

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: December 18, 2017  
Effective: March 19, 2018  
Sunset Date: None  
Ch. 36, Laws of Mont. Co. 2017

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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 and 5-202

By adding

Chapter 5, Animal Control  
Section 5-204

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

1           Sec. 1. Sections 5-101, 5-102, [and] 5-201 and 5-202 are amended and  
2 Section 5-204 is added as follows:

3 **5-101. Definitions.**

4 In this Chapter, the following words and phrases have the following meanings:

5   \*   \*   \*

6 [[Display: Any exhibit, fair, act, circus, ride, or similar undertaking in which a  
7 performance animal is required to perform tricks, give rides, or participate as  
8 accompaniments for the entertainment, amusement, or benefit of another.]]

9   \*   \*   \*

10 [[Exhibit: The display of a performance animal for the financial benefit of any person  
11 or business.]]

12   \*   \*   \*

13 [[Performance animal: The following animals are performance animals. The animals  
14 listed in parentheses are intended to act as examples and are not to be construed as an  
15 exhaustive list or limit the generality of each group of animals, unless otherwise  
16 specified:

- 17       (1) non-human primates and prosimians (such as chimpanzees, baboons,  
18           monkeys, etc.) – all species;
- 19       (2) felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.) –  
20           all species except domestic cats;
- 21       (3) canidae (such as wolves, coyotes, etc.) – all species except domestic  
22           dogs;
- 23       (4) ursidae (such as bears) – all species;
- 24       (5) marsupialia (such as kangaroos, etc.) – all species;
- 25       (6) proboscidae (such as elephants) – all species;
- 26       (7) crocodilia (such as crocodiles, alligators, etc.) – all species;
- 27       (8) squamata (all species of snakes only);

28 (9) artiodactyla (such as hippopotamuses, 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] 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 to attend the exhibition of a wild animal in a traveling animal act.

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

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

117

Approved:



12-13-2017

Hans D. Riemer, President, County Council

Date

Approved:



Dec 18, 2017

Isiah Leggett, County Executive

Date

*This is a correct copy of Council action.*



Dec. 19, 2017

Linda M. Lauer, Clerk of the Council

Date