

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 736

(Delegate Beitzel)

Environmental Matters

Education, Health, and Environmental Affairs

Garrett County - Animal Control Ordinance - Enabling Authority

This bill authorizes the Garrett County Commissioners to adopt a specified animal control ordinance that is identical to the enabling authority for Washington County.

Fiscal Summary

State Effect: Potential minimal increase in caseload for the District Court; however, any additional expenditures are assumed to be minimal and absorbable within existing resources.

Local Effect: Potential minimal increase in Garrett County revenues and expenditures due to the bill's penalty provision. In addition, county expenditures for animal control enforcement may increase, depending on the number of cases each year.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the Garrett County Commissioners to adopt an animal control ordinance that creates a quasi-judicial deliberative animal control authority. The animal control authority must 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 Garrett County. The authority is also required to adopt rules and regulations for the governance of its hearings and designate an appropriate private agency or department of county government to enforce the ordinance.

The bill defines an “animal control officer” in Garrett County as a county employee or contract employee hired by the county commissioners who is authorized to provide animal control services, and to issue citations for violations of animal control ordinances in Garrett County.

The bill authorizes the animal control officer to issue citations for violations, and provides that an individual has the right to elect to stand trial in District Court for the violation. A violation must be prosecuted in the same manner as a municipal infraction, and all fines, penalties, and forfeitures collected by the District Court for these violations must be remitted to the county. In addition, the county commissioners may also establish a schedule of additional fines for each violation and adopt procedures for the collection of the fines.

The bill specifies that a violation of the Garrett County animal control ordinance is a misdemeanor, and a violator is subject to a fine of up to \$1,000, imprisonment for up to 30 days, or both for each offense.

Current Law: The Garrett County animal control ordinance took effect December 2, 1985, and provides for rules and regulations for the sale of dog and cat licenses, the keeping of records of these licenses, and the convenient and effective enforcement of the provisions relating to animal control in Garrett County.

Background: Chapter 192 of 2003 authorized the Washington County Commissioners to adopt an animal control ordinance that creates a quasi-judicial deliberative animal control authority. The animal control authority must 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. The authority is also required to adopt rules and regulations for the governance of its hearings and designate an appropriate private agency or department of county government to enforce the ordinance. Additionally, the animal control ordinance is to provide penalties for violations of the ordinance.

Chapter 71 of 2005 established that a violation of the Washington County animal control ordinance is a misdemeanor, and a violator is subject to a fine of up to \$1,000, imprisonment for up to 30 days, or both for each offense. Chapter 71 authorized an animal control officer to issue citations for violations, and provided that an individual has the right to elect to stand trial in District Court for the violation. A violation must be prosecuted in the same manner as a municipal infraction, and all fines, penalties, and forfeitures collected by the District Court for these violations must be remitted to the county. In addition, the county commissioners may also establish a schedule of additional fines for each violation and adopt procedures for the collection of the fines.

Local Fiscal Effect: Garrett County expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Any increase in fine revenue for the county is expected to be minimal as Garrett County already imposes fines for violations of their animal control ordinance.

In addition, Garrett County advises that there may be a significant fiscal impact due to animal abuse and neglect cases that animal control is not currently responsible for under the county's current animal control ordinance. The county indicates that the time for responding to animal abuse and neglect cases averages about 25 hours per week in the summer months and about 40 hours per week in the winter months. Most calls occur at night or on weekend when staff is eligible for overtime. Staff overtime averages about \$21 per hour. The county's fiscal 2012 budget includes \$226,040 for animal control services as illustrated in **Exhibit 1**. License fees from dog and cat tags are expected to total \$6,000 in fiscal 2012.

Exhibit 1
Animal Control Expenditures – Garrett County

	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
Salaries	\$108,327	\$103,810	\$134,246
Fringe Benefits	46,400	43,961	52,794
Operating Expenses	28,965	27,000	30,000
Automotive Expenses	2,362	5,000	4,000
Humane Society	5,000	5,000	5,000
Small Equipment/Projects	505	0	0
Total	\$191,559	\$184,771	\$226,040

Additional Information

Prior Introductions: None.

Cross File: SB 769 (Senator Edwards) - Education, Health, and Environmental Affairs.

Information Source(s): Garrett County, State's Attorneys Association, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2012
ncs/hlb

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