

**AN ORDINANCE PERTAINING TO THE AMENDMENT OF CHAPTER 7 OF
THE CODE OF PUBLIC LOCAL LAWS OF CALVERT COUNTY**

WHEREAS, *Local Government Article*, Section 13-115 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to adopt local ordinances pertaining to animals for the public health, safety, and welfare;

WHEREAS, by Ordinance 07-08, the Board of County Commissioners did adopt such a local ordinance, which is codified at Title 7 of the Code of Public Local Laws of Calvert County, Maryland, being Title 7 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”);

WHEREAS, the Board of County Commissioners are authorized by Maryland Annotated Code, *Local Government Article*, Section 13-115(d) to create an Animal Matters Hearing Board to resolve disputes and controversies arising under local animal control ordinances;

WHEREAS, the Office of the Sheriff, Animal Control Division, has recommended amendments to Chapter 7 of the Code more specifically set forth below to establish such an Animal Matters Hearing Board;

WHEREAS, a public hearing regarding the proposed amendment of Chapter 7 of the Code was duly advertised for two consecutive weeks before the public hearing held on July 19, 2016, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt those amendments to Chapter 7 of the Code set forth herein.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 7 of the Code by appending the following to Chapter 7, Part 2, Article II of the Code, which heretofore had been reserved:

§7-2-201. Authority

The Board of County Commissioners hereby establishes the Animal Matters Hearing Board and vests authority within that Board to: (1) hear and decide administrative appeals pertaining to the enforcement of the provisions of this Chapter; and (2) the only advisory board to make recommendations for the amendment of this Chapter 7.

§7-2-202. Membership

A. Appointment

1. The Animal Matters Hearing Board shall consist of at least five (5) and not more than seven (7) members.
 2. The members shall consist of:
 - (a) One (1) member shall be with an affiliation with an animal welfare rescue group;
 - (b) One (1) member shall be with a professional animal organization such as a hunt club, American Kennel Club, or K-9 search and rescue;
 - (c) One (1) Deputy Sheriff, selected by the Sheriff;
 - (d) One (1) member shall be a Veterinarian, or Veterinarian Technician (with three or more years of experience); and
 - (e) up to three (3) members shall be citizens (without affiliation of an animal welfare rescue group or professional animal organization).
 3. Members shall be residents of Calvert County or maintain a principal place of business in Calvert County.
 4. Members shall be appointed for four-year terms, and no Board member shall be eligible to serve more than three (3) consecutive full terms. Upon creation of the Board, each member shall be assigned a term of one, two, three, or four-year terms to stagger appointments. In the event that the seven (7) possible member positions are not filled in the initial composition of the Board, subsequent appointments of additional members may be for less than four-year terms to maintain the staggering of expiration of members' terms.
 5. Members shall not serve on the Calvert County Shelter Advisory Board simultaneously.
- B. Officers.
- a. The Animal Matters Hearing Board shall elect by majority vote the Chairperson and Vice Chairperson from among its membership annually.
 - b. Duties and Responsibilities of the Chairperson include:
 - (a) Provide leadership to the Board in carrying out its purposes;
 - (b) Serve as the official voice/spokesperson for the Board;
 - (c) Develop agendas and preside over Board meetings;
 - (d) Sign documents approved by a majority of the Board that require the signature of a Board official;
 - (e) Communicate as needed with the County Liaison to the Board, providing information about relevant developments and activities;
 - (f) Put motions to a vote and announce the results of the vote; and

- (g) Present an annual report to the Board of County Commissioners of Calvert County to document the achievements of the past twelve months and forecast future plans.
- c. Duties and Responsibilities of the Vice-Chairperson include performing the duties and responsibilities of the Chairperson in her/his absence, and, when so acting, shall have all the powers of and be subject to all restrictions governing the Chairperson.
- C. Compensation. The animal welfare rescue representative member, the professional animal organization representative member, the veterinarian or veterinarian technician representative member, and citizen member(s) of the Animal Matters Hearing Board shall serve without compensation. Resignation. Any member of the Animal Matters Hearing Board may resign at any time by providing written notice to the Board of County Commissioners.
- D. Resignation. Any member of the Animal Matters Hearing Board may resign at any time by providing written notice to the Board of County Commissioners
- E. Removal.
- a. The Board of County Commissioners retains the authority to remove any member on its own initiative or based on recommendation of a majority vote of the Animal Matters Hearing Board, when, in its discretion, the best interest of the community or Board would not be served by continued membership.
- b. The Chairperson shall notify the Board of County Commissioners if a member of the Animal Matters Hearing Board misses three (3) scheduled meetings in any twelve (12) month period. The Board of County Commissioners shall remove and replace such member while maintaining the balance of membership set forth in §7-2-202(A)(2).

§7-2-203. Rules and support

- A. Animal Matters Hearing Board members shall abide by and fully comply with the Calvert County Code of Ethics, as amended from time to time.
- B. No Board member shall cast a vote on any matter where a conflict of interest may exist.
- C. In any instance where the determination of a conflict of interest is uncertain, the Board may request a determination of conflict of interest from the Calvert County Ethics Commission.
- D. A quorum shall consist of a majority of the members.
- E. The Calvert County Sheriff's Office's Animal Control Division shall provide support personnel as may be required by the Animal Matters Hearing Board. The Calvert County Attorney's Office shall provide legal support to the Animal Matters Hearing Board.

- F. The Board of County Commissioners shall provide such office space, supplies, and equipment as may be required by the Animal Matters Hearing Board to perform its duties.
- G. All meetings shall be conducted in accordance with *Roberts Rules of Order Newly Revised*, unless they are inconsistent with the approved Rules or this Chapter.
- H. There shall be one vote per Board member. The Chair is entitled to vote on any item before the board unless precluded by operation of the Calvert County Code of Ethics.
- I. A tie vote for and against a motion means that a motion fails.

§7-2-204. Duties

The Animal Matters Hearing Board shall:

- A. Adopt any necessary and appropriate rules of procedure to hear and decide administrative appeal hearings pertaining to the enforcement of the provisions of this Chapter 7;
- B. Make recommendations for the amendment of this Chapter 7; and
- C. On or before the first month of each new calendar year, submit an annual report to the Board of County Commissioners on the actions and activities of the Animal Matters Hearing Board and a forecast of future actions proposed to be undertaken by the Board.

§7-2-205. Meetings

- A. The Animal Matters Hearing Board shall meet not less than once a quarter.
- B. Notice of all meetings of the Board shall be in accordance with the Maryland Open Meetings Act.
- C. The regular meetings of the Board shall be held at a place, on dates and at times decided by the Board members and
- D. The Board may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the Board members.
- E. Matters considered at a Special Meeting are limited to the purpose/agenda contained in the notice of the meeting.
- F. Adequate notice of all Special Meetings will be provided to all Board members.
- G. All meetings are open to the public, except that the Board may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, General Provisions Article, § 3-305, as amended from time to time.

- H. Any meeting of the Board may be conducted by telephone conference call provided that Board members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

§7-2-206. Authority, Findings and Orders

- A. Any person charged with a violation of this Chapter 7 may request that the Animal Matters Hearing Board conduct an administrative hearing to determine if there is substantial evidence to support the issuance of a citation.
- B. If the Animal Matters Hearing Board finds that there is not substantial evidence to support a citation, it shall dismiss the citation.
- C. If the Animal Matters Hearing Board finds that there is substantial evidence to support a citation, it may, in addition to levying and imposing the costs of the proceedings upon the appellant:
1. Sustain the citation and the penalties imposed upon the face of the citation;
 2. Sustain the citation and modify the penalties imposed upon the face of the citation as deemed necessary and appropriate upon the record before the Board;
- D. The decisions and orders of the Animal Matters Hearing Board shall be final.
- E. Any person aggrieved by a decision or order of the Animal Matters Hearing Board may petition for judicial review pursuant to Title 7, Chapter 200 of the Maryland Rules of Civil Procedure within thirty (30) days of the date of the decision or order, unless a different statute of limitations is prescribed by law or the Rules.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 7 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 10th day of January, 2017, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

Maureen L. Frederick
Maureen L. Frederick, Clerk

Tom Hejl
Tom Hejl, President

Approved for form and legal
sufficiency by:

Evan K. Slaughenhaupt Jr.
Evan K. Slaughenhaupt Jr., Vice-President

Mike Hart
Mike Hart

John B. Norris, III
John B. Norris, III, County Attorney

Pat Nutter
Pat Nutter

Steven R. Weems
Steven R. Weems

Received for Record... January 18..., 2017
at 11:52 o'clock... A M. Same day
Recorded in Liber KPS No. 50
Folio 503 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith