

COUNTY ORDINANCE NO. 25-02

A BILL ENTITLED

AN ACT CONCERNING Reconsideration and Judicial Review of Decisions of the Queen Anne's County Animal Control Commission;

FOR THE PURPOSE of revising and updating the provisions of the Queen Anne's County Animal Control Ordinance (Chapter 9 of the Code of Public Local Laws of Queen Anne's County) as respects reconsideration and judicial review of decisions of the Animal Control Commission; providing for reconsideration, requests for reconsideration and the procedures applicable thereto; providing for the procedure for consideration for such requests; and generally dealing with and providing for reconsideration and judicial review of decisions of the Queen Anne's County Animal Control Commission;

BY REPEALING AND READOPTING Section 9-8H of the Code of Public Local Laws;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 9-8H of the Code of Public Local Laws be and is hereby REPEALED and REENACTED to read as set forth as Exhibit A attached hereto;

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Phil Dumenil

DATE: February 25, 2025

PUBLIC HEARING HELD: March 25, 2025

VOTE: 5 YEA 0 NAY

DATE OF ADOPTION: April 8, 2025

§ 9-8. Public hearings.

A. In general.

- (1) On a written complaint of a citizen, the Commission may conduct a public hearing to determine whether a violation of this chapter has occurred. The Commission may set conditions to correct the violation and order the violator to abide by those conditions within a prescribed time limit. The Commission may provide for any disposition of any animal, including euthanasia, as provided in this chapter.
- (2) The Commission may conduct hearings on whether an animal shall be deemed a dangerous animal under the provisions of this chapter. On finding that an animal is dangerous, the Commission may set any reasonable conditions or restrictions on release of the animal or order the animal euthanized.
- (3) At the request of an Animal Control Officer or a member of the Commission, the Commission may conduct a public hearing to determine whether a person has complied with an order of the Commission. If the Commission determines that the respondent has not complied with an order of the Commission, the Commission may impose a fine or other appropriate remedy, as provided in this chapter.
- (4) It shall be unlawful for any person to fail to comply with a decision, order, or directive of the Commission.

B. Notice. Except in the case of a dangerous animal hearing under § 9-20 of this chapter:

- (1) The Commission shall give written notice to the respondent of a complaint by either personal delivery or certified mail, restricted delivery, return receipt requested. The notice shall be mailed to the respondent at least 10 days prior to the public hearing regarding the alleged violation. The notice shall contain the nature of the complaint and the time, date, and place of the hearing.
- (2) The Commission shall notify the complainant, by first class mail, of the time, date, and place of the hearing.

C. Right to counsel. A person shall have the right to retain their own counsel at their own cost for any matter before the Commission.

D. Subpoena power. The Commission may issue a subpoena for the attendance of a witness or the production of documents at a Commission hearing.

E. Evidence

- (1) Prior to the hearing, parties shall supply all evidence to the Commission and the other parties.
- (2) The Commission may consider all relevant evidence without regard to any formal rules of evidence.

F. Decisions.

- (1) The Commission shall render a decision within 15 calendar days after the conclusion of

any public hearing.

- (2) If the Commission finds that a violation did not occur, the Commission shall dismiss the complaint.

G. Costs. Any costs incurred by the respondent in order to comply with the Commission's rulings are the sole responsibility of the respondent.

11. Reconsideration, and judicial review.

- ~~(1) Reconsideration. Reconsideration of a decision may be made by request filed with the Commission by the complainant, respondent, or by the Commission on its own motion within 10 days of the decision.~~

(1) RECONSIDERATION

a. BY VOTE OF TWO OF THE FIVE MEMBERS OF THE COMMISSION, THE COMMISSION MAY AGREE TO RECONSIDER A DECISION UPON REQUEST OF A PARTY OR MOTION OF A COMMISSIONER.

i. THE REQUEST OR MOTION TO RECONSIDER MUST BE MADE WITHIN THIRTY (30) DAYS OF ISSUANCE OF THE DECISION AND PRIOR TO THE FILING OF AN APPEAL OF THE DECISION TO THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY.

ii. RECONSIDERATION MUST BE BASED UPON EVIDENCE NOT REASONABLY AVAILABLE TO THE REQUESTOR AT THE TIME OF THE COMMISSION'S ORIGINAL DECISION, OR TO PREVENT MANIFEST INJUSTICE.

b. WHEN A REQUEST OR MOTION TO RECONSIDER IS MADE, THE COMMISSION SHALL CONVENE A PUBLIC HEARING TO DETERMINE WHETHER PROPER GROUNDS EXIST AND, IF SO, WHETHER TO MODIFY THE ORIGINAL DECISION.

- ~~(2) Judicial review. Any appeal must be noted to the Circuit Court for Queen Anne's County within 30 days of the date of the decision in accordance with the Maryland Rules of Procedure.~~

(2) JUDICIAL REVIEW

a. ANY APPEAL FROM A DECISION OF THE COMMISSION MUST BE NOTED TO THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY WITHIN 30 DAYS OF THE DATE OF THE DECISION IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

b. IF A REQUEST TO RECONSIDER A DECISION OF THE COMMISSION IS TIMELY MADE AS PROVIDED ABOVE, THE RUNNING OF THE TIME WITHIN WHICH A PARTY MAY APPEAL THE DECISION TO THE CIRCUIT COURT IS SUSPENDED. THE TIME WITHIN WHICH TO FILE AN APPEAL BEGINS TO RUN ANEW ON THE DATE OF THE COMMISSION'S FINAL ACTION ON THE REQUEST TO RECONSIDER.

c. REPEATED AND/OR FRIVOLOUS REQUESTS BY A PARTY TO RECONSIDER A DECISION MAY BE DISMISSED. DISMISSAL DOES NOT TOLL THE RUNNING OF THE TIME PERIOD ALLOTTED FOR APPEAL TO THE CIRCUIT COURT.

(3) CHANGE IN CIRCUMSTANCES

- a. **NOTWITHSTANDING ANY OF THE ABOVE, IN AN INSTANCE OF AN ALLEGED CHANGE IN RELEVANT CIRCUMSTANCES UNDERLYING THE COMMISSION'S ORIGINAL DECISION, THE COMMISSION MAY AGREE AT ANY TIME TO HOLD A PUBLIC HEARING TO DETERMINE THE CONTINUED APPROPRIATENESS OF THAT DECISION.**
- b. **BASED ON THE HEARING, THE COMMISSION MAY REAFFIRM, MODIFY, OR WITHDRAW THE ORIGINAL DECISION.**