

The National Agricultural
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States' Animal Cruelty Statutes
State of Maryland

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UNIVERSITY of ARKANSAS
SCHOOL of LAW

States' Animal Cruelty Statutes

STATE OF MARYLAND

The statutes and Constitution are current through all chapters of the 2010 Regular Session of the General Assembly, effective through June 1, 2010.

§ 10-601. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Animal

(b) "Animal" means a living creature except a human being.

Cruelty

(c)(1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

Humane society

(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

§ 10-602. Legislative intent

It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are:

- (1) privately owned;
- (2) strays;
- (3) domesticated;
- (4) feral;
- (5) farm animals;
- (6) corporately or institutionally owned; or
- (7) used in privately, locally, State, or federally funded scientific or medical activities.

§ 10-603. Application of §§ 10-601 through 10-608

Sections 10-601 through 10-608 of this subtitle do not apply to:

- (1) customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking, and limit feeding;

- (2) research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act;
- (3) an activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or
- (4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable

§ 10-604. Abuse or neglect of animal

Prohibited

- (a) A person may not:
 - (1) overdrive or overload an animal;
 - (2) deprive an animal of necessary sustenance;
 - (3) inflict unnecessary suffering or pain on an animal;
 - (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or
 - (5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

Penalty

- (b)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to Imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§ 10-605. Attending a dogfight or cockfight

Prohibited--Attending dogfights

- (a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

Prohibited--Attending cockfights

- (b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

Penalty

- (c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§ 10-606. Aggravated cruelty to animals--In general

Prohibited

- (a) A person may not:
 - (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;

- (2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or
- (3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

- (b)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§ 10-607. Aggravated cruelty to animals--Dogfights

Prohibited

- (a) A person may not:
 - (1) use or allow a dog to be used in a dogfight;
 - (2) arrange or conduct a dogfight;
 - (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or
 - (4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight.

Penalty

- (b)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§ 10-608. Aggravated cruelty to animals--Cockfights

Definitions

- (a)(1) In this section, "implement of cockfighting" means any implement or device intended or designed:
 - (i) to enhance the fighting ability of a fowl, cock, or other bird; or
 - (ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.
- (2) "Implement of cockfighting" includes:
 - (i) a gaff;
 - (ii) a slasher;
 - (iii) a postiza;
 - (iv) a sparring muff; and
 - (v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

Prohibited

- (b) A person may not:

- (1) use or allow the use of a fowl, cock, or other bird to fight with another animal;
- (2) possess, with the intent to unlawfully use, an implement of cockfighting;
- (3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;
- (4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or
- (5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

Penalty

- (c)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§ 10-609. Arrest by humane society officer

In general

- (a) Except as provided in subsections (b) and (c) of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

Calvert County

- (b) In Calvert County, if an officer of a humane society or an animal control officer appointed by the County Commissioners or the County Commissioners' designee sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

Baltimore County

- (c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

§ 10-610. Animal as prize

Scope of section

- (a) This section does not apply to a person giving away an animal:
 - (1) as an agricultural project;
 - (2) for conservation purposes; or
 - (3) that is intended for slaughter.

Prohibited

- (a) Without the approval of the Secretary of Agriculture, a person may not give away a live animal as:
 - (1) a prize for, or inducement to enter, a contest, game, or other competition;
 - (2) an inducement to enter a place of amusement; or
 - (3) an incentive to make a business agreement if the offer is to attract trade.

Penalty

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

§ 10-611. Killing of dog or cat--Prohibited means

Prohibited

(a) A person may not kill or allow a dog or cat to be killed by use of:
(1) a decompression chamber;
(2) carbon monoxide gas; or
(3) curariform drugs.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

§ 10-612. Abandoning domestic animal

Prohibited

(a) A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

§ 10-613. Sale of puppy or kitten

Scope of section

(a) This section does not apply to:
(1) a biomedical facility that is licensed by the United States Department of Agriculture; or
(2) an animal that is accompanied by a signed statement from a licensed veterinarian stating that the animal's dam is incapacitated for humane or medical reasons and cannot care for the animal.

Prohibited

(b)(1) Except as provided in paragraph (2) of this subsection, a person may not sell or distribute in the State or bring into the State for the purpose of sale or distribution a domestic dog or cat less than 8 weeks of age unless accompanied by its dam.
(2) A person may give an unaccompanied dog or cat to:

(i) an animal shelter or pound that is operated or supported by a government;
or

(ii) a humane society.

Penalty

(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(2) For purposes of humane disposal, a court may seize an animal brought into this State in violation of this section.

§ 10-614. Transfer or coloring of chick

"Chick" defined

(a) In this section, "chick" means a chicken, duckling, or other fowl under the age of 3 weeks.

Exception

(b) This section does not prohibit the sale or display of a chick in proper facilities by a breeder or store engaged in the business of selling chicks for commercial breeding and raising.

Prohibited

(c) A person may not:

(1) sell, offer for sale, barter, or give away a chick as a pet, toy, premium, or novelty; or

(2) color, dye, stain, or otherwise change the natural color of a chick.

Penalty

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25.

§ 10-615. Care of mistreated animal

Court-ordered removal

(a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal.

Seizure

(b)(1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(2)(i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Department of Health and Mental Hygiene, Center for Veterinary Public Health.

(ii) The Department of Health and Mental Hygiene shall:

1. conduct an investigation within 24 hours after receiving a complaint;
and

2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

Impounded animal

(c)(1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

- (i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or
- (ii) remove the animal if removal is necessary for the health of the animal.

(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

Notification to owner

(d)(1) A person who removes an animal under subsection (c) of this section shall notify the animal's owner or custodian of:

- (i) the removal; and
- (ii) any administrative remedies that may be available to the owner or custodian.

(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.

Stray

(e) An animal is considered a stray if:

- (1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or
- (2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.

Limitations

(f) This section does not allow:

- (1) entry into a private dwelling; or
- (2) removal of a farm animal without the prior recommendation of a veterinarian licensed in the State.

Local enforcement--Baltimore County

(g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

§ 10-616. Kennel inspection

Scope of section

(a) This section does not apply to premises:

- (1) where dogs are kept or bred solely for medical or related research or laboratory tests;
- (2) operated by a licensed and regularly practicing veterinarian; or

(3) where hunting dogs are housed, if the buying, selling, trading, or breeding is incidental to the main purposes of housing, keeping, and using dogs.

Authority to inspect

(b)(1) To determine if dogs are being treated inhumanely in violation of this subtitle or other law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, may inspect a premises:

- (i) where a person is engaged in the business of buying, selling, trading, or breeding dogs; or
- (ii) of a kennel where 25 or more dogs are kept.

(2) A person who inspects premises under paragraph (1) of this subsection shall give prior written notice of the time and date of the inspection to the owner or occupant of the premises.

Local enforcement

(c)(1) In Baltimore City, the Baltimore City Health Department shall enforce this section.

(2) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

§ 10-617. Disposal of domestic animal

"Animal control unit" defined

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

In general

(b) An animal control unit shall dispose of an unclaimed dog or cat only by:

- (1) placing the animal in a suitable home;
- (2) retaining the animal in the animal control unit; or
- (3) humanely destroying the animal.

Waiting period

(c) A domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, or other identification to ascertain the owner and:

- (1) 72 hours have elapsed after notice has been given to the owner;
- (2) if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;
- (3) the animal is seriously diseased or severely injured; or
- (4) the animal is under 3 months of age.

Liability of owner and new owner

(d)(1) An owner who retrieves an animal from an animal control unit shall pay all fees, costs, and expenses incurred by the animal control unit.

(2) The necessary expenses for food and attention given to an animal under this section may be collected from the owner, and the animal is not exempt from levy and sale on execution of a judgment for the expenses.

(3) A new owner with whom an animal is placed under subsection (b)(1) of this section may be charged an adoption fee.

Penalty

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

§ 10-618. Poisoning dog

Prohibited

(a) A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingest it.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

§ 10-619. Dangerous dog

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) "Dangerous dog" means a dog that:

(i) without provocation has killed or inflicted severe injury on a person; or this section to be a potentially dangerous dog and, after the determination is made:

1. bites a person;
2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or
3. attacks without provocation.

(3)(i) "Owner's real property" means real property owned or leased by the owner of a dog.

(ii) "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Exception

(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.

Determination of potentially dangerous dog

(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:

(1) finds that the dog:

(i) has inflicted a bite on a person while on public or private real property;

- (ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or
 - (iii) has attacked without provocation; and
- (2) notifies the dog owner in writing of the reasons for this determination.

Prohibited

(d) A dog owner may not:

- (1) leave a dangerous dog unattended on the owner's real property unless the dog is:
 - (i) confined indoors;
 - (ii) in a securely enclosed and locked pen; or
 - (iii) in another structure designed to restrain the dog; or
- (2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

Required notice

- (e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:
- (1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and
 - (2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

Penalty

- (f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

§ 10-620. Interference with race horse

Prohibited

- (a) A person may not:
- (1) willfully and maliciously interfere with, injure, destroy, or tamper with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina;
 - (2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina; or
 - (3) commit an act that tends to interfere with, injure, destroy, or tamper with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina.

Penalty

- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment of not less than 1 year and not exceeding 3 years.

§ 10-621. Import, offer, or transfer of dangerous animal

Scope of section

(a)(1) This section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) an exhibitor licensed under the federal Animal Welfare Act that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the specified in subsection (b) of this section in accordance with customary and normal veterinary practices; and

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State.

(2)(i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;

2. the number and type of animals being kept; and

3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

Prohibited

(b) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:

(1) fox, skunk, raccoon, or bear;

(2) caiman, alligator, or crocodile;

- (3) member of the cat family other than the domestic cat;
- (4) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;
- (5) member of the dog family other than the domestic dog;
- (6) hybrid of a member of the dog family and a domestic dog;
- (7) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or
- (8) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crocolidae.

Penalty

- (c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
 - (i) if an individual, a fine not exceeding \$1,000; or
 - (ii) if not an individual, a fine not exceeding \$10,000.
- (2) The provisions of this section may be enforced by:
 - (i) any State or local law enforcement officer; or
 - (ii) the local animal control authority for the jurisdiction where the violation occurs.

Seizure of animals

- (d)(1) An animal specified in subsection (b) of this section may be immediately seized if:
 - (i) there is probable cause to believe that the possession of the animal is in violation of this section; or
 - (ii) the animal poses a risk to public health or public safety.
- (2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:
 - (i) possession of the animal by the person is not a violation of this section; and
 - (ii) the return of the animal does not pose a risk to public health or public safety.
- (3)(i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:
 - 1. posting a copy of the notice at the place where the animal was seized;
 - 2. regular and certified mail, return receipt requested; or
 - 3. delivering the notice to a person residing on the property from which the animal was seized.
- (ii) The notice shall include:
 - 1. a description of the animal seized;
 - 2. the authority for and the purpose of the seizure;
 - 3. the time, place, and circumstances of the seizure;
 - 4. a contact person and telephone number;
 - 5. a statement that the person from whom the animal was seized may:
 - A. post security to prevent disposition of the animal; and

B. request a hearing concerning the seizure;

6. a statement that failure to post security or request a hearing within 10 days of the date of the notice will result in the disposition of the animal; and

7. a statement that, unless a court finds that the seizure of the animal was not justified, the actual costs of the care, keeping, and disposal of the animal are the responsibility of the person from whom the animal was seized.

(4)(i) Before a seizure under paragraph (1) of this subsection occurs, the person in possession of the animal to be seized may request that the animal remain in the person's physical custody for 30 days after the date the animal was to be seized.

(ii) During the 30 days provided in subparagraph (i) of this paragraph, the person shall take all necessary actions to comply with this section.

(iii) At any reasonable time during the 30-day period, the local animal control authority may inspect the premises where the animal is being kept.

(5)(i) If a person who retains possession of an animal under paragraph (4) of this subsection is not in compliance with this section after the 30-day period has expired, the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species.

(ii) The authority seizing an animal under this paragraph shall provide notice of the seizure in the same manner as provided in paragraph (3) of this subsection.

(6)(i) A person from whom an animal was seized may request a hearing in the District Court within 10 days of the seizure.

(ii) A hearing shall be held as soon as practicable to determine the validity of the seizure and the disposition of the animal.

(7)(i) Unless the court finds that the seizure of the animal was not justified by law, a person from whom the animal specified in subsection (b) of this section is seized is liable for all actual costs of care, keeping, and disposal of the animal.

(ii) The costs required under this paragraph shall be paid in full unless a mutually satisfactory agreement is made between the local animal control authority and the person claiming an interest in the animal.

(8)(i) If there is no request for a hearing within 10 days of the notice or if the court orders a permanent and final disposition of the animal, the local animal control authority may take steps to find long-term placement of the animal with another appropriate facility that is equipped for the continued care of the particular species of the animal.

(ii) If there is no entity that is suitable for the care of the animal, the animal may be euthanized. Local laws

(e) This section does not limit a county or municipality from enacting laws or adopting regulations that are more restrictive pertaining to any potentially dangerous animals, including those specified in subsection (b) of this section.

Death of owner

(f) If the owner of an animal specified in subsection (b) of this section dies without making over to one of the organizations specified in subsection (a)(1) of this section or

ethanized if no suitable location can be found in a reasonable amount of time.

§ 10-622. Injuring or trapping carrier pigeon

Prohibited--Killing or maiming

(a) A person may not shoot, kill, or maim a carrier pigeon.

Prohibited--Trapping or detaining

(b) A person may not entrap, catch, or detain a carrier pigeon that has:

- (1) the owner's name stamped on the carrier pigeon's wing or tail; or
- (2) a leg band that includes the owner's initials, name, or number.

Penalty

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10 for each violation.

§ 10-623. Dogs outside, unattended and restrained

(a)(1) In this section the following words have the meanings indicated.

- (2) "Collar" means a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog.
- (3) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

(b) A person may not leave a dog outside and unattended by use of a restraint:

- (1) that unreasonably limits the movement of the dog;
- (2) that uses a collar that:
 - (i) is made primarily of metal; or
 - (ii) is not at least as large as the circumference of the dog's neck plus 1 inch;
- (3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter;
- (4) in unsafe or unsanitary conditions; or
- (5) that causes injury to the dog.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.