

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

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

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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 

Blair G. Ewing, President, County Council

March 7, 2001

Date

99 *Approved:*

100 

Douglas M. Duncan, County Executive

March 15, 2001

Date

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

102 

Mary A. Edgar, CMC, Clerk of the Council

March 19, 2001

Date