

TOWN OF GLEN ECHO
PUBLIC HEARING ON ARTICLE 2 OF THE ORDINANCES (ANIMAL CONTROL)
MAY 17, 2018

ATTENDANCE: Willem Polak, Mayor
Dia Costello, Councilmember
Matt Stiglitz, Councilmember
Dan Spealman, Councilmember
Ron Bolt, Town Attorney
Julia Wilson, substitute for Clerk-Treasurer

The hearing was opened at 7:35 by Mayor Polak. Residents who want to speak will be allowed 3-5 minutes. No vote will be taken at the hearing.

Town attorney Ron Bolt gave an overview of the issues under consideration. First, what if anything should be done with the current code? Mr. Bolt recommended If the town does not want to regulate something it should be removed from code.

Second, what to do with the section that prohibits certain farm animals? The Council has the option to keep it intact, amend it, or delete it completely and defer to the county.

Under county regulations, a farm animal structure must be 25 feet from a lot line and 100 feet from a dwelling, which would effectively make it impossible in town. But these setback rules don't apply if the structure is attached to the house.

In terms of enforcement of violations, Mr. Bolt said the town has no intention to start aggressive enforcement. Enforcement is generally complaint driven and actually giving someone a fine is rare, and if other mediation methods have failed.

The town can exempt from county law, and pass either more restrictive or more permissive code, except for zoning laws, which includes the setback requirement.

Mayor Polak opened up the floor for public comment.

Raya Bodnarchuk reported her neighbors had chickens and she had a rat problem that started when the chickens came. She said housing of chickens does have some health risk and vermin are attracted to chicken food and waste. She said Glen Echo is neither a rural nor farming community and she urged the Council to pass the ordinance as drafted.

Mads and Durke Anderson asked the Council to allow their chickens to return, saying they like to hold them and they get rid of bugs.

Tisha Anderson said what this town has done to their family was unforgiveable, saying legal action taken before even a phone call was made about their chickens. She asked for the town to abolish Article 2.

Ayun Kishore said his concern is the wording of the ordinance on controlling dogs. He said they moved from Columbia Heights in DC to find a more dog friendly neighborhood. He said "unwanted contact" is described very loosely, the section on defecation goes beyond common sense, and we get way more noise from airplanes and kids than dogs. "Do we really need to regulate all these things?" he asked.

Aaron Hirsch said his opinion is that the Council should consider a more permissive code. He emailed an article with a model ordinance, and he recommended it be adopted.

Mary Parsons said she agreed with Mr. Hirsch. "Montgomery County is already an extreme nanny state and they allow chickens," she said.

Edie Springuel asked if bees need to be regulated. Mr. Bolt responded that the county has no regulation but under state rules, beekeepers would have to register and follow some hive regulations.

Gloria Levin said she would love to accommodate farm animals for education but not at the risk of residents' health.

Blair Anderson said his family treats chickens like a pet not as farm animals.

Angela Hirsch recommended the town follow county regulations rather than writing its own code.

Speke Wilson said that having the opportunity to have chickens or bees adds to the diversity and strength of the town.

Tim Bragan said it's an opportunity to create ways to own these animals safely.

Councilmember Long said she would like to see this solved by not getting rid of chickens but controlling their feed.

The hearing ended at 8:55 pm.

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.~~

In this Article, the following words and phrases have the following meanings:

Alter: To castrate or perform an ovario-hysterectomy to make an animal physically incapable of reproducing.

Animal: An animate being capable of voluntary movement, other than humans. Specifically, a non-human species in the biological kingdom Animalia.

At large: A dog, except a service animal, is at large if it is outside the owner's premises and not controlled by a leash or similar restraining device. Any other animal is at large if it is outside the owner's premises and is not leashed or immediately responsive to verbal or non-verbal direction.

Aviary: A place for keeping birds confined.

Domestic animal: An animal of a tamed species commonly kept as pets or livestock.

LACO: The Town's Local Animal Control Officer.

Owner: A person who, regardless of whether the person has legal title to the animal:

(1) temporarily or permanently harbors or controls an animal;

(2) has a property right in an animal; or

(3) allows a person under 18 years old to harbor or control an animal.

Unwanted contact: An animal's unwelcome or unsolicited threatening physical contact or close proximity to a person or a domesticated animal that occurs outside of an owner's property and causes alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 0/00/18)

Section 2.2 Modification of Montgomery County Code Provisions Violations

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 Public Nuisance and Other Violations.

An owner must not:

- (1) Allow an animal other than an altered cat to be at large.
- (2) Allow an animal to damage or defecate on property outside the owner's property. An animal may defecate on public property if the owner immediately removes and disposes of the feces by a sanitary method approved by the LACO.
- (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 the LACO or other appropriate law enforcement authorities.
- (4) Allow a female dog or cat in heat to be outside a building or other secure enclosure that prevents attraction of other animals.
- (5) Allow an animal to cause an unsanitary, dangerous, or offensive condition because of the size or number of animals in a single location or because a facility is not appropriate for the animal or properly maintained.
- (6) Allow an animal to cause noise that is loud and persistent enough to disturb another person's quiet enjoyment.
- (7) Refuse or fail to obtain a license for a dog, cat, or ferret as required by State law.
- (8) Allow an animal to have unwanted contact with a person or another domesticated animal.
- (9) Allow an animal to act in any other way that the LACO finds would cause any other public nuisance established by regulation.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 0/00/18)

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 (the "LACO").

B. The LACO shall enforce the provisions set forth in Section 2.2.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; **Ord. No. 18-01, effective 0/00/18**)

Section 2.4 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; **Ord. No. 18-01, effective 0/00/18**)

Section 2.5 Regulations(Reserved)

~~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.~~

~~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.~~

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; **Ord. No. 18-01, effective 0/00/18**)

Section 2.6 Local Animal Advisory Committee

A. **Purpose.** It is the intent and desire of the Town that the collegiality and neighborliness which 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~~**may** appoint up to three ~~(3)~~ residents of the Town as the Local Animal Advisory Committee. The ~~Local Animal Control Officer~~**LACO** shall automatically be a member of the Committee and shall serve as the chair of the Committee. **The term of committee members shall expire at the next mayoral election.**

- C. **Duties.** The Committee shall:
1. Assist Town residents in resolving animal control problems informally;
 2. Inform Town residents about animal control regulations and procedures;
 3. Maintain a list of dogs in the Town licensed by the County to aid in the identification of stray, lost or injured dogs; and
 4. 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~~**LACO** shall have all powers and authority otherwise granted by this Article.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17; **Ord. No. 18-01, effective 0/00/18**)

Bold Underline indicates new language
~~Strikethrough~~ indicates language deleted