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

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

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

BY repealing and reenacting, with amendments: §§ 12-4-101(1), (3), (4), (10), (16), (19), and (46); and 12-4-103, 12-4-201, 12-4-202, and 12-4-206 to be under the amended 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.
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
the amended subtitle “Subtitle 3. Animal Care and Control Agency and Officers”; 12-
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-
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-
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;
12-4-910; and 12-4-912(b) and (c)
Anne Arundel County Code (2005, as amended)

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

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

ARTICLE 12. PUBLIC SAFETY

TITLE 4. ANIMAL CARE AND CONTROL

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

12-4-101. Definitions.

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

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

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

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

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

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

(19) “Cruelty” means an act or omission by which unjustifiable physical pain,
suffering, or death is caused or permitted, including a failure to provide proper drink, air,
space, shelter, or protection from the elements, veterinary care, or nutritious food in
sufficient quantity, [[and]] a failure to employ the most reasonably humane method
available with respect to an activity in which physical pain is necessarily caused, such as
food processing, hunting, experimentation, or pest elimination, OVERDRIVING OR
OVERLOADING AN ANIMAL, INFLECTING UNNECESSARY SUFFERING OR PAIN ON AN
ANIMAL, OR ANY ACT PROHIBITED BY §§ 10-606, 10-607, OR 10-608 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE.

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

12-4-103. Injunctive relief.

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

SUBTITLE 2. ANIMAL [[CONTROL]] MATTERS COMMISSION

12-4-201. Commission established.

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

12-4-202. Composition; appointment; terms; compensation.

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

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

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

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

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

12-4-206. Hearings before Commission.

(a) Generally. Within 30 days after receiving AN APPEAL, PETITION, OR a request for a hearing [[from a person whose license has been denied, suspended, or revoked, from a person to whom a citation has been issued, or from a person who has filed an affidavit of
complaint]] AUTHORIZED UNDER THIS ARTICLE, the Commission shall convene to hear the matter. The person requesting the hearing shall be notified of the date, time, and place of the hearing [[and of the law alleged to have been violated]].

(B) **Hearing procedures.**

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

(2) THE HEARING DATE MAY BE POSTPONED:

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

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

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

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

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

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

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

(d) **Appeals.** When appeals are considered by the Commission, the Chief may initiate corrective or enforcement action other than action relating to suspension, denial, or revocation of licenses authorized by this title.
(e) [[Potentially dangerous, dangerous, and vicious animals.]] Appeals of orders for potentially dangerous, dangerous, or vicious animals shall be governed by Subtitle 4 of this title.] [De novo appeal. THE CHIEF’S DECISION UNDER §§ 12-4-403, 12-4-713, 12-4-901, OR 12-4-913 IS SUBJECT TO DE NOVO REVIEW BY THE COUNTY BOARD OF APPEALS. A PERSON WHO APPEARED AT THE HEARING AND WAS AGGRIEVED BY THE CHIEF’S DECISION MAY FILE A WRITTEN REQUEST FOR APPEAL WITH THE BOARD OF APPEALS WITHIN 30 DAYS OF THE DECISION.

SUBTITLE 3. ANIMAL CARE AND CONTROL AGENCY[[; ANIMAL CARE]] AND [[CONTROL AGENCY]] OFFICERS

12-4-301. Enforcement of article.

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

12-4-302. Appointment and powers of Agency officers.

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

(1) ISSUE AND SERVE CITATIONS;
(2) SEIZE, IMPOUND, OR DISPOSE OF AN ANIMAL;
(3) TAKE ACTION OR ORDER AN OWNER TO TAKE ANY ACTION NECESSARY TO PROTECT THE HEALTH OR SAFETY OF AN ANIMAL, A PERSON, OR THE PUBLIC;
(4) SEARCH PRIVATE PROPERTY AND SEIZE EVIDENCE OR ANIMALS BY OBTAINING A SEARCH WARRANT ISSUED BY A COURT;
(5) APPLY FOR A CRIMINAL SUMMONS OR WARRANT; AND
(6) CONDUCT INSPECTIONS OF ANIMAL HOLDING FACILITIES, COMMERCIAL KENNELS, PET STORES, AND OTHER FACILITIES REGULATED BY THIS TITLE.

12-4-304. Authority to charge; citation.

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

(b) Issuance of citation. [[The person who charges a person under this article shall issue a]] A written citation SHALL BE ISSUED to the person charged UNDER THIS ARTICLE. The citation shall be a sufficient charging document for the prosecution of the offense for which it is issued.
(c) Contents. A citation issued to a person under this section shall be on a form prescribed by the Agency and shall include:

1. the name and address of the alleged violator;
2. the violation alleged;
3. a statement with a line for signature by the alleged violator acknowledging receipt of the citation;
4. a statement setting forth the requirement of election of a choice of action which the alleged violator shall make as specified in § 12-4-305;
5. a statement signed under penalty of perjury that the person issuing the citation has probable cause to believe the fact of the violation is correct; and
6. other necessary information.

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

(a) Generally. A person who receives a citation MAY elect to:

1. pay the fine provided for in the citation to the Agency before the day of trial;
2. submit within 15 days after receiving SERVICE OF the citation, SUBMIT a written request for a hearing before the Commission for dismissal of the citation;
3. pay the fine if the Commission does not dismiss the citation AFTER THE HEARING; OR
4. REQUEST TO STAND TRIAL IN THE DISTRICT COURT ON THE CITATION.

12-4-306. Duties of individual issuing citation.

Each person who issues a citation to an alleged violator shall:

1. promptly file the original copy with the Agency;
2. maintain or file other copies of the citation as required by the Agency; and
3. appear for the trial of the citation should it proceed to trial and be responsible for subpoenaing necessary witnesses for the trial.

12-4-307. Duties of Agency on receiving citation.

On receiving the original copy of a citation issued to an alleged violator, the Agency shall:
(1) promptly refer the citation to the Commission;

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

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

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

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

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

12-4-308. Duties of Commission on receiving citation.

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

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

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

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

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

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

After the original copy of the [[animal control]] citation is filed with the District Court,
the citation may be disposed of by trial, dismissal, or other official action by a judge of the
District Court or BY payment of the fine.
12-4-310. Application for criminal summons or warrant.

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

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

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

12-4-312. Interference with Agency officer prohibited.

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

SUBTITLE 4. PUBLIC SAFETY

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

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

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

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

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

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

(c) Appeal of orders.

(1) An owner of an animal designated as potentially dangerous, dangerous, or vicious may appeal that order to the Commission within 10 days of receipt of the order by
filing a written request for appeal with the Agency. [[Upon such request, a hearing shall be scheduled before the Commission within 30 days of the request for appeal. The hearing date may be extended by the Chief of Police or his designee on written request by either party only for good cause shown at least five days before the scheduled hearing date, or by the Commission on the hearing date by the requesting party appearing and presenting good cause for a continuance.]]

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

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

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

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

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

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

12-4-406. Dangerous animal registry.

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

(b) Annual registration. Prior to the expiration of an animal license each year, and until the dangerous or potentially dangerous animal is deceased, the owner shall submit to the County a license renewal that includes all information contained in the original registration and any updates. The [[agency]] AGENCY shall post any updates to the registry
within a reasonable period of time. In the event contact information for the owner changes, the owner shall update the [[agency]] AGENCY within 10 days of the change. The owner shall comply with notification requirements in the original order regarding the animal’s location and disposition.

**SUBTITLE 5. IMPOUNDMENT OF ANIMALS**

12-4-502. Right of entry.

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

12-4-504. Redemption of impounded animals.

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

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

(2) paying all redemption fees;

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

(4) providing satisfactory proof of ownership; and

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

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

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

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

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

(4) the cost of any required veterinary services.

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

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

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

(E) Active investigations. If an animal is impounded under this subtitle as a danger to persons or property, the Agency may deny redemption of the animal for the lesser of 14 days or the duration of an active investigation into the incident for which the animal was impounded.

(F) Spay or neuter conditions. If a dog or cat that is not spayed or neutered is impounded two times within a 12-month period, the owner shall have the animal spayed or neutered at the owner’s expense prior to redemption unless the owner appeals to the commission within five days after the date of the condition being imposed and the Chief, following a recommendation from the commission, waives this requirement or orders other action.

(G) Appeal. The owner of an animal may appeal redemption conditions imposed by the agency under this section by filing a written appeal with the commission within five days of the conditions being imposed. At least five days prior to the hearing, the owner of an animal shall be notified of the date, time, and location of the hearing.

(H) Commission hearing. The hearing before the commission shall be governed by § 12-4-206. After a hearing on an appeal of redemption conditions, the commission shall submit a recommendation to the chief noting any conditions the commission recommends be upheld, amended, waived, or added.

(I) Redemption pending appeal. If the owner files a timely appeal to the commission, the chief may allow redemption of the animal by the owner while the appeal is pending without the owner complying with the appealed condition. If a redemption condition is upheld by the chief after the hearing, the owner shall present satisfactory proof of compliance with all redemption conditions to the agency within 30 days of the final decision being issued.

(J) Microchipping. An impounded animal shall be microchipped at the owner’s expense prior to redemption if, within the 24 months prior to the impoundment, the owner of the animal was found guilty, placed on probation before judgment for, or paid a civil citation for a violation of §§ 12-4-402, 12-4-903, 12-4-904, 12-4-905, or 12-4-906.
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] AGENCY 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.
12-4-709. Chicken and duck license.

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

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

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

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

12-4-714. Effect of denial or revocation of license.

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

12-4-715. Enforcement of unappealed notices.

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

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

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

SUBTITLE 8. STANDARDS FOR CARE AND KEEPING OF ANIMALS

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

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

(D) Penalties. IT IS A CLASS D CIVIL OFFENSE TO VIOLATE THIS SECTION.
12-4-809. Severe weather emergencies and alerts.

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

SUBTITLE 9. MISCELLANEOUS PROVISIONS

12-4-901. Cruelty.

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

(1) determine whether or not a probable violation has occurred;

(2) notify the appropriate authority of the alleged violation; and

(3) recommend or take action necessary to rectify the situation.

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

(1) DOES NOT HAVE ACCESS TO SUFFICIENT FOOD OR WATER;

(2) IS SUBJECT TO CRUELTY; OR

(3) IS ABUSED OR NEGLECTED AS DEFINED IN § 10-604 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-4-913. Reckless animal owner.

(A) Reckless animal owner designation.

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

2. FOR THE PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO BE FOUND GUILTY, IS PLACED ON PROBATION BEFORE JUDGMENT, OR PAYS A CIVIL FINE FOR A VIOLATION OF THIS ARTICLE, OR OWNS AN ANIMAL DESIGNATED BY THE AGENCY AS POTENTIALLY DANGEROUS, DANGEROUS, OR VICIOUS WITHIN THE PRECEDING 24 MONTHS.

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

1. THE NAME AND ADDRESS OF THE RECKLESS ANIMAL OWNER;
2. A DESCRIPTION OF THE CIRCUMSTANCES THAT LED TO THE DESIGNATION;
3. THE NAME, DESCRIPTION, AND LICENSE NUMBER, IF ANY, OF ANY ANIMALS OWNED OR IN THE CUSTODY OF THE RECKLESS ANIMAL OWNER; AND
4. NOTICE OF THE RIGHT TO APPEAL THE DESIGNATION.
(C) **Appeal.** A person designated as a reckless animal owner may appeal the designation by filing a written notice of appeal with the commission within 10 days of service of the reckless animal owner notice.

(D) **Commission hearing.** The hearing before the commission shall be governed by § 12-4-206. The agency shall establish a violation of this section by a preponderance of the evidence. If the petitioner fails to appear at the hearing, the appeal shall be dismissed.

(E) **Prohibition.** An owner designated as a reckless animal owner may not own, keep, possess, or harbor any animal for four years from the date of the designation, all licenses issued under § 12-4-702 to the reckless animal owner shall be revoked, all animals owned or in the custody of the reckless animal owner shall be impounded and seized by the agency and shall be immediately considered unwanted or unredeemed.

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

READ AND PASSED this 16th day of November, 2020

By Order:

[Signature]
JoAnne Gray
Administrative Officer

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

[Signature]
JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 18th day of November, 2020

[Signature]
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.

[Signature]
JoAnne Gray
Administrative Officer