

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 11

Bill No. 58 -2024

Introduced by the Chairperson at the request of the County Executive

Short title: Animal Control- Appeals to the Animal Matters Hearing Board or the District Court

Title: AN ACT amending the process for the issuance and appeal of citations for violations of animal control provisions of the County Code; providing that appeals may go to the Animal Matters Hearing Board or to the District Court; providing that the Board may take certain actions; and generally relating to the enforcement of animal control provisions of the Code.

Introduced and read first time _____, 2024. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2024.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2024 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2024 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2024

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3 *By amending:*

4 *Title 17. Public Protection Services.*

5 *Subtitle 3. Animals.*

6 *Section 17.318*

7 *Section 17.321.*

8
9 **Title 17. Public Protection Services.**

10 **Subtitle 3. Animals.**

11
12 **Section 17.318. Civil penalties and other remedies for violations.**

13 (a) *Injunctive and Other Relief.* The Administrator is authorized to institute on behalf of
14 Howard County any legal action, including an action for appropriate injunctive
15 relief, in order to compel compliance with any of the provisions of this subtitle.

16 (b) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other
17 remedies, the Administrator may enforce the provisions of this Subtitle with civil
18 penalties pursuant to Title 24, “Civil Penalties” of the Howard County Code.

19 (B) *CIVIL CITATIONS.* THE ANIMAL CONTROL ADMINISTRATOR MAY ISSUE A CIVIL
20 CITATION TO A PERSON WHO VIOLATES THIS SUBTITLE.

21 (C) *RIGHT TO APPEAL.* WITHIN 15 DAYS OF THE ISSUANCE OF A CITATION, A PERSON WHO
22 RECEIVES A CIVIL CITATION UNDER THIS SUBTITLE MAY APPEAL THE CITATION. ANY
23 CITATION ISSUED UNDER THIS SUBTITLE SHALL OUTLINE THE APPLICABLE APPEAL
24 PROCESS WHICH MAY BE TO THE ANIMAL MATTERS HEARING BOARD IN ACCORDANCE
25 WITH THIS SECTION AND SECTION 17.321 OF THIS SUBTITLE OR TO THE DISTRICT
26 COURT IN ACCORDANCE WITH TITLE 24 OF THIS CODE.

27 (D) *BOARD ACTION.* WHEN A CIVIL CITATION IS APPEALED TO THE BOARD, THE BOARD
28 MAY:

29 (1) AFFIRM THE CITATION;

30 (2) REVERSE THE CITATION;

1 (3) AFFIRM THE CITATION AND REDUCE THE AMOUNT OF THE FINE IMPOSED FOR
2 VIOLATIONS OF ANY SECTION EXCEPT SECTION 17.303 OF THIS SUBTITLE; OR

3 (4) FOR A VIOLATION OF SECTION 17.303 OF THIS SUBTITLE, AFFIRM THE CITATION
4 AND WAIVE THE FINE IF THE OWNER AGREES TO DESTRUCTION OF THE ANIMAL.

5 (E) *COLLECTION; DATE PAYABLE.* A CIVIL FINE IMPOSED BY THE ANIMAL CONTROL
6 ADMINISTRATOR SHALL BE PAYABLE TO AND COLLECTED BY THE DIRECTOR OF
7 FINANCE OF HOWARD COUNTY WITHIN 30 DAYS OF IMPOSITION. IF THE OWNER OF THE
8 ANIMAL, RESIDENCE, OR FACILITY APPEALS THE CIVIL CITATION TO THE ANIMAL
9 MATTERS HEARING BOARD OR DISTRICT COURT, THE DUE DATE OF THE FINE SHALL
10 BE EXTENDED TO 30 DAYS AFTER A DECISION OF THE BOARD OR COURT UPHOLDING
11 OR MODIFYING THE CITATION.

12 (F) *NOTIFICATION OF APPEALS.* THE ANIMAL MATTERS HEARING BOARD SHALL NOTIFY
13 THE DIRECTOR OF FINANCE OF ALL APPEALS PENDING BEFORE THE BOARD AND SHALL
14 REQUEST THAT THE DIRECTOR POSTPONE THE COLLECTION OF THE FINE UNTIL THE
15 BOARD HAS MADE A DECISION. THE BOARD SHALL NOTIFY THE DIRECTOR OF FINANCE
16 OF THE OUTCOME OF ALL APPEALS.

17 (G) *PENALTY NOT PAID.* IF A FINE IS NOT COLLECTED BY THE DIRECTOR OF FINANCE
18 WITHIN 30 DAYS OF ISSUANCE OF A CIVIL CITATION OR WITHIN 30 DAYS OF THE
19 BOARD'S UPHOLDING THE CIVIL CITATION, THE OFFICE OF LAW MAY INSTITUTE CIVIL
20 PROCEEDINGS TO COLLECT THE FINE. THE AMOUNT OF THE FINE SHALL INCREASE BY
21 HALF THE AMOUNT OF THE ORIGINAL FINE FOR EACH 30 DAYS OR PORTION THEREOF IT
22 REMAINS UNPAID.

23 ([[c]]H) *Fines for Violations of Certain Sections.* [[Pursuant to Section 24.107 I. OF THE
24 CODE, THE]]THE amount of the civil penalty for a violation of this subtitle is:

Code Section Violated	Amount of Fine	
17.301 and 17.306	First Offense	\$25.00
	Second Offense in 24-Month Period	50.00
	Third Offense in 24-Month Period	100.00
	Subsequent Offenses	250.00
17.302	First Offense	50.00
	Second Offense in 24-Month Period	100.00
	Third Offense in 24-Month Period	200.00

	Subsequent Offenses	200.00
17.303	\$250.00 to \$500.00 - BOARD MAY WAIVE FINE IF OWNER AGREES TO DESTRUCTION OF ANIMAL	
17.304 and 17.305	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.305A and 17.305B	First Offense	100.00
	Second Offense in a 24-Month period	150.00
	Third Offense in a 24-Month period	300.00
	Subsequent Offenses	500.00
17.307	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.311(d)(2)		100.00
17.315	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.316	First Offense	25.00
	Second Offense in 24-Month Period	50.00
	Third Offense in 24-Month Period	100.00
	Subsequent Offenses	200.00
17.317		300.00
17.322	Operating Without a License—Per day	250.00
17.322	Standards of care—First offense in 24-month period	200.00
	Second violation in 24-month period	400.00
	Third violation in 24-month period	600.00
	Subsequent violations	800.00

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2 ([[d]]) Each day that a violation continues is a separate offense.

3

4 **Section 17.321. Appeals.**

5 (a) *Appeal to Board.* A person may appeal to the Board any of the following actions of
6 the Administrator within seven days after the Administrator's action:

- 7 (1) A declaration that the person's animal, residence, or facility is a nuisance;
8 (2) A declaration that the person's animal is dangerous or potentially dangerous;

- 1 (3) A declaration that the person's animal is a threat to public safety;
- 2 (4) An order requiring the institution of control and confinement measures for the
3 person's animal, but only if the animal has been impounded in connection with
4 the order;
- 5 (5) Impoundment of the person's animal;
- 6 (6) Permanent impoundment of the person's animal;
- 7 (7) A declaration that the person is not eligible to adopt an animal; and
- 8 (8) A decision of the Animal Control Administrator to grant, deny, or impose
9 conditions on a private animal shelter license pursuant to section 17.322 of this
10 subtitle.
- 11 (b) *Board Action.* When an action of the Administrator is appealed to the Board UNDER
12 THIS SECTION, the Board may affirm, reverse, or modify the decision, and may order
13 any enforcement action that the Administrator is authorized to take by this subtitle.
- 14 (c) *Notice.* When a hearing is scheduled under this section, the Board shall give notice
15 of the hearing in accordance with subsection 17.320(c) of this subtitle.
- 16 (d) *Hearing.* The hearing shall be conducted in accordance with title 2 (the Howard
17 County Administrative Procedure Act) of this Code.
- 18 (e) *Appeal of Board Decision.* Any person, including the Animal Control Administrator,
19 who is aggrieved by a decision and order of the Board may, within 30 days thereof,
20 appeal the decision to the Board of Appeals. The appeal shall be on the record.
- 21 (f) *Enforcement of Board Decision.* If a person fails to comply with a decision of the
22 Board within the time specified by the decision, the Administrator may petition the
23 court for injunctive relief or otherwise institute legal action to enforce the Board's
24 decision.

25
26 ***Section 2. And be it further enacted*** by the County Council of Howard County, Maryland that Act
27 *shall be effective 61 days after enactment.*