

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 15

### Bill No. 60 -2021

Introduced by the Chairperson at the request of the County Executive

AN ACT amending the authority to impose civil citations for violations of animal control provisions; amending certain appeal procedures; providing that Title 24, Civil Penalty, provisions apply to violations of animal control provisions; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property.

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Introduced and read first time \_\_\_\_\_, 2021. 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 \_\_\_\_\_, 2021.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2021 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 \_\_\_\_\_, 2021 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2021

\_\_\_\_\_  
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 24. Civil Penalties.*

10 *Subtitle 1. Civil Fines and Procedures.*

11 *Section 24.103.*

12  
13 **Title 17. Public Protection Services.**

14 **Subtitle 3. Animals.**

15  
16 **Section 17.318. Civil penalties AND OTHER REMEDIES for violations.**

17 (A) *INJUNCTIVE AND OTHER RELIEF.* THE ADMINISTRATOR IS AUTHORIZED TO INSTITUTE  
18 ON BEHALF OF HOWARD COUNTY ANY LEGAL ACTION, INCLUDING AN ACTION FOR  
19 APPROPRIATE INJUNCTIVE RELIEF, IN ORDER TO COMPEL COMPLIANCE WITH ANY OF  
20 THE PROVISIONS OF THIS SUBTITLE.

21 (B) *CIVIL PENALTIES.* ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH ALL  
22 OTHER REMEDIES, THE ADMINISTRATOR MAY ENFORCE THE PROVISIONS OF THIS  
23 SUBTITLE WITH CIVIL PENALTIES PURSUANT TO TITLE 24, “CIVIL PENALTIES” OF THE  
24 HOWARD COUNTY CODE.

25 [(a) *Civil Citations.* The Animal Control Administrator may issue a civil citation to a  
26 person who violates this subtitle.

27 (b) *Right to Appeal.* A person who receives a civil citation under this subtitle may  
28 appeal the citation to the Animal Matters Hearing Board within 15 days of receiving  
29 the citation.

30 (c) *Board Action.* When a civil citation is appealed to the Board, the Board may:

31 (1) Affirm the citation;

- 1 (2) Reverse the citation;
- 2 (3) Affirm the citation and reduce the amount of the fine imposed for violations of
- 3 any section except section 17.303 of this subtitle; or
- 4 (4) For a violation of section 17.303 of this subtitle, affirm the citation and waive
- 5 the fine if the owner agrees to destruction of the animal.

6 (d) *Collection; Date Payable.* A civil fine imposed under this subtitle shall be payable  
 7 to and collected by the Director of Finance of Howard County within 30 days of  
 8 imposition. If the owner of the animal, residence, or facility appeals the civil  
 9 citation, the due date of the fine shall be extended to 30 days after a decision of the  
 10 Animal Matters Hearing Board upholding or modifying the citation.

11 (e) *Notification of Appeals.* The Animal Matters Hearing Board shall notify the Director  
 12 of Finance of all pending appeals, requesting that the Director postpone the  
 13 collection of the fine until the Board has made a decision. The Board shall notify the  
 14 Director of Finance of the outcome of all appeals.

15 (f) *Penalty Not Paid.* If a fine is not collected by the Director of Finance within 30 days  
 16 of issuance of a civil citation or within 30 days of the Board's upholding the civil  
 17 citation, the Office of Law may institute civil proceedings to collect the fine. The  
 18 amount of the fine shall increase by half the amount of the original fine for each 30  
 19 days or portion thereof it remains unpaid.]]

20 ([[g]]C) *Fines for Violations of Certain Sections.* PURSUANT TO SECTION 24.107 I. OF THE  
 21 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

1

2 ([[h]]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;  
9 (3) A declaration that the person's animal is a threat to public safety;

- 1 (4) An order requiring the institution of control and confinement measures for the  
2 person's animal, but only if the animal has been impounded in connection with  
3 the order;
- 4 (5) Impoundment of the person's animal;
- 5 (6) Permanent impoundment of the person's animal;
- 6 (7) A declaration that the person is not eligible to adopt an animal; and
- 7 (8) A decision of the Animal Control Administrator to grant, deny, or impose  
8 conditions on a private animal shelter license pursuant to section 17.322 of this  
9 subtitle.

10 [(b)] A person who receives a civil citation under this subtitle may appeal the citation to  
11 the Board in accordance with section 17.318 of this subtitle.]]

12 [(c)] *B) Board Action.* When an action of the Administrator is appealed to the Board, the  
13 Board may affirm, reverse, or modify the decision, and may order any enforcement  
14 action that the Administrator is authorized to take by this subtitle.

15 [(d)] *C) Notice.* When a hearing is scheduled under this section, the Board shall give  
16 notice of the hearing in accordance with subsection 17.320(c) of this subtitle.

17 [(e)] *D) Hearing.* The hearing shall be conducted in accordance with title 2 (the Howard  
18 County Administrative Procedure Act) of this Code.

19 [(f)] *E) Appeal of Board Decision.* Any person, including the Animal Control  
20 Administrator, who is aggrieved by a decision and order of the Board may, within  
21 30 days thereof, appeal the decision to the Board of Appeals. The appeal shall be on  
22 the record.

23 [(g)] *F) Enforcement of Board Decision.* If a person fails to comply with a decision of the  
24 Board within the time specified by the decision, the Administrator may petition the  
25 court for injunctive relief or otherwise institute legal action to enforce the Board's  
26 decision.

27  
28 **Title 24. Civil Penalties.**

29 **Subtitle 1. Civil Fines and Procedures.**

30

1 **Section 24.103. Applicability; nonexclusive remedy.**

2 I. *Applicability.* The provisions of this subtitle shall apply unless Howard County  
3 laws and regulations provide otherwise.

4 II. *[[Nonapplicability to Animal Control Law.* The provisions of this subtitle do not  
5 apply to civil citations issued pursuant to subtitle 3, "animals," of title 17, "public  
6 protection services," of the Howard County Code.

7 III. *]]Nonexclusive Remedy.* Nothing in this subtitle shall prevent an enforcing  
8 agency from seeking other remedies provided by law or regulations, such as injunctions  
9 or criminal prosecution.

10 *[[IV.]]III. Nonapplicability to Violations of the Subdivision and Land Development*  
11 *Regulations or the Howard County Zoning Regulations.* The provisions of this subtitle do  
12 not apply to citations or notices of violations issued under title 16, subtitle 16 of this  
13 Code.

14

15 ***Section 2. And Be it further enacted*** by the County Council of Howard County, Maryland that this  
16 *Act is adopted as an emergency measure to address an immediate emergency affecting public*  
17 *health, safety, or welfare and having been passed by two-thirds of its members, this Act shall be*  
18 *effective immediately upon its enactment.*