

FINAL

AMENDED
October 1, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 35

Bill No. 90-18

Introduced by Mr. Grasso

By the County Council, September 4, 2018

Introduced and first read on September 4, 2018
Public Hearing set for and held on October 1, 2018
Public Hearing on AMENDED bill set for and held on October 15, 2018
Bill Expires November 1, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Animal Control – Potentially Dangerous, Dangerous, and
2 Vicious Animals
3

4 FOR the purpose of amending and adding certain terms; adding certain notice
5 requirements; providing for hearings on appeals of orders for potentially dangerous,
6 dangerous, and vicious animals; amending and adding to the criteria used to determine
7 an animal to be a public safety threat, potentially dangerous, dangerous, or vicious;
8 amending the procedures for issuing and appealing certain orders; allowing for the
9 destruction of animals determined to be vicious; removing the date provisions for the
10 determination of a dangerous or potentially dangerous animal to be included on the
11 Dangerous Animal Registry; allowing for the impoundment of animals determined to
12 be potentially dangerous or dangerous; and generally relating to Animal Control.
13

14 BY renumbering: §§ 12-4-101(32) through (41) to be 12-4-101(33) through (42); and 12-
15 4-101(42) through (47) to be 12-4-101(44) through (49)
16 Anne Arundel County Code (2005, as amended)
17

18 BY repealing and reenacting, with amendments: §§ 12-4-101(20), (37), and (46); 12-4-
19 102; 12-4-402; 12-4-403; 12-4-404; 12-4-406(a); and 12-4-501
20

21 BY adding: §§ 12-4-101(32) and (43); 12-4-206(e)
22 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That §§ 12-4-101(32) through (41); and 12-4-101(42) through (47), respectively, of the
3 Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 12-4-
4 101(33) through (42); and 12-4-101(44) through (49), respectively.

5
6 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
7 Code (2005, as amended) read as follows:

8
9 **ARTICLE 12. PUBLIC SAFETY**

10
11 **TITLE 4. ANIMAL CONTROL**

12
13 **12-4-101. Definitions.**

14
15 In this title, the following words have the meanings indicated:

16
17 (20) “Dangerous animal” [is an animal that poses a threat to public safety and has
18 been determined to be] MEANS AN ANIMAL THAT HAS BEEN DESIGNATED AS dangerous by
19 the Agency.

20
21 (32) “MINOR INJURY” MEANS ANY PHYSICAL INJURY THAT IS NOT A SEVERE
22 INJURY.

23
24 [(37)] (38) “Potentially dangerous animal” [is] MEANS an animal that [poses a threat
25 to public safety and that has been determined to be] HAS BEEN DESIGNATED AS potentially
26 dangerous by the Agency.

27
28 (43) “SEVERE INJURY” MEANS ANY PHYSICAL INJURY REQUIRING PROFESSIONAL
29 MEDICAL TREATMENT THAT IS DIRECTLY CAUSED BY AN ANIMAL, AND THAT RESULTS IN
30 MULTIPLE SKIN PUNCTURES, ONE OR MORE MUSCLE TEARS, DISLOCATED OR BROKEN
31 BONES OR DISFIGURING LACERATIONS, SIGNIFICANT IMPAIRMENT OF AN ESSENTIAL
32 BODILY FUNCTION; OR THAT REQUIRES CORRECTIVE OR COSMETIC SURGERY OR
33 HOSPITALIZATION.

34
35 [(46)] (48) “Vicious animal” means an animal that [has bitten or attacked a human
36 being or domesticated animal, resulting in severe injury or death, and has been determined
37 to be vicious by the Agency, but does not include an animal who bites or attacks as a
38 response to pain or injury, while protecting or defending a human being in the immediate
39 vicinity, while defending itself, its litter or another animal, or during a willful trespass on
40 the premises of the owner or custodian of the animal] HAS BEEN DESIGNATED AS VICIOUS
41 BY THE AGENCY.

42
43 **12-4-102. Notices.**

44
45 Any notice requirement established in this title may be satisfied by personal delivery
46 [or], by forwarding by certified mail, delivery restricted to the licensee, at the address
47 shown on the license application on file with the Agency, OR BY POSTING THE NOTICE ON
48 THE FRONT DOOR OR IN A CONSPICUOUS PLACE OF THE PROPERTY OF THE PERSON TO BE
49 SERVED. [If a notice so forwarded is not received, the notice requirement may be met by
50 posting on the front door of the premises.] IF THE PERSON TO BE SERVED HAS A KNOWN
51 ADDRESS OUTSIDE OF ANNE ARUNDEL COUNTY, THE NOTICE REQUIREMENT MAY BE

1 SATISFIED IN THE SAME WAY AS SERVICE WITHIN THE COUNTY OR BY THE AGENCY
2 SENDING THE NOTICE BY REGULAR MAIL TO THE PERSON'S LAST KNOWN ADDRESS AND
3 ELECTRONIC MAIL TO THE PERSON'S ELECTRONIC MAIL ADDRESS. SERVICE BY
4 ELECTRONIC MAIL SHALL BE COMPLETE UPON THE NOTICE BEING SUCCESSFULLY SENT
5 AND NOT RETURNED AS UNDELIVERABLE.

6
7 **12-4-206. Hearings before Commission.**

8
9 (E) **Potentially dangerous, dangerous, and vicious animals.** APPEALS OF ORDERS
10 FOR POTENTIALLY DANGEROUS, DANGEROUS, OR VICIOUS ANIMALS SHALL BE
11 GOVERNED BY SUBTITLE 4 OF THIS TITLE.

12
13 **12-4-402. Public safety threats; potentially dangerous, dangerous, and vicious**
14 **animal criteria; defenses.**

15
16 (a) **Public safety threat.** An animal may not pose a threat to public safety. The owner
17 of an animal who poses a threat to public safety is in violation of this section. An animal
18 poses a threat to public safety if the animal:

19
20 (1) inflicts severe injury to a person;

21
22 (2) bites a person;

23
24 (3) kills or inflicts injury to a domesticated animal;

25
26 (4) attacks a person;

27
28 (5) while at large, [and without provocation,] chases or approaches a lawfully
29 restrained domesticated animal in an [attitude of attack] aggressive manner;

30
31 (6) [without provocation] WHILE AT LARGE, chases or approaches a person in an
32 [attitude of attack] aggressive manner; or

33
34 (7) engages in encouraged dogfighting activity or shows evidence of having been
35 engaged in encouraged dogfighting activity.

36
37 (B) **Potentially dangerous.** THE AGENCY MAY DESIGNATE AN ANIMAL AS
38 POTENTIALLY DANGEROUS IF, AFTER CONSIDERATION OF THE ANIMAL'S DEMEANOR AND
39 PRIOR HISTORY AND ANY EVIDENCE OF MITIGATING CIRCUMSTANCES, THE AGENCY
40 FINDS THAT THE ANIMAL:

41
42 (1) ENGAGED IN CONDUCT THAT CAUSED A MINOR OR SEVERE INJURY TO A
43 PERSON OR DOMESTICATED ANIMAL;

44
45 (2) HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS OR DANGEROUS BY
46 ANOTHER JURISDICTION FOR AN ATTACK OR ACTION THAT WOULD SUBJECT THE ANIMAL
47 TO A POTENTIALLY DANGEROUS DESIGNATION BY THE AGENCY; OR

48
49 (3) WHILE AT LARGE, CHASES OR APPROACHES A PERSON OR LAWFULLY
50 RESTRAINED DOMESTICATED ANIMAL IN AN AGGRESSIVE MANNER AND THE AGENCY
51 HAS RECEIVED AND VERIFIED INFORMATION THAT THE ANIMAL ENGAGED IN CONDUCT
52 THAT CONSTITUTES A PUBLIC SAFETY THREAT WITHIN THE PRECEDING TWELVE MONTHS
53 IN THIS OR ANY OTHER JURISDICTION.

1 [(b)] (C) **Dangerous.** The Agency may designate an animal as dangerous if [the animal
2 poses a threat to public safety, has been determined to be dangerous by another jurisdiction,
3 or has engaged in documented behavior that is a public safety threat in another
4 jurisdiction.], AFTER CONSIDERATION OF THE ANIMAL'S DEMEANOR AND PRIOR HISTORY
5 AND ANY EVIDENCE OF MITIGATING CIRCUMSTANCES, THE AGENCY FINDS THAT THE
6 ANIMAL:

7
8 (1) KILLED OR INFLICTED SEVERE INJURY ON A PERSON OR DOMESTICATED
9 ANIMAL;

10
11 (2) HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS, DANGEROUS, OR
12 VICIOUS BY ANOTHER JURISDICTION FOR AN ATTACK OR ACTION THAT WOULD SUBJECT
13 THE ANIMAL TO A DANGEROUS DESIGNATION BY THE AGENCY;

14
15 (3) HAS BEEN DOCUMENTED AS KILLING OR INFLICTING SEVERE INJURY ON A
16 PERSON OR DOMESTICATED ANIMAL IN ANOTHER JURISDICTION; OR

17
18 (4) HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS BY THE AGENCY
19 AND ENGAGES IN A SECOND INCIDENT THAT CONSTITUTES A PUBLIC SAFETY THREAT AS
20 DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

21
22 [(c)] (D) **Vicious.** The Agency may designate an animal as vicious if [the animal kills
23 or inflicts severe injury to a person or domesticated animal, if the animal has been
24 determined to be dangerous and engages in a second incident determined to be a threat to
25 public safety by the Agency, or if the animal has been determined to be vicious by another
26 jurisdiction.], AFTER CONSIDERATION OF THE ANIMAL'S DEMEANOR AND PRIOR HISTORY
27 AND ANY EVIDENCE OF MITIGATING CIRCUMSTANCES, THE AGENCY FINDS THAT THE
28 ANIMAL CANNOT BE SAFELY MAINTAINED WITHOUT THREATENING MEMBERS OF THE
29 PUBLIC OR OTHER ANIMALS AND THE ANIMAL:

30
31 (1) KILLED OR INFLICTED SEVERE INJURY ON A PERSON OR DOMESTICATED
32 ANIMAL;

33
34 (2) HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS OR DANGEROUS BY
35 THE AGENCY AND ENGAGES IN A SECOND INCIDENT THAT CONSTITUTES A PUBLIC SAFETY
36 THREAT AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION;

37
38 (3) HAS BEEN DETERMINED TO BE DANGEROUS OR VICIOUS BY ANOTHER
39 JURISDICTION FOR AN ATTACK OR ACTION THAT WOULD SUBJECT THE ANIMAL TO A
40 VICIOUS DESIGNATION BY THE AGENCY; OR

41
42 (4) HAS ENGAGED IN DOCUMENTED BEHAVIOR INVOLVING KILLING OR INFLICTING
43 SEVERE INJURY ON A PERSON OR DOMESTICATED ANIMAL IN ANOTHER JURISDICTION.

44
45 (E) **Determinative factors.** THE AGENCY MAY DECLINE TO ISSUE A CITATION TO AN
46 OWNER FOR AN ANIMAL ENGAGING IN ACTIVITY THAT CONSTITUTES A PUBLIC SAFETY
47 THREAT OR TO DESIGNATE AN ANIMAL AS POTENTIALLY DANGEROUS, DANGEROUS, OR
48 VICIOUS IF THE AGENCY FINDS THAT IT IS MORE LIKELY THAN NOT THAT:

49
50 (1) THE ANIMAL WAS PROVOKED;

51
52 (2) THE ANIMAL WAS REACTING TO PAIN OR INJURY;

53
54 (3) THE ANIMAL WAS PROTECTING OR DEFENDING A PERSON IN THE IMMEDIATE
55 VICINITY;

1 (4) THE ANIMAL WAS DEFENDING ITSELF, ITS LITTER, OR ANOTHER ANIMAL; OR
2

3 (5) THE ANIMAL ACTS AGAINST A PERSON OR ANIMAL TRESPASSING ON THE
4 PROPERTY OF THE OWNER OR CUSTODIAN OF THE ANIMAL.
5

6 **12-4-403. Potentially dangerous, dangerous, or vicious animals; orders.**
7

8 (a) **Issuance of order.** Upon a determination that an animal is POTENTIALLY
9 dangerous, [or potentially] dangerous, OR VICIOUS, the Agency shall issue [an] A WRITTEN
10 order TO THE OWNER that explains the reasons for the Agency's determination. FOR
11 POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS, THE ORDER SHALL DIRECT [and
12 directs] the owner to comply with conditions for maintaining the animal on the owner's
13 property. Failure of the owner to comply with the conditions may result in temporary or
14 permanent impoundment of the animal. AN IMPOUNDED ANIMAL DESIGNATED AS
15 POTENTIALLY DANGEROUS OR DANGEROUS MAY ONLY BE REDEEMED AFTER THE OWNER
16 PRESENTS THE AGENCY WITH SATISFACTORY PROOF OF COMPLIANCE WITH THE ISSUED
17 ORDER.
18

19 (b) **Conditions.** When an animal is determined to be POTENTIALLY DANGEROUS OR
20 dangerous BY THE AGENCY, the Agency may order the owner to abide by some or all of
21 the following conditions IN ADDITION TO THE OWNER COMPLYING WITH ALL OTHER
22 RELEVANT PROVISIONS OF THE COUNTY CODE FOR THE KEEPING AND MAINTENANCE OF
23 ANIMALS:
24

25 (1) manage the animal and its environment in a manner that will abate the animal's
26 problem;
27

28 (2) spay or neuter the animal;
29

30 (3) implant the animal with a microchip containing owner identification
31 information;
32

33 (4) obtain an insurance policy providing for protection for bite victims in a
34 minimum amount of \$300,000;
35

36 (5) remove the animal from the custody of an individual less than 21 years old;
37

38 (6) for a rental property, obtain the written permission of the landlord to maintain
39 the animal on the property;
40

41 (7) confine the animal to a structure of a size and type specified by the Agency;
42

43 (8) maintain the animal exclusively on the owner's property except for medical
44 treatment or examination;
45

46 (9) muzzle or leash the animal as required by the Agency;
47

48 (10) post on the premises where the animal is maintained a clearly visible warning
49 sign that there is a dangerous animal on the property;
50

51 (11) A BEHAVIORAL ASSESSMENT FOR THE ANIMAL;

1 (12) SPECIALIZED TRAINING FOR THE ANIMAL; OR
2

3 (13) SUCH OTHER CONDITIONS AS THE AGENCY DETERMINES TO BE IN THE PUBLIC
4 INTEREST.
5

6 (C) **Appeal of orders.**
7

8 (1) AN OWNER OF AN ANIMAL DESIGNATED AS POTENTIALLY DANGEROUS,
9 DANGEROUS, OR VICIOUS MAY APPEAL THAT ORDER TO THE COMMISSION WITHIN 10
10 DAYS OF RECEIPT OF THE ORDER BY FILING A WRITTEN REQUEST FOR APPEAL WITH THE
11 AGENCY. UPON SUCH REQUEST, A HEARING SHALL BE SCHEDULED BEFORE THE
12 COMMISSION WITHIN 30 DAYS OF THE REQUEST FOR APPEAL. THE HEARING DATE MAY BE
13 EXTENDED BY THE CHIEF OF POLICE OR HIS DESIGNEE ON WRITTEN REQUEST BY EITHER
14 PARTY ONLY FOR GOOD CAUSE SHOWN AT LEAST FIVE DAYS BEFORE THE SCHEDULED
15 HEARING DATE, OR BY THE COMMISSION ON THE HEARING DATE BY THE REQUESTING
16 PARTY APPEARING AND PRESENTING GOOD CAUSE FOR A CONTINUANCE.
17

18 (2) PRIOR TO THE COMMENCEMENT OF A HEARING BEFORE THE COMMISSION, THE
19 AGENCY SHALL TRANSMIT TO THE COMMISSION MEMBERS ALL DOCUMENTATION
20 SUPPORTING THE DESIGNATION AND ORDER.
21

22 (3) THE AGENCY SHALL PROVIDE WRITTEN NOTICE TO THE OWNER OF THE
23 SPECIFIC BEHAVIOR OF THE ANIMAL AT ISSUE, AND THE DATE UPON WHICH A HEARING
24 WILL BE HELD ON THE APPEAL. THE NOTICE SHALL ADVISE THE OWNER OF THE
25 CONSEQUENCES OF A DETERMINATION OF POTENTIALLY DANGEROUS, DANGEROUS, OR
26 VICIOUS. THE HEARING SHALL BE OPEN TO THE PUBLIC AND THE COMMISSION MAY
27 ADMIT INTO EVIDENCE ALL RELEVANT EVIDENCE WITHOUT REGARD TO THE FORMAL
28 RULES OF EVIDENCE, INCLUDING EVIDENCE OF THE PRIOR BEHAVIOR OF THE ANIMAL,
29 PRIOR VIOLATIONS BY THE OWNER, AND MITIGATION. ALL WITNESSES SHALL TESTIFY
30 UNDER OATH OR AFFIRMATION ADMINISTERED BY A DESIGNEE OF THE COMMISSION. THE
31 BURDEN OF PROOF ON THE APPELLANT SHALL BE BY A PREPONDERANCE OF THE
32 EVIDENCE. PARTIES TO THE HEARING HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL
33 BEFORE THE COMMISSION.
34

35 (4) IF THE OWNER FAILS TO APPEAR AT THE HEARING, THE APPEAL SHALL BE
36 DISMISSED.
37

38 (5) WITHIN 10 DAYS OF THE HEARING, THE COMMISSION SHALL ISSUE A WRITTEN
39 RECOMMENDATION DIRECTED TO THE CHIEF.
40

41 (6) WITHIN 15 DAYS OF RECEIPT OF THIS RECOMMENDATION, THE CHIEF OR HIS
42 DESIGNEE SHALL ISSUE A FINAL DECISION AND IT SHALL BE SERVED ON THE OWNER AS
43 PROVIDED BY § 12-4-102.
44

45 (7) THE CHIEF OR HIS DESIGNEE'S DECISION IS SUBJECT TO DE NOVO REVIEW BY
46 THE COUNTY BOARD OF APPEALS. ANY PERSON WHO APPEARED AT THE HEARING AND
47 WAS AGGRIEVED BY THE CHIEF'S DECISION MAY FILE A WRITTEN REQUEST FOR APPEAL
48 WITH THE BOARD OF APPEALS WITHIN 30 DAYS OF THE CHIEF'S DECISION.
49

50 **12-4-404. Authority to dispose of vicious animals.**
51

52 [(a) **Dangerous animals.** The Agency may order the immediate impoundment of a
53 dangerous animal. Failure to abide by the conditions of a dangerous order may result in
54 immediate impoundment of the animal.

1 (b) **Vicious animals.**] The Agency shall order the destruction of an animal determined
2 to be vicious.

3
4 **12-4-406. Dangerous animal registry.**

5
6 (a) **Registry established.** The agency shall establish and maintain a dangerous animal
7 registry for the County to include all animals determined to be dangerous or potentially
8 dangerous [prior to September 7, 2017, or determined to be dangerous on or after
9 September 7, 2017]. The following information, if available, shall be included on the
10 registry: the name of the animal, picture, sex, age, weight, primary breed, secondary breed,
11 color and markings, whether spayed or neutered, the address or map where the animal is
12 maintained, name of the owner, and address of the owner. The registry shall be made
13 available to the public on the County website.

14
15 **12-4-501. Authority to impound.**

16
17 The Agency may impound:

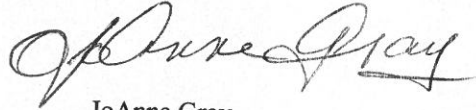
- 18
19 (1) a domesticated animal found at large, excluding an eartipped community cat;
20
21 (2) a dog or a cat found without a license tag affixed to its collar, excluding an
22 eartipped community cat;
23
24 (3) an animal whose owner fails to respond to notice that the animal is in violation
25 of this article;
26
27 (4) an animal whose health constitutes an immediate and substantial danger to
28 persons or property or that poses a threat to public safety, as provided in § 12-4-402;
29
30 (5) an animal determined to be POTENTIALLY DANGEROUS, dangerous, or vicious;
31
32 (6) an animal placed at risk by its health or environment;
33
34 (7) an abandoned or unwanted animal, excluding an eartipped community cat;
35
36 (8) an animal involved in an incident that constitutes a public safety threat;
37
38 (9) an animal whose owner violates any condition of an administrative order
39 pertaining to that animal; [or]
40
41 (10) a community cat, including an eartipped community cat, about which repeated
42 complaints to the Agency from residents or business owners remain unresolved; OR
43
44 (11) AN ANIMAL DESIGNATED AS POTENTIALLY DANGEROUS OR DANGEROUS IF AT
45 ANY TIME THE OWNER FAILS TO COMPLY WITH THE CONDITIONS OF THE POTENTIALLY
46 DANGEROUS OR DANGEROUS ORDER.

47
48 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
49 from the date it becomes law.

AMENDMENT ADOPTED: October 1, 2018

READ AND PASSED this 15th day of October, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 16th day of October, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 22nd day of October, 2018




Steven R. Schuh
County Executive

EFFECTIVE DATE:

DEC 6 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
90-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer