
By: **Washington County Delegation**

Introduced and read first time: February 10, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County Animal Control Ordinance - Violations**

3 FOR the purpose of providing that a violation of the Washington County animal
4 control ordinance is a misdemeanor carrying certain penalties; authorizing an
5 animal control officer in Washington County to issue certain citations for certain
6 violations of the Washington County animal control ordinance; providing for the
7 contents of certain citations issued for a violation of the Washington County
8 animal control ordinance; providing for the legal rights of certain individuals
9 who receive certain citations for a violation of the Washington County animal
10 control ordinance; providing for certain penalties if certain fines are not paid by
11 a certain date; providing for the manner under which certain hearings are
12 conducted; providing that the Washington County Board of County
13 Commissioners may authorize certain individuals to prosecute certain violations
14 of the Washington County animal control ordinance; providing that if the
15 Washington County District Court makes certain findings, certain individuals
16 are liable for certain damages; defining a certain term; and generally relating to
17 violations of the Washington County animal control ordinance.

18 BY repealing and reenacting, with amendments,
19 Article 25 - County Commissioners
20 Section 236A
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2004 Supplement)

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

25 **Article 25 - County Commissioners**

26 236A.

27 (A) IN THIS SECTION, "ANIMAL CONTROL OFFICER" MEANS A COUNTY
28 EMPLOYEE OR A CONTRACT EMPLOYEE HIRED BY THE BOARD OF COUNTY
29 COMMISSIONERS OF WASHINGTON COUNTY WHO IS AUTHORIZED:

1 (1) TO PROVIDE ANIMAL CONTROL SERVICES; AND

2 (2) TO ISSUE CITATIONS FOR VIOLATIONS OF ANIMAL CONTROL
3 ORDINANCES IN WASHINGTON COUNTY.

4 (B) The County Commissioners for Washington County may adopt an animal
5 control ordinance to:

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

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

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

13 (2) Designate an appropriate private agency or department of county
14 government to:

15 (i) Enforce the provisions of the ordinance;

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

19 (iii) Enter into contracts or agreements to provide for the disposal of
20 animals;

21 (3) Provide for the designation of animal control shelters in Washington
22 County;

23 (4) Specify rules and regulations that may include:

24 (i) The licensing of dogs, kennels, and pet shops;

25 (ii) The control of rabid animals; and

26 (iii) The disposition of uncontrolled, vicious, and sick animals; and

27 (5) Provide [penalties for] THAT a violation of the animal control
28 ordinance IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT OF UP TO 30 DAYS OR
29 A FINE OF \$1,000, OR BOTH FOR EACH OFFENSE.

30 (C) (1) AN ANIMAL CONTROL OFFICER MAY DELIVER A CITATION TO A
31 PERSON BELIEVED TO BE COMMITTING A VIOLATION OF AN ANIMAL CONTROL
32 ORDINANCE.

33 (2) (I) THE ANIMAL CONTROL OFFICER SHALL KEEP A COPY OF THE
34 CITATION.

1 (II) THE CITATION SHALL BEAR A CERTIFICATION ATTESTING TO
2 THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

3 (D) THE CITATION SHALL CONTAIN:

4 (1) THE NAME AND ADDRESS OF THE PERSON CHARGED;

5 (2) THE NATURE OF THE VIOLATION;

6 (3) THE LOCATION AND TIME OF THE VIOLATION;

7 (4) THE AMOUNT OF THE FINE;

8 (5) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE
9 PAID; AND

10 (6) THE CITED PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE
11 VIOLATION.

12 (E) (1) A FINE NOT EXCEEDING \$1,000 MAY BE IMPOSED FOR EACH
13 VIOLATION.

14 (2) THE COUNTY COMMISSIONERS ALSO MAY:

15 (I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH
16 VIOLATION; AND

17 (II) ADOPT PROCEDURES FOR THE COLLECTION OF THE FINES.

18 (F) (1) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL
19 FOR THE OFFENSE BY FILING WITH THE ANIMAL CONTROL OFFICER A NOTICE OF
20 INTENTION TO STAND TRIAL.

21 (2) THE PERSON ELECTING TO STAND TRIAL SHALL GIVE NOTICE AT
22 LEAST 5 DAYS BEFORE THE DATE SET FORTH IN THE CITATION FOR THE PAYMENT OF
23 FINES.

24 (3) AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL, THE
25 ANIMAL CONTROL OFFICER SHALL FORWARD THE NOTICE TO THE DISTRICT COURT
26 HAVING VENUE, WITH A COPY OF THE CITATION.

27 (4) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT
28 COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF
29 THE TRIAL DATE.

30 (5) ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE
31 DISTRICT COURT FOR VIOLATIONS OF THIS TITLE SHALL BE REMITTED TO THE
32 COUNTY IN WHICH THE VIOLATION OCCURRED.

33 (G) (1) IF A PERSON WHO RECEIVES A CITATION FOR A VIOLATION FAILS TO
34 PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS

1 TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A FORMAL NOTICE OF THE
2 VIOLATION SHALL BE SENT TO THE OWNER'S LAST KNOWN ADDRESS.

3 (2) IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS AFTER THE
4 DATE THE FORMAL NOTICE OF VIOLATION IS MAILED, THE PERSON SHALL BE
5 SUBJECT TO AN ADDITIONAL FINE NOT EXCEEDING TWICE THE AMOUNT OF THE
6 ORIGINAL FINE.

7 (3) IF THE PERSON WHO RECEIVES THE CITATION DOES NOT PAY THE
8 CITATION BY THE 36TH DAY AFTER THE FORMAL NOTICE OF VIOLATION IS MAILED,
9 THE ANIMAL CONTROL OFFICER MAY REQUEST THE DISTRICT COURT TO
10 ADJUDICATE THE VIOLATION.

11 (4) AFTER THE ANIMAL CONTROL OFFICER REQUESTS ADJUDICATION,
12 THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE
13 DEFENDANT TO APPEAR.

14 (H) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF THIS
15 TITLE SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS
16 A MUNICIPAL INFRACTION UNDER ARTICLE 23A, § 3(B)(7) THROUGH (15) OF THE
17 ANNOTATED CODE OF MARYLAND.

18 (I) THE COUNTY COMMISSIONERS MAY AUTHORIZE THE COUNTY ATTORNEY,
19 THE STATE'S ATTORNEY, OR ANOTHER ATTORNEY TO PROSECUTE A VIOLATION OF
20 THIS TITLE.

21 (J) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A
22 VIOLATION OF THIS TITLE, THE PERSON SHALL BE LIABLE FOR THE COSTS OF THE
23 COURT PROCEEDINGS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2005.