

County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 1

Resolution No. 11 -2021

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION approving a nonrefundable application fee and a license fee for an annual Private Animal Shelter License.

Introduced and read first time January 4, 2021.

By order

Michelle Howard
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on January 19, 2021.

By order

Michelle Howard
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on April 5, 2021.

Certified By

Michelle Howard
Diane Schwartz Jones, Administrator

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

2/3/2021 Tabled

4/5/2021 Removed, Adopted w/Am

Amendment 1 to Council Resolution No. 11-2021

BY: The Chairperson at the request
of the County Executive

Legislative Day 5
Date: March 1, 2021

Amendment No. 1

(This amendment clarifies that fees are waived for one year after the effective date of Council Bill No. 1-2021.)

1 On page 1, after line 21, insert:

2 “AND BE IT FURTHER RESOLVED that fees established by this Resolution are waived for
3 one year after the effective date of Council Bill No. 1-2021. Any application for a license
4 submitted more than one year after the effective date of Council Bill No. 1-2021 is subject to an
5 application fee and a license fee.”.

I certify this is a true copy of
Amendment 1 to CR 11-2021
passed on April 5, 2021
Michelle Koverood
Council Administrator

County Council Of Howard County, Maryland

2021 Legislative Session

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Introduced and read first time _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2021.

Certified By _____
Diane Schwartz Jones, Administrator

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

CALVIN BALL
County Executive



LISA D. MYERS
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE

DATE: December 15, 2020
FROM: Lisa Myers, Chief of Police *APM*
TO: Lonnie Robbins, Chief Administrative Officer
SUBJECT: Testimony and Fiscal Analysis on Legislation Authorizing the License Inspection of Private Animal Shelters

This legislation authorizes the inspection and licensing of privately run animal shelters within Howard County. It sets forth specific criteria for the housing and care of animals. It allows for our Animal Control Division to be proactive, working closely with private organizations that house a large number of domestic animals.

Currently our Animal Control Division can only inspect these types of organizations when, and if, they receive citizen complaints. Often these complaints are only received after conditions within a facility has deteriorated to extremely cruel situations.

Situations such as this have resulted in a large and sudden impound of animals in poor physical and mental condition. These large impoundments exhaust the resources of Animal Control. The costs to the County are in the thousands of dollars. You may recall the January 2020 complaint on Pinky's Playhouse, a cat welfare organization, which resulted in multiple cruelty violations where the animals were living in unsanitary conditions without any heat source. Most people are familiar with the May 2019 search warrant executed at the Animal Welfare Society of Howard County, which resulted in the impoundment of 165 animals who were kept in deplorable conditions.

The criteria set forth in this bill mirrors language in a similar Maryland state bill passed in 2017 that requires the licensing and inspection of municipally operated animal control facilities. The State bill set an annual licensing fee of \$100 with inspections completed by the Maryland Department of Agriculture/Board of Veterinarian Medical Examiners.

In a separate fee resolution, we are recommending a nonrefundable \$50 application fee and a \$50 license fee. We anticipate waiving the application and license fees in the first year to foster a spirit of partnership with the existing private shelters. The forgone fee revenue in the first year is about \$1,000. We expect the license fee in subsequent years to generate about \$500 annually. We anticipate handling inspection services with existing personnel.

By legislating minimum standards and County-based inspections as a condition of operation, this bill will help us prevent animal suffering, avoid costly impounds and promote the health and care of domestic animals.

Thank you for your time and consideration.

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HCPD@HOWARDCOUNTYMD.GOV

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Amendment 1 to Council Resolution No. 11-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 5
Date: March 1, 2021**

Amendment No. 1

(This amendment clarifies that fees are waived for one year after the effective date of Council Bill No. 1-2021.)

- 1 On page 1, after line 21, insert:
- 2 **“AND BE IT FURTHER RESOLVED** that fees established by this Resolution are waived for
- 3 one year after the effective date of Council Bill No. 1-2021. Any application for a license
- 4 submitted more than one year after the effective date of Council Bill No. 1-2021 is subject to an
- 5 application fee and a license fee.”.

Office of the County Auditor
Auditor's Analysis - REVISED

Council Resolution No. 11-2021

Introduced: January 4, 2021

Auditor: Maya Cameron

Fiscal Impact:

The fiscal impact of this legislation is an increase in fee revenues of \$800 annually beginning the second year of enactment. This is based upon the Administration's intent to waive fees for the first year, as well as the collection of \$100 annually for license and application fees from eight private animal shelters in subsequent years.

According to the Administration, regulating private animal shelters could result in the County avoiding costs in excess of \$250,000 for impounds. This is based on the historical costs of impounds from nonregulated shelters. Costs would include expenses for processing animals into a facility, medical care, and daily care and does not include staffing and overtime expenses.

NOTE: The Auditor's office was not provided documentation of this historical cost and cannot validate the savings.

Companion legislation Council Bill 1-2021 indicates that the license application process shall be completed annually (page 9, lines 7 and 8) and that the fees collected are the application fee and license fee (page 8, lines 3 through 11). This is inconsistent with the Administration's testimony, in which it indicated it would waive the first year of fees and that only the license fee would be collected in subsequent years.

We have asked for clarification from the Office of Law regarding whether the non-refundable application fee and/or license fee can be waived in the first year without making that notation in the bill or resolution.

The Administration assumes full compliance and therefore does not project collection of the civil penalties proposed in CB1-2021. (Refer to **Exhibit 1** for a list of the private animal shelters.)

Inspection fees will be included in the licensing fee at no additional charge. Inspections will be completed using current existing personnel and resources.

Purpose:

The purpose of this legislation is to establish an annual non-refundable application fee of \$50 and an annual \$50 license fee for the operation of a private animal shelter in accordance with County Code changes proposed in Council Bill 1-2021.

Other Comments:

This is a companion legislation to CBI-2021 (which establishes the civil penalties for operating a private shelter without a license and non-compliance with the standards of care).

Any revenues generated from the license application, annual renewals, and resubmission of denied applications will be deposited into the General Fund.

Exhibit 1 – Howard County Private Animal Shelters

There are approximately 10 private shelters in Howard County. Per the Administration, this legislation would not apply to two private shelters based on legislative definitions:

<u>Rescue Shelters</u>	<u>Sanctuaries</u>	<u>Not Applicable to Legislation</u>
Small Miracles	Burleigh Manor	Frisky's Wildlife Sanctuary
Animal Welfare Society	Bentle Friends	Days End Horse Farm Rescue
Lions Den		
K9 Humane		
Kitties & Pitties		
Darby's Cat Rescue		

Office of the County Auditor
Auditor's Analysis

Council Resolution No. 11-2021

Introduced: January 4, 2021

Auditor: Maya Cameron

Fiscal Impact:

The fiscal impact of this legislation is an increase in fee revenues between \$400 and \$800 annually beginning the second year of enactment. This is based upon collection of \$50 to \$100 annually for license and application fees from private animal shelters.

Council Bill 1- 2021 indicates that the license application process shall be completed annually (page 9, lines 7 and 8) and that the fees collected are the application fee and license fee (page 8, lines 3 through 11). It is unclear if this is consistent with the intent noted in Council Resolution 11-2021, which seems to indicate a one-time application fee and annual license fee.

We have asked for clarification from the Office of Law regarding whether the non-refundable application fee is collected annually.

In the first year of implementation, the Administration has indicated these proposed fees will be waived to promote partnership and compliance. The Administration assumes full compliance and therefore does not project collection of the civil penalties proposed in CB1-2021. Refer to **Exhibit 1** for a list of the private animal shelters.

Inspection fees will be included in the licensing fee at no additional charge. Inspections will be completed using current existing personnel and resources.

We have asked for clarification of the Administration's testimony regarding annual renewal fees.

Purpose:

The purpose of this legislation is to establish an annual non-refundable application fee of \$50 and a \$50 license fee annually for the operation of a private animal shelter in accordance with County Code changes proposed in CB1-2021.

Other Comments:

This is a companion legislation to CB1-2021 (which establishes the civil penalties for operating a private shelter without a license and non-compliance with the standards of care).

Any revenues generated from the license application, annual renewals, and resubmission of denied applications will be deposited into the General Fund.

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