

RULES OF PROCEDURE OF  
THE  
ANIMAL MATTERS HEARING BOARD  
OF  
HOWARD COUNTY, MARYLAND

ADOPTED

APRIL 20, 1999

## RULES OF PROCEDURE

### HOWARD COUNTY ANIMAL MATTERS HEARING BOARD

#### 1.100 GENERAL

These Rules of Procedure are adopted pursuant to the authority of Sec. 2.100, et seq., of the Howard County Code, and the definitions used therein are controlling.

#### 1.101 ORGANIZATION

A. The Board shall be composed of seven (7) members, all residents of Howard County, who shall be appointed by the County Executive and confirmed by the County Council. One member shall be a veterinarian licensed to practice in Howard County, and six (6) shall be citizens of which three (3) shall have some experience in animal matters. No more than two (2) members shall be from the same Election District: all are to be appointed by the County Executive subject to the confirmation of the County Council. Each of the members shall serve overlapping terms of five (5) years or until a successor is confirmed. Four members or a majority of those members currently appointed shall constitute a quorum. A quorum is necessary to formally transact business, make resolutions and conduct hearings. Any business transacted absent a quorum will not be binding on the Board unless later ratified by a quorum at a subsequent meeting; however, in no event shall a hearing proceed without a quorum present. The Animal Control Administrator, as defined by Sec. 17.300 of the Howard County Code, shall serve as the

Executive Secretary to the Board and shall attend all the meetings and hearings, and shall perform such duties, in addition to those specified in the Act, as may be prescribed by the Board.

B. The Board, at its first meeting in March of each year, shall elect from the membership one member who shall be recommended to the County Executive for designation as Chairperson. The Board shall also elect one of its members to serve as Vice Chairperson. The Chairperson shall preside over all meetings of the Board; call additional meetings, provided that three (3) day' notice is given Board members, the Animal Control Administrator and the Office of Law; determine the time and place of all additional meetings; determine that the Board's functions have been carried out with thoroughness and completeness; interpret these Rules of Procedure as they shall apply to the conduct of the Board, upon the advice of the Office of Law to the Board; designate Board members to perform various functions of the Board, and, in general, preside over the proper conduct and decorum of the Board at any time, while it is in session.

C. The Vice Chairperson shall have all the powers and responsibilities of the Chairperson in the Chairperson's absence.

D. The legal advisor shall be the County Solicitor or a member of his/her legal staff. The legal advisor shall attend the Board in all of its meetings, unless excused by the Chairperson, and shall represent the Board in all hearings or judicial proceedings to which it is a party.

#### 1.102 MEETINGS

A. The Board shall meet at least once a month excluding the month of August; and such meetings shall be conducted according to the Board's Rules of Procedure.

B. Additional meetings of the Board shall be called by the Chairperson when, in his/her opinion, it is important to consider a matter immediately, or upon the request of three (3) Board

members. Three (3) days' notice to all Board members, the Animal Control Administrator and the legal advisor is required prior to an additional meeting.

C. All meetings, either regular or additional, must be open to the public and the press. The Board may meet in closed session for the purpose of discussing testimony and evidence received by it in hearings but no testimony, evidence, argument or other matters shall be received by the Board in a closed meeting nor shall any party in interest be received by the Board in a closed meeting. All evidence, petitions, testimony, and other matters shall be presented to the Board in hearings open to the public.

D. All Board members are requested to arrive timely at all meetings and hearings and to notify the Chairperson in advance if they expect to be late or absent.

E. The absence from three (3) consecutive regular monthly meetings of the Board shall automatically terminate such individual's membership on the Board except in extenuating circumstances. Following such termination the County Executive will be notified in writing and requested to appoint a replacement.

#### 1.103 FUNCTION AND DUTIES

##### A. General

1. The Board shall submit an annual report to the Chief of Police, the County Executive and County Council concerning its responsibilities hereunder, including recommendations pertaining to legislation, regulation and fiscal planning.
2. The Board may recommend to the Chief of Police rules and regulations pertaining to any of the following:

- (a) Operation of animal control facilities;
  - (b) Standards and procedures for the control, collection, care, custody or disposal of animals or animals creating or causing public nuisances;
3. The Board shall recommend standards for the maintenance of regulated facilities;
  4. The Board shall review annually the proposed budget for the operation of the Animal Control Facility and make any recommendations deemed necessary to the Chief of Police;
  5. The Board shall advise the Chief of Police, the County Executive and the County Council on animal control regulations and legislation; and
  6. The Board shall carry out any other duties mandated by law.

**B. Hearings**

1. The Board shall hold hearings for the purpose of determining public nuisances, for authorizing the destruction of nuisance, dangerous, threat to public safety and welfare or mistreated animals, and shall review and affirm, reverse or modify actions and decisions of the Animal Control Administrator in regard to the following:
  - (a) The taking possession of an animal or disposing of an animal under the provisions of 17.304 of the Howard County Code.
  - (b) The seizing and impounding of animals under provisions of 17.305 of the Howard County Code.

(c) Decisions regarding adoption under the provisions of 17.307 of the Howard County Code.

(d) Decisions regarding release of a dangerous animal under the provisions of 17.303 of the Howard County Code.

(e) Petitions to the Board for humane destruction of animal(s) under the provisions of 17.306 of the Howard County Code.

(f) The bringing of an issue of public nuisance before the Board under the provisions of 17.302 of the Howard County Code.

(g) The issuance of violation notices, civil monetary penalties and cease and desist orders pursuant to Title 17. Subtitle 3 of the Howard County Code.

2. The Executive Secretary shall schedule hearings to conduct Board responsibilities as expeditiously as practical and shall immediately contact all Board members, the Office of Law and the parties to coordinate the proceedings.

(a) Two weeks notice is required for all parties, prior to the hearing.

(b) All notices shall be delivered to a U.S. post office for delivery or deposited in a mailbox or other mail receptacle regularly serviced by the U.S. postal service.

(c) The place of hearings of the Board shall be the Tyson Room of the George Howard Building, Ellicott City, Maryland, unless otherwise advertised.

(d) Hearings shall be held at such times as the Chairperson shall direct, and as scheduled by the Executive Secretary.

(e) No more than one postponement may be granted to each party for cause.

Exceptions may be granted in cases of extenuating circumstances.

### C. CONDUCT OF ADMINISTRATIVE HEARING

1. The County Solicitor or his designee shall serve as the legal advisor to the Hearing Board. All matters of law raised by any party during a hearing shall be ruled on by the County Solicitor or his designee attending the Board. His/her rulings shall be final, but objections thereto shall be made a part of the Record or Proceedings.

2. At the beginning of the hearing the Chairperson of the Hearing Board shall call the docket. In the Chairperson's discretion all preliminary matters may be heard and disposed of first.

3. All proceedings before the Board shall be recorded, but it shall not be necessary to transcribe the testimony unless requested for Court review, or when requested by any party in interest appearing at the hearing. The party taking the appeal or ordering the record shall pay the Reporter, in advance, the cost of transcribing the record.

4. All persons testifying shall be required to take the following oath: "Do you solemnly promise to speak truthfully in the testimony you are about to give?"

5. The hearing shall be conducted in accordance with the evidentiary rules and procedures contained in the Howard County Administrative Procedure Act (Section 2.100 et seq., of the Howard County Code), which defines the Board's authority in determining what evidence is admissible.

6. It shall be the duty of the Chairperson to maintain order during the hearing. Whenever confusion or disorder arises in the hearing room, or demonstrations of approval or disapproval are indulged in by persons in attendance, it shall be the duty of the Chair to enforce order on its own initiative without any point of order being made by a member. Under circumstances of confusion and disorder the Chair shall have the power, and it shall be the duty of the Chair, to order the hearing room cleared or to recess the hearing, and the Chair may, upon its own motion and without a second or putting the matter to a vote, order the hearing adjourned to a fixed hour and date.

7. The complainant and the respondent shall have the right to appear in person or by or with counsel or other duly qualified representative and shall have the right to participate fully in the hearing. The right to participate shall include but shall not be limited to the right to examine and cross-examine witnesses, and to introduce evidence into the hearings.

8. At any point in the proceeding, any member of the Board may ask questions, after obtaining the recognition of the Chairperson.

9. Questions shall be brief, shall pertain only to statements made by the witness, shall be interrogatory in nature and not argumentative.

10. If a hearing cannot be completed on its original date, the Board may for proper reasons shown, recess its hearing and continue consideration of the pending matter to the nearest available future hearing date. If the time and place to which the hearing is to be continued is publicly announced at the time of the recess, no further notice shall be

required otherwise, at least two weeks' notice of the time, place, and subject of the continued hearing shall be issued to the parties.

D. Order of Presentation

1. Introduction of official documents including the affidavit, the notice of violation, the civil citation, or cease and desist order issued by the Animal Control Administrator, one of his Officers, or a County Police Officer.
2. Opening statements by the Complainant and the Respondent in that order.
3. Presentation of the Complainant's case and then the Respondent's case with direct and cross-examination of witnesses by parties and Board members during each presentation.
4. Rebuttal by Complainant. During rebuttal, evidence may be presented to rebut any evidence introduced by the Respondent but otherwise no new evidence may be introduced at this time.
5. Summation by the Complainant and the Respondent.

E. Hearing Board Action

1. Following the administrative hearing, the Hearing Board will take the matter under advisement.
2. Within ninety (90) days from the end of the hearing date, the Hearing Board shall render a decision in the form of a written Decision and Order. That Decision and Order shall recite the facts and evidence presented, and shall state the reasons upon which the decision is made.

3. The Decision and Order shall also state that any aggrieved party may appeal the decision to the Howard County Board of Appeals within thirty (30) days thereof.

#### 1.104 APPEAL

Any party aggrieved by a decision of the Hearing Board may appeal the decision to the Howard County Board of Appeals within thirty (30) days thereof.

#### 1.105 AMENDMENTS

Any proposed amendments in these Rules of Procedure may be presented at any meeting or hearing of the Board Amendments, other than ones concerning mere form, may be adopted using the following procedures:

##### A. Recommendations

The adoption of any amendment may be recommended at the same meeting or hearing where it is initially proposed provided a quorum is present and the recommendation is approved unanimously by those present. If there is no unanimous vote, the proposed amendment may be approved by a majority vote at the next regularly scheduled meeting where a quorum is present.

##### B. Notice

Prior to the adoption of any amendments to these Rules of Procedure, notice must be published in at least two (2) newspapers of general circulation in Howard County on at least two (2) occasions. The notice must state that copies of the Rules of Procedure are available for inspection by the public and that a public hearing will be held at a fixed date to discuss the recommended changes in the Rules of Procedure.

C. Adoption

Following the public hearing on the recommended rule change, the amendment may be adopted by a majority vote of the Board at any properly constituted meeting or hearing.