

COUNTY ORDINANCE NO. 17-10

A BILL ENTITLED

AN ACT CONCERNING Revisions to Chapter 9 of the Code of Public Local Laws of Queen Anne's County, the Queen Anne's County Animal Control Ordinance;

FOR THE PURPOSE OF revising, amending and updating the Queen Anne's County Animal Control Ordinance, Chapter 9 of the Code of Public Local Law; providing for maximum fines consistent with Maryland Law; providing for reconsideration of decisions of the Animal Control Commission; making certain changes to provide consistency with current practices; revising the definition of public nuisance animal; making clear that certain violations may be charged as civil citations or under Maryland criminal law; deleting unnecessary provisions; renumbering certain provisions; and generally updating and revising Chapter 9 of the Code of Public Local Laws;

BY AMENDING Sections 9-7, 9-8, 9-9, 9-11, 9-19, 9-21 and 9-27 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the following provisions of Chapter 9 of the Code of Public Local Laws be and are hereby AMENDED to read as follows:

Chapter 9. Animal Control

§9-7. Legislative recommendations; regulations; fees and fines.

...

C. Fee structure; fines.

- (1) The Commission shall promulgate and maintain a schedule of fees to be imposed under this chapter for County dog, cat, and ferret registration and licensing of commercial animal establishments.

(2) The Animal Services Center shall promulgate, publish, and maintain a schedule of fees for all services provided by it, including fees for transfer, reapplication, redemption, adoption, board, and other fees or charges authorized or required.

(3) The Commission shall establish and adopt a schedule of fines which shall be imposed for violations of this chapter. The maximum fine that may be imposed for a violation of this Chapter is \$500.00 for a first offense and \$1,000.00 for a second or subsequent offenses.

(4) Fees and fines established under this chapter may be evaluated and adjusted on an annual basis by the Commission and the Animal Services Center.

§9-8. Public hearings.

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F. Judicial review. A decision of the Commission authorized under this chapter is final ten (10) calendar days after the date of the decision, subject only to a request filed with the Commission to reconsider the decision, or reconsideration by the Commission on its own notion. The decision is subject to review only by the Circuit Court for Queen Anne's County upon a timely appeal by a person aggrieved by the decision filed in accordance with the Maryland Code of Rules.

§9-9. ~~Manager~~ Management of Animal Control.

[Amended 5-26-2015 by Ord. No. 15-01]

A. The ~~Manager~~ Management of Animal Control (the "~~Manager~~" "Management") shall be appointed by the County Commissioners of Queen Anne's County and shall administer any laws and regulations pertaining to animal control in the County.

- B. The Manager **Management**, as well as any Animal Control Officer, shall operate under the authority and oversight of the county Commissioners of Queen Anne's County Office.
- C. The Manager **Management**:
  - (1) ~~Is the Chief Animal Control Officer; and~~
  - (2) **Shall** serve as an advisor to the Animal Control Commission.
- D. Operational responsibility. The Manager **Management** has operational responsibility for carrying out duties prescribed in this chapter and enforcing its provisions, as well as regulations duly promulgated by the Commission, including (but not necessarily limited to) provisions concerning public safety, public nuisances, prevention, cruelty to animals, and minimum standards for animal care.
- E. Patrols; complaint investigations. The Manager **Management** shall implement a program of patrols and response to citizen complaints for the purpose of enforcing this chapter and Maryland State Law regarding animal control.
- F. Emergencies. The Manager **Management** shall provide a twenty-four-hour, seven-day-a-week animal emergency service to respond to any complaint concerning matters deemed an emergency by the Manager **Management**.
- G. Inspection of animal establishments. The Manager **Management** shall implement a program of inspections of all animal establishments required to have a license under this chapter.
- H. Recordkeeping. The Manager **Management** or the Manager's **Management's** designee is responsible for maintaining accurate records of licenses, impoundments, dispositions, animal bites, and all enforcement actions taken by Animal Control Officers.
- I. Public information. The Manager **Management** shall make available to the general public information concerning

the enforcement of this chapter as it pertains to animal control.

§9-11. Animal Services Center.

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B. Scope of duties.

(1) Stray and unwanted animals.

(a) The Animal Services Center shall receive stray and unwanted domestic animals regardless of their medical condition.

(b) Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the center may be immediately euthanized.

(c) The Animal Services Center shall make a prompt and reasonable effort to locate and notify owners of stray animals.

(2) Return of identified animals. The Animal Services Center shall ascertain the identity of the owner of an impounded animal and, as a precondition of release, **may** require the payment of all charges for the care, board, veterinary treatment, and unpaid license fees, **registration and/or** **microchip** from the animal's owner or custodian.

any  
**microchip**

...

§9-19. Public nuisance animal.

[Amended 5-26-2015 by Ord. No. 15-01]

A. Defined terms.

(1) In this sections, the following words have the meanings indicated.

PUBLIC NUISANCE

(a) An animal who:

[1] Is repeatedly at large;

[2] Attacks and causes injury to a person, without provocation, off the property of the owner or custodian;

[3] Molests pedestrians or passersby;

[4] Chases vehicles or bicycles;

as

[5] Barks or makes other harsh noise to disturb the quiet, comfort, or repose of members of the community as reflected by a reasonable person with normal sensitivities to noise;

person noise;

[6] Defecates on private property without permission from the property owner;

[7] Molests, defaces or destroys the property of another;

[8] Does or performs any other acts which are determined by the Commission, after notice to the owner or custodian and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.

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§9-21. Cruelty.

A. Prohibited.

[Amended 2-9-2016 by Ord. No. 15-17]

(1) No individual shall:

- incite,  
injure,  
with a  
otherwise
- harmful  
kill
- of
- of
- provided  
humanely  
sickness,
- to
- violation
- consideration shall
- care and regulations
- §9-15 of this chapter.
- (a) Abandon an animal;
- (b) Tease, torture, torment, deliberately  
cruelly beat or kill, intentionally  
mutilate, intentionally run down  
vehicle, overdrive, overload, or  
abuse an animal;
- (c) Administer poison to an animal or knowingly  
place or leave any poisonous or other  
substance with the intent to injure or  
any animal other than vermin;
- (d) Use or permit any animal to be used for the  
purpose of fighting, raise for the purpose  
fighting, or organize or participate in any  
type of animal fighting;
- (e) Inflict suffering or pain upon an animal  
under the individual's charge or custody;
- (f) Fail to provide an animal with nutritious  
food in sufficient quantity, necessary  
veterinary care, proper drink, air, space,  
shelter, or protection from the elements;
- (g) Leave any domestic animal unattended in a  
manner that endangers the health or safety  
the animal;
- (h) Shoot any domestic animal, except as  
under §9-17F of this chapter or to  
destroy such animal because of  
disease, or injury.
- (2) ~~Penalty. Notwithstanding §9-27 of this chapter,~~  
~~violation of this section shall be a misdemeanor~~  
~~and, upon conviction, a person shall be subject~~  
~~incarceration for a period of up to 90 days and a~~  
~~fine of up to \$1,000 or both such fine and~~  
~~incarceration. In determining whether a~~  
~~of this section has occurred,~~  
~~consideration shall~~ be given to the standards of  
~~care and regulations~~ adopted pursuant thereto in  
~~§9-15 of this chapter.~~ **A person who violates this**

section may be subject to a civil citation and  
liable for a preset fine as established by  
the Animal Control Commission. Alternatively, a  
violation may be charged as a criminal  
offense under the Maryland Criminal Code.

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§9-27. Civil penalties.

A. In general.

(1) A person who violates any provision of this chapter shall be guilty of a civil infraction and subject to an original preset penalty as set forth in the schedule of penalties adopted by the Animal Control Commission under §9-7C of this chapter.

~~(2) The maximum fine for a violation of this chapter shall be \$1,000.~~

(2) Each day that a violation continues shall constitute a separate violation.

(3) Civil infractions under this chapter shall be governed by the procedures set forth in Subtitle 2 of Title 11 of the Local Government Article of the Annotated Code of Maryland.

B. Payment of fines.

(1) All fines imposed under this chapter shall be payable to the Queen Anne's County Finance Department.

(2) Fines shall be paid within 30 days of a violation.

(3) Failure to pay the monetary penalty within the prescribed time will result in a summons being issued for the violator to appear before the District Court of Maryland for the County of Queen Anne's.

C. Subsequent violations. Fines will be doubled for a second or subsequent violation of the same provision in any thirty-six-month period. The maximum fine for such second or subsequent violations is \$1,000.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its enactment.

INTRODUCED BY: Commissioner Anderson

DATE: August 8, 2017

PUBLIC HEARING HELD: August 22, 2017 @ 7:00 pm

VOTE:           Yea           Nay

DATE OF ADOPTION:   Withdrawn January 8, 2019