

ORDINANCE NO. 1158

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING CHAPTER 3 (ANIMALS AND FOWL) OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND (THE "CITY CODE") FOR THE PURPOSES OF CLARIFYING AND RESTATING PROVISIONS REGARDING THE REMOVAL AND DISPOSAL OF ANIMAL EXCREMENT; PROVIDING THAT, IN THE EVENT OF ANY CONFLICT BETWEEN THE PROVISIONS OF CHAPTER 78 OF THE DORCHESTER COUNTY CODE AND THE PROVISIONS OF CHAPTER 3 OF THE CITY CODE, CHAPTER 3 OF THE CITY CODE SHALL BE DEEMED TO CONTROL; PROVIDING THAT THE CAMBRIDGE POLICE DEPARTMENT IS AUTHORIZED AND EMPOWERED TO ENFORCE THE PROVISIONS OF CHAPTER 78 OF THE DORCHESTER COUNTY CODE AND CHAPTER 3 OF THE CITY CODE WITHIN THE CORPORATE LIMITS OF THE CITY; PROHIBITING DOGS AT LARGE; AND CLARIFYING AND RESTATING THE PENALTY FOR VIOLATING CHAPTER 3 OF THE CITY CODE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO DOGS AND OTHER ANIMALS IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-209(c)(3), the Commissioners of Cambridge are authorized and empowered to prevent and remove nuisances; and

WHEREAS, pursuant to §§ 3-27(20) and (38) of the Charter, the Commissioners of Cambridge are authorized and empowered to regulate the keeping of dogs in the City and to regulate and prohibit the running at large of dogs and other animals and to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of an ordinance passed under such authority; and

WHEREAS, the Commissioners of Cambridge are desirous of amending Chapter 3 (Animals and Fowl) of the Code of the City of Cambridge, Maryland (the "City Code") for the purposes of clarifying and restating provisions regarding the removal and disposal of animal excrement; providing that, in the event of any conflict between the provisions of Chapter 78 of the Dorchester County Code and Chapter 3 of the City Code, the City Code shall be deemed to control; providing that the Cambridge Police Department is authorized and empowered to enforce the provisions of Chapter 78 of the Dorchester County Code and Chapter 3 of the City Code within the corporate

limits of the City; prohibiting dogs at large; and clarifying the penalty for violating Chapter 3 of the City Code; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 3 (Animals and Fowl) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

~~ARTICLE I. IN GENERAL~~

Sec. 3-2.1. – Nuisances.

- (a) It shall be unlawful for any owner of any animal to fail to exercise proper care and control of his animals to prevent such animals from becoming a public nuisance.
- (b) Excessive, continuous or untimely barking or the molesting of passersby shall be deemed a nuisance. For the purpose of this section, such nuisance shall not be considered as such unless such act complained of shall be attested to by five residents in immediate vicinity of the area in which such animal is maintained.
- (c) The failure of an owner or keeper of an animal to prevent the animal from (i) entering the trash and/or garbage container(s) of a person, other than the owner or keeper of the animal, and removing any of the trash or garbage and depositing same on the property of another, or on public property, ~~or (ii) excreting on the private property of another~~, shall constitute the failure to exercise proper care and control of the animal. Therefore, the permitting of an animal to (i) enter the trash and/or garbage container(s) of another person and removing and depositing the trash or garbage on the property of another or on public property, ~~or (ii) deposit excrement on the private property of another~~ shall be deemed a nuisance.
- (d) ~~Upon the proper determination that a nuisance exists, the offending owner or keeper shall be deemed guilty of a municipal infraction, subject to a fine of \$100.00 during the existence of this offense.~~

Sec. 3-2.2 – Animal excrement removal.

- (a) Any person who owns, possesses, or controls an animal shall immediately remove any excrement deposited by the animal upon any street, gutter, sidewalk, public parking lot, public park, or any other public area, or on the private property of another person, by removing the excrement and carrying it away for proper disposal or placing the excrement in a bag, wrapper, or other container and depositing it in a waste receptacle.

(b) ~~A person is in compliance with this section if the person removes the excrement and carries it away for proper disposal, or if he places the excrement in a bag, wrapper or other container, and deposits it in a litter receptacle.~~

(e) This section shall not apply to a person who has a physical handicap which would prevent the person from complying with the requirements **of subsection (a) hereof** ~~of this section~~.

Sec. 3-3. — Penalty for violation of chapter.

~~Except where it is otherwise provided, any person, firm or corporation who shall violate any provision of this chapter shall be deemed guilty of an infraction, the fine for which shall be \$100.00, and every day that a violation continues after due notice has been served in conformity with the terms and provisions of Ann. Code of Md. Art. 23A, § 3(b), shall be deemed a separate offense.~~

~~ARTICLE II. — DOG CONTROL~~

~~Sec. 3-4. — Short title.~~

~~This article shall be known as and may be cited as the “City of Cambridge Dog Control Ordinance.”~~

Sec. 3-53. — Adoption.

Chapter 78, known and codified as the “Dorchester County Dog Control Ordinance,” inclusive of the Dorchester County Code, together with any and all of the animal care standards, as adopted and implemented by the County Council for Dorchester County, Maryland, as amended from time to time, be and the same are hereby adopted as part of the Code of Laws of the City of Cambridge, and enforceable within the corporate limits of the City of Cambridge; **provided, however, that in the event of any conflict between the provisions of Chapter 78 of the Dorchester County Code and this chapter, this chapter shall be deemed to control.**

Sec. 3-64. — Authorization.

The County Council of Dorchester County, Maryland; **and** its agents and employees, ~~be, and the same~~ are hereby authorized and empowered to enforce the provisions of Chapter 78 of the Dorchester County Code, inclusive of the animal care standards, within the corporate limits of the City of Cambridge; in the same manner and within the same authority as they would in Dorchester County. **The Cambridge Police Department is also authorized and empowered to enforce the provisions of Chapter 78 of the Dorchester County Code, inclusive of the animal care standards, and the provisions of this chapter within the corporate limits of the City of Cambridge.**

Sec. 3-7. — Application.

~~In the event any provision of the current laws and ordinances of the city is in conflict with, or is inconsistent with Chapter 78 of the Dorchester County Code with regard to animal control, then the terms and provisions of Chapter 78 shall prevail and apply.~~

Sec. 3-85. – Rules of construction; saving clause.

- (a) Nothing contained in this article is intended to conflict with state law; where this article and state law differ, the more stringent provision shall apply.
- (b) Should any article or section, or part of an article or section, or provision of this article be declared invalid or unconstitutional by a court of competent jurisdiction, this shall not affect the validity of the article as a whole, other than the part so declared to be invalid or unconstitutional.

Sec. 3-6. – Dogs at large.

It shall be unlawful for any person who owns, possesses, or controls a dog within the corporate limits of the city to permit the dog to be at large. A dog shall be deemed to be “at large” within the corporate limits of the city when it is on any property other than that of the person who owns, possesses, or controls it and is not leashed or under the control of such person and responsive to such person’s command.

Sec. 3-7. – Penalty for violation of chapter.

Except where it is otherwise provided, any person, firm, or corporation who shall violate any provision of this chapter shall be deemed guilty of an infraction, the fine for which shall be \$100.00, and every day that a violation continues after due notice has been served in conformity with the terms and provisions of Md. Code Ann., Local Gov’t § 6-101, et seq. shall be deemed a separate offense.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners

of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 26th day of August, 2019
Passed the 23rd day of September, 2019
Effective the 23rd day of September, 2019