

SENATE BILL 769

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2lr1735
CF HB 736

By: **Senator Edwards**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2012

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Animal Control Ordinance – Enabling Authority**

3 FOR the purpose of authorizing the County Commissioners of Garrett County to adopt
4 a certain animal control ordinance; authorizing a certain animal control officer
5 to deliver a certain citation to a person believed to be committing a violation of
6 an animal control ordinance adopted by the county commissioners; establishing
7 the contents of a certain citation; establishing a certain maximum penalty;
8 authorizing the county commissioners to establish certain fines and procedures;
9 authorizing a person who receives a certain citation to elect to stand trial;
10 establishing certain procedures relating to the prosecution and trial of a person
11 who violates an animal control ordinance; providing that a person who commits
12 a violation of an animal control ordinance is liable for court costs under certain
13 circumstances; making certain conforming changes; and generally relating to
14 the adoption of an animal control ordinance in Garrett County.

15 BY repealing and reenacting, with amendments,

16 Article 25 – County Commissioners

17 Section 236A

18 Annotated Code of Maryland

19 (2011 Replacement Volume)

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

22 **Article 25 – County Commissioners**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 236A.

2 (a) In this section, “animal control officer” means a county employee or a
3 contract employee hired by the [Board of County Commissioners of Washington
4 County] **COUNTY COMMISSIONERS** who is authorized:

5 (1) To provide animal control services; and

6 (2) To issue citations for violations of animal control ordinances in
7 [Washington County] **THE COUNTY**.

8 (b) **THIS SECTION APPLIES ONLY TO GARRETT COUNTY AND**
9 **WASHINGTON COUNTY**.

10 (c) The [County Commissioners for Washington County] **COUNTY**
11 **COMMISSIONERS** may adopt an animal control ordinance to:

12 (1) Create a quasi-judicial deliberative animal control authority for
13 [Washington County] **THE COUNTY** to:

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

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

21 (2) Designate an appropriate private agency or department of county
22 government to:

23 (i) Enforce the provisions of the ordinance;

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

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

29 (3) Provide for the designation of animal control shelters in
30 [Washington County] **THE COUNTY**;

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

- 1 (i) The licensing of dogs, kennels, and pet shops;
 2 (ii) The control of rabid animals; and
 3 (iii) The disposition of uncontrolled, vicious, and sick animals;
 4 and

5 (5) Provide that a violation of the animal control ordinance is a
 6 misdemeanor punishable by imprisonment of up to 30 days or a fine of \$1,000, or both
 7 for each offense.

8 **[(c)](D)** (1) An animal control officer may deliver a citation to a person
 9 believed to be committing a violation of an animal control ordinance.

10 (2) (i) The animal control officer shall keep a copy of the citation.

11 (ii) The citation shall bear a certification attesting to the truth
 12 of the matters set forth in the citation.

13 **[(d)](E)** The citation shall contain:

14 (1) The name and address of the person charged;

15 (2) The nature of the violation;

16 (3) The location and time of the violation;

17 (4) The amount of the fine;

18 (5) The manner, location, and time in which the fine may be paid; and

19 (6) The cited person's right to elect to stand trial for the violation.

20 **[(e)](F)** (1) A fine not exceeding \$1,000 may be imposed for each
 21 violation.

22 (2) The **[County Commissioners] COUNTY COMMISSIONERS** also
 23 may:

24 (i) Establish a schedule of additional fines for each violation;
 25 and

26 (ii) Adopt procedures for the collection of the fines.

27 **[(f)](G)** (1) A person who receives a citation may elect to stand trial for
 28 the offense by filing with the animal control officer a notice of intention to stand trial.

1 (2) The person electing to stand trial shall give notice at least 5 days
2 before the date set forth in the citation for the payment of fines.

3 (3) After receiving a notice of intention to stand trial, the animal
4 control officer shall forward the notice to the District Court having venue, with a copy
5 of the citation.

6 (4) After receiving the citation and notice, the District Court shall
7 schedule the case for trial and notify the defendant of the trial date.

8 (5) All fines, penalties, or forfeitures collected by the District Court for
9 violations of this title shall be remitted to the county in which the violation occurred.

10 **[(g)](H)** (1) If a person who receives a citation for a violation fails to pay
11 the fine by the date of payment set forth on the citation and fails to file a notice of
12 intention to stand trial, a formal notice of the violation shall be sent to the owner's last
13 known address.

14 (2) If the citation is not satisfied within 15 days after the date the
15 formal notice of violation is mailed, the person shall be subject to an additional fine
16 not exceeding twice the amount of the original fine.

17 (3) If the person who receives the citation does not pay the citation by
18 the 36th day after the formal notice of violation is mailed, the animal control officer
19 may request the District Court to adjudicate the violation.

20 (4) After the animal control officer requests adjudication, the District
21 Court shall schedule the case for trial and summon the defendant to appear.

22 **[(h)](I)** In a proceeding before the District Court, a violation of this title
23 shall be prosecuted in the same manner and to the same extent as a municipal
24 infraction under Article 23A, § 3(b)(7) through (15) of the Annotated Code of
25 Maryland.

26 **[(i)](J)** The **[County Commissioners]** **COUNTY COMMISSIONERS** may
27 authorize the County Attorney, the State's Attorney, or another attorney to prosecute
28 a violation of this title.

29 **[(j)](K)** If the District Court finds that a person has committed a violation
30 of this title, the person shall be liable for the costs of the court proceedings.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2012.