

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day 19

Bill No. 68-13

Mr. Tom Quirk, Councilman
By Request of County Executive

By the County Council, November 18, 2013

A BILL
ENTITLED

AN ACT concerning

Animal Control Law Revisions

FOR the purpose of changing the name of the Animal Control Division to the Animal Services Division; providing for the maintenance and publishing of certain records; providing for a volunteer program; providing for service of a violation notice; providing that a violator who does not appeal a violation notice or who does not appear at a requested hearing of the Animal Hearing Board shall be deemed to have waived the right to appeal the violation notice or a decision of the Animal Hearing Board to the Board of Appeals; providing that an appeal of a dangerous dog finding by the Animal Hearing Board to the Board of Appeals shall be based on the record created before the Animal Hearing Board; authorizing the Health Officer to require prepayment of certain costs related to the impoundment of an animal under certain circumstances; clarifying the authority of certain persons to order the impoundment of certain animals; providing criteria for setting impoundment costs; ~~requiring payment of the costs as a condition of appealing a citation to the Animal Hearing Board or the Board of Appeals~~ providing for the collection of unpaid impoundment costs; requiring the sterilization of certain animals under certain circumstances; increasing certain civil monetary penalties; ~~authorizing the owner of the animal to appeal the costs to the County Administrative Officer; requiring the County Administrative Officer to make a certain decision~~ providing for the return of certain impoundment costs to the owner under certain circumstances; defining certain terms; making conforming changes; providing for application of a portion of this Act; and generally relating to revising the animal control law of the county.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing and reenacting, with amendments

Sections 3-3-405(b) and 3-4-302
Article 3. Administration
Baltimore County Code, 2003

By repealing and reenacting, without amendments

Sections 12-1-101(a) and (q) and 12-3-108(a)
Article 12. Animals
Baltimore County Code, 2003

By adding

Sections 12-1-101(f), 12-1-107(d), 12-1-110(e)(3) and Sections 12-1-201 through ~~12-1-206~~ 12-1-205
Article 12. Animals
Baltimore County Code, 2003

By repealing

Sections 12-1-101(e) and 12-8-101(e)
Article 12. Animals
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 12-1-101(c)(2), (e) and (f), ~~12-1-103~~, 12-1-107(c), 12-1-108(b), 12-1-109, 12-1-110(c),(d), and (f), 12-1-114, 12-3-108(a) and (c), 12-3-201, 12-3-202(a), 12-3-203(a), (b), and (d)(2), 12-3-204(b), (c), and (d), 12-3-205(b) and (c), 12-3-208(a), 12-4-103, 12-4-201(b), 12-4-202, 12-4-203(a), 12-5-102(b), (d), and (e), 12-5-105(b), 12-5-107(a), 12-5-108(a), 12-5-109, 12-7-101(b), 12-8-101(c), 12-8-102, 12-8-103(a), (c), (e), and (g), 12-8-104, 12-8-105, 12-8-106(a) and (c), and 12-8-107

Article 12. Animals
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Section 35-6-110.1
Article 35. Buildings and Housing
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

1 Article 3. Administration

2 § 3-3-405.

3 (b) The Animal Hearing Board shall:

4 (1) (i) Adopt rules of procedure to govern the conduct of its hearings; and

5 (ii) Make the rules readily available to the public;

6 (2) Advise the County Executive or the Health Officer on all matters relating
7 to the control and welfare of animals in the county, including:

8 (i) Rules concerning the operation of the animal shelter operated by or
9 under contract with the county;

10 (ii) Standards for the collection, care, custody, and disposal of animals
11 at large, public nuisance animals, and dangerous animals;

12 (iii) Standards for the maintenance of holding facilities and the care of
13 animals in holding facilities;

14 (iv) The establishment of a permanent public education program;

15 (v) The establishment of a program for the sterilization of dogs and
16 cats in the county;

17 (vi) The performance of the Animal [Control] SERVICES Division in
18 exercising all duties and powers authorized under Article 12 of the Code; and

19 (vii) The annual budget for carrying out the provisions of this subtitle
20 and Article 12 of the Code, including fees and penalties; and

1 (e) (1) "Animal control officer" means the Baltimore County employee
2 designated and supervised by the [supervisor of the Animal Control Division] HEALTH
3 OFFICER to perform the duties described in this article.

4 [(f)] (E) "Animal Hearing Board" means the Board established under Article 3,
5 Title 3, Subtitle 4 of the Code for the purpose of hearing cases resulting from the enforcement of
6 this article by the [Animal Control Division] HEALTH OFFICER.

7 (F) "ANIMAL SERVICES DIVISION" MEANS THE DIVISION OF THE HEALTH
8 DEPARTMENT CHARGED WITH ENFORCING THE PROVISIONS OF THIS ARTICLE.

9 (q) "Health Officer" means the County Health Officer or the Health Officer's
10 designee.

11 § 12-1-103.

12 The Animal [Control] SERVICES Division shall, UNDER THE SUPERVISION OF
13 THE HEALTH OFFICER:

14 (1) Enforce the provisions of this article and the provisions of state law applicable to
15 animal control; ~~and~~

16 (2) [Under the supervision of the supervisor of the Animal Control Division,
17 appoint,] APPOINT, train, and qualify individuals, including animal control officers and
18 inspectors in personnel classifications that are or shall be established, to enforce the provisions of
19 this article and the provisions of state law applicable to animal control;

20 (3) MAINTAIN A PROGRAM FOR VOLUNTEERS TO ASSIST THE ANIMAL
21 SERVICES DIVISION IN CARRYING OUT THE PROVISIONS OF THIS TITLE; AND

22

1 (4) REQUIRE AN ANIMAL SHELTER TO PROVIDE FRESH FOOD AND
2 WATER, CLEAN AND SANITARY FACILITIES, ENVIRONMENTAL ENRICHMENT,
3 AND APPROPRIATE VETERINARY CARE AT THE SHELTER.

4 § 12-1-107.

5 (c) The [supervisor of animal control or the supervisor’s designee] HEALTH
6 OFFICER shall issue all notices and orders necessary and appropriate to ensure compliance with
7 this article.

8 (D)(1) THE HEALTH OFFICER MAY ENFORCE AN ANIMAL CONTROL LAW OR
9 PROTECT THE HEALTH OR SAFETY OF A PERSON, AN ANIMAL OR THE PUBLIC BY
10 IMPOUNDING AN ANIMAL AT AN ANIMAL SHELTER.

11 (2) THE ANIMAL HEARING BOARD MAY ORDER AN ANIMAL IMPOUNDED
12 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

13 § 12-1-108.

14 (a) Subject to subsection (b) of this section, an animal control officer may enter on
15 any property where the animal control officer has probable cause to believe that entry is
16 necessary for the purpose of discharging the duties imposed on the animal control officer BY
17 THE HEALTH OFFICER AND under this article, including for the purpose of impoundment
18 under Title 3, Subtitle 2 of this article.

19 (b) Absent exigent circumstances, subject to approval of the [supervisor of animal
20 control or the supervisor’s designee] HEALTH OFFICER, an animal control officer may request
21 the Office of Law to seek in a court of competent jurisdiction a search and seizure warrant to

1 allow entry into any private building or other enclosure subject to appropriate legal procedure
2 and limitations.

3 § 12-1-109.

4 (a) The Animal Hearing Board may order an animal removed from the county or
5 surrendered to the Animal [Control] SERVICES Division:

6 (1) When cruelty to an animal is substantiated; and

7 (2) For repeated violations of this article.

8 (b) If an owner fails to comply with an order issued under subsection (a) of this
9 section within 5 business days after notification, the [Animal Control Division] HEALTH
10 OFFICER may initiate an action to obtain a court order authorizing the Animal [Control]
11 SERVICES Division to execute the order.

12 (c) [An] SUBJECT TO SUBTITLE 2 OF THIS TITLE, AN animal surrendered to
13 the Animal [Control] SERVICES Division shall remain at the animal shelter:

14 (1) For a minimum of 30 days; and

15 (2) Until expiration of the appeal rights of the animal's owner.

16 § 12-1-110.

17 (c) (1) THE HEALTH OFFICER SHALL SERVE THE VIOLATION NOTICE
18 BY POSTING THE CITATION ON THE PROPERTY OF THE PERSON, SENDING THE
19 VIOLATION NOTICE BY ~~FIRST-CLASS MAIL~~ CERTIFIED MAIL, RETURN RECEIPT
20 REQUESTED, OR HAND-DELIVERING THE VIOLATION NOTICE TO THE PERSON.

1 (2) Within 5 business days after receiving the notice issued under this
2 section, the violator may:

3 (i) Pay the civil monetary penalty to the county in full satisfaction of
4 the assessed penalty; or

5 (ii) [Request] SUBJECT TO SUBTITLE 2 OF THIS TITLE,
6 REQUEST in writing to the Health Officer, a hearing before the Animal Hearing Board.

7 [(2)] (3) A request for a hearing shall specify the violation contested, the
8 date of the violation contested, and the reason for contesting the notice.

9 (d) If a violator fails to request a hearing within 5 business days after receiving the
10 notice issued under this section:

11 (1) The violator is deemed to have waived the right to a hearing AND TO
12 HAVE WAIVED THE RIGHT TO AN APPEAL TO THE BOARD OF APPEALS; and

13 (2) The Health Officer may establish the appropriate civil penalty.

14 (e)(3) IF THE VIOLATOR FAILS TO APPEAR AT A REQUESTED HEARING, THE
15 VIOLATOR IS DEEMED TO HAVE WAIVED THE RIGHT TO APPEAL THE FINDING OF
16 THE ANIMAL HEARING BOARD TO THE BOARD OF APPEALS.

17 (f) (1) (i) Except as provided in subparagraph (ii) and (iii) of this paragraph
18 and paragraph (2) of this subsection, on adjudication, the penalty for:

- 19 1. A first violation of this article is [~~\$25~~] \$30; and
20 2. Repeated violations of this article is [~~\$100~~] \$150.

21 (ii) The penalty for cruelty to animals is [~~\$100~~] ~~\$145~~ \$250 per
22 occurrence and [~~\$100~~] ~~\$145~~ \$250 per day as long as the conditions exist.

1 (iii) The penalty for failure to obtain a license for a dog or cat, as
2 required by § 12-2-201, is \$100.

3 (iv) Each day of violation shall be considered a separate offense.

4 (2) (i) The penalty for failure to sterilize an animal REDEEMED
5 UNDER § 12-2-203 OR adopted under § 12-3-204 of this article is \$100 per occurrence.

6 (ii) Each 30-day period after the issuance of the first violation notice
7 issued under this paragraph during which the owner of the animal fails to sterilize the animal as
8 required under § 12-2-203 OR § 12-3-204 of this article shall constitute a separate occurrence.

9 § 12-1-114.

10 (a) [This section does not apply to Title 8 of this article.

11 (b)] In accordance with § 3-5-104 of the Code, a violator may appeal a decision of the
12 Animal Hearing Board UNDER THIS ARTICLE to the Board of Appeals.

13 [(c)] (B) The Board of Appeals may not hear an appeal unless each of the
14 procedural requirements of this section is satisfied.

15 [(d)] (C) (1) The violator shall file the written notice of appeal and petition with
16 the Animal Hearing Board.

17 (2) The Animal Hearing Board shall forward the file to the Board of Appeals.

18 [(e)] (D) The violator shall file a petition with the notice of appeal setting forth with
19 reasonable particularity the grounds for the appeal, including:

20 (1) The error committed by the Animal Hearing Board;

21 (2) The relief sought; and

22 (3) The reasons why the relief sought should be granted.

1 [(f)] (E) (1) A [\$75] filing fee ESTABLISHED BY THE COUNTY ADMINISTRATIVE
2 OFFICER shall accompany the notice of appeal and petition.

3 (2) THE VIOLATOR SHALL PAY ANY COSTS REQUIRED UNDER
4 SUBTITLE 2 OF THIS TITLE.

5 [(g)] (F) (1) The hearing before the Board of Appeals shall be limited to the
6 record created before the Animal Hearing Board, which shall include:

7 (i) The recording of the testimony presented to the Animal Hearing
8 Board;

9 (ii) All exhibits and other papers filed with the Animal Hearing Board;
10 and

11 (iii) The written findings of the Animal Hearing Board.

12 (2) If the violator requests a transcription of the recording, the violator shall
13 pay the cost of the transcription.

14 [(h)] (G) (1) The Board of Appeals may:

15 (i) Remand the case to the Animal Hearing Board;

16 (ii) Affirm the decision of the Animal Hearing Board; or

17 (iii) Reverse or modify the decision of the Animal Hearing Board if a
18 finding, conclusion, or decision of the Animal Hearing Board:

19 1. Exceeds the statutory authority or jurisdiction of the
20 Animal Hearing Board;

21 2. Results from an unlawful procedure;

22 3. Is affected by any other error of law;

1 ANIMAL'S CARE AND THE OPPORTUNITY TO REQUEST A WAIVER OF THE
2 PREPAYMENT UNDER § 12-1-204 OF THIS SUBTITLE.

3 (C) THE HEALTH OFFICER MAY NOTIFY THE OWNER ~~BY FIRST CLASS MAIL~~
4 ~~TO THE OWNER'S LAST KNOWN ADDRESS, OR, IF THE HEALTH OFFICER CANNOT~~
5 ~~LOCATE THE OWNER, BY POSTING NOTICE ON THE COUNTY'S INTERNET WEB~~
6 ~~SITE. OF THE REQUIREMENTS OF THIS SUBTITLE IN THE SAME MANNER AS~~
7 THE HEALTH OFFICER MAY SERVE A VIOLATION NOTICE UNDER § 12-1-
8 110(C)(1) OF THIS TITLE.

9

10 § 12-1-203.

11 (A) UNLESS WAIVED OR MODIFIED AS PROVIDED IN § 12-1-204 OF THIS
12 SUBTITLE, THE OWNER OF AN ANIMAL IMPOUNDED UNDER ANY PROVISION OF
13 ~~THIS ARTICLE LAW~~ SHALL PREPAY ANY BOARDING COSTS BEFORE AND DURING
14 ANY TRIAL, HEARING BEFORE OR APPEAL TO:

15 (1) THE ANIMAL HEARING BOARD;

16 (2) THE BOARD OF APPEALS; OR

17 (3) ANY COURT OF COMPETENT JURISDICTION.

18 (B)(1) NOT MORE THAN 5 BUSINESS DAYS AFTER RECEIVING NOTICE THAT
19 AN ANIMAL HAS BEEN IMPOUNDED, THE OWNER SHALL PAY TO THE COUNTY
20 THE ESTIMATED COST OF CARING FOR THE ANIMAL FOR THE 30-DAY PERIOD
21 BEGINNING ON THE DATE THE ANIMAL WAS IMPOUNDED.

1 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
2 THE HEALTH OFFICER SHALL ESTIMATE THE COST, WHICH SHALL INCLUDE THE
3 COST OF FOOD, VETERINARY CARE, AND NECESSITIES THAT A RESPONSIBLE
4 OWNER WOULD PROVIDE FOR THE ANIMAL AND MAY INCLUDE OTHER COSTS
5 INCLUDING PRO RATA STAFFING AND ADMINISTRATIVE EXPENSES.

6 (3) IF THE ANIMAL IS TO BE IMPOUNDED IN A HUMANE ANIMAL
7 SHELTER, THE OWNER SHALL PAY TO THE COUNTY THE COSTS DETERMINED BY
8 THE HUMANE ORGANIZATION OWNING OR OPERATING THE HUMANE ANIMAL
9 SHELTER AND THE COUNTY SHALL REMIT THE PAYMENT TO THE HUMANE
10 ORGANIZATION.

11 (C) THE OWNER SHALL PAY IN CASH OR BY ANOTHER METHOD
12 ACCEPTABLE TO THE HEALTH OFFICER.

13 (D) IF THE ANIMAL REMAINS IMPOUNDED AT THE END OF A 30-DAY
14 PERIOD, WITHIN THREE DAYS AFTER THAT 30-DAY PERIOD ENDS, THE OWNER
15 SHALL:

16 (1) PAY ANY DIFFERENCE BETWEEN THE ESTIMATED COST AND THE
17 ACTUAL COST OF CARE; AND

18 (2) PREPAY THE ESTIMATED COST OF 30 ADDITIONAL DAYS OF
19 CARE.

20 (E) THE HEALTH OFFICER MAY:

21 (1) REVISE THE ESTIMATED COST OF CARE FOR EACH 30-DAY
22 PERIOD TO IMPROVE THE ACCURACY OF THE ESTIMATE; AND

1 (2) APPLY ANY PREVIOUS PAYMENT FOR THAT ANIMAL THAT
2 EXCEEDS THE ACTUAL COST OF CARE TO THE NEXT 30-DAY PERIOD.

3 (F) ANY ANIMAL BORN TO A FEMALE ANIMAL IMPOUNDED UNDER THIS
4 ARTICLE SHALL BE DEEMED AN ADDITIONAL ANIMAL FOR WHICH THE OWNER
5 IS RESPONSIBLE FOR THE COSTS UNDER THIS SUBTITLE.

6 (G) (1) THE COUNTY SHALL REFUND TO THE OWNER, WITHIN 30 BUSINESS
7 DAYS ~~AFTER:~~

8 ~~(1) THE~~ AFTER THE END OF THE IMPOUNDMENT, ANY PAYMENT
9 FROM THE OWNER THAT EXCEEDS THE ACTUAL COST OF CARE, INCLUDING ANY
10 PAYMENT FOR A DAY THAT THE COUNTY DID NOT CARE FOR THE ~~ANIMAL; OR~~

11 ~~————— (2) THE FINAL JUDGMENT OF ANY COURT HOLDING THAT THE~~
12 ~~COUNTY SEIZED AND IMPOUNDED THE ANIMAL ILLEGALLY, ALL PAYMENTS~~
13 ~~FROM THE OWNER. ANIMAL.~~

14 (2) UPON APPLICATION OF THE OWNER AT A PROCEEDING ON THE
15 UNDERLYING VIOLATION, THE FINAL JUDGMENT OF THE ANIMAL
16 HEARING BOARD, THE BOARD OF APPEALS, OR A COURT OF COMPETENT
17 JURISDICTION MAY INCLUDE AN ORDER TO THE COUNTY TO RETURN ALL
18 OR A PORTION OF THE BOARDING COSTS IF THE BOARD OR COURT HAS
19 ALSO DISMISSED OR NOT UPHELD THE VIOLATION THAT GAVE RISE TO
20 THE IMPOUNDMENT.

21 (H) IF THE ACTUAL COST OF CARE EXCEEDS THE ESTIMATED PAYMENTS,
22 THE OWNER SHALL PAY THE DIFFERENCE UNDER THIS SECTION AND ANY
23 OTHER APPLICABLE SECTION OF THIS ARTICLE.

1 ~~(I) IF THE OWNER DOES NOT COMPLY WITH THIS SECTION AT ANY TIME:~~

2 ~~————— (1) THE ANIMAL SHALL BE TREATED AS ABANDONED AND BECOMES~~
3 ~~THE PROPERTY OF THE COUNTY; AND~~

4 ~~————— (2) THE OWNER SHALL BE DEEMED TO HAVE WAIVED ANY RIGHT TO~~
5 ~~A HEARING BEFORE THE ANIMAL HEARING BOARD OR AN APPEAL TO THE~~
6 ~~BOARD OF APPEALS.~~

7 ~~——— (J)(1) IN THIS SUBSECTION, “HEALTH OFFICER” DOES NOT INCLUDE A~~
8 ~~DESIGNEE OF THE HEALTH OFFICER.~~

9 (2) THE HEALTH OFFICER MAY WAIVE OR MODIFY THE
10 PREPAYMENT REQUIRED UNDER THIS SECTION, INCLUDING BY REQUIRING
11 WEEKLY PREPAYMENTS, IF THE OWNER PROVIDES EVIDENCE THAT
12 PREPAYMENT FOR 30 DAYS OF CARE WOULD BE A SERIOUS FINANCIAL
13 HARDSHIP TO THE OWNER.

14 (3) THE OWNER MAY ASK THE ANIMAL HEARING BOARD, BOARD OF
15 APPEALS OR A COURT OF COMPETENT JURISIDICION TO REVIEW THE
16 HEALTH OFFICER’S DECISION UNDER THIS SUBSECTION AS PART OF ITS
17 REVIEW OF THE UNDERLYING VIOLATION.

18 ~~(K)~~ (J) (1) IF A DOG OR CAT THAT HAS NOT BEEN SPAYED OR NEUTERED IS
19 IMPOUNDED TWO OR MORE TIMES, THE OWNER SHALL PREPAY TO HAVE THE
20 ANIMAL SPAYED OR NEUTERED AT THE OWNER’S EXPENSE BEFORE THE
21 ANIMAL IS RELEASED FROM IMPOUNDMENT OR SURRENDER THE ANIMAL TO
22 THE HEALTH OFFICER.

1 (2) THE HEALTH OFFICER MAY NOT ALLOW AN OWNER TO REDEEM
2 AN ANIMAL IMPOUNDED LESS THAN 12 MONTHS AFTER THE ANIMAL WAS
3 RELEASED FROM A PREVIOUS IMPOUNDMENT UNLESS THE OWNER HAS
4 SUCCESSFULLY APPEALED ANY CITATION ARISING OUT OF THE PRIOR
5 IMPOUNDMENT, UNTIL THE HEALTH OFFICER HAS ISSUED:

- 6 (I) A CITATION FOR THE CURRENT VIOLATION; AND
- 7 (II) AN ORDER DESIGNED TO PREVENT FUTURE VIOLATIONS.

8 § 12-1-204.

9 ~~—— (A) IN THIS SECTION, “COUNTY ADMINISTRATIVE OFFICER” INCLUDES A~~
10 ~~DESIGNEE OF THE COUNTY ADMINISTRATIVE OFFICER.~~

11 ~~—— (B) IF THE OWNER OF AN ANIMAL TIMELY APPEALS A SEIZURE OR~~
12 ~~IMPOUNDMENT, THE OWNER MAY ALSO SEEK REVIEW OF THE HEALTH~~
13 ~~OFFICER’S DETERMINATION OF BOARDING COSTS BY FILING AN APPEAL WITH~~
14 ~~THE COUNTY ADMINISTRATIVE OFFICER WITHIN FIVE DAYS AFTER THE HEALTH~~
15 ~~OFFICER ISSUES A DEMAND FOR PREPAYMENT OF THE COSTS.~~

16 ~~—— (C)(1) THE COUNTY ADMINISTRATIVE OFFICER SHALL REVIEW THE COSTS~~
17 ~~DEMANDED BY THE HEALTH OFFICER WITHIN TWO BUSINESS DAYS AFTER~~
18 ~~RECEIVING THE APPEAL.~~

19 ~~—— (2) THE OWNER SHALL PROVIDE THE COUNTY ADMINISTRATIVE~~
20 ~~OFFICER WITH INFORMATION TO SHOW THAT REQUIRING PREPAYMENT OF~~
21 ~~BOARDING COSTS WOULD BE A SERIOUS FINANCIAL HARDSHIP ON THE OWNER.~~

1 ~~—————(3) THE COUNTY ADMINISTRATIVE OFFICER MAY REQUIRE THE~~
2 ~~OWNER TO PROVIDE ADDITIONAL INFORMATION AT AN INFORMAL HEARING~~
3 ~~CONDUCTED IN PERSON OR BY TELEPHONE.~~

4 ~~———(D) THE HEALTH OFFICER MAY NOT REQUIRE THE OWNER TO PAY ANY~~
5 ~~BOARDING COSTS PENDING THE COUNTY ADMINISTRATIVE OFFICER’S~~
6 ~~DECISION.~~

7 ~~———(E) THE COUNTY ADMINISTRATIVE OFFICER MAY MAKE ANY DECISION~~
8 ~~THE HEALTH OFFICER COULD HAVE MADE, INCLUDING REQUIRING THE OWNER~~
9 ~~TO PREPAY BOARDING COSTS RETROACTIVE TO THE INITIAL BOARDING DATE~~
10 ~~OF THE ANIMAL, POSTING A BOND APPROVED BY THE HEALTH OFFICER, OR~~
11 ~~PLACING THE ANIMAL IN A SUITABLE ANIMAL SHELTER, INCLUDING A HUMANE~~
12 ~~ANIMAL SHELTER, AT THE OWNER’S SOLE EXPENSE.~~

13 ~~———(F) THE OWNER MAY ASK THE ANIMAL HEARING BOARD TO THE REVIEW~~
14 ~~THE COUNTY ADMINISTRATIVE OFFICER’S DECISION REGARDING PREPAYMENT~~
15 ~~OF BOARDING COSTS AS PART OF ITS REVIEW OF THE UNDERLYING APPEAL.~~

16 § 12-1-205.

17 ~~———(A) THE OWNER SHALL PAY ANY BOARDING COSTS FOR THE ANIMAL~~
18 ~~BEFORE AND DURING ANY APPEALS TO THE ANIMAL HEARING BOARD, THE~~
19 ~~BOARD OF APPEALS, OR ANY COURT OF COMPETENT JURISDICTION.~~

20 ~~(B) (A) IF THE ANIMAL HEARING BOARD, BOARD OF APPEALS, OR COURT~~
21 ~~OF COMPETENT JURISDICTION ALLOWS, THE OWNER SHALL POST A BOND~~

1 APPROVED BY THE HEALTH OFFICER TO PAY THE BOARDING COSTS IF THE
2 OWNER DOES NOT PREVAIL IN THE APPEAL.

3 (B) ANY BOARDING COSTS IMPOSED UNDER THIS SUBTITLE THAT
4 ARE NOT PAID AND NOT REDUCED AS PROVIDED IN THIS SUBTITLE MAY
5 BE COLLECTED IN THE SAME MANNER AS ANY JUDGMENT OR DEBT MAY
6 BE COLLECTED.

7 § 12-1-~~206~~205.

8 IF THE OWNER DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE, THE
9 HEALTH OFFICER MAY TREAT THE ANIMAL AS ABANDONED AND DISPOSE OF
10 THE ANIMAL AS PROVIDED IN § 12-3-203 OR § 12-3-204 OF THIS ARTICLE.

11 § 12-3-101.

12 [(1)] (A) An owner of an animal shall supply the animal with good and wholesome
13 food and potable water.

14 [(2)] (B) All food and water containers shall be clean and so placed that animals
15 cannot readily tip them over.

16 § 12-3-108.

17 (a) As an alternative to declaring an animal a dangerous animal, [an animal control
18 officer] THE HEALTH OFFICER may declare an animal a menacing animal if the animal:

19 (1) Attacks or injures a domestic animal; or

1 (2) Exhibits aggressive or dangerous behavior and is not adequately confined
2 or restrained.

3 (c) (1) If an animal is declared a menacing animal, the [animal control officer]
4 HEALTH OFFICER shall issue a civil citation to the owner declaring the animal a menacing
5 animal.

6 (2) The civil citation shall impose a civil monetary penalty of up to [\$250]
7 \$500.

8 § 12-3-201.

9 (a) Within 24 hours after picking up a stray animal, a person who picks up a stray
10 animal shall turn the animal over to the Animal [Control] SERVICES Division.

11 (b) The Animal [Control] SERVICES Division shall keep the stray animal for a
12 holding period of 4 business days, including Saturdays.

13 (c) Unless the stray animal is claimed by its owner, the person who turned the stray
14 animal in to the Animal [Control] SERVICES Division may claim the stray animal after the
15 holding period.

16 (d) The Animal [Control] SERVICES Division may not release the animal until the
17 animal has received a rabies shot and a license.

18 § 12-3-202.

19 (a) The Animal [Control] SERVICES Division or [an animal control officer] THE
20 HEALTH OFFICER shall impound an animal at large and take the animal to a county animal
21 shelter.

1 § 12-3-203.

2 (a) The [Animal Control Division] HEALTH OFFICER shall make all reasonable
3 efforts to locate and notify the owner of the impounded stray animal or animal at large.

4 (b) If the owner of the impounded animal is not known, the [Animal Control
5 Division] HEALTH OFFICER may dispose of a sick or injured animal before the end of the
6 statutory holding period.

7 (d)(2) (i) Except as provided in subparagraph ~~(ii)~~ (iii) of this paragraph, the [Animal
8 Control Division] HEALTH OFFICER may dispose of the animal only by euthanasia or by
9 adoption.

10 (II) THE HEALTH OFFICER SHALL MAINTAIN AND KEEP
11 ACCURATE RECORDS OF THE NUMBER OF ANIMALS THAT ARE DISPOSED OF BY
12 EUTHANASIA AND ADOPTION EACH YEAR.

13 ~~(ii)~~ (iii) If the animal is a wild animal, the [Animal Control Division] HEALTH
14 OFFICER shall release the animal in a suitable habitat.

15 § 12-3-204.

16 (b) The [Animal Control Division] HEALTH OFFICER may provide for the adoption
17 of an impounded animal by a responsible person.

18 (c) The [Animal Control Division] HEALTH OFFICER may allow a resident of
19 another jurisdiction to adopt an impounded animal if the person has proof of application for a
20 license for the animal from the other jurisdiction.

1 (d) The [Animal Control Division] HEALTH OFFICER may put a dog or cat up for
2 adoption only after definite provisions have been made for sterilization, vaccinations, and
3 licensing of the animal and if the dog or cat is:

4 (1) At least 8 weeks old;

5 (2) Free from disease or injury; and

6 (3) Of suitable temperament, as determined by the animal control veterinarian
7 and staff.

8 § 12-3-205.

9 (b) The [Animal Control Division] HEALTH OFFICER may pursue and take into possession
10 a dead, injured, or stray animal which is on private property in the county.

11 (c) The HEALTH OFFICER, THE Animal [Control] SERVICES Division, its agents,
12 and employees are immune from prosecution for trespass arising from the performance of their
13 duties under this section.

14 § 12-3-208.

15 (a) A permit may not be issued for a rodeo or similar event and a rodeo or similar
16 event may not be conducted unless a veterinarian approved by the [Animal Control Division]
17 HEALTH OFFICER is in attendance at all times.

18 § 12-4-103. STERILIZATION.

19 The [Animal Control Division] HEALTH OFFICER may establish a program for the
20 sterilization of dogs and cats owned by county residents.

1 § 12-4-201.

2 (b) Within 48 hours after the discovery of the damage to the owner's poultry or
3 livestock, the applicant shall make a claim, under oath, to the [Animal Control Division]
4 HEALTH OFFICER for reimbursement under this section on an application that includes:

5 (1) The number of poultry or livestock killed;

6 (2) Statement that to the best of claimant's knowledge, information, and belief
7 the poultry or livestock were killed by a dog whose ownership is unknown;

8 (3) The amount of any insurance covering the owner's loss for which claim is
9 being made to the county; and

10 (4) Any other information required by the [Animal Control Division]

11 HEALTH OFFICER.

12 § 12-4-202.

13 (a) (1) After receipt of a damage claim, the [Animal Control Division] HEALTH
14 OFFICER shall:

15 (i) Investigate the claim promptly; and

16 (ii) Determine if the claim is meritorious.

17 (2) The [Animal Control Division's] HEALTH OFFICER'S determination is
18 final and there is no right of appeal from the determination.

19 (b) If the [Animal Control Division] HEALTH OFFICER determines that the claim is
20 meritorious, the [Animal Control Division] HEALTH OFFICER shall establish an appraisal of
21 the damages that is based on the fair market value of similar livestock or poultry in the area.

1 (c) (1) The [Animal Control Division] HEALTH OFFICER promptly shall
2 submit a report under oath to the Animal Hearing Board stating the number of poultry or
3 livestock killed and the damages sustained by the claimant on account of the loss, which
4 damages, per claim, may not exceed the fair market value of all poultry or livestock killed or the
5 sum of \$5,000, whichever is less.

6 (2) The [Animal Control Division's] HEALTH OFFICER'S determination of
7 damages as provided in this section shall be reduced by the amount of any insurance covering the
8 claimant's loss.

9 (d) The report of the [Animal Control Division] HEALTH OFFICER shall be prima
10 facie evidence of the correctness of the damages.

11 § 12-4-203.

12 (a) The Animal Hearing Board shall review the [Animal Control Division's]
13 HEALTH OFFICER'S report and, except as otherwise provided in this section, shall authorize
14 payment to the claimant for the damages recommended by the [Animal Control Division]
15 HEALTH OFFICER.

16 § 12-5-102.

17 (b) On request of the [Animal Control Division] HEALTH OFFICER, a person who
18 owns, keeps, or harbors a dog, cat, or ferret shall exhibit a current vaccination certificate or other
19 evidence establishing that the animal has been vaccinated as required.

20 (d) The [Animal Control Division] HEALTH OFFICER may waive any civil
21 penalties imposed under this section if the owner provides satisfactory evidence of a current
22 vaccination within the time specified in any citation issued under this section.

1 (e) The [Animal Control Division] HEALTH OFFICER may waive the requirements
2 for vaccination when, in the written opinion of a veterinarian, a vaccination is not advisable due
3 to the physical condition of the animal.

4 § 12-5-105.

5 (b) During the period of confinement and observation, the owner of the domestic
6 animal shall report immediately to the Health Officer or the Animal [Control] SERVICES
7 Division if the domestic animal sickens, dies, displays significant behavioral changes, becomes
8 lost, is stolen, or escapes.

9 § 12-5-107.

10 (a) If the owner of a domestic animal that has been involved in a bite contact or non-
11 bite contact with a human determines that the animal is no longer wanted, the owner shall notify
12 the Health [Department] OFFICER and the Health Officer [or the Animal Control Division] shall
13 determine the disposition of the animal.

14 § 12-5-108.

15 (a) A person may not fail or refuse to surrender an animal for confinement,
16 observation, or euthanasia when the [health department] HEALTH OFFICER issues a written
17 order to do so.

18 § 12-5-109.

1 The owner of a domestic animal that is subject to this title is responsible for all costs
2 associated with:

3 (1) [Confinement] SUBJECT TO TITLE 1, SUBTITLE 2 OF THIS ARTICLE,
4 CONFINEMENT and observation of the domestic animal under this title; and

5 (2) Any veterinary examination performed under the authority of this title.

6 § 12-7-101.

7 (b) A person may not keep or allow to be kept on the person’s premises a wild animal for any
8 purposes without the approval of the [supervisor of the Animal Control Division] HEALTH
9 OFFICER.

10 § 12-8-101.

11 (c) (1) “Dangerous animal” means an animal that has been declared by the
12 [Animal Control Division] HEALTH OFFICER as posing a threat to the public health or safety.

13 [(e) “Supervisor” means the supervisor of the Animal Control Division.]

14 § 12-8-102.

15 (a) An animal poses a threat to the public health or safety if the animal:

16 (1) Attacks or injures a person or a domestic animal;

17 (2) Exhibits aggressive or dangerous behavior and is not adequately confined
18 or restrained;

19 (3) Is known or suspected to be an animal exposed to rabies and is not
20 adequately confined or restrained; or

1 (4) Has been subject to confinement or restraint orders from the [Animal
2 Control Division] THE HEALTH OFFICER OR THE ANIMAL HEARING BOARD and those
3 orders have not been followed.

4 (b)(1) The [supervisor or the supervisor's designee] HEALTH OFFICER may declare an
5 animal a dangerous animal if the animal poses a threat to the public health or safety.

6 (2) The declaration shall be based on:

7 (i) Personal observation;

8 (ii) Observations of animal control officers;

9 (iii) The affidavits of individuals concerning the individual's personal
10 experience with the animal;

11 (iv) Bite contact or non-bite contact reports made to the Baltimore
12 County [Police] POLICE, THE HEALTH OFFICER, or the Animal [Control] SERVICES
13 Division;

14 (v) Animal control records; or

15 (vi) Other documented information.

16 (c)(1) Within 10 days after declaring an animal a dangerous animal, the [supervisor or
17 the supervisor's designee] HEALTH OFFICER shall notify the owner of the declaration.

18 (2) The notification shall indicate that the owner may appeal the decision of
19 the [supervisor or the supervisor's designee] HEALTH OFFICER.

20 (d) (1) If an animal is declared a dangerous animal, the [supervisor or the
21 supervisor's designee] HEALTH OFFICER may:

22 (i) 1. Impound the animal;

1 (i) Affirm or reverse a declaration that an animal is a dangerous
2 animal; and

3 (ii) Affirm, reverse, or modify the decision of the [supervisor or the
4 supervisor's designee] HEALTH OFFICER on the disposition of the animal under § 12-8-102(d)
5 of this title.

6 (2) The Board may order:

7 (i) Any measures necessary to confine or restrain the animal and a
8 schedule for the implementation of those measures;

9 (ii) The owner to comply with any state or local requirements
10 including rabies vaccination and licensing;

11 (iii) The owner to pay any fees for impoundment, boarding,
12 vaccinations, licensing, and veterinary services or any other [fines] CIVIL MONETARY
13 PENALTIES incurred under this article;

14 (iv) The owner to display clearly visible signs on the owner's property
15 that a dangerous animal is on the property;

16 (v) The animal to be spayed or neutered;

17 (vi) The animal to be removed from the county;

18 (vii) The animal to be euthanized; or

19 (viii) The animal to be impounded until:

20 1. The orders of the Board are implemented to the satisfaction
21 of the [Animal Control Division] HEALTH OFFICER; and

22 2. The owner pays any fees or [fines] CIVIL MONETARY
23 PENALTIES.

1 (e) The HEALTH OFFICER, THE Animal [Control] SERVICES Division and the
2 Board are not responsible for the cost of any orders of the Board.

3 (g) An impounded animal shall be deemed abandoned and shall be disposed of in
4 accordance with this article if:

5 (1) The owner waives ownership in accordance with this section;

6 (2) DOES NOT PAY THE BOARDING FEES AS REQUIRED UNDER
7 TITLE 1, SUBTITLE 2 OF THIS ARTICLE; or

8 [(2)] (3) The owner does not comply with the orders of the Board.
9 § 12-8-104.

10 (A) [Within] SUBJECT TO TITLE 1, SUBTITLE 2 OF THIS ARTICLE, WITHIN 10
11 days after the decision or order of the Board, any owner who is aggrieved by the decision or
12 order of the Board may appeal the decision or order to the Board of Appeals.

13 (B) THE BOARD SHALL DETERMINE THE APPEAL AS PROVIDED IN § 12-1-
14 114(F) AND (G) OF THIS ARTICLE.
15 § 12-8-105.

16 (a) The [supervisor or the supervisor's designee], HEALTH OFFICER, an Animal
17 Control Officer, or a Baltimore County police officer may enter private property to impound an
18 animal in accordance with this title.

19 (b) The [supervisor, the supervisor's designee,] HEALTH OFFICER or an animal
20 control officer may enter private property to:

21 (1) Inspect the confinement or restraint of a dangerous animal; and

22 (2) Check compliance with the orders of the Board.

1 § 12-8-106.

2 (a) The owner of a dangerous animal shall notify the Animal [Control] SERVICES

3 Division:

4 (1) Any time the animal is not under the restraint or confinement requirements
5 ordered under this title; and

6 (2) Immediately on transfer of the animal to another owner, of the name and
7 address of the subsequent owner.

8 (c) The [supervisor or the supervisor's designee] HEALTH OFFICER shall make
9 reasonable efforts to notify the appropriate agency of another jurisdiction of:

10 (1) A transfer of a dangerous animal into that jurisdiction; and

11 (2) Any measures ordered by the supervisor or the Board concerning the
12 animal.

13 § 12-8-107.

14 (a) (1) Notwithstanding any other provision of this article, the [supervisor or the
15 supervisor's designee] HEALTH OFFICER shall issue a civil citation to the owner after
16 declaring an animal a dangerous animal.

17 (2) The civil citation shall impose a civil monetary penalty not exceeding
18 [\$500] \$1,000.

19 (b) The Board may waive or reduce the civil monetary penalty if the owner:

20 (1) Has complied with the orders of the Board;

21 (2) Surrenders the animal to the Animal [Control] SERVICES Division for
22 euthanasia; or

