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By: **Washington County Delegation**  
 Introduced and read first time: February 10, 2005  
 Assigned to: Environmental Matters

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Committee Report: Favorable  
 House action: Adopted  
 Read second time: March 23, 2005

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CHAPTER\_\_\_\_\_

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:

**Article 25 - County Commissioners**

2 236A.

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

6 (1) TO PROVIDE ANIMAL CONTROL SERVICES; AND

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

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

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

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

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

18 (2) Designate an appropriate private agency or department of county  
19 government to:

20 (i) Enforce the provisions of the ordinance;

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

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

26 (3) Provide for the designation of animal control shelters in Washington  
27 County;

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

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

30 (ii) The control of rabid animals; and

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

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

4 (C) (1) AN ANIMAL CONTROL OFFICER MAY DELIVER A CITATION TO A  
5 PERSON BELIEVED TO BE COMMITTING A VIOLATION OF AN ANIMAL CONTROL  
6 ORDINANCE.

7 (2) (I) THE ANIMAL CONTROL OFFICER SHALL KEEP A COPY OF THE  
8 CITATION.

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

11 (D) THE CITATION SHALL CONTAIN:

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

13 (2) THE NATURE OF THE VIOLATION;

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

15 (4) THE AMOUNT OF THE FINE;

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

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

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

22 (2) THE COUNTY COMMISSIONERS ALSO MAY:

23 (I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH  
24 VIOLATION; AND

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

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

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

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

1           (4)     AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT  
2 COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF  
3 THE TRIAL DATE.

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

7     (G)     (1)     IF A PERSON WHO RECEIVES A CITATION FOR A VIOLATION FAILS TO  
8 PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS  
9 TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A FORMAL NOTICE OF THE  
10 VIOLATION SHALL BE SENT TO THE OWNER'S LAST KNOWN ADDRESS.

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

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

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

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

26     (I)     THE COUNTY COMMISSIONERS MAY AUTHORIZE THE COUNTY ATTORNEY,  
27 THE STATE'S ATTORNEY, OR ANOTHER ATTORNEY TO PROSECUTE A VIOLATION OF  
28 THIS TITLE.

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

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

