

PROPOSED

AMENDED
February 5 and 20, 2024
March 4, 2024

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 1

Bill No. 1-24

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, January 2, 2024

Introduced and first read on January 2, 2024
Public Hearing set for and held on February 5, 2024
Public Hearing on AMENDED bill set for and held on February 20, 2024
Public Hearing on SECOND AMENDED bill set for and held on March 4, 2024
Public Hearing on THIRD AMENDED bill set for March 18, 2024
Bill Expires April 6, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

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

4 FOR the purpose of amending the criteria used to designate an animal as potentially
5 dangerous, dangerous, or vicious; adding and amending the burden of proof required
6 to determine or appeal a designation of potentially dangerous, dangerous, or vicious;
7 allowing for the reconsideration of a potentially dangerous or dangerous animal order
8 within certain timeframes in certain situations; allowing for the waiver of all or a
9 portion of redemption fees in certain situations; amending the special license fee for a
10 dangerous animal; amending the notice requirements for animal cruelty cases; adding
11 conditions under which an animal owner must pay for the costs of care for animals
12 seized or surrendered and establishing notice requirements in certain situations;
13 allowing for the waiver of adoption and spay or neuter fees; and generally relating to
14 public safety.
15

16 BY repealing and reenacting, with amendments: §§ 12-4-402(b), (c) and (d) to be under
17 the amended title “Title 4. Animal Care and Control”; 12-4-403(c)(3); 12-4-501; 12-4-
18 504(c); 12-4-702(c)(3); and 12-4-901(d) and (i)
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

BY adding: §§ 12-4-403(d); and 12-4-912(e)
Anne Arundel County Code (2005, as amended)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 12. PUBLIC SAFETY

TITLE 4. ANIMAL CARE AND CONTROL

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

(b) **Potentially dangerous.** The Agency may designate an animal as potentially dangerous if, after consideration of the animal's demeanor and prior history and any evidence of mitigating circumstances, the Agency finds BY A PREPONDERANCE OF THE EVIDENCE that the animal:

(1) engaged in conduct that caused a minor or severe injury to a person or domesticated animal;

(2) has been determined to be potentially dangerous or dangerous by another jurisdiction for an attack or action that would subject the animal to a potentially dangerous designation by the Agency; or

(3) while at large, chases or approaches a person or lawfully restrained domesticated animal in an aggressive manner and the Agency has received and verified information that the animal engaged in conduct that constitutes a public safety threat within the preceding twelve months in this or any other jurisdiction.

(c) **Dangerous.** The Agency may designate an animal as dangerous if, after consideration of the animal's demeanor and prior history and any evidence of mitigating circumstances, the Agency finds BY CLEAR AND CONVINCING EVIDENCE that the animal:

(1) killed or inflicted severe injury on a person or domesticated animal;

(2) has been determined to be potentially dangerous, dangerous, or vicious by another jurisdiction for an attack or action that would subject the animal to a dangerous designation by the Agency;

(3) has been documented as killing or inflicting severe injury on a person or domesticated animal in another jurisdiction; or

(4) has been determined to be potentially dangerous by the Agency and engages in a second incident that constitutes a public safety threat as described in subsection (a) of this section.

(d) **Vicious.** The Agency may designate an animal as vicious if, after consideration of the animal's demeanor and prior history and any evidence of mitigating circumstances, the

1 Agency finds that the animal cannot be safely maintained without threatening members of
2 the public or other animals and DETERMINES BEYOND A REASONABLE DOUBT THAT the
3 animal:

4
5 (1) killed or inflicted severe injury on a person or domesticated animal, NOT BASED
6 SOLELY ON HEARSAY; ~~BASED ON TESTIMONY FROM AN EYEWITNESS TO THE EVENTS~~
7 ~~SUPPORTING THE DESIGNATION OR THROUGH AUTHENTICATED DIGITAL EVIDENCE~~
8 ~~SHOWING THE EVENTS SUPPORTING THE DESIGNATION;~~

9
10 (2) has PREVIOUSLY been determined to be potentially dangerous or dangerous by
11 the Agency and engages in a second incident that constitutes a public safety threat as
12 described in subsection (a) of this section, NOT BASED SOLELY ON HEARSAY; ~~BASED ON~~
13 ~~TESTIMONY FROM AN EYEWITNESS TO THE EVENTS SUPPORTING THE DESIGNATION OR~~
14 ~~THROUGH AUTHENTICATED DIGITAL EVIDENCE SHOWING THE EVENTS SUPPORTING THE~~
15 ~~DESIGNATION;~~

16
17 (3) has been determined to be dangerous or vicious by another jurisdiction for an
18 attack or action that would subject the animal to a vicious designation by the Agency; or

19
20 (4) has engaged in documented behavior involving killing or inflicting severe
21 injury on a person or domesticated animal in another jurisdiction.

22
23 **12-4-403. Potentially dangerous, dangerous, or vicious animals; orders.**

24
25 **(c) Appeal of orders.**

26
27 (3) The Agency shall provide written notice to the owner of the specific behavior
28 of the animal at issue, and the date upon which a hearing will be held on the appeal. The
29 notice shall advise the owner of the consequences of a determination of potentially
30 dangerous, dangerous, or vicious. The burden of proof on the [[appellant]] AGENCY shall
31 be by [[a preponderance of the evidence]] THE STANDARDS SET FORTH IN § 12-4-402.

32
33 **(D) Reconsideration of conditions.**

34
35 (1) A PETITION TO RECONSIDER THE CONDITIONS OF A POTENTIALLY DANGEROUS
36 OR DANGEROUS ANIMAL ORDER MAY BE FILED NO MORE THAN ONCE IN A 12-MONTH
37 PERIOD.

38
39 (2) PURSUANT TO PARAGRAPH (1), THE OWNER MAY PETITION THE CHIEF TO
40 REVISE ANY OF THE CONDITIONS SET FORTH IN THE ORDER, EXCEPT THE DESIGNATION OF
41 AN ANIMAL AS POTENTIALLY DANGEROUS OR DANGEROUS.

42
43 (3) THE PETITION SHALL BE SUBJECT TO A HEARING IN ACCORDANCE WITH § 12-4-
44 206, AND THE AGENCY SHALL NOTIFY ALL WITNESSES WHO TESTIFIED AT ANY PREVIOUS
45 HEARINGS RELATING TO THE ORDER OF THE DATE, TIME, AND LOCATION OF THE
46 HEARING.

47
48 (4) AFTER RECEIVING THE FINDINGS AND RECOMMENDATIONS FROM THE
49 COMMISSION, THE CHIEF SHALL ISSUE A FINAL DECISION AND MAY REVISE ANY
50 CONDITION FOR MAINTAINING AN ANIMAL SUBJECT TO A POTENTIALLY DANGEROUS
51 ORDER OR DANGEROUS ORDER IMPOSED PURSUANT TO § 12-4-403.

12-4-501. Authority to impound.

(A) The Agency may impound:

(B) IN DETERMINING APPROPRIATE DAILY CARE AND SHELTER FOR AN ANIMAL IMPOUNDED, SEIZED, SURRENDERED, OR OWNED BY THE AGENCY UNDER TITLE 4, THE AGENCY SHALL ACT IN THE BEST INTEREST OF THE ANIMAL.

12-4-504. Redemption of impounded animals.

(c) Waiver of shelter or redemption fees.

(1) Accrued shelter fees shall be waived by the Agency when a delay in adjudication at the Commission, Board of Appeals, or Circuit Court occurs due to a contested request for postponement by the County. Fees shall be waived for the time between the request and the next hearing date.

(2) AT THE REQUEST OF AN ANIMAL OWNER, AND UPON A SHOWING OF GOOD CAUSE, THE AGENCY MAY WAIVE SOME OR ALL OF THE REDEMPTION FEES.

12-4-702. Dog and cat licenses.

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

(3) The special license fee for a dangerous animal is \$125 ~~[[annually]]~~ FOR THE FIRST YEAR ISSUED, AND SHALL REVERT TO THE STANDARD RATE FOR EACH YEAR THEREAFTER ON AN ANNUAL BASIS. The fee for an animal found to be potentially dangerous is \$100 ~~[[annually]]~~ FOR THE FIRST YEAR ISSUED, AND SHALL REVERT TO THE STANDARD RATE FOR EACH YEAR THEREAFTER ON AN ANNUAL BASIS.

12-4-901. Cruelty.

(d) Notice. If an animal is seized or surrendered under this section, the owner of the animal shall be served with written notice that advises that a written petition for return of the animal may be filed with the Commission within 10 days of service of the notice, AND THE ESTIMATED COSTS OF CARE FOR A 30-DAY PERIOD AS REQUIRED IN SUBSECTION (I).

(i) Care for seized or surrendered animals. Any animal seized by or surrendered to the Agency under this section shall be maintained, or humanely euthanized if unable to be maintained, by the Agency at the expense of the owner.

(1) IF AN OWNER FILES A PETITION UNDER SUBSECTION (F), THE OWNER SHALL PAY ALL COSTS OF CARE BEGINNING ON THE DATE THE ANIMAL WAS SEIZED OR SURRENDERED.

(2) THE COSTS OF CARE SHALL BE \$15 PER DAY PER ANIMAL, PLUS THE COSTS OF NECESSARY MEDICAL CARE FOR THE ANIMAL, INCLUDING NECESSARY HUMANE

1 EUTHANASIA, AS DETERMINED BY A LICENSED VETERINARIAN AND THE AGENCY, AND
2 DOCUMENTED BY INVOICES, UP TO A MAXIMUM OF \$50 PER DAY PER ANIMAL.

3
4 (3) THE NOTICE PROVIDED IN ACCORDANCE WITH SUBSECTION (D) SHALL ADVISE
5 THE OWNER OF THE ESTIMATED COSTS OF CARE FOR A 30-DAY PERIOD, THE DEADLINE
6 FOR PAYMENT, AND THE PROVISIONS OF THIS SUBSECTION.

7
8 (4) WITHIN ~~FIVE~~ 45 DAYS OF THE DATE OF A NOTICE ISSUED UNDER THIS SECTION,
9 THE OWNER SHALL PAY THE ESTIMATED COSTS OF CARE FOR THE ANIMAL FOR A 30-DAY
10 PERIOD.

11
12 (5) WITHIN ~~FIVE~~ 45 14 DAYS OF THE END OF ANY 30-DAY PERIOD FOR WHICH
13 PAYMENT WAS PREVIOUSLY MADE, IF THE ANIMAL REMAINS SEIZED OR SURRENDERED,
14 THE OWNER SHALL PAY THE ESTIMATED COSTS OF CARE FOR AN ADDITIONAL 30 DAYS.

15
16 (6) THE OWNER SHALL CONTINUE TO MAKE COSTS OF CARE PAYMENTS FOR 30-DAY
17 PERIODS UNTIL THE SEIZURE OR SURRENDER IS TERMINATED, THE ANIMAL IS DEEMED
18 UNWANTED OR UNREDEEMED, OR THE ANIMAL DIES. THE PAYMENT DUE DATES IN
19 PARAGRAPH (4) OR (5) MAY BE EXTENDED BY REQUEST OF THE OWNER IF THE AGENCY
20 DETERMINES THAT EXTRAORDINARY CIRCUMSTANCES ARE DEMONSTRATED, SUCH AS
21 SERIOUS INJURY OR DEATH TO THE OWNER OR AN IMMEDIATE FAMILY MEMBER, OR FIRE
22 OR FLOOD AFFECTING THE OWNER'S RESIDENCE.

23
24 (7) IF THE OWNER DOES NOT MAKE PAYMENT WITHIN THE TIME FRAMES SET
25 FORTH IN THIS SUBSECTION, THE ANIMAL SHALL BE DEEMED UNWANTED OR
26 UNREDEEMED AND SHALL BECOME THE PROPERTY OF THE COUNTY AS OF THE DAY AFTER
27 ANY MISSED PAYMENT.

28
29 (8) IF THE OWNER OF THE SEIZED OR SURRENDERED ANIMAL IS CONVICTED OF ANY
30 CRIMINAL CHARGES BROUGHT UNDER § 10-615 OF THE CRIMINAL LAW ARTICLE OF THE
31 STATE CODE, ANY ANIMALS SEIZED OR SURRENDERED SHALL BE FORFEITED TO THE
32 COUNTY.

33
34 (9) ANY COSTS OF CARE IMPOSED UNDER THIS SUBTITLE THAT ARE NOT PAID MAY
35 BE COLLECTED IN THE SAME MANNER AS ANY JUDGMENT OR DEBT. NOTHING IN THIS
36 SECTION SHALL PRECLUDE THE COUNTY FROM SEEKING RESTITUTION FOR UNPAID COSTS
37 OF CARE AS PART OF A CRIMINAL CASE UNDER § 10-615 OF THE CRIMINAL LAW ARTICLE
38 OF THE STATE CODE.

39
40 (10) THE OWNER MAY REQUEST A REVIEW OF THE COSTS OF CARE IMPOSED UNDER
41 THIS SUBSECTION AS PART OF ANY PETITION FILED UNDER THIS SECTION, AND SUCH
42 COSTS MAY BE REDUCED ~~OR~~, WAIVED, OR COLLECTED AS PART OF A PAYMENT PLAN AS
43 DEEMED APPROPRIATE.

44
45 (11) THE COUNTY SHALL ISSUE A REFUND TO THE OWNER WITHIN 30 DAYS:

46
47 (I) AFTER THE END OF THE SEIZURE OR SURRENDER, ANY PAYMENT FROM THE
48 OWNER THAT EXCEEDS THE ACTUAL COSTS OF CARE, INCLUDING ANY PAYMENT FOR A
49 DAY THAT THE COUNTY DID NOT CARE FOR THE ANIMAL; OR

50
51 (II) AFTER ANY FINAL JUDGMENT OF THE COMMISSION, BOARD OF APPEALS, OR
52 A COURT OF COMPETENT JURISDICTION ORDERING THE COUNTY TO RETURN ALL OR A
53 PORTION OF THE COSTS OF CARE.

54
55 **12-4-912. Adopted animals – spaying or neutering fees; waiver of fees.**

56
57 (E) **Waiver.** THE AGENCY MAY WAIVE ADOPTION FEES OR THE COST OF SPAYING OR
58 NEUTERING UPON A SHOWING OF GOOD CAUSE OR AS DEEMED APPROPRIATE.

1 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.