

MEMORANDUM

July 21, 2017

TO: County Council

FROM: Amanda Mihill, Legislative Attorney
Jeff Zyontz, Senior Legislative Analyst *JZ*

SUBJECT: **Action:** Bill 21-17, Animal Control – Municipal Dog Exercise Area

Public Safety Committee recommendation (3-0): enact Bill 21-17 as introduced

Bill 21-17, Animal Control – Municipal Dog Exercise Area, sponsored by Lead Sponsor Councilmember Katz and Co-Sponsors Council President Berliner and Councilmembers Rice and Elrich, was introduced on June 20, 2017. A public hearing was held on July 11 at which a representative of Chevy Chase village supported the bill. Council staff is unaware of any other correspondence on Bill 21-17.

Bill 21-17 would allow a dog to be off leash if it is in an area that a municipality has identified as a dog exercise area and amend the definition of at-large animals. Without this change in County law, municipalities would continue to be prohibited from establishing dog exercise areas. **The Committee recommended (3-0):** enactment of Bill 21-17

This packet contains:

Bill 21-17
Legislative Request Report
Fiscal and Economic Impact statement

Circle #

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Bill No. 21-17
Concerning: Animal Control – Municipal
Dog Exercise Area
Revised: 6/14/2017 Draft No. 1
Introduced: June 20, 2017
Expires: December 20, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz
Co-Sponsors: Council President Berliner and Councilmembers Rice and Elrich

AN ACT to:

- (1) allow a dog to be off leash if it is in an area that a municipality has identified as a dog exercise area;
- (2) amend the definition of at-large animals; and
- (3) generally amend the County's animal control law.

By amending

Montgomery County Code
Chapter 5, Animal Control
Section 5-101

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 5-101 is amended as follows:

5-101. Definitions.

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

* * *

At large: A dog, except a service animal, is at large if it is outside the owner's premises and not leashed, unless it is in a dog exercise area designated by either the Maryland-National Capital Park and Planning Commission, or a municipality, or is participating in a qualified activity. 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. For purposes of this Chapter or any other animal control law, the common area of a homeowners' association, condominium, or cooperative is not the owner's premises.

* * *

Approved:

Roger Berliner, President, County Council Date

Approved:

Isiah Leggett, County Executive Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 21-17

Animal Control – Municipal Dog Exercise Area

- DESCRIPTION:** Bill 16-17 would allow a dog to be off leash if it is in an area that a municipality has identified as a dog exercise area.
- PROBLEM:** Under current law, a dog is considered “at large” if it is outside the owners premises and not leashed, unless it is in a dog exercise area designated by M-NCPPC. Municipalities may want to designate dog exercise areas within their jurisdictions.
- GOALS AND OBJECTIVES:** To allow a municipality to designate a dog exercise area.
- COORDINATION:** Animal Control Division in the Department of Police.
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815
- APPLICATION WITHIN MUNICIPALITIES:** Applies in municipalities
- PENALTIES:** Enforcement procedures are specified in Article III of Chapter 5.



ROCKVILLE, MARYLAND

MEMORANDUM

July 10, 2017

TO: Roger Berliner, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Fol Alexandre A. Espinosa, Director, Department of Finance *RA*

SUBJECT: FEIS for Bill 21-17, Animal Control - Municipal Dog Exercise Area

Please find attached the fiscal and economic impact statements for the above-referenced legislations.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Richard Harris, Office of Management and Budget
Felicia Zhang, Office of Management and Budget

Fiscal Impact Statement
Bill 21-17 - Animal Control – Municipal Dog Exercise Area

1. Legislative Summary

The proposed legislation would amend County law to allow a dog to be off-leash in a zone identified by a municipality as a dog exercise area. Current law allows only the Maryland-National Capital Park and Planning Commission (M-NCPPC) to designate an area a dog exercise area.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill 21-17 is not estimated to change County revenues or expenditures.

The fine for an off-leash “at large” dog (off the owner’s premises, not a service dog, and not in a M-NCPPC designated dog exercise area) is \$100 for the first violation and \$500 for each subsequent violation.

However, Police advise that this citation is rarely issued and that few if any fines were issued at the area expected to first be designated a dog exercise area in Chevy Chase. As a result, this bill is unlikely to have an impact on County revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The proposed bill does not have an impact on revenues or expenditures.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable. Bill 21-17 does not have an impact on pension or insurance costs.

5. An estimate of expenditures related to County’s information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable. Bill 21-17 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

No staff time is needed to implement Bill 21-17.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

9. An estimate of costs when an additional appropriation is needed.

No appropriation is needed to implement this legislation.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

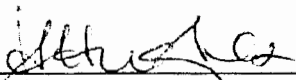
Bill 21-17 gives municipalities the authority to designate space as dog exercise areas, which does not have a fiscal impact on the County.

13. Other fiscal impacts or comments.

None.

14. The following contributed to and concurred with this analysis:

Karla Thomas, Montgomery County Police Department
Richard Harris, Office of Management and Budget.



Jennifer A. Hughes, Director
Office of Management and Budget

7/10/17
Date

Economic Impact Statement
Bill 21-17, Animal Control – Municipal Dog Exercise Area

Background:

This legislation would allow a dog to be off leash if it is in an area that a municipality has identified as a dog exercise area. Bill 21-17 also amends the definition of an at-large animal. The proposed definition defines “a dog, except a service animal, is at large if it is outside the owner’s premises and not leashed, unless it is in a dog exercise area designated by either the Maryland-National Capital Park and Planning Commission, or a municipality, or is participating in a qualified activity.”

1. The sources of information, assumptions, and methodologies used.

There are no sources of information, assumptions, or methodologies used in the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

Not applicable.

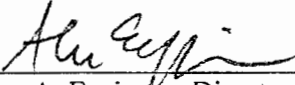
3. The Bill’s positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Bill 21-17 would have no economic impact on employment, spending, savings, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Bill 21-17 would have no economic impact because it does not have an impact on employment, spending, savings, investment, incomes property values.

5. The following contributed to or concurred with this analysis: David Platt, Dennis Hetman, and Mike Coveyou, Finance.



Alexandre A. Espinosa, Director
Department of Finance

6/30/2017
Date