

(PRE-FILED)

By: **Delegate Impallaria (By Request)**
Requested: October 9, 2003
Introduced and read first time: January 14, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government - Potentially Dangerous and Vicious Dogs -**
3 **Breed-Specific Regulation Prohibited**

4 FOR the purpose of prohibiting the governing body of a county from providing by local
5 law or ordinance for the regulation of potentially dangerous or vicious dogs in a
6 breed-specific manner; and generally relating to local governments regulating
7 potentially dangerous and vicious dogs.

8 BY repealing and reenacting, with amendments,
9 Article 24 - Political Subdivisions - Miscellaneous Provisions
10 Section 11-504(a) and (d)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 25 - County Commissioners
15 Section 3(ii) and 236A
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

21 11-504.

22 (a) (1) The sheriffs of the several counties, or any deputy authorized by him,
23 shall enforce the provisions of this subtitle. The sheriffs and their duly authorized
24 deputies may issue a summons to any person violating any provision of this subtitle.

25 (2) In Calvert County and Garrett County, the dog warden and his
26 deputies have the duties imposed by this subsection.

1 (3) [This] EXCEPT AS PROVIDED IN SUBSECTION (D)(2) OF THIS
2 SECTION, THIS section does not apply in Washington County.

3 (d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, THE county commissioners of the several counties shall have power in
5 their discretion to make from time to time all necessary rules and regulations for the
6 sale of dog licenses, the keeping of records of such licenses, and the convenient and
7 effective enforcement of the provisions of this subtitle. They are hereby authorized
8 and empowered to delegate by written contract the enforcement and administration
9 of the provisions of this subtitle to any organization, association of persons, or
10 municipal corporations in their counties; provided, however, that in any such
11 contract, the county commissioners shall reserve unto themselves a right of
12 cancellation thereof, such cancellation to be without previous notice or recourse if
13 done for a stated cause, or to be on thirty days' notice if without any stated cause.

14 (2) THE GOVERNING BODY OF A COUNTY MAY NOT PROVIDE BY LOCAL
15 LAW OR ORDINANCE FOR THE REGULATION OF POTENTIALLY DANGEROUS OR
16 VICIOUS DOGS IN A BREED-SPECIFIC MANNER.

17 **Article 25 - County Commissioners**

18 3.

19 (ii) [The] SUBJECT TO ARTICLE 24, § 11-504(D)(2) OF THE CODE, THE County
20 Commissioners of Queen Anne's County shall have the power to adopt, amend and to
21 enforce a comprehensive animal control ordinance.

22 236A.

23 [The] SUBJECT TO ARTICLE 24, § 11-504(D)(2) OF THE CODE, THE County
24 Commissioners for Washington County may adopt an animal control ordinance to:

25 (1) Create a quasi-judicial deliberative animal control authority for
26 Washington County to:

27 (i) Hold public hearings to decide citations, complaints, and other
28 controversies arising under the animal control ordinance, other than those filed with
29 the District Court of Maryland for Washington County, subject to the right of a party
30 to file a petition for judicial review in the Circuit Court for Washington County; and

31 (ii) Adopt rules and regulations for the governance of its hearings;

32 (2) Designate an appropriate private agency or department of county
33 government to:

34 (i) Enforce the provisions of the ordinance;

35 (ii) Maintain records regarding the licensing, impoundment, and
36 disposition of animals coming into the custody of the private agency or department of
37 county government; and

- 1 (iii) Enter into contracts or agreements to provide for the disposal of
- 2 animals;

- 3 (3) Provide for the designation of animal control shelters in Washington
- 4 County;

- 5 (4) Specify rules and regulations that may include:
- 6 (i) The licensing of dogs, kennels, and pet shops;
- 7 (ii) The control of rabid animals; and
- 8 (iii) The disposition of uncontrolled, vicious, and sick animals; and

- 9 (5) Provide penalties for a violation of the animal control ordinance.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2004.