

Ordinance No.: 00-

Introduced: August 14, 2000

Passed: October 9, 2000

Approved:

Effective:

10/9/2000

11/7/2000

**TOWN OF GLEN ECHO
ANIMAL CONTROL ORDINANCE**

WHEREAS, the Town Council of the Town of Glen Echo is concerned about the control of animals within the Town of Glen Echo and how such control should be implemented in the best interests of the Town;

WHEREAS, the Town of Glen Echo has the power and authority to regulate the keeping of animals within the Town;

WHEREAS, the Town of Glen Echo has the power and authority to make agreement with Montgomery County, Maryland for the cooperation in the performance of any governmental functions, including animal control;

WHEREAS, Montgomery County has agreed with Glen Echo to provide basic animal control service within the Town of Glen Echo;

WHEREAS, the Town Council has determined that adoption of Montgomery County's animal control provisions and having Montgomery County enforce such provisions within the Town of Glen Echo is in the best interests of the Town, including the efficient administration of such control and fiscal savings to the Town associated with such County enforcement;

WHEREAS, notwithstanding the foregoing, the Town Council has determined that it

would be in the best interests of the Town to adopt certain changes or additions to the County's provisions, none of which are inconsistent with the County's provisions, in order to adapt such provisions to the conditions and collegiality of the Town, with Town enforcement of such provisions in addition to or in lieu of County enforcement; and

WHEREAS, the Town Council is desirous that certain problems and issues relating to Animal Control be resolved informally through a Town Committee.

NOW, THEREFORE:

1. **Be it enacted** by the Town Council of the Town of Glen Echo that Section 9.1 of Article 9 "APPLICABILITY OF COUNTY LEGISLATION" of the Ordinances of the Town of Glen Echo is hereby amended by deleting the reference "5 - Animal Control" from Section 9.1, "Exemptions from County Code."

2. **Be it further enacted** by the Town Council of the Town of Glen Echo that Article 2 "ANIMAL CONTROL" is hereby repealed and deleted in its entirety.

3. **Be it further enacted** by the Town Council of the Town of Glen Echo that a new Article 2 "ANIMAL CONTROL" is hereby adopted to read as follows:

ARTICLE 2

ANIMAL CONTROL

Section 2.1 Applicability of Montgomery County Code

Except as modified by this Article, the provisions of Montgomery County Code,

Chapter 5 "Animal Control," as amended as of December 1999 and thereafter, shall apply and be enforced within the corporate limits of the Town of Glen Echo. Except as otherwise provided in this Article, Montgomery County is requested to and shall enforce the provisions of Montgomery County Code, Chapter 5, within the Town.

Section 2.2 Modification of Montgomery County Code Provisions

(a) **Animals Prohibited.** Notwithstanding any provision to the contrary in Montgomery County Code, Chapter 5, it shall be unlawful to own, keep or harbor within the corporate limits of the Town of Glen Echo the following animals: horses, swine, including, but not limited to, pot-bellied pigs, cows/ cattle, goats, chicken, ducks, geese, pigeons, other domestic or wild fowl, bees and any other animals except dogs, cats and other pets commonly kept indoors in private residences. This provision shall be enforced, and penalties imposed, by the Town.

(b) **Town Enforcement.** The Town's Local Animal Control Officer shall have the power to enforce the owning, keeping or harboring of prohibited animals.

Section 2.3 Local Animal Control Officer; Concurrent Enforcement

(a) The Mayor of the Town of Glen Echo, or his or her designee, as approved by the Town Council, shall serve as the Town's Local Animal Control Officer.

(b) The Local Animal Control Officer shall enforce the provisions set forth in Section 2.2.

Section 2.4 Penalties

(a) Violations of Section 2.2 shall be deemed a municipal infraction;

(b) Municipal infractions, citations therefor, and procedures to pay, contest or

otherwise relating to such municipal infractions and citations shall be governed by the provisions of Maryland Code Annotated, Article 23A, Section 3, and Subsection (c) below.

(c) A fine of \$50 shall be imposed per occurrence for a violation of Section 2.2. Each day a violation continues shall constitute a new and separate violation subject to the imposition of the fine(s) set forth in this section. Each repeat offense, meaning a new violation within one (1) year of a prior violation, shall be punishable by a fine of \$100.

(d) In no event shall a person found in violation of these sections be obligated to pay the penalties of both the County and the Town, but in such instances as both the County and the Town seek to impose penalties, the penalty imposed by the County shall control over that of the Town.

Section 2.5 Regulations

(a) All regulations now adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code (1999) as amended, are hereby incorporated by reference and shall be deemed to be in effect within the incorporated limits of the Town.

(b) All regulations or amendments to regulations hereafter adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code (1999) as amended, as adopted by this Ordinance shall become effective within the Town upon the effective date thereof unless an ordinance shall be adopted by the Town Council disapproving such amendments.

Section 2.6 Local Animal Advisory Committee

(a) **Purpose.** It is the intent and desire of the Town that the collegiality and neighborliness that are hallmarks of the Town be maintained, and to that end, that information regarding animal control requirements be disseminated and attempts to resolve problems informally and without resort to penalties and litigation be encouraged.

(b) **Appointment.** The Mayor of the Town of Glen Echo shall appoint up to three residents of the Town as the Local Animal Advisory Committee. The Local Animal Control Officer shall automatically be a member of the Committee and shall serve as the chair of the Committee.

(c) **Duties.** The Committee shall:

(i) Assist Town residents in resolving animal control problems informally;

(ii) inform Town residents about animal control regulations and procedures;

(iii) maintain a list of dogs in the Town licensed by the County to aid in the identification of stray, lost or injured dogs; and

(iv) perform other appropriate services to the Town and its residents relating to animal control.

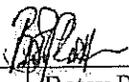
(d) **Limitations.** The Committee shall be advisory and informal in nature and shall have no enforcement authority under the provisions of this Article. Notwithstanding the foregoing, the Local Animal Control Officer shall have all powers and authority otherwise granted by this Article.

4. **Effective Date:** The provisions of this Ordinance shall become effective 30 days after approval by the Town Council.

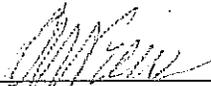
PASSED: October 9, 2000

TOWN COUNCIL

10-9-2000
Dated

By: 
Betsy Platt
Clerk-Treasurer

APPROVED:


Deborah M. Beers, Mayor

as of 10-9-2000
Dated