



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, May 19, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:32 A.M. on Tuesday, May 19, 2020.

### PRESENT

Councilmember Sidney Katz, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

Mr. Katz provided a tribute to County leader Odessa Shannon for her public service, volunteerism and advocacy. Ms. Shannon was the first African American woman elected to the Montgomery County Board of Education. Throughout her career as a special assistant to former County Executive Gilchrist and executive director of the County's Human Rights Commission, she fought for civil rights and equity in education, employment, and housing. Noted that a video tribute to Ms. Shannon would be shown later in the meeting. Mr. Katz requested a moment of silence for her passing.

### GENERAL BUSINESS

#### A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda adding to the consent calendar for action abandonment of a portion of Andrus Road in Bethesda, abandonment of a portion of Kentbury Drive in Bethesda, and approval of appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County in Bauer et al. v. Elrich et al.; and adding for action FY21-26 Capital Improvements Program (CIP) Revised Reconciliation - Changes to FY21.

(1) B. **Acknowledgement - [Receipt of Petitions](#)**

Petitions were received from residents of Montgomery County and Empower Montgomery supporting full funding of the Montgomery County Public School (MCPS) CIP; and from residents opposing Meadowbrook Stables and Maryland-National Capital Park and Planning Commission's (M-NCPPC) development of a massive indoor riding building in Rock Creek Park.

A video tribute to Odessa Shannon was shown.

C. Approved the minutes of April 7, 14 and 16, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Ms. Navarro made the motion, which carried without objection.

- A. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Department of Police, Governor's Office of Crime Control and Prevention (GOCCP) - \$549,709 for Sex Assault Kit Testing (SAKT) Award. A public hearing is scheduled for June 9, 2020.
- B. Adopted **Resolution 19-457**, approving Executive Regulation 7-20, Retroactive Extension of the Sunset Date of the Montgomery County Personnel Regulations.
- C. Adopted **Resolution 19-458**, amending the Council's contract for audit services.
- D. Adopted **Resolution 19-459**, approving Executive Regulation 5-20, System Benefit Charges - Residential Waste Estimates.
- E. Adopted **Resolution 19-460**, approving abandonment of a portion of Andrus Road in Bethesda.
- F. Adopted **Resolution 19-461**, approving abandonment of a portion of Kentbury Drive in Bethesda.
- G. **Approved** the appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County (including all named defendants) in Bauer et. al. v. Elrich et. al.: Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale).

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #17**

(3) **Call of Bills for Final Reading**

A. **[Expedited Bill 19-20, Administration - County Executive - Office of Labor Relations - Established](#)**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, and Mr. Drummer, Senior Legislative Attorney, reviewed the subject expedited bill, as contained in the staff report.

Enacted draft #3 of **Expedited Bill 19-20**, as introduced.

Ms. Navarro made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

B. **[Bill 20-20, Administration - Office of the County Executive - Business Advancement Team - Established](#)**

Ms. Navarro, Chair of the GO Committee, and Mr. Drummer reviewed the subject bill, as contained in the staff report.

During the May 14, 2020, worksession Ms. Benjamin, Special Projects Manager with the County Executive's Office, requested the bill be expedited, and the Council indicated support to do so.

Staff noted a technical correction in that the bill, as introduced, which mistakenly included a long title indicating that some of the transferred employees would be coming from the County Executive's Office. In fact, these employees are currently part of the Community Engagement Cluster.

Enacted draft #4 of **Expedited Bill 20-20**, as amended and contained at the end of these minutes.

Ms. Navarro made a motion to move the bill with amendments as contained in the staff report, to make the bill expedited and to accept the technical correction. The expedited bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

C. [Bill 21-20, Office of Animal Services - Established](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, and Ms. Mihill, Legislative Attorney, reviewed the subject bill, as contained in the staff report.

Noted that the subject bill would implement decisions the Council already tentatively approved for the budget of the Office of Animal Services, therefore, staff recommended that Council enact Bill 21-20 with an amendment to make it expedited with an effective date of July 1, 2020.

Enacted draft #2 of **Expedited Bill 21-20**, as amended and contained at the end of these minutes.

Ms. Navarro made a motion to move the bill and to make it expedited. The bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

D. [Expedited Bill 22-20, Position Creation and Position Alteration - Director of Strategic Partnerships and Director of Criminal Justice Coordinating Commission \(CJCC\)](#)

Participating in the discussion were Ms. Kassiri, Deputy Chief Administrative Officer; and Ms. Wellons, Legislative Attorney.

Mr. Katz noted that this is a joint committee item, covered by the GO and PS Committees. Ms. Navarro, Chair of the GO Committee, reviewed the subject expedited bill, as contained in the staff report. Ms. Navarro noted that the Council had a robust conversation last week, on May 14, on the subject bill concerning reorganizing duties in the Office of the County Executive as well as other models that have worked well in the past to maintain strong communications between the Executive branch and the Council. Noted that, in essence, the bill would create a new position and would not meet the Council's objective of a continuity of services budget. Also, last week the Council took a vote to defund the vacant CJCC position.

Ms. Wellons, Legislative Attorney, reviewed a possible amendment, as contained in the staff report, to eliminate the creation of the Strategic Partnerships Director, but to retain the provisions of the bill that amend the CJCC Director position.

Ms. Navarro made a motion to eliminate the creation of a new position for a Director of Strategic Partnerships, and to eliminate the requirement that the Director of the CJCC be non-merit, and to allow the Chief Administrator Officer (CAO) to

designate a CJCC Director. The amendment, as contained on pages 3-4, would read as follows:

2-26. Non-merit positions.

The following positions in the Office of the County Executive are non-merit positions:

\* \* \*

(c) [Director, Criminal Justice Coordinating Commission] [Director of Strategic Partnerships;]

Discussed several issues regarding the bill, including the pressing need for better communication between the Executive branch and the Council, and possibly passing the bill with a Director of Strategic Partnerships but not funding the position.

Ms. Navarro’s amendment did not come to a vote as Mr. Jawando made a motion to table **Expedited Bill 22-20** to allow more time for consideration. The motion passed 5 to 4 with Mr. Glass, Mr. Riemer, Mr. Hucker, Mr. Jawando and Mr. Katz in support. Mr. Albornoz, Mr. Friedson, Ms. Navarro and Mr. Rice were opposed.

(4) **ACTION - [Resolution to adopt Executive Regulation \(ER\) 25-19 - Amendments to the Personnel Regulations](#)**

Mr. Drummer reviewed the subject Executive Regulation, as contained in the staff report, and noted that approval of this item will amend the Personnel Regulations, which is necessary due to the enactment earlier today of **Expedited Bill 19-20**, Administration - County Executive - Office of Labor Relations - Established.

Adopted **Resolution 19-462**, approving ER 25-19.

Ms. Navarro made the motion, which carried unanimously.

(5) **ACTION - [FY21-26 Capital Improvements Program \(CIP\) Revised Reconciliation - Changes to FY21](#)**

Mr. Levchenko, Senior Legislative Analyst, and Dr. Orlin, Senior Analyst, reviewed recommendations on how to potentially address an additional \$20 million budget gap in the CIP reconciliation, as contained in the staff report and addendum.

Reviewed further expenditure reductions of potential “level of effort” projects to achieve \$20 million in General Obligation (G.O.) Bond savings in FY21 for County Government, MCPS, and Montgomery Parks, as contained on the revised chart on page 2 of the addendum. Noted that the Department of Transportation (DOT) and the Parks Department submitted alternative potential reductions, which were added to the revised chart.

Mr. Rice, Chair of the Education and Culture (E&C) noted that the E&C Committee plans to meet with MCPS and the Board of Education in the fall to review and possibly reprioritize projects when more up-to-date financial information will be available.

A straw vote was taken. Unanimously supported Mr. Rice's motion to accept the amended staff recommendation, as contained in the chart on page 2 of the addendum, to further reduce expenditures by \$20 million in G.O. Bond savings in FY21 for County Government, MCPS, and Montgomery Parks.

The meeting adjourned at 10:58 A.M.

This is a correct copy of Council action.

***Approved/Signed by Clerk of the Council***

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Selena Mendy Singleton, Esq.  
Clerk of the Council

Expedited Bill No. 20-20  
 Concerning: Administration – Office of the  
County Executive – Business  
Advancement Team - Established  
 Revised: 5-14-2020 Draft No. 4  
 Introduced: April 14, 2020  
 Enacted: May 19, 2020  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President at the Request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) rename the existing Business Solutions Group as the Business Advancement Team;
- (2) assign additional duties to the Business Advancement Team from the Department of Finance and the [[Office of the County Executive]] Community Engagement Cluster; and
- (3) generally amend the law governing the Office of the County Executive.

By amending

Montgomery County Code  
 Chapter 2, Administration  
 Sections 2-25B

<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           **Sec 1. Section 2-25B is amended as follows:**

2           **Sec. 2-25B. [Business Solutions Group] Business Advancement Team.**

3           (a)   Definitions. As used in this Section:

4                   [Group] Team means the [Business Solutions Group] Business  
5                   Advancement Team.

6                   *Navigator* means the Small Business Navigator designated by the  
7                   Executive under subsection (c).

8                   *Small business* means a privately owned business that meets the  
9                   requirements of Section 11B-65(a).

10           (b)   *Establishment of [Group] Team*. The Executive must create and  
11                   administer a Business [Solutions Group] Advancement Team that  
12                   includes a Small Business Navigator. The [Group] Team must be part of  
13                   the Office of the County Executive.

14           (c)   *Small Business Navigator*. The Executive must designate an employee as  
15                   the Small Business Navigator. Among other duties, the Navigator must:

16                   (1)   advise the Executive, the Council, the Chief Administrative  
17                   Officer, County Department heads, the Planning Board, and any  
18                   other appropriate government agency, of any action needed to  
19                   assist small businesses to comply with County requirements and  
20                   regulations;

21                   (2)   promote communications between a small business and each  
22                   County department or agency that the small business must interact  
23                   with;

24                   (3)   develop and maintain a database of information necessary for a  
25                   small business to comply with County requirements and  
26                   regulations;

- 27 (4) advise small businesses on how to comply with County  
28 requirements and regulations; and
- 29 (5) identify changes to regulations and requirements that would  
30 improve turnaround, eliminate duplication, resolve conflicts in  
31 authority, and eliminate unnecessary regulations and requirements.
- 32 (d) *Additional duties for the [Group] Team.* In addition to the duties of the  
33 Small Business Navigator described in subsection (c), the [Group] Team  
34 must:
- 35 (1) provide constituent services for businesses operating in the County  
36 or planning to operate in the County, including:
- 37 (A) communicating about new and revised County laws and  
38 regulations affecting County businesses;
- 39 (B) outreach;
- 40 (C) providing publications on County policies;
- 41 (D) operating workshops and conferences; [and]
- 42 (E) convening targeted business events; [and]
- 43 (F) providing oversight and leadership on business programs  
44 including:
- 45 (i) incubator management;
- 46 (ii) economic development incentives and financing  
47 programs;
- 48 (iii) business development projects; and
- 49 (iv) other business-related special initiatives;
- 50 (2) serve as a point of contact for County businesses seeking to  
51 comply with County requirements and regulations; and
- 52 (3) assist County businesses to interact with other State, County, and  
53 local government agencies.

54 (e) *Reports.* On or before September 15 of each year, the Executive must  
55 report to the Council on the activities and recommendations of the  
56 [Group] Team.

57 **Sec. 2. Expedited Effective Date.**

58 The Council declares that this legislation is necessary for the immediate  
59 protection of the public interest. This Act takes effect on the date on which it becomes  
60 law.

Expedited Bill No. 21-20  
 Concerning: Office of Animal Services – Established  
 Revised: 5/14/2020 Draft No. 2  
 Introduced: April 14, 2020  
 Enacted: May 19, 2020  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

**AN EXPEDITED ACT to:**

- (1) transfer the duties of the Division of Animal Services in the Police Department to a new non-principal office in the Executive Branch; and
- (2) generally amend County law related to administration and animal services.

By amending

Montgomery County Code  
 Chapter 1A, Structure of County Government  
 Section 1A-203

Chapter 2, Administration  
 Sections 2-43 and 2-58C

Chapter 5, Animal Control  
 Sections 5-101, 5-102, 5-104, 5-202, 5-203, 5-301, 5-302, 5-303, 5-304, 5-306, 5-401, 5-402, and 5-404

Chapter 31B, Noise Control  
 Section 31B-12

By renumbering

Montgomery County Code  
 Chapter 5, Animal Control  
 Sections 5-405, 5-406, and 5-407

<b>Boldface</b>	<i>Heading or a 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:*



28 *Animal control officer:* The Executive Director of the Office [Division], or  
29 the [Division] Executive Director’s designee.

30 \* \* \*

31 *Appropriate authority:* For purposes of State law regarding animals, the  
32 Office [Division], the Board, and any other agency or official designated by  
33 regulation.

34 \* \* \*

35 *Benevolent organization:* A non-profit organization, registered with the  
36 Office [Division], that cares for stray or homeless animals.

37 \* \* \*

38 [*Director:* The Director of the Division or the Director’s designee.]

39 *Disposition:* Adoption or other placement of a domestic animal, release of a  
40 wild animal into a suitable habitat, or humane euthanasia administered in a  
41 manner approved by the Office [Division].

42 [*Division:* The Animal Services Division in the Department of Police.]

43 \* \* \*

44 *Executive Director:* The Executive Director of the Office or the Executive  
45 Director’s designee.

46 \* \* \*

47 *Office:* The Office of Animal Services.

48 \* \* \*

49 **5-102. Administration.**

50 (a) Office [Division] *duties.* The Office [Division] administers this  
51 Chapter, [and must:]

52 (1) The Office must:

53 (A) provide an animal shelter program;

54 [(2)] (B) assist and cooperate with the Health Officer and State

55 officials in carrying out an anti-rabies program, including  
56 vaccination of dogs, cats, and ferrets, as required by State  
57 law and this Chapter;

58 [(3)] (C) carry out a program to license dogs and cats, as  
59 required by State law and this Chapter;

60 [(4)] (D) provide education programs regarding the humane  
61 treatment of animals;

62 [(5)] (E) provide wildlife management; and

63 [(6)] (F) provide a spay-neuter program.

64 (2) The Office [Division] may provide other services and programs  
65 to promote the humane treatment of animals and protect public  
66 health and welfare from animal-related hazards.

67 (b) *Executive Director.* The Executive Director of the Office [Division]  
68 must:

69 \* \* \*

70 (c) *Animal shelter.* The County must, directly or by contract, maintain and  
71 operate an animal shelter or other place of confinement. The shelter  
72 must remove, harbor, care for, and dispose of any animal that the  
73 Office [Division] finds is abused, homeless, unwanted, abandoned, or  
74 neglected, or threatens the health, safety, peace, or security of the  
75 public.

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

80 (e) *Enforcement of animal control laws.* To the extent allowed by State

81 law, the Office [Division] may enforce any State animal control law  
 82 and any law under this Chapter. A reference in a State animal control  
 83 law to the “appropriate authority” (or any similar term) in the County  
 84 means the Office [Division] and any other County agency designated  
 85 by regulation adopted under Method (3).

86 \* \* \*

87 **5-104. Animal Matters Hearing Board.**

88 (a) *Jurisdiction.*

89 (1) As provided in this Chapter, the Animal Matters Hearing Board  
 90 has jurisdiction to hear:

91 (A) original complaints involving allegations of violations of  
 92 this Chapter or a violation of the terms of an adoption  
 93 agreement; and

94 (B) appeals from any decision or order of the Executive  
 95 Director.

96 \* \* \*

97 (e) *Authority.* The Board may:

98 (1) Order the Executive Director to seize, impound, destroy, or take  
 99 any other action the Board decides is necessary regarding an  
 100 animal that is suffering cruelty, dangerous or potentially  
 101 dangerous, or causing a public nuisance or other violation of this  
 102 Chapter.

103 \* \* \*

104 (6) Appoint a person to mediate a case if the owner and each  
 105 complainant (which may include the Office [Division]) agree. A  
 106 consent order resulting from mediation is an order of the Board.  
 107 If the mediator or the Board finds that the parties are not likely

108 to agree to a mediated consent order within a reasonable time,  
109 the Board must decide the case.

110 \* \* \*

111 (g) *Fee.* The Executive may set by regulation a fee for filing a complaint  
112 with the Board. The filer must pay the fee to the Office [Division].  
113 The Board or the Animal Control Officer may waive the filing fee in  
114 response to a written request. If the parties agree to a consent order  
115 after mediation, the Board may refund the filing fee.

116 \* \* \*

117 **5-202. Dangerous and potentially dangerous animals.**

118 (a) *Violation.*

119 \* \* \*

120 (3) An animal is potentially dangerous if:

121 \* \* \*

122 (B) the Office [Division] notifies the owner that the animal is  
123 potentially dangerous.

124 \* \* \*

125 (b) *Declared dangerous or potentially dangerous elsewhere.* An owner of  
126 an animal declared dangerous or potentially dangerous in another  
127 jurisdiction must remove the animal from the County within 10 days  
128 after receiving a citation or other notice of a violation of this Chapter  
129 unless the Executive Director waives this requirement and imposes  
130 conditions or restrictions under subsection (d) for the animal to remain  
131 in the County.

132 (c) *Limited waiver.* The Executive Director may waive the prohibitions of  
133 subsections (a) or (b) for a specific animal only if the Executive  
134 Director finds that the animal is not a threat to public health or safety.

135 (d) *Confinement and microchipping.* The Executive Director or the Board  
 136 may impose any restriction or condition, including confinement or  
 137 microchipping the animal, on the owner of a dangerous or potentially  
 138 dangerous animal that is reasonably expected to protect the public  
 139 health or safety. A person must not release the animal from  
 140 confinement unless the animal is:

141 (1) securely muzzled in a manner approved by the Office [Division];

142 \* \* \*

143 (g) *Licensing records.* The Executive Director must indicate in the  
 144 licensing records whether a licensed animal is dangerous, potentially  
 145 dangerous, or a guard dog.

146 \* \* \*

147 **5-203. Public nuisance and other violations.**

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

149 \* \* \*

150 (2) Allow an animal to damage or defecate on property outside the  
 151 owner’s property. An animal may defecate on public property or  
 152 the common area of property in which the owner shares an  
 153 interest if the owner immediately removes and disposes of the  
 154 feces by a sanitary method approved by the Office [Division].  
 155 This paragraph does not affect any right of a common ownership  
 156 community to regulate or ban animals from the community’s  
 157 property.

158 \* \* \*

159 (10) Allow an animal to act in any other way that the Executive  
 160 Director, the Board, or an animal control officer finds would  
 161 cause any other public nuisance established by regulation. An

162                   action prohibited by the regulation is a violation even if the  
 163                   action does not qualify as a public nuisance because the owner  
 164                   has not received notice described in subsection (b)(1).

165   \*           \*           \*

166           (b) *Public nuisance.* An owner must not allow an animal to create a public  
 167           nuisance by:

168                   (1) behavior described in subsections (a)(1), (2), (3), (4), (6), (8),  
 169                   (9), or (10) occurring after the owner received notice from the  
 170                   County in any form (such as an oral warning from an Office [a  
 171                   Division] employee) of a violation because of the same  
 172                   behavior; or

173   \*           \*           \*

174                   **ARTICLE III. ENFORCEMENT, PENALTIES, AND APPEALS.**

175           **5-301. General provisions.**

176           (a) *Who may enforce.* The Executive Director, an animal control officer,  
 177           the Board, and any other person authorized by regulation issued under  
 178           method (2) may enforce an animal control law. In this Article, an  
 179           “animal control law” includes a State animal control law, this Chapter,  
 180           and, for noise from an animal source, Chapter 31B.

181           (b) *Forms of enforcement.* The Executive Director or an animal control  
 182           officer may enforce an animal control law by issuing a citation or other  
 183           lawful order. To exercise its authority, the Board must issue a written  
 184           order that explains the factual and legal basis for the order.

185           (c) *Types of enforcement.*  
 186                   (1) Except as provided in paragraph (2), the Executive Director or  
 187                   an animal control officer may, to enforce an animal control law

188 or protect the health or safety of an animal, a person, or the  
189 public:

190 \* \* \*

191 (2) The Executive Director or an animal control officer must not  
192 destroy an animal under paragraph (1) unless:

193 \* \* \*

194 (B) the Executive Director, an animal control officer, or the  
195 Board finds that destruction of the animal is necessary to  
196 prevent an immediate threat to public [pubic] health or  
197 safety. If an owner requests a hearing within 5 days after  
198 the County notifies the owner of any action under this  
199 paragraph, the Board must hold a hearing after the fact on  
200 the action and may order the County to reimburse the  
201 owner for the resale value of the animal if the action was  
202 not justified; or

203 \* \* \*

204 (h) *Board order to take action.* As a result of an adjudication of a  
205 complaint or appeal, the Board may order the Executive Director or an  
206 animal control officer to take an action described in paragraph (c)(1).

207 **5-302. Special enforcement provisions regarding specific offenses.**

208 (a) *Dangerous or potentially dangerous animals.*

209 (1) An animal control officer immediately may seize, impound, and  
210 humanely euthanize, at the owner’s expense, an animal that the  
211 Executive Director, an animal control officer, or the Board finds  
212 is dangerous or potentially dangerous and poses an immediate  
213 threat to public health or safety.

214 \* \* \*

215 (b) *Public nuisance and other violations.* The Board, the Executive  
216 Director, or an animal control officer may order any action necessary  
217 to abate a public nuisance or any other violation of Section 5-203.

218 **Sec. 5-303. Impoundment.**

219 (a) *Generally.* The Executive Director, an animal control officer, or the  
220 Board may enforce an animal control law or protect the health or safety  
221 of a person, an animal, or the public by impounding (or for the Board,  
222 ordering the Executive Director to impound) an animal at an animal  
223 shelter or other facility approved by the Executive Director.

224 (b) *Notice of impoundment.* The Executive Director promptly must make a  
225 reasonable effort to locate and notify the owner of an impounded  
226 animal. The notice must inform the owner of applicable requirements  
227 of this Chapter, including the requirement in subsection (c) to pay in  
228 advance for the animal’s care and the opportunity to request a waiver  
229 of the prepayment requirement under subsection (c)(7). The Executive  
230 Director may notify the owner by first class mail to the owner’s last  
231 known address, or, if the Executive Director cannot locate the owner,  
232 by publishing a notice in a newspaper of general circulation in the  
233 County.

234 (c) *Prepayment for care.*  
235 (1) The animal’s owner must prepay any boarding costs before and  
236 during any appeal to the Board, unless waived or modified as  
237 provided in this Chapter. Within 5 days after receiving notice  
238 that an animal was impounded under any provision of this  
239 Chapter, the animal’s owner must pay to the County the  
240 estimated cost of caring for the animal for the 30-day period

241 beginning on the date the animal was impounded. The  
 242 Executive Director must estimate the cost, which must include  
 243 the cost of food, veterinary care, and other necessities that a  
 244 responsible owner would provide for the animal and may include  
 245 other costs, such as pro rata staffing and administrative  
 246 expenses, allowed by regulation. The owner must pay in cash or  
 247 by another method acceptable to the Office.

248 \* \* \*

- 249 (3) The Executive Director may:
- 250 (A) revise the estimated cost of care for each 30-day period to
  - 251 improve the accuracy of the estimate; and
  - 252 (B) apply any previous payment for that animal that exceeds
  - 253 the actual cost of care to the next 30-day period.

254 \* \* \*

- 255 (7) The Executive Director may waive or modify the prepayment
- 256 required under this subsection (such as by requiring weekly
- 257 prepayments) if the owner provides evidence that prepayment
- 258 for 30 days of care would be a serious financial hardship to the
- 259 owner.

260 (d) *Multiple impoundments.*

- 261 (1) If an unaltered dog or cat is impounded 2 or more times, the
- 262 owner must have the animal altered at the owner’s expense
- 263 within 30 days after the animal is released from impoundment or
- 264 surrender the animal to the Executive Director unless:

265 \* \* \*

- 266 (2) The Executive Director must not allow an owner to redeem an
- 267 animal impounded less than 12 months after the animal was

268 released from a previous impoundment, unless the owner has  
 269 successfully appealed any citation arising out of the prior  
 270 impoundment, until the Executive Director has issued:

271 \* \* \*

272 **5-304. Disposition.**

273 (a) *Types of disposition.* An animal impounded by the Office [Division]  
 274 may be:

- 275 (1) redeemed by an owner under certain circumstances;
- 276 (2) placed for adoption if abandoned;
- 277 (3) set loose in a suitable habitat if wild; or
- 278 (4) humanely euthanized in a manner approved by the Office  
 279 [Division].

280 (b) *Redemption.* The owner of an impounded animal may redeem the  
 281 animal if:

282 \* \* \*

- 283 (5) the Executive Director approves, or the Board orders the  
 284 redemption, and the owner complies with any conditions for  
 285 redemption; and
- 286 (6) redemption is not prohibited by another animal control law.

287 \* \* \*

288 (d) *Release or adoption prohibited.* The Executive Director must not:

289 \* \* \*

290 (e) *Dangerous or nuisance animals.* The Executive Director or any other  
 291 person must not sell, release, or place for adoption an animal that an  
 292 animal control officer found is dangerous or potentially dangerous,  
 293 would cause a public nuisance or other violation, or has rabies or an  
 294 incurable communicable disease, unless the Executive Director finds

295 the action is safe.

296 (f) *Failure to redeem.* Unless otherwise ordered by the Board, an  
297 impounded animal is considered abandoned and becomes County  
298 property if the animal is not redeemed by its owner within 5 days after  
299 the Executive Director notifies the owner about the impoundment  
300 under Section 5-303(b).

301 (g) *Adoption.* The Executive Director may place an abandoned animal for  
302 adoption as a pet unless the Board or the Executive Director decides  
303 adoption of the animal is not in the best interest of public health or  
304 safety. A dog or cat placed for adoption must be altered by a licensed  
305 veterinarian, at the expense of the person adopting the animal, within a  
306 time specified by the Executive Director. The Executive Director must  
307 set the deadline for altering based on the animal’s age, sex, and health,  
308 but the deadline must be within 3 months after the adoption. If the  
309 owner of an adopted animal does not alter the animal by the deadline,  
310 the owner must return the animal to the animal shelter.

311 \* \* \*

312 **5-306. Appeal to the Board.**

313 (a) *Time for noting appeal.* Except as provided in Section 5-104(a), a  
314 person aggrieved by a decision of the Executive Director or an animal  
315 control officer may appeal the decision to the Board within 5 days after  
316 the Executive Director or the animal control officer notifies the owner  
317 about the decision. The Executive Director or animal control officer  
318 must not dispose of the animal during the 5-day period for filing an  
319 appeal, or while an appeal is pending, unless authorized to do so under  
320 this Chapter.

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- (c) *Filing fee.* In addition to any other requirement imposed by this Section, the owner appealing a decision of the Executive Director or an animal control officer must pay a filing fee established by executive regulation. The Board or the Executive Director may waive the filing fee in response to an appellant’s request.
- (d) *Board’s decision.* The Board may modify a decision of the Executive Director or an animal control officer only if the appellant proves by a preponderance of the evidence that the decision was arbitrary, illegal, or not based on substantial evidence. The Board must issue a written opinion explaining the factual and legal basis for its decision.
- (e) *Boarding of animal – pending Board decision.* If the owner timely appeals an impoundment or seizure, the owner may also seek review of the Executive Director’s determination of boarding costs by filing an appeal with the Chief Administrative Officer within 5 days after the Executive Director issues a demand for prepayment. The Chief Administrative Officer, or a designee, must review the Executive Director’s decision within 2 business days after receiving the appeal. The owner must provide the Chief Administrative Officer with information sufficient to show that requiring prepayment of boarding costs would be a serious financial hardship on the owner. The Chief Administrative Officer may ask the owner to provide additional information at an informal hearing conducted in person or by telephone. The Office [Division] must not require the owner to prepay any boarding costs pending the Chief Administrative Officer’s decision. The Chief Administrative Officer may make any decision the



372 (1) under method (2) for licenses under subsections (a)(1) to (5);

373 \* \* \*

374 (c) *Denial, suspension, and revocation.*

375 (1) The Office [Division] may deny, suspend, or revoke a license:

376 (A) for a facility that violates any provision of the Code,  
377 including Chapter 59, or any State or federal law; or

378 (B) if the applicant or licensee withholds or falsifies  
379 information, or engages in fraud or misrepresentation  
380 regarding the sale of animals.

381 (2) A person aggrieved by an action under this subsection may  
382 appeal the action under Section 5-306.

383 \* \* \*

384 **ARTICLE V. RETAIL SALE OF DOGS AND CATS.**

385 **5-501 [5-405]. Legislative Findings.**

386 \* \* \*

387 **5-502 [5-406]. Definitions.**

388 \* \* \*

389 **5-503 [5-407]. Retail Sale of Dogs and Cats.**

390 \* \* \*

391 **31B-12. Enforcement and penalties.**

392 \* \* \*

393 (g) The Executive Director of the Office of Animal Services [Division]  
394 may initiate administrative action before the Animal Matters Hearing  
395 Board instead of an enforcement officer issuing a citation under  
396 subsection (f) for a violation of this Chapter originating from an animal  
397 source.

398 \* \* \*

399

**Sec. 2. Transition.**

400

References to the Division of Animal Services in County law, contract, or

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regulation means the Office of Animal Services.

402

**Sec. 3. Expedited effective date**

403

The Council declares that this legislation is necessary for the immediate

404

protection of the public interest. This Act takes effect on July 1, 2020.

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