

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 29

Bill No. 89-20

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

and by Ms. Fiedler

By the County Council, October 19, 2020

Introduced and first read on October 19, 2020
Public Hearing set for and held on November 16, 2020
Bill Expires January 22, 2021

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Animal Control and Animal Control
2 Commission – Renaming and Repurposing
3

4 FOR the purpose of renaming the Animal Control Agency to be the Animal Care and
5 Control Agency; renaming the Animal Control Commission to be the Animal Matters
6 Commission; revising certain definitions; revising the method of appointing members
7 to the Animal Matters Commission; revising the procedures for hearings before the
8 Animal Matters Commission; revising the powers of the Animal Care and Control
9 Agency; increasing certain impoundment fees; requiring an animal to be spayed or
10 neutered under certain circumstances; allowing the Animal Care and Control Agency
11 to hold animals for a reasonable amount of time during an ongoing investigation;
12 allowing an animal owner to appeal redemption conditions; requiring an animal be
13 microchipped prior to redemption in certain circumstances; requiring owners to provide
14 animals with necessary veterinary care; allowing seizure of animals subject to cruelty
15 or neglect and establishing a process for review of the seizure; allowing the Animal
16 Control Agency to designate certain owners as reckless animal owners and establishing
17 a process for review of the designation; prohibiting reckless animal owner from owning
18 animals for a certain time period; making certain technical changes; and generally
19 relating to public safety.
20

21 BY repealing and reenacting, with amendments: §§ 12-4-101(1), (3), (4), (10), (16), (19),
22 and (46); and 12-4-103; 12-4-201, 12-4-202, and 12-4-206 to be under the amended
23 subtitle “Subtitle 2. Animal Matters Commission”; 12-4-301, 12-4-302, 12-4-304, 12-

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 4-305(a), 12-4-306, 12-4-307, 12-4-308, 12-4-309, 12-4-310, and 12-4-312 to be under
2 the amended subtitle “Subtitle 3. Animal Care and Control Agency and Officers”; 12-
3 4-402(b)(3) and (e)(5); 12-4-403(c); 12-4-406(a) and (b); 12-4-502; 12-4-504; 12-4-
4 604; 12-4-609(b); 12-4-611; 12-4-702(c)(3); 12-4-709(c) and (e); 12-4-712(b); 12-4-
5 714; 12-4-715; 12-4-717; 12-4-809(c); 12-4-901; 12-4-905(d); 12-4-906(b); 12-4-907;
6 12-4-910; and 12-4-912(b) and (c)
7 Anne Arundel County Code (2005, as amended)

8
9 BY adding: §§ 12-4-802(c) and (d); and 12-4-913
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

14
15 **ARTICLE 12. PUBLIC SAFETY**

16
17 **TITLE 4. ANIMAL CARE AND CONTROL**

18
19 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

20
21 **12-4-101. Definitions.**

22
23 In this title, the following words have the meanings indicated:

24
25 (1) “Agency” means the Animal CARE AND Control Agency.

26
27 (3) “Animal CARE AND Control Agency” means the section in the Police
28 Department directed by the Chief of Police or otherwise authorized by law to administer
29 and enforce this article.

30
31 (4) “[[Animal control]] AGENCY facility” means a facility owned or operated in the
32 County by or under contract with the County for the care, confinement, disposition, or
33 detention of animals.

34
35 (10) “Boarding” means keeping an animal overnight in a commercial establishment
36 used for the keeping of animals or keeping an animal overnight at a licensed pet care
37 business as defined in [[§§ 12-4-101(30) and 18-10-128]] §§ 12-4-101(35) AND 18-10-132 of
38 this Code.

39
40 (16) “Commission” means the Animal [[Control]] MATTERS Commission.

41
42 (19) “Cruelty” means an act or omission by which unjustifiable physical pain,
43 suffering, or death is caused or permitted, including a failure to provide proper drink, air,
44 space, shelter, or protection from the elements, veterinary care, or nutritious food in
45 sufficient quantity, [[and]] a failure to employ the most reasonably humane method
46 available with respect to an activity in which physical pain is necessarily caused, such as
47 food processing, hunting, experimentation, or pest elimination, OVERDRIVING OR
48 OVERLOADING AN ANIMAL, INFLECTING UNNECESSARY SUFFERING OR PAIN ON AN

1 ANIMAL, OR ANY ACT PROHIBITED BY §§ 10-606, 10-607, OR 10-608 OF THE CRIMINAL LAW
2 ARTICLE OF THE STATE CODE.

3
4 (46) “Trap” means an animal-holding or animal-capturing device that is used for
5 apprehending live animals and is approved by the [[Animal Control]] Agency.

6
7 **12-4-103. Injunctive relief.**

8
9 The Chief may request the Office of Law to seek a temporary restraining order and
10 other relief in a court of competent jurisdiction to correct a condition by which the actions
11 of an animal, or the actions or inactions of the owner [[or the custodian]] of the animal,
12 cause a substantial and immediate danger to a human being or to property.

13
14 **SUBTITLE 2. ANIMAL [[CONTROL]] MATTERS COMMISSION**

15
16 **12-4-201. Commission established.**

17
18 There is an Animal [[Control]] MATTERS Commission in the Police Department.

19
20 **12-4-202. Composition; appointment; terms; compensation.**

21
22 (a) **Composition.** The Commission consists of seven members. Of the seven members,
23 one shall be the Health Officer or the Health Officer’s representative; one shall be the Chief
24 or the Chief’s representative; and five shall be citizen members APPOINTED BY THE
25 COUNTY EXECUTIVE. Of the five citizen members, one shall be a local veterinarian or an
26 alternative veterinarian representative; one shall be appointed from Councilmanic District
27 1, 2, or 3; one shall be appointed from Councilmanic District 4 or 5; one shall be appointed
28 from Councilmanic District 6 or 7; and one shall be appointed at large.

29
30 (b) **[[Appointment.** The County Executive shall appoint the citizen members from a
31 list of candidates submitted by the County Council. The list shall include at least two
32 candidates from each Councilmanic District. Appointments shall be made in accordance
33 with the Charter.

34
35 (c) **[[Term.** The term of a citizen member is two years. A citizen member appointed to
36 fill an unexpired term serves only until the term expires and until a successor is appointed
37 and qualifies. A citizen member may not serve more than two full consecutive terms.

38
39 **[[d)] (C) Expenses.** Members are not entitled to compensation for their services, but
40 are entitled to reimbursement for expenses as provided in the budget.

41
42 **[[e)] (D) Attendance by Chief or Chief’s designee.** When required by the Chair of
43 the Commission, the Chief shall attend meetings of the Commission.

44
45 **12-4-206. Hearings before Commission.**

46
47 (a) **Generally.** Within 30 days after receiving AN APPEAL, PETITION, OR a request for a
48 hearing [[from a person whose license has been denied, suspended, or revoked, from a
49 person to whom a citation has been issued, or from a person who has filed an affidavit of

1 complaint]] AUTHORIZED UNDER THIS ARTICLE, the Commission shall convene to hear the
2 matter. The person requesting the hearing shall be notified of the date, time, and place of
3 the hearing [[and of the law alleged to have been violated]].

4
5 **(B) Hearing procedures.**

6
7 (1) A person shall have right to counsel before the Commission. [[At the time of the
8 hearing or within 15 days after the hearing, the Commission shall submit written findings
9 and recommendations to the Chief as to a decision rendered under § 12-4-205 or findings
10 of fact and a determination whether a violation of this title occurred.]]

11
12 (2) THE HEARING DATE MAY BE POSTPONED:

13
14 (I) BY THE CHIEF ON WRITTEN REQUEST BY EITHER PARTY AT LEAST FIVE DAYS
15 BEFORE THE SCHEDULED HEARING DATE FOR GOOD CAUSE SHOWN; OR

16
17 (II) BY THE COMMISSION ON THE HEARING DATE IF THE REQUESTING PARTY
18 APPEARS AND PRESENTS GOOD CAUSE FOR A POSTPONEMENT.

19
20 (3) THE HEARING SHALL BE OPEN TO THE PUBLIC.

21
22 (4) THE COMMISSION MAY ADMIT ALL RELEVANT EVIDENCE WITHOUT REGARD TO
23 THE FORMAL RULES OF EVIDENCE.

24
25 (5) ALL WITNESSES SHALL TESTIFY UNDER OATH OR AFFIRMATION ADMINISTERED
26 BY A DESIGNEE OF THE COMMISSION.

27
28 **[[b)] (C) Findings and recommendations.** [[If the Commission finds that a violation
29 did occur, it shall sustain the fines levied under § 12-4-1001. In cases specifically dealing
30 with affidavits of complaints that involve multiple charges filed by one neighbor against
31 another, the Commission may reduce the fine to the amount that the Commission considers
32 appropriate. If the Commission finds that a violation did not occur, it shall dismiss the
33 citation. The Commission may make other recommendations to the Chief.]] THE
34 COMMISSION'S DUTIES FOR CITATIONS ARE GOVERNED BY § 12-4-308. WITHIN 15 DAYS OF
35 A HEARING ON ANYTHING OTHER THAN A CITATION, THE COMMISSION SHALL SUBMIT
36 WRITTEN FINDINGS AND RECOMMENDATIONS TO THE CHIEF. WITHIN 15 DAYS OF RECEIPT
37 OF THE RECOMMENDATION, THE CHIEF SHALL ISSUE A FINAL DECISION, AND THE FINAL
38 DECISION SHALL BE SERVED ON THE OWNER AS PROVIDED BY § 12-4-102.

39
40 **[[c) On request of the Chief of Police.** Within 15 days after a request from the Chief
41 for the Commission to consider an alleged violation, the Commission shall convene to hear
42 the matter. The individual complained of shall be notified of the date, time, and place of
43 the hearing and of the animal control law alleged to have been violated. An individual shall
44 have right to counsel before the Commission. Within 15 days of the hearing, the
45 Commission shall submit written findings and recommendations to the Chief. The Chief
46 may request the Commission to convene immediately for the purpose of investigating acute
47 emergencies. In such case, good faith efforts shall be made to serve the hearing notice.]]

48
49 **(d) Appeals.** When appeals are considered by the Commission, the Chief may initiate
50 corrective or enforcement action other than action relating to suspension, denial, or
51 revocation of licenses authorized by this title.

1 (e) **Potentially dangerous, dangerous, and vicious animals.** Appeals of orders for
2 potentially dangerous, dangerous, or vicious animals shall be governed by Subtitle 4 of this
3 title.]] **De novo appeal.** THE CHIEF'S DECISION UNDER §§ 12-4-403, 12-4-713, 12-4-901, OR 12-
4 4-913 IS SUBJECT TO DE NOVO REVIEW BY THE COUNTY BOARD OF APPEALS. A PERSON
5 WHO APPEARED AT THE HEARING AND WAS AGGRIEVED BY THE CHIEF'S DECISION MAY
6 FILE A WRITTEN REQUEST FOR APPEAL WITH THE BOARD OF APPEALS WITHIN 30 DAYS OF
7 THE DECISION.

8
9 **SUBTITLE 3. ANIMAL CARE AND CONTROL AGENCY[[; ANIMAL CARE]]**
10 **AND [[CONTROL AGENCY]] OFFICERS**

11
12 **12-4-301. Enforcement of article.**

13
14 This title shall be enforced by the [[Animal Control]] Agency and [[animal control]]
15 AGENCY officers, or the authorized representatives of [[animal control officers,]] THE
16 AGENCY under the supervision of the Chief.

17
18 **12-4-302. Appointment and powers of Agency officers.**

19
20 The Chief may appoint [[animal control]] AGENCY officers. In enforcing this title,
21 [[animal control]] AGENCY officers shall have ALL POWERS NECESSARY TO ENFORCE THE
22 PROVISIONS OF THIS TITLE AND § 10-601 ET SEQ. OF THE CRIMINAL LAW ARTICLE OF THE
23 STATE CODE, INCLUDING the [[powers possessed by the Sheriff]] POWER TO:

24
25 (1) ISSUE AND SERVE CITATIONS;

26
27 (2) SEIZE, IMPOUND, OR DISPOSE OF AN ANIMAL;

28
29 (3) TAKE ACTION OR ORDER AN OWNER TO TAKE ANY ACTION NECESSARY TO
30 PROTECT THE HEALTH OR SAFETY OF AN ANIMAL, A PERSON, OR THE PUBLIC;

31
32 (4) SEARCH PRIVATE PROPERTY AND SEIZE EVIDENCE OR ANIMALS BY OBTAINING
33 A SEARCH WARRANT ISSUED BY A COURT;

34
35 (5) APPLY FOR A CRIMINAL SUMMONS OR WARRANT; AND

36
37 (6) CONDUCT INSPECTIONS OF ANIMAL HOLDING FACILITIES, COMMERCIAL
38 KENNELS, PET STORES, AND OTHER FACILITIES REGULATED BY THIS TITLE.

39
40 **12-4-304. Authority to charge; citation.**

41
42 (a) **Probable cause.** An [[animal control]] AGENCY officer, [[the]] AN authorized
43 representative of [[an animal control officer]] THE AGENCY, or a law enforcement officer
44 may charge a person with a violation of this title if the individual issuing the charge has
45 probable cause, based on personal knowledge, observation, or a written affidavit of
46 complaint, that the person charged has committed or is committing the violation.

47
48 (b) **Issuance of citation.** [[The person who charges a person under this article shall
49 issue a]] A written citation SHALL BE ISSUED to the person charged UNDER THIS ARTICLE.
50 The citation shall be a sufficient charging document for the prosecution of the offense for
51 which it is issued.

1 (c) **Contents.** ~~[[An animal control]]~~ A citation issued to a person under this section shall
2 be on a form prescribed by the Agency and shall include:

3
4 (1) the name and address of the alleged violator;

5
6 (2) the violation alleged;

7
8 (3) a statement with a line for signature by the alleged violator acknowledging
9 receipt of the citation;

10
11 (4) a statement setting forth the requirement of election of a choice of action which
12 the alleged violator shall make as specified in § 12-4-305;

13
14 (5) a statement signed under penalty of perjury that the person issuing the citation
15 has probable cause to believe the fact of the violation is correct; and

16
17 (6) other necessary information.

18
19 **12-4-305. Elections available to person who receives citation.**

20
21 (a) **Generally.** A person who receives ~~[[an animal control]]~~ A citation ~~[[shall]]~~ MAY
22 elect to:

23
24 (1) pay the fine provided for in the citation to the Agency before the day of trial;

25
26 (2) ~~[[submit]]~~ within ~~[[10]]~~ 15 days after ~~[[receiving]]~~ SERVICE OF the citation,
27 SUBMIT a written request for a hearing before the Commission for dismissal of the citation;
28 ~~[[or]]~~

29
30 (3) pay the fine if ~~[[after the hearing]]~~ the Commission does not dismiss the citation
31 AFTER THE HEARING; OR

32
33 (4) REQUEST TO STAND TRIAL IN THE DISTRICT COURT ON THE CITATION.

34
35 **12-4-306. Duties of individual issuing citation.**

36
37 Each person who issues ~~[[an animal control]]~~ A citation to an alleged violator shall:

38
39 (1) promptly file the original copy with the Agency;

40
41 (2) maintain or file other copies of the citation as required by the Agency; and

42
43 (3) appear for the trial of the citation should it proceed to trial and be responsible
44 for subpoenaing necessary witnesses for the trial.

45
46 **12-4-307. Duties of Agency on receiving citation.**

47
48 On receiving the original copy of ~~[[an animal control]]~~ A citation issued to an alleged
49 violator, the Agency shall:

1 (1) [[promptly refer the citation to the Commission;

2
3 (2)] maintain a record of the alleged violation; [[and

4
5 (3) notify the Commission of payment of the fine if the payment is received within
6 the period that the citation is held by the Commission or notify the District Court if the fine
7 is paid between the time that the Commission refers the case to the District Court and the
8 trial date.]]

9
10 (2) HOLD THE CITATION FOR 15 DAYS FROM THE DATE OF SERVICE TO ALLOW THE
11 ALLEGED VIOLATOR AN OPPORTUNITY TO REQUEST DISMISSAL OF THE CITATION BY THE
12 COMMISSION, AND, IF THE ALLEGED VIOLATOR REQUESTS A HEARING, HOLD THE
13 CITATION UNTIL THE COMMISSION ISSUES A DECISION;

14
15 (3) IF THE ALLEGED VIOLATOR REQUESTS A HEARING BEFORE THE COMMISSION,
16 PROMPTLY FORWARD THE ORIGINAL COPY OF THE CITATION TO THE COMMISSION; AND

17
18 (4) IF THE ALLEGED VIOLATOR ELECTS TO STAND TRIAL IN THE DISTRICT COURT
19 OR DOES NOT REQUEST A HEARING BEFORE THE COMMISSION WITHIN 15 DAYS OF
20 SERVICE OF THE CITATION, FORWARD THE CITATION TO DISTRICT COURT FOR TRIAL.

21
22 **12-4-308. Duties of Commission on receiving citation.**

23
24 (A) On receiving the original copy of [[an animal control]] A citation issued to an
25 alleged violator from the Agency, the Commission shall PROMPTLY SCHEDULE A HEARING
26 ON THE CITATION.[:

27
28 (1) hold the citation until 10 days from the date of issuance to allow the alleged
29 violator an opportunity to request dismissal of the citation by the Commission and, if the
30 alleged violator requests a hearing to dismiss in a timely fashion, hold the citation until
31 completion of the hearing before the Commission on the citation; and

32
33 (2) upon the expiration of the time for the Commission to hold the citation and in
34 the absence of dismissal, forward the citation to the District Court to be scheduled for trial
35 on the charges.]]

36
37 (B) IF, AFTER A HEARING, THE COMMISSION FINDS A VIOLATION DID NOT OCCUR, THE
38 COMMISSION SHALL DISMISS THE CITATION.

39
40 (C) IF, AFTER A HEARING, THE COMMISSION FINDS THAT A VIOLATION DID OCCUR, OR
41 IF THE REQUEST FOR HEARING IS WITHDRAWN, THE COMMISSION SHALL FORWARD THE
42 CITATION TO DISTRICT COURT. THE COMMISSION MAY AMEND THE FINE TO AN AMOUNT
43 NOT TO EXCEED THE FACE VALUE OF THE CITATION.

44
45 **12-4-309. Disposition of citation filed with District Court.**

46
47 After the original copy of the [[animal control]] citation is filed with the District Court,
48 the citation may be disposed of by trial, dismissal, or other official action by a judge of the
49 District Court or BY payment of the fine.

1 **12-4-310. Application for criminal summons or warrant.**

2
3 An [[animal control]] AGENCY officer, [[the]] AN authorized representative of [[an
4 animal control officer]] THE AGENCY, or a law enforcement officer shall make application
5 for the issuance of a criminal summons or warrant if:

6
7 (1) the person charged fails to acknowledge receipt of a citation issued under this
8 title; or

9
10 (2) the [[animal control]] AGENCY officer, the authorized representative of the [[an
11 animal control officer]] AGENCY, or law enforcement officer has probable cause to believe
12 that the person has violated [[§ 12-4-602, § 12-4-603, § 12-4-605, § 12-4-608, § 12-4-609,
13 § 12-4-610, or § 12-4-611]] §§ 12-4-602, 12-4-603, 12-4-605, 12-4-608, 12-4-609, 12-4-610, OR 12-
14 4-611.

15
16 **12-4-312. Interference with Agency officer prohibited.**

17
18 A person may not interfere with an [[animal control]] AGENCY officer or [[the]] AN
19 authorized representative of [[an animal control officer]] THE AGENCY engaged in the
20 performance of duties under this title.

21
22 **SUBTITLE 4. PUBLIC SAFETY**

23
24 **12-4-402. Public safety threats; potentially dangerous, dangerous, and vicious animal**
25 **criteria; defenses.**

26
27 (b) **Potentially dangerous.** The Agency may designate an animal as potentially
28 dangerous if, after consideration of the animal's demeanor and prior history and any
29 evidence of mitigating circumstances, the Agency finds that the animal:

30
31 (3) while at large, chases or approaches a person or lawfully restrained
32 domesticated animal in an aggressive manner and the [[agency]] AGENCY has received and
33 verified information that the animal engaged in conduct that constitutes a public safety
34 threat within the preceding twelve months in this or any other jurisdiction.

35
36 (e) **Determinative factors.** The Agency may decline to issue a citation to an owner for
37 an animal engaging in activity that constitutes a public safety threat or to designate an
38 animal as potentially dangerous, dangerous, or vicious if the Agency finds that it is more
39 likely than not that:

40
41 (5) the animal [[acts]] WAS ACTING against a person or animal trespassing on the
42 property of the owner [[or custodian]] of the animal.

43
44 **12-4-403. Potentially dangerous, dangerous, or vicious animals; orders.**

45
46 (c) **Appeal of orders.**

47
48 (1) An owner of an animal designated as potentially dangerous, dangerous, or
49 vicious may appeal that order to the Commission within 10 days of receipt of the order by

1 filing a written request for appeal with the Agency. [[Upon such request, a hearing shall be
2 scheduled before the Commission within 30 days of the request for appeal. The hearing
3 date may be extended by the Chief of Police or his designee on written request by either
4 party only for good cause shown at least five days before the scheduled hearing date, or by
5 the Commission on the hearing date by the requesting party appearing and presenting good
6 cause for a continuance.]]

7
8 (2) Prior to the commencement of a hearing before the Commission, the Agency
9 shall transmit to the Commission members all documentation supporting the designation
10 and order.

11
12 (3) The Agency shall provide written notice to the owner of the specific behavior
13 of the animal at issue, and the date upon which a hearing will be held on the appeal. The
14 notice shall advise the owner of the consequences of a determination of potentially
15 dangerous, dangerous, or vicious. [[The hearing shall be open to the public and the
16 Commission may admit into evidence all relevant evidence without regard to the formal
17 rules of evidence, including evidence of the prior behavior of the animal, prior violations
18 by the owner, and mitigation. All witnesses shall testify under oath or affirmation
19 administered by a designee of the Commission.]] The burden of proof on the appellant shall
20 be by a preponderance of the evidence. [[Parties to the hearing have the right to be
21 represented by counsel before the Commission.]]

22
23 (4) If the owner fails to appear at the hearing, the appeal shall be dismissed.

24
25 [[(5) Within 10 days of the hearing, the Commission shall issue a written
26 recommendation directed to the Chief.

27
28 (6) Within 15 days of receipt of this recommendation, the Chief or his designee
29 shall issue a final decision and it shall be served on the owner as provided by § 12-4-102.

30
31 (7) The Chief or his designee's decision is subject to de novo review by the County
32 Board of Appeals. Any person who appeared at the hearing and was aggrieved by the
33 Chief's decision may file a written request for appeal with the Board of Appeals within 30
34 days of the Chief's decision.]]

35
36 **12-4-406. Dangerous animal registry.**

37
38 (a) **Registry established.** The [[agency]] AGENCY shall establish and maintain a
39 dangerous animal registry for the County to include all animals determined to be dangerous
40 or potentially dangerous. The following information, if available, shall be included on the
41 registry: the name of the animal, picture, sex, age, weight, primary breed, secondary breed,
42 color and markings, whether spayed or neutered, the address or map where the animal is
43 maintained, name of the owner, and address of the owner. The registry shall be made
44 available to the public on the County website.

45
46 (b) **Annual registration.** Prior to the expiration of an animal license each year, and
47 until the dangerous or potentially dangerous animal is deceased, the owner shall submit to
48 the County a license renewal that includes all information contained in the original
49 registration and any updates. The [[agency]] AGENCY shall post any updates to the registry

1 within a reasonable period of time. In the event contact information for the owner changes,
2 the owner shall update the [[agency]] AGENCY within 10 days of the change. The owner
3 shall comply with notification requirements in the original order regarding the animal's
4 location and disposition.

5
6 **SUBTITLE 5. IMPOUNDMENT OF ANIMALS**

7
8 **12-4-502. Right of entry.**

9
10 On determination that the health or actions of an animal constitute an immediate and
11 substantial danger to persons or property, OR TO PROTECT AN ANIMAL FROM CRUELTY OR
12 NEGLECT AS AUTHORIZED BY § 12-4-901, an [[animal control]] AGENCY officer may enter
13 onto public or private property and impound the animal. THIS SECTION MAY NOT BE
14 CONSTRUED TO PERMIT ENTRY INTO A PRIVATE BUILDING OR RESIDENCE WITHOUT DUE
15 PROCESS OF LAW.

16
17 **12-4-504. Redemption of impounded animals.**

18
19 (a) **How done.** An owner may redeem an impounded animal by:

20
21 (1) complying with the rabies vaccination and licensing provisions of this title;

22
23 (2) paying all redemption fees;

24
25 (3) paying any outstanding fines unless adjudication has been requested;

26
27 (4) providing satisfactory proof of ownership; and

28
29 (5) complying with THE REQUIREMENTS OF THIS SECTION AND any other
30 conditions for return of the animal as ordered by the Agency.

31
32 (b) **Fees.** Redemption fees include:

33
34 (1) FOR A SPAYED OR NEUTERED ANIMAL, AN IMPOUNDMENT CHARGE OF \$25 FOR
35 THE FIRST IMPOUNDMENT, \$50 FOR THE SECOND IMPOUNDMENT, AND \$100 FOR THE THIRD
36 OR ANY SUBSEQUENT IMPOUNDMENT WITHIN A 12-MONTH PERIOD;

37
38 (2) FOR AN ANIMAL NOT SPAYED OR NEUTERED, AN IMPOUNDMENT CHARGE OF
39 \$50 FOR THE FIRST IMPOUNDMENT, \$100 FOR THE SECOND IMPOUNDMENT, AND \$200 FOR
40 THE THIRD OR ANY SUBSEQUENT IMPOUNDMENT WITHIN A 12-MONTH PERIOD;

41
42 (3) a \$5 shelter fee for each day that the animal is held at the [[animal control]]
43 AGENCY facility[[,a \$25 impoundment charge,]]; and

44
45 (4) the cost of any required veterinary services.

46
47 (c) **Waiver of shelter fees.** Accrued shelter fees shall be waived by the [[Animal
48 Control]] Agency when a delay in adjudication at the [[Animal Control]] Commission,
49 Board of Appeals, or Circuit Court occurs due to a contested request for postponement by
50 the County. Fees shall be waived for the time between the request and the next hearing
51 date.

1 ~~[(c)]~~ (D) **Community cats.**

2
3 (1) Community cat caregivers may reclaim impounded eartipped community cats
4 without the proof of ownership or the payment of shelter fees and impoundment charges
5 required under § 12-4-504 and without complying with the licensing requirements under §
6 12-4-702, if the community cat caregiver agrees, in writing and on a form provided by the
7 Agency, to abide by the trap-neuter-return standards described under this title and to return
8 the community cat to its original location or provide for rehoming.

9
10 (2) If an impounded community cat has not been sterilized, vaccinated for rabies,
11 and undergone eartipping, the community cat may only be redeemed by a community cat
12 caregiver after receiving a rabies vaccination administered by the Agency. Release from
13 impoundment shall be conditioned on referral to a trap-neuter-return program and a written
14 agreement with the County. Documentation of sterilization and eartipping shall be
15 forwarded to the Agency within 60 days of release from impoundment.

16
17 (E) **Active investigations.** IF AN ANIMAL IS IMPOUNDED UNDER THIS SUBTITLE AS A
18 DANGER TO PERSONS OR PROPERTY, THE AGENCY MAY DENY REDEMPTION OF THE
19 ANIMAL FOR THE LESSER OF 14 DAYS OR THE DURATION OF AN ACTIVE INVESTIGATION
20 INTO THE INCIDENT FOR WHICH THE ANIMAL WAS IMPOUNDED.

21
22 (F) **Spay or neuter conditions.** IF A DOG OR CAT THAT IS NOT SPAYED OR NEUTERED
23 IS IMPOUNDED TWO TIMES WITHIN A 12-MONTH PERIOD, THE OWNER SHALL HAVE THE
24 ANIMAL SPAYED OR NEUTERED AT THE OWNER'S EXPENSE PRIOR TO REDEMPTION
25 UNLESS THE OWNER APPEALS TO THE COMMISSION WITHIN FIVE DAYS AFTER THE DATE
26 OF THE CONDITION BEING IMPOSED AND THE CHIEF, FOLLOWING A RECOMMENDATION
27 FROM THE COMMISSION, WAIVES THIS REQUIREMENT OR ORDERS OTHER ACTION.

28
29 (G) **Appeal.** THE OWNER OF AN ANIMAL MAY APPEAL REDEMPTION CONDITIONS
30 IMPOSED BY THE AGENCY UNDER THIS SECTION BY FILING A WRITTEN APPEAL WITH THE
31 COMMISSION WITHIN FIVE DAYS OF THE CONDITIONS BEING IMPOSED. AT LEAST FIVE
32 DAYS PRIOR TO THE HEARING, THE OWNER OF AN ANIMAL SHALL BE NOTIFIED OF THE
33 DATE, TIME, AND LOCATION OF THE HEARING.

34
35 (H) **Commission hearing.** THE HEARING BEFORE THE COMMISSION SHALL BE
36 GOVERNED BY § 12-4-206. AFTER A HEARING ON AN APPEAL OF REDEMPTION CONDITIONS,
37 THE COMMISSION SHALL SUBMIT A RECOMMENDATION TO THE CHIEF NOTING ANY
38 CONDITIONS THE COMMISSION RECOMMENDS BE UPHELD, AMENDED, WAIVED, OR
39 ADDED.

40
41 (I) **Redemption pending appeal.** IF THE OWNER FILES A TIMELY APPEAL TO THE
42 COMMISSION, THE CHIEF MAY ALLOW REDEMPTION OF THE ANIMAL BY THE OWNER
43 WHILE THE APPEAL IS PENDING WITHOUT THE OWNER COMPLYING WITH THE APPEALED
44 CONDITION. IF A REDEMPTION CONDITION IS UPHELD BY THE CHIEF AFTER THE HEARING,
45 THE OWNER SHALL PRESENT SATISFACTORY PROOF OF COMPLIANCE WITH ALL
46 REDEMPTION CONDITIONS TO THE AGENCY WITHIN 30 DAYS OF THE FINAL DECISION
47 BEING ISSUED.

48
49 (J) **Microchipping.** AN IMPOUNDED ANIMAL SHALL BE MICROCHIPPED AT THE
50 OWNER'S EXPENSE PRIOR TO REDEMPTION IF, WITHIN THE 24 MONTHS PRIOR TO THE
51 IMPOUNDMENT, THE OWNER OF THE ANIMAL WAS FOUND GUILTY, PLACED ON
52 PROBATION BEFORE JUDGMENT FOR, OR PAID A CIVIL CITATION FOR A VIOLATION OF §§
53 12-4-402, 12-4-903, 12-4-904, 12-4-905, OR 12-4-906.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

SUBTITLE 6. RABIES CONTROL

12-4-604. Confirmed or highly likely cases of rabies.

If rabies has been diagnosed in an animal confined for clinical observation or if rabies is suspected by a veterinarian or [[animal control]] AGENCY officer and the animal dies, the [[animal control]] AGENCY officer shall immediately have the head sent to a laboratory recognized by the State Department of Health and Mental Hygiene for rabies examination. Within 24 hours of the laboratory findings indicating a presence of rabies, the laboratory shall notify the State Veterinarian and the Health Officer or the authorized and trained representative of the Health Officer of the finding and report human and animal contacts with the infected animal.

12-4-609. Quarantine – Animal diagnosed as having rabies.

(b) **Requirements during quarantine.** When a quarantine is effected under this section, a person may not take a domesticated animal from confinement or permit a domesticated animal in the streets or other public areas of the quarantine area unless the animal is properly leashed and is accompanied by an adult. During the quarantine, a farm animal suspected of having been exposed to rabies may be quarantined by the State Veterinarian. An individual may not remove a quarantined farm animal from the place where it is kept without the written permission of the State Veterinarian. An unclaimed animal impounded by reason of its being at large may not be placed by an [[animal control]] AGENCY facility during the period of quarantine.

12-4-611. Surrender and disposal of dead animal exposed to rabies.

The carcass of any dead animal exposed to rabies shall be surrendered to an [[animal control]] AGENCY officer, the County Health Officer, or the State Veterinarian on demand. An [[animal control]] AGENCY officer or [[the]] AN authorized representative of [[an animal control officer]] THE AGENCY shall supervise the disposition of the carcass of any animal in his or her possession found to be infected with rabies or of any dead animal that the [[animal control]] AGENCY officer or the authorized representative of the [[animal control officer]] AGENCY considers to be a health menace or a hazard to the public health and welfare.

SUBTITLE 7. LICENSES

12-4-702. Dog and cat licenses.

(c) **Dangerous animal licenses.** This subsection applies to any County resident, dog fancier, cat fancier, or commercial kennel owner owning a dangerous or potentially dangerous animal.

(3) The special license fee for a dangerous animal is [[">\$125.00"]>] \$125 annually. The fee for an animal found to be potentially dangerous [["prior to October 1, 2017"]>] is \$100 annually.

1 **12-4-709. Chicken and duck license.**

2
3 (c) **License – Fee and renewal.** The fee for each license is \$30[.00]. All licenses shall
4 be valid for three years and be renewed before expiration for as long as an owner keeps
5 chickens and ducks on the property. Unless specifically exempted by law or variance, all
6 zoning requirements set forth in § 18-4-104 of this Code must be met before a license
7 issued under this section may be renewed. An application for renewal shall be accompanied
8 by the required license fee. Failure to make application for renewal before the renewal due
9 date shall result in a late fee of \$10.

10
11 (e) **License – Revocation.** A license may be revoked or suspended pursuant to [[§ 12-
12 4-710(b)]] § 12-4-711(B).

13
14 **12-4-712. Notice of denial, nonrenewal, revocation, or suspension of license.**

15
16 (b) **Finality.** A decision by the Agency to revoke a license shall be final except as
17 provided in [[§ 12-4-712]] § 12-4-713.

18
19 **12-4-714. Effect of denial or revocation of license.**

20
21 When a decision to prohibit the right to own or keep an animal is final, the owner [[or
22 custodian]] shall sell, give away, or euthanize the animals covered by the license. In case
23 of revocation, no part of the license fee may be refunded. An application for issuance or
24 reissuance of any license denied or revoked under this title may not be approved until one
25 year from the date of finality of the denial or revocation.

26
27 **12-4-715. Enforcement of unappealed notices.**

28
29 If corrective action is not taken by the violator within the time specified in [[an order
30 made]] A NOTICE ISSUED pursuant to [[§ 12-4-711]] § 12-4-712 and an appeal is not taken,
31 the Agency shall take appropriate legal action, and may request the Office of Law to
32 institute legal proceedings.

33
34 **12-4-717. Burden of proof with respect to licensing.**

35
36 The burden of proof of the fact that an animal or establishment has been licensed or is
37 otherwise not required to be licensed shall be on the owner [[or custodian]] of the animal
38 or the owner of the establishment.

39
40 **SUBTITLE 8. STANDARDS FOR CARE AND KEEPING OF ANIMALS**

41
42 **12-4-802. Food, water, and veterinary care required.**

43
44 (C) **Veterinary care.** AN OWNER OF AN ANIMAL MAY NOT UNNECESSARILY FAIL TO
45 PROVIDE THE ANIMAL WITH NECESSARY VETERINARY CARE.

46
47 (D) **Penalties.** IT IS A CLASS D CIVIL OFFENSE TO VIOLATE THIS SECTION.

1 **12-4-809. Severe weather emergencies and alerts.**

2
3 (c) Failure to comply with § 12-4-801 or § 12-4-802(b) during a severe weather
4 emergency declared by the County Executive is a Class [[D]] C civil offense.

5
6 **SUBTITLE 9. MISCELLANEOUS PROVISIONS**

7
8 **12-4-901. Cruelty.**

9
10 (A) **Scope.** On notification of a possible violation of [[the Criminal Law Article, § 10-
11 606, of the State Code,]] §§ 10-601 ET SEQ. OF THE CRIMINAL LAW ARTICLE OF THE STATE
12 CODE, the Agency shall:

- 13
14 (1) determine whether or not a probable violation has occurred;
15
16 (2) notify the appropriate authority of the alleged violation; and
17
18 (3) recommend or take action necessary to rectify the situation.

19
20 (B) **Seizure.** SUBJECT TO THE LIMITATIONS CONTAINED IN § 10-615(F) OF THE CRIMINAL
21 LAW ARTICLE OF THE STATE CODE, AND AS NECESSARY FOR THE HEALTH OF THE ANIMAL
22 OR TO PROTECT THE ANIMAL FROM CRUELTY, AN AGENCY OFFICER, AUTHORIZED AGENT
23 OF THE AGENCY, POLICE OFFICER, OR OTHER PUBLIC OFFICIAL REQUIRED TO PROTECT
24 ANIMALS MAY SEIZE, REMOVE, OR IMPOUND AN ANIMAL THAT:

- 25
26 (1) DOES NOT HAVE ACCESS TO SUFFICIENT FOOD OR WATER;
27
28 (2) IS SUBJECTED TO CRUELTY; OR
29
30 (3) IS ABUSED OR NEGLECTED AS DEFINED IN § 10-604 OF THE CRIMINAL LAW
31 ARTICLE OF THE STATE CODE.

32
33 (C) **Surrender of animals.** ANY PERSON CHARGED UNDER §§ 10-604 THROUGH 10-618
34 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE SHALL IMMEDIATELY SURRENDER
35 TO THE AGENCY ALL ANIMALS IN THE PERSON'S OWNERSHIP OR CUSTODY.

36
37 (D) **Notice.** IF AN ANIMAL IS SEIZED OR SURRENDERED UNDER THIS SECTION, THE
38 OWNER OF THE ANIMAL SHALL BE SERVED WITH WRITTEN NOTICE THAT ADVISES THAT
39 A WRITTEN PETITION FOR RETURN OF THE ANIMAL MAY BE FILED WITH THE COMMISSION
40 WITHIN 10 DAYS OF SERVICE OF THE NOTICE.

41
42 (E) **Unidentified owner.** IF THE OWNER OF AN ANIMAL SEIZED OR SURRENDERED
43 UNDER THIS SECTION CANNOT BE IDENTIFIED AFTER REASONABLE EFFORTS BY THE
44 AGENCY, THE ANIMAL SHALL BE DEEMED UNWANTED OR UNREDEEMED, AND FINAL
45 DISPOSITION SHALL BE MADE AS PROVIDED IN THIS TITLE.

46
47 (F) **Petition.** THE OWNER OF AN ANIMAL SEIZED OR SURRENDERED PURSUANT TO THIS
48 SECTION MAY FILE A PETITION IN WRITING FOR THE RETURN OF THE ANIMAL WITH THE
49 COMMISSION WITHIN 10 DAYS OF SERVICE OR POSTING OF THE NOTICE. AT LEAST 10 DAYS
50 PRIOR TO THE HEARING, THE AGENCY SHALL PROVIDE WRITTEN NOTICE TO THE OWNER
51 OF THE SPECIFIC ALLEGATIONS, AND THE DATE, TIME, AND LOCATION OF THE HEARING.
52 IF THE OWNER FAILS TO FILE A PETITION WITH THE COMMISSION WITHIN 10 DAYS OF

1 BEING SERVED WITH THE NOTICE, THE ANIMAL SHALL BE DEEMED UNWANTED OR
2 UNREDEEMED AND FINAL DISPOSITION SHALL BE MADE AS PROVIDED IN THIS TITLE.
3

4 (G) **Commission hearing.** THE HEARING BEFORE THE COMMISSION SHALL BE
5 GOVERNED BY § 12-4-206. THE AGENCY SHALL ESTABLISH A VIOLATION OF THIS SECTION
6 BY A PREPONDERANCE OF THE EVIDENCE. IF THE PETITIONER FAILS TO APPEAR AT THE
7 HEARING, THE PETITION SHALL BE DISMISSED AND THE ANIMAL SHALL BE DEEMED
8 UNWANTED OR UNREDEEMED AS PROVIDED IN THIS TITLE.
9

10 (H) **Chief's determination.** IF THE CHIEF DETERMINES THAT PROHIBITING THE OWNER
11 OF THE ANIMAL FROM REDEEMING THE ANIMAL IS NECESSARY FOR THE HEALTH OF THE
12 ANIMAL OR IS NECESSARY TO PROTECT THE ANIMAL FROM CRUELTY, THE AGENCY SHALL
13 DEEM THE ANIMAL UNWANTED OR UNREDEEMED AND MAY DISPOSE OF THE ANIMAL AS
14 PERMITTED IN § 12-4-505(B).
15

16 (I) **Care for seized or surrendered animals.** ANY ANIMAL SEIZED BY OR
17 SURRENDERED TO THE AGENCY UNDER THIS SECTION SHALL BE MAINTAINED, OR
18 HUMANELY EUTHANIZED IF UNABLE TO BE MAINTAINED, BY THE AGENCY AT THE
19 EXPENSE OF THE OWNER.
20

21 **12-4-905. Animals running at large prohibited.**

22

23 (d) **Pursuit.** An [[animal control]] AGENCY officer or [[the]] AN authorized
24 representative of [[an animal control officer]] THE AGENCY may pursue an animal running
25 at large on public property or on the exterior premises of private property.
26

27 **12-4-906. Animals prohibited on school grounds and in public recreation areas.**

28

29 (b) **Violation.** An [[animal control]] AGENCY officer is authorized and directed upon
30 observing an unrestrained animal upon school grounds or in a public recreation area or
31 upon receiving the sworn affidavit of an individual having made such observation to issue
32 a written notice of violation of this section to the owner of the animal. In the absence of an
33 [[animal control]] AGENCY officer, [[any County Police Officer]] A LAW ENFORCEMENT
34 OFFICER may issue the notice.
35

36 **12-4-907. Stray dogs and cats to be surrendered to County.**

37

38 An individual who finds a stray dog or cat shall deliver the dog or cat to an [[animal
39 control]] AGENCY facility or to an [[animal control]] AGENCY officer or an authorized
40 representative of [[an animal control officer]] THE AGENCY within 24 hours after finding
41 the dog or cat. This section does not apply to an individual who traps a community cat as
42 part of a trap-neuter-return.
43

44 **12-4-910. Disposal of animal carcasses and sick animals.**

45

46 The owner of a dead animal may not deposit or leave the animal on public property or
47 the property of another person. Dead animals shall be promptly disposed of by cremation,
48 burial, or other sanitary means. On request, the Agency shall pick up dead dogs, cats, and
49 other small domestic animals for disposal for a fee not to exceed the actual cost of the
50 disposal. In addition to other assigned duties, an [[animal control]] AGENCY officer or an
51 authorized representative of [[an animal control officer]] THE AGENCY shall collect dead
52 animals found on public grounds or COUNTY ROADS [[highways]] and dispose of the

1 carcasses and destroy critically sick and injured animals found on public property or on the
2 request of the owner of the animal.

3
4 **12-4-912. Adopted animals – spaying or neutering fees; waiver of fees.**

5
6 (b) **Conditions for adoption.** An animal may not be adopted from an [[animal control]]
7 AGENCY facility except on:

- 8
9 (1) approval by the Chief at the Chief’s discretion;
10
11 (2) execution of any adoption contract established by the Chief; and
12
13 (3) provision for spaying or neutering of the animal as provided in subsection (c).

14
15 (c) **Spaying and neutering.** Each animal adopted from an [[animal control]] AGENCY
16 facility or a private, nonprofit animal shelter operated by a humane society or association
17 shall be spayed or neutered:

- 18
19 (1) by a licensed veterinarian at the expense of the adopter within 30 days of
20 adoption or such other date as specified in the adoption agreement under the authority of
21 the Chief or the shelter operator; or
22
23 (2) if the animal is adopted from an [[animal control]] AGENCY facility, as provided
24 for by the Chief before the adoption.

25
26 **12-4-913. Reckless animal owner.**

27
28 (A) **Reckless animal owner designation.**

29
30 (1) ANY PERSON WHO IS FOUND GUILTY OF VIOLATING THE PROVISIONS OF THIS
31 ARTICLE THREE OR MORE TIMES FROM SEPARATE INCIDENTS WITHIN A 24 MONTH PERIOD
32 MAY BE DESIGNATED BY THE CHIEF AS A RECKLESS ANIMAL OWNER.

33
34 (2) FOR THE PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO BE FOUND
35 GUILTY OF VIOLATING THE PROVISIONS OF THIS ARTICLE IF THE PERSON IS FOUND
36 GUILTY, IS PLACED ON PROBATION BEFORE JUDGMENT, OR PAYS A CIVIL FINE FOR A
37 VIOLATION OF THIS ARTICLE, OR OWNS AN ANIMAL DESIGNATED BY THE AGENCY AS
38 POTENTIALLY DANGEROUS, DANGEROUS, OR VICIOUS WITHIN THE PRECEDING 24
39 MONTHS.

40
41 (B) **Notice.** UPON DESIGNATION BY THE CHIEF, THE AGENCY SHALL ISSUE A WRITTEN
42 NOTICE TO THE RECKLESS ANIMAL OWNER THAT INCLUDES:

- 43
44 (1) THE NAME AND ADDRESS OF THE RECKLESS ANIMAL OWNER;
45
46 (2) A DESCRIPTION OF THE CIRCUMSTANCES THAT LED TO THE DESIGNATION;
47
48 (3) THE NAME, DESCRIPTION, AND LICENSE NUMBER, IF ANY, OF ANY ANIMALS
49 OWNED OR IN THE CUSTODY OF THE RECKLESS ANIMAL OWNER; AND
50
51 (4) NOTICE OF THE RIGHT TO APPEAL THE DESIGNATION.

1 (C) **Appeal.** A PERSON DESIGNATED AS A RECKLESS ANIMAL OWNER MAY APPEAL THE
2 DESIGNATION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE COMMISSION WITHIN
3 10 DAYS OF SERVICE OF THE RECKLESS ANIMAL OWNER NOTICE.
4


5 (D) **Commission hearing.** THE HEARING BEFORE THE COMMISSION SHALL BE
6 GOVERNED BY § 12-4-206. THE AGENCY SHALL ESTABLISH A VIOLATION OF THIS SECTION
7 BY A PREPONDERANCE OF THE EVIDENCE. IF THE PETITIONER FAILS TO APPEAR AT THE
8 HEARING, THE APPEAL SHALL BE DISMISSED.
9

10 (E) **Prohibition.** AN OWNER DESIGNATED AS A RECKLESS ANIMAL OWNER MAY NOT
11 OWN, KEEP, POSSESS, OR HARBOR ANY ANIMAL FOR FOUR YEARS FROM THE DATE OF THE
12 DESIGNATION, ALL LICENSES ISSUED UNDER § 12-4-702 TO THE RECKLESS ANIMAL OWNER
13 SHALL BE REVOKED, ALL ANIMALS OWNED OR IN THE CUSTODY OF THE RECKLESS
14 ANIMAL OWNER SHALL BE IMPOUNDED AND SEIZED BY THE AGENCY AND SHALL BE
15 IMMEDIATELY CONSIDERED UNWANTED OR UNREDEEMED.
16

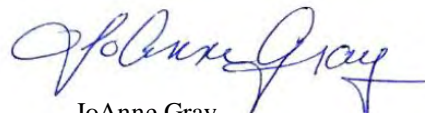
17 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
18 from the date it becomes law.

READ AND PASSED this 16th day of November, 2020


By Order:


JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 17th day of November, 2020


JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 18th day of November, 2020


Steuart Pittman
County Executive

EFFECTIVE DATE: January 2, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 89-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer