

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2017 Legislative Session

Legislative Day No. 19

Resolution No. 100-2017

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION APPROVING AN AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND AND THE TOWN OF WILLARDS FOR THE ENFORCEMENT OF DOG AND OTHER ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF THE TOWN OF WILLARDS, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT.

WHEREAS, Wicomico County has enacted Chapter 133 of the Wicomico County Code specifying dog and other animal control regulations; and

WHEREAS, the Town of Willards has reviewed the County's regulations and laws for dog and other animal control and has determined that it is appropriate to authorize the regulation of dog and other animal control within its corporate boundaries; and

WHEREAS, the Town of Willards does not have any experience or expertise with dog and other animal control and desires to authorize Wicomico County, Maryland to fully enforce the provisions of Chapter 133 of the Wicomico County Code, amended from time to time, within its corporate limits; and

WHEREAS, Wicomico County, Maryland is willing to administer and enforce its dog and other animal control regulations and laws within the corporate limits of the Town of Willards.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Wicomico County, Maryland that the County Executive be, and is hereby, authorized to execute, on behalf of Wicomico County, Maryland, an Agreement, in substantially the form attached hereto as Exhibit A, with the Town of Willards for the enforcement of dog and other animal control within the corporate limits of the Town of Willards.

Done at Salisbury, Maryland, this 1st day of August, 2017.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND



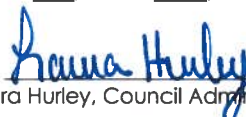
Laura Hurley,
Council Administrator



John T. Cannon,
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdrawn by the County Council on August 1, 2017.

Certified by 

Laura Hurley, Council Administrator

**AGREEMENT ASSIGNING DOG AND OTHER ANIMAL CONTROL
CODE OBLIGATIONS**

THIS AGREEMENT ASSIGNING DOG AND OTHER ANIMAL CONTROL CODE OBLIGATIONS ("Agreement"), is entered as of this 8 day of February, 2016, by and between The Town of Willards, a body corporate and politic of the State of Maryland ("The Town") and Wicomico County, Maryland, a body corporate and politic of the State of Maryland ("The County"), **WITNESSETH.**

WHEREAS, The Town desires to adopt adequate dog and other animal control regulations and laws; and

WHEREAS, The Town has determined that it is appropriate to authorize the regulation of dog and other animal control within their corporate boundaries; however, The Town has no current experience or expertise with dog and other animal control; and

WHEREAS, under and by virtue of the authority contained in Maryland Code Local Government Article, as amended from time to time, and further for the protection and promotion of the health, safety, comfort, and welfare of its citizens, The County is authorized to regulate the dog and other animal control to protect human life, and health; and

WHEREAS, The County has enacted Chapter 133 of the County Code specifying dog and other animal control regulations (the "Wicomico County Dog and Other Animal Control Code"); and

WHEREAS, The County agrees to enforce the provisions of its dog and other animal control regulations, Wicomico County Code Chapter 133, within the corporate limits of The Town of Willards to identify and mitigate problems which can threaten public health and safety; and

WHEREAS, The Town has approved this Agreement between The Town of Willards and Wicomico County, Maryland for the Enforcement of The County's dog and other animal control regulations and laws within the corporate limits of The Town of Willards, and has authorized the President for The Town Council for The Town of Willards to execute this Agreement, all as set forth in Ordinance No. 1998-3, and Resolution No. 2016-2; and

NOW, THEREFORE, That for and in consideration of the premises set forth above, the covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The Town of Willards and Wicomico County, Maryland hereby covenant and agree as follows:

1. The Town of Willards hereby assigns its obligations for dog and other animal control to Wicomico County, Maryland to assure compliance with the dog and other animal control regulations of Chapter 133 of the Wicomico County Code including, but not limited to, investigation of compliance with minimum standards permitting processes, notice and orders, and the prosecution and imposition of violations and penalties.

2. The Town of Willards further agrees to abide by the procedures and regulations of Chapter 133 of the Wicomico County Code.

3. It is understood and agreed that Wicomico County, Maryland shall have the right and authority to fully enforce said Chapter 133 within the corporate limits of The Town of Willards.

4. It is further understood and agreed that any and all fines received and fees imposed by the County Council of Wicomico County, Maryland for the administration of the Wicomico County Dog and Other Animal Code within the municipal boundaries of The Town of Willards shall be retained by Wicomico County, Maryland.

5. The Town of Willards may terminate this Agreement by providing Wicomico County, Maryland with written notice thirty (30) calendar days in advance of the effective date of the termination.

6. No modification, waiver, amendment, discharge of this Agreement shall be valid unless the same is in writing and signed by the party against whom the enforcement thereof is sought.

7. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is valid and legally binding on such party and enforceable in accordance with its terms.

8. If the application of any term or provision of this Agreement, whether in whole or in part, be held invalid or unenforceable in general or in any instance by a Court of competent jurisdiction, the remainder of this Agreement shall not be affected by such holding and shall be fully enforced.

9. This Agreement may be executed in multiple counterparts or in duplicate, and when so executed by all parties shall constitute one agreement.

10. This Agreement shall be construed under the laws of the State of Maryland.

[SIGNATURES ON FOLLOWING PAGE]

AS WITNESS, our hands and Seals the day and year first above written.

ATTEST:

THE TOWN OF WILLARDS:

Margaret E. White
Margaret E. White, Clerk/Treasurer

By: Steven E. Warren
Steven E. Warren, President

COUNTY CONCURRENCE

Wicomico County, Maryland hereby agrees to accept the request of The Town of Willards to apply the obligations under Chapter 133 of the Wicomico County Code entitled Dog and Other Animal control within the corporate limits of The Town of Willards, upon the terms and conditions hereinabove set forth.

ATTEST:

WICOMICO COUNTY:

R. Wayne Strausburg, County Administrator

By: _____
Bob Culver, County Executive