

FINAL

AMENDED
September 4, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 34

Bill No. 75-18

Introduced by Mr. Grasso

By the County Council, July 16, 2018

Introduced and first read on July 16, 2018
Public Hearing set for and held on September 4, 2018
Public Hearing on AMENDED bill set for and held on September 17, 2018
Bill Expires October 19, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Animal Control – Impoundment of
2 Animals

3
4 FOR the purpose of amending the requirements for redemption of impounded animals;
5 adding a time period for unredeemed animals to become County property; ~~allowing~~
6 ~~certain orders to be appealed to the Animal Control Commission; requiring animals~~
7 ~~impounded for running at large to be sterilized prior to redemption; adding certain~~
8 ~~exceptions; allowing for civil penalties for violations of provisions related to~~
9 ~~sterilization; amending certain notice and holding period requirements; adding~~
10 ~~exceptions to the prohibition against animals running at large; prohibiting intact dogs~~
11 ~~or cats from having the opportunity for reproductive contact off the owner's property;~~
12 and generally relating to animal control.

13
14 BY repealing and reenacting, with amendments: §§ ~~12-4-504(a); 12-4-505(a); 12-4-713(a);~~
15 ~~12-4-905; and 12-4-1001~~ 12-4-503; 12-4-504(a); 12-4-505(a); 12-4-905; and 12-4-908
16 Anne Arundel County Code (2005, as amended)

17
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

ARTICLE 12. PUBLIC SAFETY

TITLE 4. ANIMAL CONTROL

12-4-503. Notice; holding period.

When a domesticated animal is impounded, the Agency shall make a reasonable attempt to notify the owner or known community cat caregiver of the animal. Unless extremely aggressive, seriously DISEASED OR injured, [or] suffering, OR UNDER 3 MONTHS OF AGE, an animal that is impounded or brought to the [animal control facility] AGENCY for placement or destruction shall be held at the facility for at least five days unless sooner redeemed [or adopted].

12-4-504. Redemption of impounded animals.

(a) **How done.** An owner may redeem an impounded animal by:

(1) complying with the rabies vaccination and licensing provisions of this title;

(2) paying all redemption fees;

(3) paying any outstanding fines unless adjudication has been requested;

(4) providing satisfactory proof of ownership; and

(5) complying with [all] ANY OTHER conditions for return of the animal AS ORDERED BY THE AGENCY.

12-4-505. Disposition of animals.

~~(a) **Property of County.** [Unwanted or unredeemed animals] ANY ANIMAL IMPOUNDED AND NOT REDEEMED BY ITS OWNER, CUSTODIAN, OR COMMUNITY CAT CAREGIVER WITHIN 10 DAYS OF IMPOUNDMENT SHALL BE CONSIDERED UNWANTED AND shall become the property of the County.~~

(a) **Property of County.** ANY IMPOUNDED ANIMAL HELD SUBJECT TO § 12-4-503 AND NOT REDEEMED BY ITS OWNER OR COMMUNITY CAT CAREGIVER WITHIN FIVE DAYS OF THE OWNER BEING NOTIFIED OR, IF THE OWNER CANNOT BE NOTIFIED, WITHIN FIVE DAYS OF THE ANIMAL BEING IMPOUNDED SHALL BE DEEMED [Unwanted] UNWANTED or unredeemed [animals] AND shall become the property of the County. ANY ANIMAL THAT IS IMPOUNDED AND EXEMPT FROM THE HOLDING PERIOD IN § 12-4-503 SHALL BE DEEMED UNWANTED OR UNREDEEMED AND BECOME PROPERTY OF THE COUNTY IMMEDIATELY ON IMPOUNDMENT. AN ANIMAL IMPOUNDED AND DESIGNATED AS POTENTIALLY DANGEROUS, DANGEROUS, OR VICIOUS MAY NOT BE DEEMED UNWANTED OR UNREDEEMED UNTIL THE PROCESS FOR APPEALING THE ORDER IS EXHAUSTED UNLESS THE OWNER TRANSFERS OR SURRENDERS OWNERSHIP OF THE ANIMAL TO THE AGENCY.

12-4-713. Appeals.

~~(a) **Time for appeal to Commission.** A person aggrieved by a decision of the Agency relating to THE ISSUANCE OF A DANGEROUS ORDER OR VICIOUS ORDER, THE issuance,~~

1 ~~suspension, revocation, denial, or nonrenewal of a license required by this title, OR AN~~
2 ~~ORDER REQUIRING AN ANIMAL TO BE SPAYED OR NEUTERED PURSUANT TO §12-4-905 may~~
3 ~~appeal the decision to the Commission within 10 days after the decision.~~

4
5 **12-4-905. Animals running at large prohibited.**

6
7 (a) **Scope.** This section does not apply to an eartipped community cat [or an animal
8 under control of its owner or an authorized agent of the owner by leash, cord, or chain], or
9 to an animal while actually engaged in the sport of hunting in authorized areas while
10 supervised by a competent individual, or while undergoing training to heel on or off a leash,
11 obey on command to come to its owner, or to sit, lie, or stand until further command].

12
13 (b) **Prohibition.** A domesticated animal may not be at large. An owner of an animal at
14 large is in violation of this section.

15
16 (c) **Reporting.** A person who is aware of an animal running at large shall report the
17 condition to the Agency by telephone.

18
19 (d) **Pursuit.** An animal control officer or the authorized representative of an animal
20 control officer may pursue an animal running at large on public property or on the exterior
21 premises of private property.

22
23 (E) **Exceptions.** AN ANIMAL IS NOT AT LARGE FOR THE PURPOSES OF THIS SECTION IF:

24
25 ~~(1) THE ANIMAL IS ACTUALLY ENGAGED IN THE SPORT OF HUNTING IN~~
26 ~~AUTHORIZED AREAS WHILE SUPERVISED BY A COMPETENT INDIVIDUAL;~~

27
28 ~~(2) THE ANIMAL IS UNDERGOING TRAINING TO HEEL ON OR OFF A LEASH, OBEY A~~
29 ~~COMMAND TO COME TO ITS OWNER, OR TO SIT, LIE, OR STAND UNTIL FURTHER COMMAND;~~

30
31 ~~(3) A DOG IS IN A DOG EXERCISE AREA DESIGNATED BY THE ANNE ARUNDEL~~
32 ~~COUNTY DEPARTMENT OF RECREATION AND PARKS AS AN "OFF LEASH DOG PARK"; OR~~

33
34 ~~(4) THE ANIMAL IS RUNNING AT LARGE BY ACCIDENT WITH AN OWNER OR~~
35 ~~CUSTODIAN IN IMMEDIATE PURSUIT OF THE ANIMAL.~~

36
37 (1) THE ANIMAL IS ACTIVELY ENGAGED IN SEARCH AND RESCUE OPERATION
38 TRAINING OR THE SPORT OF HUNTING OR OTHER LEGAL DOG SPORT OR COMPETITION IN
39 AUTHORIZED AREAS WHILE SUPERVISED BY A COMPETENT INDIVIDUAL;

40
41 (2) THE ANIMAL IS UNDERGOING SUPERVISED TRAINING AS PART OF AN
42 ORGANIZED OBEDIENCE CLASS AND THE OWNER OF THE ANIMAL IS IN POSSESSION OF
43 WRITTEN PERMISSION TO ENGAGE IN THE TRAINING ON THE PROPERTY FROM THE
44 LANDOWNER OR THE LANDOWNER'S AGENT OR LESSEE;

45
46 (3) A DOG IS IN A DOG EXERCISE AREA DESIGNATED BY THE ANNE ARUNDEL
47 COUNTY DEPARTMENT OF RECREATION AND PARKS AS AN "OFF-LEASH DOG PARK" AND
48 IS UNDER THE SUPERVISION OF THE DOG'S OWNER; OR

49
50 (4) A DOG IS IN A SECURED DOG EXERCISE AREA DESIGNATED BY THE PROPERTY
51 OWNER, HOMEOWNER'S ASSOCIATION, CONDOMINIUM, OR COOPERATIVE AS AN "OFF-
52 LEASH DOG PARK.

1 (F) **Exclusions.** FOR THE PURPOSES OF THIS SECTION THE COMMON AREA OF A
2 HOMEOWNER'S ASSOCIATION, CONDOMINIUM, OR COOPERATIVE IS NOT THE OWNER'S
3 PREMISES PROPERTY.

4
5 **12-4-908. Intact dog or cat.**

6
7 Whenever a [female] dog or [female] cat is [in the estrus cycle] INTACT, the owner of
8 the INTACT animal shall prevent [its] OPPORTUNITY FOR REPRODUCTIVE contact with
9 [roaming] dogs or cats [, or the attraction of dogs or cats to the premises in which the female
10 dog or female cat is kept. A female dog or female cat in the estrus cycle shall be confined
11 in a building or secure enclosure in a manner that the animal cannot come into contact with
12 a male dog or male cat] OFF THE OWNER'S PROPERTY.

13
14 ~~(G) **Redemption of animal at large.**~~

15
16 ~~(1) IF AN OWNER OR CUSTODIAN SEEKS TO REDEEM AN ANIMAL IMPOUNDED FOR~~
17 ~~BEING AT LARGE, THE AGENCY SHALL REQUIRE THAT THE OWNER OR CUSTODIAN EITHER~~
18 ~~PERMIT THE AGENCY TO SPAY OR NEUTER THE ANIMAL AT THE OWNER'S OR~~
19 ~~CUSTODIAN'S EXPENSE, OR PROVIDE WRITTEN VERIFICATION THAT THE SPAY OR NEUTER~~
20 ~~HAS BEEN COMPLETED WITHIN 30 DAYS AFTER THE ANIMAL IS RELEASED FROM~~
21 ~~IMPOUNDMENT UNLESS:~~

22
23 ~~(I) THE OWNER APPEALS TO THE COMMISSION WITHIN 10 DAYS OF THE~~
24 ~~ANIMAL BEING IMPOUNDED FOR BEING AT LARGE; AND~~

25
26 ~~(II) THE COMMISSION, AFTER A HEARING AND FOR GOOD CAUSE SHOWN,~~
27 ~~EXCUSES THIS REQUIREMENT.~~

28
29 ~~(2) AN OWNER OR CUSTODIAN WHO FAILS TO PROVIDE WRITTEN VERIFICATION OF~~
30 ~~SPAY OR NEUTER WITHIN 30 DAYS OF RELEASE SHALL BE SUBJECT TO A FINE AS PROVIDED~~
31 ~~IN § 12-4-1001, WITH EACH 30-DAY PERIOD CONSIDERED A SEPARATE OFFENSE.~~

32
33 ~~(H) **Deferment or waiver.** A TIME DEFERMENT OR WAIVER MAY BE GRANTED FOR~~
34 ~~PETS TOO OLD OR SICK TO BE SPAYED OR NEUTERED.~~

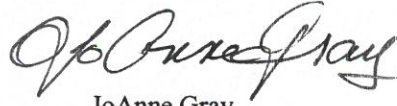
35
36 **12-4-1001. Civil penalties.**

37
38 ~~A person who violates an order issued under §§ 12-4-401 et seq. OR WHO FAILS TO~~
39 ~~PROVIDE WRITTEN VERIFICATION OF SPAY OR NEUTER UNDER § 12-4-905 is subject to a~~
40 ~~civil fine of \$250 for the first offense and \$500 for each subsequent offense. Otherwise, a~~
41 ~~person who violates any provision of this title is subject to civil fines as provided in § 9-2-~~
42 ~~101 of this Code. Each day that a violation continues constitutes a separate offense. The~~
43 ~~Chief may enforce the provisions of this title through injunctive proceedings or any other~~
44 ~~appropriate actions.~~

45
46 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
47 from the date it becomes law.

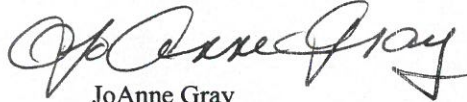
READ AND PASSED this 17th day of September, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of September, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 26th day of September, 2018

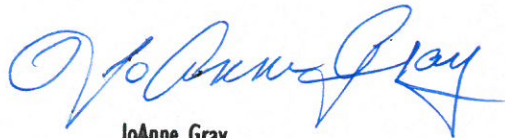


Steven R. Schuff
County Executive

EFFECTIVE DATE:

NOV 1 0 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
75-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer