By: Council President at the Request of the County Executive

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

The County Council for Montgomery County, Maryland approves the following Act:
Section 1. Sections 2-43, 5-101, 5-102, 5-104, 5-203, 5-303, 5-304, 31B-2, and 31B-12 are amended as follows:

2-43. Organization and functions.

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

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

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

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

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5-102. Administration.

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

(1) maintain records of any license issued under this Chapter for an animal or facility;

(2) supervise any [animal control shelter] animal shelter;

(3) maintain permanent records of:

(A) animals impounded or otherwise harbored by an [animal control shelter] animal shelter;

* * *
Animal matters. The County must, directly or by contract, maintain an animal shelter or other place of confinement. The shelter must remove, harbor, care for, and dispose of any animal that the Division finds is abused, homeless, unwanted, abandoned, or neglected, or threatens the health, safety, peace, or security of the public.

Care of animals. The County may contact veterinarians or animal hospitals to care for injured or diseased animals whose owners are unknown, that the County or its agents collect, or that any person brings to the animal shelter.

Animal Matters Hearing Board.

Duties. The Board must:

(1) decide complaints and appeals under this Chapter, including complaints alleging a violation of an animal shelter adoption contract;

(2) recommend standards to maintain regulated facilities;

(3) review the annual proposed budget for the animal shelter and make budget recommendations for the shelter to the Executive and the Council; and

Public nuisance and other violations.

Violation. An owner must not:

(3) Allow an animal to enter private property without the property owner's permission. The property owner may capture the
trespassing animal humanely and promptly notify animal control
or other appropriate law enforcement authorities, or humanely
transport the animal to an [animal control shelter] animal
shelter.

5-303. Impoundment.

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

5-304. Disposition.

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

31B-2. Definitions.
(g) Enforcement officer means:

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

31B-12. Enforcement and penalties.

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

Approved:

Blair G. Ewing, President, County Council

March 7, 2001

Date

Douglas M. Duncan, County Executive

March 15, 2001

Date

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council

March 19, 2001

Date