

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2007, Legislative Day No. 5

Bill No. 11-07

Introduced by Mr. Dillon, Chairman  
(by request of the County Executive)

By the County Council, March 5, 2007

---

Introduced and first read on March 5, 2007

Public Hearing set for April 3, 2007

Bill Expires June 8, 2007

By Order: Judy C. Holmes, Administrative Officer

---

A BILL ENTITLED

1 AN ORDINANCE concerning: Animal Control – Public Safety

2

3 FOR the purpose of reassigning certain authority and duties relating to animal control from  
4 the Animal Control Administrator to the Chief of Police or the Chief's designee;  
5 reassigning certain authority and duties relating to expenses of spaying or neutering and  
6 refunding the adoption fee under certain circumstances from the Animal Control Officer  
7 to the Police Department; defining certain terms; making certain stylistic changes; and  
8 generally relating to Animal Control.

9

10 BY repealing: § 12-4-101(1)

11 Anne Arundel County Code (2005, as amended)

12

13 BY repealing and reenacting, with amendments: §§ 12-4-101(4), 12-4-103, 12-4-202(a) and  
14 (e), 12-4-203(b), 12-4-205, 12-4-206, 12-4-301, 12-4-302, 12-4-710(a), 12-4-711(c) and  
15 (d), 12-4-912(b) through (d), and 12-4-1001

16 Anne Arundel County Code (2005, as amended)

17

18 BY renumbering § 12-4-101(2) through (13) to be § 12-4-101(1) through (12)

19 Anne Arundel County Code (2005, as amended)

20

21 BY adding: § 12-4-101(13)

22 Anne Arundel County Code (2005, as amended)

---

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
2 That § 12-4-101(1) of the Anne Arundel County Code (2005, as amended) is hereby  
3 repealed.

4  
5 SECTION 2. *And be it further enacted,* That § 12-4-101(2) through (13) of the Anne  
6 Arundel County Code (2005, as amended) is hereby renumbered to be § 12-4-101(1) through  
7 (12).

8  
9 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County  
10 Code (2005, as amended) read as follows:

11  
12 ARTICLE 12 PUBLIC SAFETY

13  
14 TITLE 4. ANIMAL CONTROL

15  
16 **12-4-101. Definitions.**

17  
18 In this title, the following words have the meanings indicated:

19  
20 [(1) "Administrator" means the Administrator of the Animal Control Agency or the  
21 Administrator's designee.]

22  
23 [(4)](3) "Animal Control Agency" means the [Agency] SECTION in the Police  
24 Department directed by the Chief of Police or otherwise authorized by law to administer and  
25 enforce this article.

26  
27 (13) "CHIEF" MEANS THE CHIEF OF POLICE OR THE DESIGNEE OF THE CHIEF OF POLICE.

28  
29 **12-4-103. Injunctive relief.**

30  
31 The Chief [of Police] may request the Office of Law to seek a temporary restraining  
32 order and other relief in a court of competent jurisdiction to correct a condition by which the  
33 actions of an animal, or the actions or inactions of the owner or the custodian of the animal,  
34 cause a substantial and immediate danger to a human being or to property.

35  
36 **12-4-202. Composition; appointment; terms; compensation.**

37  
38 (a) **Composition.** The Commission consists of seven members. Of the seven members,  
39 one shall be the Health Officer or [a] THE HEALTH OFFICER'S representative [of the Health  
40 Officer]; one shall be the Chief [of Police] or THE CHIEF'S [a] representative [of the Chief of  
41 Police]; and five shall be citizen members. Of the five citizen members, one shall be a local  
42 veterinarian or an alternative veterinarian representative; one shall be appointed from  
43 Councilmanic District 1, 2, or 3; one shall be appointed from Councilmanic District 4 or 5;  
44 one shall be appointed from Councilmanic District 6 or 7; and one shall be appointed at  
45 large.

46  
47 (e) **Attendance by Chief or Chief's designee.** When required by the Chair of the

1 Commission, the [Administrator] CHIEF shall attend meetings of the Commission.

2 **12-4-203. Chair; Executive Secretary; Secretary; Counsel.**

3  
4 (b) **Executive Secretary.** [Except when the Administrator is a party to a case being  
5 heard, the Administrator] THE CHIEF shall serve as the Executive Secretary of the  
6 Commission, be responsible for providing staff support, schedule and arrange for meetings  
7 and hearings, and be the official custodian of the records of the Commission. [In matters  
8 where the Administrator is a party, the Administrator's designee shall perform the duties of  
9 Executive Secretary.]

10  
11 **12-4-205. Meeting and duties of Commission.**

12  
13 The Commission shall meet at the call of the Chair to hear complaints or appeals as  
14 prescribed and authorized in this title and shall make recommendations to the Chief [of  
15 Police] concerning:

16  
17 (1) the suspension or revocation of licenses issued under this title;

18  
19 (2) the disposition of animals affected by violations of this title or other law;

20  
21 (3) criminal prosecution of violations of this title or other law; and

22  
23 (4) other disposition of or an election of a legal remedy to correct alleged violations  
24 of this title or offenses or conditions considered by the Commission.

25  
26 **12-4-206. Hearings before Commission.**

27  
28 (a) **Generally.** Within 30 days after receiving a request for a hearing from a person  
29 whose license has been denied, suspended, or revoked, from a person to whom a citation has  
30 been issued, or from a person who has filed an affidavit of complaint, the Commission shall  
31 convene to hear the matter. The person requesting the hearing shall be notified of the date,  
32 time, and place of the hearing and of the law alleged to have been violated. A person shall  
33 have right to counsel before the Commission. At the time of the hearing or within 15 days  
34 after the hearing, the Commission shall submit written findings and recommendations to the  
35 Chief [of Police] as to a decision rendered under § 12-4-205 or findings of fact and a  
36 determination whether a violation of this title occurred.

37  
38 (b) **Findings and recommendations.** If the Commission finds that a violation did occur,  
39 it shall sustain the fines levied under § 12-4-1001. In cases specifically dealing with  
40 affidavits of complaints that involve multiple charges filed by one neighbor against another,  
41 the Commission may reduce the fine to the amount that the Commission considers  
42 appropriate. If the Commission finds that a violation did not occur, it shall dismiss the  
43 citation. The Commission may make other recommendations to the Chief [of Police].

44  
45 (c) **On request of the Chief.** Within 15 days after a request from the Chief [of Police]  
46 for the Commission to consider an alleged violation, the Commission shall convene to hear  
47 the matter. The individual complained of shall be notified of the date, time, and place of the

1 hearing and of the animal control law alleged to have been violated. An individual shall have  
2 right to counsel before the Commission. Within 15 days of the hearing, the Commission shall  
3 submit written findings and recommendations to the Chief [of Police]. The Chief [of Police]  
4 may request the Commission to convene immediately for the purpose of investigating acute  
5 emergencies. In such case, good faith efforts shall be made to serve the hearing notice.

6  
7 (d) **Appeals.** When appeals are considered by the Commission, the Chief [of Police] may  
8 initiate corrective or enforcement action other than action relating to suspension, denial, or  
9 revocation of licenses authorized by this title.

10  
11 **12-4-301. Enforcement of article.**

12  
13 This title shall be enforced by the Animal Control Agency and animal control officers, or  
14 the authorized representatives of animal control officers, under the supervision of the Chief  
15 [of Police].

16  
17 **12-4-302. Appointment and powers of animal control officers.**

18  
19 The Chief [of Police] may appoint animal control officers. In enforcing this title, animal  
20 control officers shall have the powers possessed by the Sheriff.

21  
22 **12-4-710. Notice of denial, nonrenewal, revocation, or suspension of license.**

23  
24 (a) **Notice.** Before denying, withholding renewal of, suspending, or revoking any license,  
25 the [Administrator] CHIEF shall give notice to the licensee. The notice shall:

26  
27 (1) specify the violation or other basis for the action;

28  
29 (2) state a time within which the licensee shall take corrective action to abate the  
30 violation or cure other defects; and

31  
32 (3) inform the aggrieved party of the right to appear before the Commission to show  
33 cause why the license should not be revoked or other action upheld.

34  
35 **12-4-711. Appeals.**

36  
37 (c) **Recommendation to Chief and decision.** Within 15 days after the hearing, the  
38 Commission shall forward to the Chief [of Police] its findings and recommendation to  
39 affirm, modify, or rescind previous administrative action. The findings shall include the  
40 evidence on which the decision is based. The Chief [of Police] shall consider each  
41 recommendation of the Commission. Within 15 days after receipt of the Commission's  
42 findings and recommendation, the Chief [of Police] shall notify the appealing party of the  
43 determination.

44  
45 (d) **Appeal to Board of Appeals.** Within 30 days after notice of a final decision of the  
46 Chief [of Police] affecting a license required by this title, a person aggrieved may file a  
47 notice of appeal with the Board of Appeals.

1 **12-4-912. Spaying or neutering of adopted animals.**

2  
3 (b) **Conditions for adoption.** An animal may not be adopted from an animal control  
4 facility except on:

5  
6 (1) approval by the [Administrator and in the] CHIEF AT THE CHIEF'S discretion [of  
7 the Administrator];

8  
9 (2) execution of any adoption contract established by the Administrator;

10  
11 (3) provision for spaying or neutering of the animal as provided in subsection (c); and

12  
13 (4) payment of a fee of:

14  
15 (i) \$25 for male dogs and puppies;

16  
17 (ii) \$40 for female dogs and puppies;

18  
19 (iii) \$10 for male cats and kittens; and

20  
21 (iv) \$20 for female cats and kittens.

22  
23 (c) **Spaying and neutering.** Each animal adopted from an animal control facility or a  
24 private, nonprofit animal shelter operated by a humane society or association shall be spayed  
25 or neutered:

26  
27 (1) by a licensed veterinarian at the expense of the adopter within 30 days of adoption  
28 or such other date as specified in the adoption agreement under the authority of the  
29 [Administrator] CHIEF or the shelter operator; or

30  
31 (2) if the animal is adopted from an animal control facility, as provided for by the  
32 [Administrator] CHIEF before the adoption.

33  
34 (d) **Expenses.** If the adopter provides for the spaying or neutering of the animal under  
35 subsection (c)(1), the adopter shall provide evidence of the spaying or neutering as required  
36 by the [Administrator] POLICE DEPARTMENT or the shelter operator and, if the adoption was  
37 from an animal control facility, the [Administrator] POLICE DEPARTMENT shall refund the  
38 adoption fee on receipt of the evidence. If the [Administrator] CHIEF provides for the spaying  
39 or neutering of the animal under subsection (c)(2), the adopter shall reimburse the Agency  
40 for the cost of the spaying or neutering that is in excess of the adoption fee established under  
41 subsection (b)(4).

42  
43 **12-4-1001. Civil penalties.**

44  
45 A person who violates an order issued under §§ 12-4-401 et seq. is subject to a civil fine  
46 of \$250 for the first offense and \$500 for each subsequent offense. Otherwise, a person who  
47 violates any provision of this title is subject to civil fines as provided in § 9-2-101 of this  
48 Code. Each day that a violation continues constitutes a separate offense. The [Administrator]

1 CHIEF may enforce the provisions of this title through injunctive proceedings or any other  
2 appropriate actions.

3

4 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days  
5 from the date it becomes law.