

**County Commissioners  
Of  
Allegany County, Maryland**

---

**Code Home Rule Bill No. 4-24  
“An Act to Amend the Animal Control Laws of Allegany  
County, Maryland”**

**Introduced:** Jointly by the County Commissioners

**Date:** August 8, 2024

**Hearing Date:** August 22, 2024

**Passed:** August 22, 2024

**Newspaper:** The Cumberland Times-News

**Publication:** 09/11/24, 09/18/24, 09/25/24

**Effective Date:** October 6, 2024

**Referendum Petition:** \_\_\_\_\_

**Posted on** \_\_\_\_\_

CODE HOME RULE  
BILL NO. 4-24

A Bill Entitled:

**“AN ACT TO AMEND THE ANIMAL LAWS FOUND IN CHAPTER 225 OF THE CODE  
OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND (2011 EDITION  
AS AMENDED”**

**SECTION I.**

**WHEREAS**, Chapter 225, Section 1 provides definitions related to Animal Control in the Code of Public Laws of Allegany County, Maryland; and

**WHEREAS**, the Board of County Commissioners recognize that animals running at large pose a substantial threat to public safety and constitute a Public Nuisance.

**WHEREAS**, the Board of County Commissioners desire to amend the Code of Public Laws of Allegany County, Maryland to update the definition of a Public Nuisance Dog to a Public Nuisance Animal and to provide a procedure for the forfeiture of ownership rights of animals designated as Public Nuisance Animals.

**NOW, THEREFORE**, in accordance with the authority granted by the State of Maryland, it is hereby proposed that the following amendments be approved and enacted to Chapter 225 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)<sup>1</sup>:

§ 225-1 Definitions.

The following terms as used in this chapter shall have the meanings assigned to them in this section:

...

**PUBLIC NUISANCE ~~DOG~~ ANIMAL**

Any dog repeatedly found at large; or any dog which has damaged the property of anyone other than its owners; or any dog which has bitten two or more persons; or any dog disturbing the peace by excessive barking; **or any animal having been the subject of two or more violations of this Chapter 225 in a twenty-four (24) month period**, or any ~~dog~~ animal which has been designated by the ASM, ACO or ACP to be a public nuisance ~~dog~~ animal by virtue of being a menace to the public health, welfare or safety.

...

**§ 225-9A Forfeiture of Ownership Rights**

**A. The ownership rights of a person owning a Public Nuisance Animal may be forfeited to the County pursuant to the procedure in this section.**

---

<sup>1</sup> **Bold** material is language added to the existing law. ~~Stricken through~~ material is language deleted from the existing law.

**B. In addition, the ownership rights of other animals owned by the same owner may be forfeited if he/she has demonstrated an inability or unwillingness to properly care for or control the animal in order to prevent it from becoming a public nuisance animal.**

**C. When the Animal Control Shelter seeks to forfeit the ownership rights to an animal or animals determined to be a Public Nuisance Animal the Animal Control Shelter shall notify the owner or apparent owner of the animal sought to be forfeited that the Animal Control Shelter intends to forfeit his/her ownership rights. The notice must be served on the owner personally, by registered mail. The notice must be in writing and state the reasons why forfeiture is sought, including a summary of applicable incidents. The notice must state that the owner has a right to request a hearing before a hearing officer appointed by the Animal Control Manager within 10 days after receiving the notice. A failure to request the hearing will constitute an admission of the facts alleged in the notice, and the animal will be deemed forfeited to the Animal Control Shelter.**

**D. If the owner requests a hearing, the hearing will be held within 15 days after the County receives the hearing request. The hearing will be held in accordance with the policies and procedures adopted by the Board of County Commissioners for an administrative hearing process. The hearing officer must make written findings of fact and reach a conclusion whether the allegations are true and whether the animal will be forfeited to the city. The findings and conclusions must be made within 10 working days after the hearing and must be served on the owner personally or by registered mail. The decision of the hearing officer shall be considered the final administrative relief.**

**E. The owner may appeal the final decision of the hearing officer to the Circuit Court of Allegany County within 30 days of the notification of the decision.**

**F. The Animal Control Shelter shall have the power to participate as a party in any appeal of the hearing officer's decision before the Circuit Court of Allegany County.**

**G. Any animal declared to be a Public Nuisance Animal, which the Animal Control Shelter has provided notice to the owner that it seeks to forfeit the owner's ownership rights, shall be impounded by the Animal Control Shelter for the duration of the forfeiture proceedings.**

**H. If the animal is deemed or ordered forfeited, and the time for appeal has passed without successful appeal, the animal may be adopted to new owners who will adequately care for and control the animal.**

## **SECTION II.**

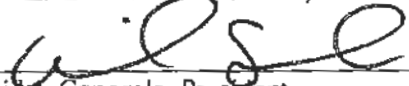
All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill, are hereby repealed.

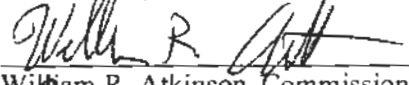
**SECTION III.**

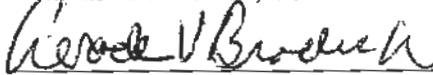
AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall become effective 45 days from date of passage.

PASSED this 22 day of August, 2024.

**BOARD OF COUNTY COMMISSIONERS  
OF ALLEGANY COUNTY, MARYLAND**

  
David J. Caporale, President

  
William R. Atkinson, Commissioner

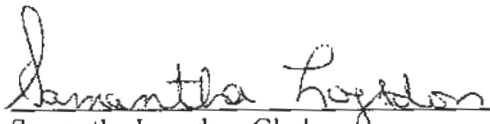
  
Creade V. Brodie, Jr., Commissioner

ATTEST:

  
Jason M. Bennett, County Administrator

**CERTIFICATION**

I, Samantha Logsdon, Clerk to the County Commissioners of Allegany County, Maryland, hereby certify that the above action of the Commissioners is a part of the formal, written record of the public meeting on the 22 day of August, 2024.

  
Samantha Logsdon, Clerk

SEAL