide his or her dog or dogs with a collar to which the registration tag shall be affixed, and said owner shall have the responsibility to see to it that the collar and tag are constantly worn.

**§ 89-5. Complaints.**

Any person desiring to make a complaint by virtue of any violation of the terms of this Article shall notify the Animal Control Authority of said complaint, and the person making said complaint shall be provided with the proper form by the Animal Control Authority in order to make the complaint in writing<sup>1</sup>

**§ 89-6. Effect on county and state laws.**

The Mayor and Council of the City of Pocomoke City hereby state that this Article shall be construed in addition to and not in lieu of any other ordinance, statute or regulation in Worcester County or the State of Maryland regarding the obligations of the dog owners in said jurisdictions.

**ARTICLE II  
Fowl and Other Animals**

**§ 89-7. Pigeons.**

No person, firm or corporation shall keep, maintain, house, harbor or possess any pigeons within the city.

**§ 89-8. Fowl. [Added 2-6-1989 by Ord. No. 292]**

No person, firm or corporation shall keep, maintain, house, harbor or possess any chickens, ducks, geese, turkeys or other fowl, except for exotic songbirds or parrots kept as house pets, within the city, except for those which are in vehicles being transited through the city or where otherwise permitted by Chapter 230, Zoning, or upon special permission of the Mayor and Council where it is determined that the keeping, maintaining, housing, harboring or possessing will not create a nuisance in the neighborhood. This section shall not apply to such fowl being transported to or from the Pocomoke City Fairgrounds or kept thereon for purposes of exhibition.

**§ 89-9. Livestock. [Added 2-6-1989 by Ord. No. 293]**

No person, firm or corporation shall keep, maintain, house, harbor or possess any hogs, cattle, horses, sheep, goats or other livestock within the city, except for those which are in vehicles being transited through the city or where otherwise permitted by Chapter 230, Zoning, or upon special permission by the Mayor and Council where it is determined that the keeping, maintaining, housing, harboring or possessing will not create a nuisance in the neighborhood. This section shall not apply to such livestock being transported to or from the Pocomoke City Fairgrounds or kept thereon for purposes of exhibition, training or racing.

**ARTICLE III**

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<sup>1</sup> Editor's Note: Original ~ 3-6, Violations and penalties, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For current penalty provisions see ~ 89-10.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

## **Enforcement**

### **§ 89-10. Violations and penalties<sup>4</sup>**

Any violation of this chapter shall constitute a municipal infraction, subject to fines as provided in the City Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time<sup>5</sup> Citations and proceedings involving municipal infractions shall be governed by Article 23A, § 3(b), of the Annotated Code of Maryland, 1957, and all amendments thereto.

### **§ 89-11. Animal Control Officer<sup>6</sup>**

The City Council may appoint an Animal Control Officer for the city and establish a salary therefor.

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<sup>4</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>5</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

<sup>6</sup>Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.