

FINAL

AMENDED
July 3, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 19

Bill No. 59-17

Introduced by Mr. Fink, Mr. Walker, Mr. Trumbauer, Mr. Grasso, and Mr. Smith

By the County Council, May 15, 2017

Introduced May 15, 2017

Public Hearing set for and held on July 3, 2017

Public Hearing on AMENDED bill set for and held on July 17, 2017

Bill Expires August 18, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Public Safety – Animal Control – Dangerous and
2 Vicious Animals (Lilo’s Law)
3
4 FOR the purpose of ~~repealing the definition of “potentially dangerous animal” and other~~
5 ~~relevant references~~; adding a definition of “vicious animal”; amending the public
6 safety threat provisions to include dangerous and vicious animals; amending the
7 dangerous animal order provisions and conditions to be considered; allowing the
8 impoundment or destruction of vicious and dangerous animals; prohibiting the
9 keeping of vicious animals in the County; establishing a dangerous animal registry in
10 the County; amending the provision regarding confidentiality of records of violations
11 to include the dangerous animal registry; adding conditions that allow the
12 impoundment of animals; amending the provision regarding disposition of animals to
13 include dangerous and vicious animals; and generally relating to Animal Control.
14
15 BY repealing: §§ ~~12-4-101(33)~~; and 12-4-404
16 Anne Arundel County Code (2005, as amended)
17
18 BY renumbering: § 12-4-101(~~34~~) ~~through~~ (~~39~~) (40) to be 12-4-101(~~33~~) ~~through~~ (~~38~~) (41),
19 respectively
20 Anne Arundel County Code (2005, as amended)
21
22 BY adding: §§ 12-4-101(~~39~~) (40); 12-4-404; 12-4-405; and 12-4-406
23 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 By repealing and reenacting, with amendments: §§ 12-4-311; 12-4-402; 12-4-403; 12-4-
2 501; 12-4-505(b); and 12-4-702(c)
3 Anne Arundel County Code (2005, as amended)
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
6 *Maryland, That §§ ~~12-4-101(33)~~ and 12-4-404 of the Anne Arundel County Code (2005,*
7 *as amended) be and hereby ~~are~~ is repealed.*

8
9 SECTION 2. *And be it further enacted,* That § 12-4-101(~~34~~) ~~through (39)~~ (40) of the
10 Anne Arundel County Code (2005, as amended) is hereby renumbered to be § 12-4-
11 101(~~33~~) ~~through (38)~~ (41), respectively.

12
13 SECTION 3. *And be it further enacted,* That the Section(s) of the Anne Arundel
14 County Code (2005, as amended) reads as follows:

15
16 **ARTICLE 12. PUBLIC SAFETY**

17
18 **TITLE 4. ANIMAL CONTROL**

19
20 **12-4-101. Definitions.**

21
22 In this title, the following words have the meanings indicated:

23
24 ~~{(33)~~ “Potentially dangerous animal” is an animal that poses a threat to public
25 safety and that has been determined to be potentially dangerous by the Agency.
26

27 ~~(39) (40)~~ “VICIOUS ANIMAL” MEANS AN ANIMAL THAT HAS BITTEN OR ATTACKED
28 A HUMAN BEING OR DOMESTICATED ANIMAL, RESULTING IN SEVERE INJURY OR DEATH,
29 AND HAS BEEN DETERMINED TO BE VICIOUS BY THE AGENCY BUT DOES NOT INCLUDE
30 AN ANIMAL WHO BITES OR ATTACKS AS A RESPONSE TO PAIN OR INJURY, WHILE
31 PROTECTING OR DEFENDING A HUMAN BEING IN THE IMMEDIATE VICINITY, WHILE
32 DEFENDING ITSELF, ITS LITTER OR ANOTHER ANIMAL, OR DURING A WILLFUL TRESPASS
33 ON THE PREMISES OF THE OWNER OR CUSTODIAN OF THE ANIMAL, ~~AND HAS BEEN~~
34 ~~DETERMINED TO BE VICIOUS BY THE AGENCY.~~
35

36 **12-4-311. Confidentiality of records of violations.**

37
38 Except for the maintenance of records for use in enforcing this title AND AS
39 PROVIDED IN § 12-4-406, including the determination of subsequent infractions for
40 purposes of imposing the penalties authorized under § 12-4-1001, a record of an
41 infraction of this title may not be made available to or distributed to persons other than
42 Commission members, court personnel, or staff designated by the District Court.
43

44 **12-4-402. Public safety threat.**

45
46 (a) **Prohibition.** An animal may not pose a threat to public safety. The owner of an
47 animal who poses a threat to public safety is in violation of this section. An animal poses
48 a threat to public safety if the animal:

49
50 (1) inflicts severe injury to a person;

1 (2) bites a person;

2

3 (3) kills or inflicts [severe] injury to a [domestic] DOMESTICATED animal;

4

5 (4) attacks a person;

6

7 (5) WHILE AT LARGE, AND WITHOUT PROVOCATION, CHASES OR APPROACHES A
8 LAWFULLY RESTRAINED DOMESTICATED ANIMAL IN AN ATTITUDE OF ATTACK;

9

10 [(5)] (6) without provocation, chases or approaches a person in an attitude of
11 attack; or

12

13 [(6)] (7) engages in encouraged dogfighting activity or shows evidence of having
14 been engaged in encouraged dogfighting activity.

15

16 (b) **Dangerous.** The Agency may designate an animal [that] AS DANGEROUS IF THE
17 ANIMAL poses a threat to public safety [as potentially dangerous], HAS BEEN
18 DETERMINED TO BE DANGEROUS BY ANOTHER JURISDICTION ~~OF THE STATE OF~~
19 ~~MARYLAND~~, OR HAS ENGAGED IN DOCUMENTED BEHAVIOR THAT IS A PUBLIC SAFETY
20 THREAT ~~OUTSIDE THE STATE OF MARYLAND~~ IN ANOTHER JURISDICTION.

21

22 (c) **Vicious.** The Agency may designate an animal as [dangerous] VICIOUS if the
23 animal KILLS OR inflicts severe injury to a person OR DOMESTICATED ANIMAL, [or] if the
24 animal [is potentially] HAS BEEN DETERMINED TO BE dangerous and engages in [behavior
25 that poses] A SECOND INCIDENT DETERMINED TO BE a threat to public safety BY THE
26 AGENCY, OR IF THE ANIMAL HAS BEEN DETERMINED TO BE VICIOUS BY ANOTHER
27 JURISDICTION ~~OF THE STATE OF MARYLAND.~~

28

29 **12-4-403. Dangerous animals, orders.**

30

31 (a) **Issuance of order.** Upon a determination that an animal is dangerous {or
32 potentially dangerous}, the Agency shall issue an order that explains the reasons for the
33 Agency's determination and directs the owner to comply with conditions for maintaining
34 the animal on the owner's property. Failure of the owner to comply with the conditions
35 may result in temporary or permanent impoundment of the animal.

36

37 (b) **Conditions.** When an animal is determined to be dangerous [or potentially
38 dangerous], the Agency may order the owner to abide by some or all of the following
39 conditions:

40

41 (1) manage the animal and its environment in a manner that will abate the
42 animal's problem;

43

44 (2) spay or neuter the animal;

45

46 (3) implant the animal with a microchip containing owner identification
47 information;

1 (4) obtain an insurance policy providing for protection for bite victims in a
2 minimum amount of \$300,000;

3
4 (5) remove the animal from the custody of an individual less than 21 years old;

5
6 (6) for a rental property, obtain the written permission of the landlord to maintain
7 the animal on the property;

8
9 (7) confine the animal to a structure of a size and type specified by the Agency;

10
11 (8) maintain the animal exclusively on the owner's property except for medical
12 treatment or examination; [or]

13
14 (9) Muzzle or leash the animal as required by the Agency[.]; OR

15
16 (10) POST ON THE PREMISES WHERE THE ANIMAL IS MAINTAINED A CLEARLY
17 VISIBLE WARNING SIGN THAT THERE IS A DANGEROUS ANIMAL ON THE PROPERTY.

18
19 **12-4-404. Authority to impound or destroy animals.**

20
21 (A) **Dangerous animals.** THE AGENCY MAY ORDER THE IMMEDIATE IMPOUNDMENT
22 OF A DANGEROUS ANIMAL. FAILURE TO ABIDE BY THE CONDITIONS OF A DANGEROUS
23 ORDER MAY RESULT IN IMMEDIATE IMPOUNDMENT OF THE ANIMAL.

24
25 (B) **Vicious animals.** THE AGENCY SHALL ORDER THE DESTRUCTION OF AN ANIMAL
26 DETERMINED TO BE VICIOUS.

27
28 **12-4-405. Keeping of vicious animals prohibited.**

29
30 NO PERSON MAY KEEP AN ANIMAL DESIGNATED AS VICIOUS BY THE AGENCY.

31
32 **12-4-406. Dangerous animal registry.**

33
34 (A) **Registry established.** THE AGENCY SHALL ESTABLISH AND MAINTAIN A
35 DANGEROUS ANIMAL REGISTRY FOR THE COUNTY TO INCLUDE ALL ANIMALS
36 DETERMINED TO BE DANGEROUS OR POTENTIALLY DANGEROUS PRIOR TO THE
37 EFFECTIVE DATE OF BILL NO. -17, OR DETERMINED TO BE DANGEROUS ON OR AFTER THE
38 EFFECTIVE DATE OF BILL NO. -17. THE FOLLOWING INFORMATION, IF AVAILABLE, SHALL
39 BE INCLUDED ON THE REGISTRY: THE NAME OF THE ANIMAL, PICTURE, SEX, AGE,
40 WEIGHT, PRIMARY BREED, SECONDARY BREED, COLOR AND MARKINGS, WHETHER
41 SPAYED OR NEUTERED, THE ADDRESS OR MAP WHERE THE ANIMAL IS MAINTAINED,
42 NAME OF THE OWNER, AND ADDRESS OF THE OWNER. THE REGISTRY SHALL BE MADE
43 AVAILABLE TO THE PUBLIC ON THE COUNTY WEBSITE.

44
45 (B) **Annual registration.** PRIOR TO THE EXPIRATION OF AN ANIMAL LICENSE EACH
46 YEAR, AND UNTIL THE DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL IS
47 DECEASED, THE OWNER SHALL SUBMIT TO THE COUNTY A LICENSE RENEWAL THAT
48 INCLUDES ALL INFORMATION CONTAINED IN THE ORIGINAL REGISTRATION AND ANY
49 UPDATES. THE AGENCY SHALL POST ANY UPDATES TO THE REGISTRY WITHIN A
50 REASONABLE PERIOD OF TIME. IN THE EVENT CONTACT INFORMATION FOR THE OWNER
51 CHANGES, THE OWNER SHALL UPDATE THE AGENCY WITHIN 10 DAYS OF THE CHANGE.
52 THE OWNER SHALL COMPLY WITH NOTIFICATION REQUIREMENTS IN THE ORIGINAL
53 ORDER REGARDING THE ANIMAL'S LOCATION AND DISPOSITION.

1 (C) **Notice.** THE AGENCY OWNER OF AN ANIMAL WITH A DANGEROUS ANIMAL
2 ORDER SHALL SEND A NOTICE TO ALL PERSONS RESIDING WITHIN 175 FEET OF A
3 PROPERTY WHERE A DANGEROUS ANIMAL IS MAINTAINED, AND IF APPLICABLE, THE
4 PRESIDENT OF ANY COMMUNITY OR HOMEOWNERS' ASSOCIATION OF THE SUBDIVISION
5 IN WHICH THE ANIMAL IS MAINTAINED.
6

7 **12-4-501. Authority to impound.**

8
9 The Agency may impound:

- 10
11 (1) a domesticated animal found at large;
12
13 (2) a dog or a cat found without a license tag affixed to its collar;
14
15 (3) an animal whose owner fails to respond to notice that the animal is in
16 violation of this article;
17
18 (4) an animal whose health constitutes an immediate and substantial danger to
19 persons or property or that poses a threat to public safety, as provided in § 12-4-402;
20
21 (5) an animal determined to be dangerous or [potentially dangerous] VICIOUS;
22
23 (6) an animal placed at risk by its health or environment; [or]
24
25 (7) an abandoned or unwanted animal[.];
26
27 (8) AN ANIMAL INVOLVED IN AN INCIDENT THAT CONSTITUTES A PUBLIC SAFETY
28 THREAT; OR
29
30 (9) AN ANIMAL WHOSE OWNER VIOLATES ANY CONDITION OF AN
31 ADMINISTRATIVE ORDER PERTAINING TO THAT ANIMAL.
32

33 **12-4-505. Disposition of animals.**

34
35 (b) **Methods of disposition.** The Agency may dispose of unwanted or unredeemed
36 [domestic] DOMESTICATED animals by placement as a pet in an approved home, RESCUE
37 ORGANIZATION OR SHELTER, or humanely administered euthanasia. The Agency may
38 dispose of wild animals by release into a suitable habitat, unless otherwise prohibited by
39 law, placement with a facility or individual permitted by law to keep wild animals, or
40 humanely administered euthanasia. As an alternative to euthanasia, a seriously injured or
41 suffering animal may be taken to a veterinarian for treatment. AN ANIMAL THAT IS
42 IMPOUNDED FOR BEING A DANGEROUS OR VICIOUS ANIMAL, AND NOT REDEEEMED BY
43 THE OWNER, MAY NOT BE ADOPTED, TRANSFERRED, OR PLACED WITH A RESCUE
44 ORGANIZATION.
45

46 **12-4-702. Dog and cat licenses.**

47
48 (c) **Dangerous animal licenses.** This subsection applies to any County resident, dog
49 fancier, cat fancier, or commercial kennel owner owning a dangerous or potentially
50 dangerous animal.

1 (1) An owner of a dangerous {or potentially dangerous} animal shall apply for and
2 maintain a special license for each dangerous {or potentially dangerous} animal owned
3 within thirty days from the entry of a dangerous {or potentially dangerous} animal order
4 by the Agency pursuant to § 12-4-403.

5
6 (2) An owner of a dangerous {or potentially dangerous} animal shall submit a
7 current rabies certificate for each dog or cat owned and comply with any other rabies
8 vaccination requirements established in an order issued by the Agency pursuant to § 12-
9 4-403. An owner of a dangerous {or potentially dangerous} animal shall maintain a
10 current rabies certificate for each dangerous and potentially dangerous animal owned.

11
12 (3) The special license fee for a dangerous animal is \$250.00 annually. The fee
13 for [a] AN ANIMAL FOUND TO BE potentially dangerous [animal] PRIOR TO OCTOBER 1,
14 2017 is \$100 annually.

15
16 (4) All licenses issued under this subsection shall expire one year from the last
17 day of the month in which the license was issued.

18
19 (5) All licenses issued under this subsection shall be renewed annually for as long
20 as the owner owns a dangerous {or potentially dangerous} animal. An application for
21 renewal shall be accompanied by the required license fee. Failure to make application
22 within one month of the due date shall result in a late fee of \$10.

23
24 (6) POTENTIALLY DANGEROUS ANIMAL ORDERS ISSUED PRIOR TO OCTOBER 1,
25 2017 SHALL REMAIN IN FULL EFFECT AND POTENTIALLY DANGEROUS ANIMAL LICENSES
26 SHALL BE RENEWED ANNUALLY. THE AGENCY MAY ISSUE A DANGEROUS ANIMAL
27 ORDER FOR ANY VIOLATION OF AN ACTIVE POTENTIALLY DANGEROUS ANIMAL ORDER.
28

29 SECTION 4. *And be it further enacted,* That all references in this Ordinance to “the
30 effective date of Bill No. -17”, or words to that effect, shall, upon codification, be
31 replaced with the actual date on which this Ordinance takes effect under Section 307 of
32 the County Charter as certified by the Administrative Officer to the Country Council.
33

34 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
35 from the date it becomes law.

AMENDMENTS ADOPTED: July 3, 2017

READ AND PASSED this 17th day of July, 2017

By Order:




JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of July, 2017

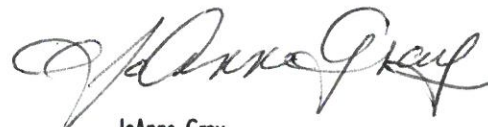

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 24 day of July, 2017


Steven R. Schuh
County Executive

EFFECTIVE DATE: September 7, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
59-17. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


JoAnne Gray
Administrative Officer