

Chapter 90

(Senate Bill 769)

AN ACT concerning

Garrett County – Animal Control Ordinance – Enabling Authority

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

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners

Section 236A

Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 25 – County Commissioners

236A.

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

(1) To provide animal control services; and

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

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

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

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

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

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

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

(i) Enforce the provisions of the ordinance;

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

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

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

(4) Specify rules and regulations that may include:

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

(ii) The control of rabid animals; and

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

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

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

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

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

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

- (1) The name and address of the person charged;
- (2) The nature of the violation;
- (3) The location and time of the violation;
- (4) The amount of the fine;
- (5) The manner, location, and time in which the fine may be paid; and
- (6) The cited person's right to elect to stand trial for the violation.

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 10, 2012.