

Introduced 09.08.2021  
Public Hearing 09.26.2021  
Council Action 10-4-2021  
Executive Action 10-18-2021  
Effective Date 10-18-2021

## 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.

Introduced and read first time Sept 8, 2021. Ordered posted and hearing scheduled.  
By order Michelle Harrod  
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 Sept 20, 2021.

By order Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on October 4, 2021 and Passed  Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Michelle Harrod  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5 day of October, 2021 at 1:00 a.m./p.m.

By order Michelle Harrod  
Michelle Harrod, Administrator

Approved/ Vetoed by the County Executive October 13, 2021

Calvin Ball  
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

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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.

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**Title 24. Civil Penalties.**  
**Subtitle 1. Civil Fines and Procedures.**

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.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 13, 2021.

Michelle Harrod  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2021.

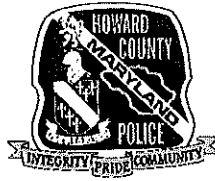
\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

CALVIN BALL  
County Executive



LISA D. MYERS  
Chief of Police

## HOWARD COUNTY DEPARTMENT OF POLICE

**DATE:** August 24, 2021

**FROM:** Lisa D. Myers *ADM*  
Chief of Police

**TO:** Lonnie Robbins  
Chief Administrative Officer

**SUBJECT:** Legislation Amending the Civil Citation Process  
For Violations of the Animal Control Statute

The Court of Appeals recently decided the case of Angel Enterprises Limited Partnership, et al. v. Talbot County, Maryland, et al., No. 45, September Term, 2020. The Court of Appeals ruled that a civil citation must be tried in the District Court of Maryland, not before the Board of Appeals.

The County's animal control statute at Section 17.318(b) currently allows the appeal of civil citations to the Animal Matters Hearing Board, with further appeal to the Board of Appeals. Accordingly, the County Code needs to be revised to provide that civil citations shall be tried in the District Court. This bill makes changes to the Animal Control statute to authorize the Animal Control Administrator to issue civil citations under Title 24 and that those citations shall be tried in the District Court. Currently, Title 24 specifically excludes the animal control statute and this bill would remove that exclusion. These changes make the animal control statute consistent with other civil penalty provisions in the County Code.

There is no fiscal impact to this code change as it is procedural in nature.

Thank you for your time and consideration.

