

Bill No. 5-01  
Concerning: Animal Control Division –  
Name Change  
Revised: Mar. 6, 2001 Draft No. 3  
Introduced: February 6, 2001  
Enacted: March 6, 2001  
Executive: March 15, 2001  
Effective: June 14, 2001  
Sunset Date: None  
Ch. 2 Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) change the name of the Division of Animal Control and Humane Treatment to Animal Services Division;
- (2) change the phrase “animal control shelter” to “animal shelter”; and
- (3) repeal obsolete language and make conforming, clarifying, and stylistic changes in County law regarding animal control.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-43 and Division 11C

Chapter 5, Animal Control  
Sections 5-101, 5-102, 5-104, 5-203, 5-303, and 5-304

Chapter 31B, Noise Control  
Sections 31B-2 and 31B-12

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Section 1.** Sections 2-43, 5-101, 5-102, 5-104, 5-203, 5-303, 5-304, 31B-2,  
2 and 31B-12 are amended as follows:

3   **2-43.           Organization and functions.**

4           The Department of Police includes the County police and the [Division of  
5 Animal Control and Humane Treatment] Animal Services Division. The Department  
6 has the authority, functions and activities prescribed by law.

7   \*       \*       \*

8   **DIVISION 11C. [DEPARTMENT OF ANIMAL CONTROL AND HUMANE**  
9   **TREATMENT.] ANIMAL SERVICES DIVISION.**

10    \*       \*       \*

11 **5-101.          Definitions.**

12           [Animal control shelter] **Animal shelter**: A facility owned or operated by, or  
13 under contract with, the County for the care, confinement, or detention of animals.

14    \*       \*       \*

15           **Division:** The [Division of Animal Control and Humane Treatment] Animal  
16 Services Division in the Department of Police.

17    \*       \*       \*

18 **5-102.          Administration.**

19    \*       \*       \*

20       (b) **Director.** The Director of the Division must:

- 21           (1) maintain records of any license issued under this Chapter for an  
22 animal or facility;
- 23           (2) supervise any [animal control shelter] **animal shelter**;
- 24           (3) maintain permanent records of:
- 25                   (A) animals impounded or otherwise harbored by an [animal  
26 control shelter] **animal shelter**;

27    \*       \*       \*

28 (c) **Animal shelter.** The County must, directly or by contract, maintain  
29 [an] and operate an [animal control shelter] **animal shelter** or other  
30 place of confinement. The shelter must remove, harbor, care for, and  
31 dispose of any animal that the Division finds is abused, homeless,  
32 unwanted, abandoned, or neglected, or threatens the health, safety,  
33 peace, or security of the public.

34 (d) **Care of animals.** The County may [contact] contract with veterinarians  
35 or animal hospitals to care for injured or diseased animals whose  
36 owners are unknown, that the County or its agents collect, or that any  
37 person brings to the [animal control shelter] **animal shelter**.

38 \* \* \*

39 **5-104. Animal Matters Hearing Board.**

40 \* \* \*

41 (b) **Duties.** The Board must:

- 42 (1) decide complaints and appeals under this Chapter, including
- 43 complaints alleging a violation of an [animal control shelter]
- 44 **animal shelter** adoption contract;
- 45 (2) recommend standards to maintain regulated facilities;
- 46 (3) review the annual proposed budget for the [animal control
- 47 shelter] **animal shelter** and make budget recommendations for
- 48 the shelter to the Executive and the Council; and

49 \* \* \*

50 **5-203. Public nuisance and other violations.**

51 (a) **Violation.** An owner must not:

52 \* \* \*

- 53 (3) Allow an animal to enter private property without the property
- 54 owner's permission. The property owner may capture the

55 trespassing animal humanely and promptly notify animal control  
56 or other appropriate law enforcement authorities, or humanely  
57 transport the animal to an [animal control shelter] **animal**  
58 **shelter**.

59 \* \* \*

60 **5-303. Impoundment.**

61 (a) **Generally.** The Director, an animal control officer, or the Board may  
62 enforce an animal control law or protect the health or safety of a person,  
63 an animal, or the public by impounding (or for the Board, ordering the  
64 Director to impound) an animal at an [animal control shelter] **animal**  
65 **shelter** or other facility approved by the Director.

66 \* \* \*

67 **5-304. Disposition.**

68 \* \* \*

69 (g) **Adoption.** The Director may place an abandoned animal for adoption  
70 as a pet unless the Board or the Director decides adoption of the animal  
71 is not in the best interest of public health or safety. A dog or cat placed  
72 for adoption must be altered by a licensed veterinarian, at the expense of  
73 the person adopting the animal, within a time specified by the Director.  
74 The Director must set the deadline for altering based on the animal's  
75 age, sex, and health, but the deadline must be within 3 months after the  
76 adoption. If the owner of an adopted animal does not alter the animal  
77 by the deadline, the owner must return the animal to the [animal control  
78 shelter] **animal shelter**.

79 \* \* \*

80 **31B-2. Definitions.**

81 \* \* \*

82 (g) **Enforcement officer** means:

83 \* \* \*

84 (2) for a noise originating from an animal source, the Director of the  
85 [Division of Animal Control and Humane Treatment] Animal  
86 Services Division in the Police Department or the Director's  
87 authorized designee.

88 \* \* \*

89 **31B-12. Enforcement and penalties.**

90 \* \* \*

91 (g) The Director of the [Division of Animal Control and Humane  
92 Treatment] Animal Services Division may initiate administrative action  
93 before the Animal Matters Hearing Board instead of an enforcement  
94 officer issuing a citation under subsection (f) for a violation of this  
95 Chapter originating from an animal source.

96 \* \* \*

97 *Approved:*

98 /S/ 3/7/01  
\_\_\_\_\_  
Blair G. Ewing, President, County Council Date

99 *Approved:*

100 /S/ 3/15/01  
\_\_\_\_\_  
Douglas M. Duncan, County Executive Date

101 *This is a correct copy of Council action.*

102 /S/ 3/19/01  
\_\_\_\_\_  
Mary A. Edgar, CMC, Clerk of the Council Date