

FINAL

AMENDED
February 5 and 20, 2024
March 4 and 18, 2024
April 1, 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 and held on March 18, 2024
Public Hearing on FOURTH AMENDED bill set for and held on April 1, 2024
Bill AMENDED and VOTED on April 1, 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.~~

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

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~~

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

4
5 ~~———— (d) **Vicious.** The Agency may designate an animal as vicious if, after consideration of~~
6 ~~the animal's demeanor and prior history and any evidence of mitigating circumstances, the~~
7 ~~Agency finds that the animal cannot be safely maintained without threatening members of~~
8 ~~the public or other animals and DETERMINES BEYOND A REASONABLE DOUBT THAT the~~
9 ~~animal:~~

10
11 ~~———— (1) killed or inflicted severe injury on a person or domesticated animal, NOT BASED~~
12 ~~SOLELY ON HEARSAY; BASED ON TESTIMONY FROM AN EYEWITNESS TO THE EVENTS~~
13 ~~SUPPORTING THE DESIGNATION OR THROUGH AUTHENTICATED DIGITAL EVIDENCE~~
14 ~~SHOWING THE EVENTS SUPPORTING THE DESIGNATION;~~

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

22
23 ~~———— (3) has been determined to be dangerous or vicious by another jurisdiction for an~~
24 ~~attack or action that would subject the animal to a vicious designation by the Agency; or~~

25
26 ~~———— (4) has engaged in documented behavior involving killing or inflicting severe~~
27 ~~injury on a person or domesticated animal in another jurisdiction.~~

28
29 ~~**12-4-403. Potentially dangerous, dangerous, or vicious animals; orders.**~~

30
31 ~~———— (c) **Appeal of orders.**~~

32
33 ~~———— (3) The Agency shall provide written notice to the owner of the specific behavior~~
34 ~~of the animal at issue, and the date upon which a hearing will be held on the appeal. The~~
35 ~~notice shall advise the owner of the consequences of a determination of potentially~~
36 ~~dangerous, dangerous, or vicious. The burden of proof on the [[appellant]] AGENCY shall~~
37 ~~be by [[a preponderance of the evidence]] THE STANDARDS SET FORTH IN § 12-4-402.~~

38
39 ~~———— (D) **Reconsideration of conditions.**~~

40
41 ~~———— (1) A PETITION TO RECONSIDER THE CONDITIONS OF A POTENTIALLY DANGEROUS~~
42 ~~OR DANGEROUS ANIMAL ORDER MAY BE FILED NO MORE THAN ONCE IN A 12 MONTH~~
43 ~~PERIOD.~~

44
45 ~~———— (2) PURSUANT TO PARAGRAPH (1), THE OWNER MAY PETITION THE CHIEF TO~~
46 ~~REVISE ANY OF THE CONDITIONS SET FORTH IN THE ORDER, EXCEPT THE DESIGNATION OF~~
47 ~~AN ANIMAL AS POTENTIALLY DANGEROUS OR DANGEROUS.~~

48
49 ~~———— (3) THE PETITION SHALL BE SUBJECT TO A HEARING IN ACCORDANCE WITH § 12-4-~~
50 ~~206, AND THE AGENCY SHALL NOTIFY ALL WITNESSES WHO TESTIFIED AT ANY PREVIOUS~~
51 ~~HEARINGS RELATING TO THE ORDER OF THE DATE, TIME, AND LOCATION OF THE~~
52 ~~HEARING.~~

~~____ (4) AFTER RECEIVING THE FINDINGS AND RECOMMENDATIONS FROM THE COMMISSION, THE CHIEF SHALL ISSUE A FINAL DECISION AND MAY REVISE ANY CONDITION FOR MAINTAINING AN ANIMAL SUBJECT TO A POTENTIALLY DANGEROUS 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 (1) IF AN OWNER FILES A PETITION UNDER SUBSECTION (F), THE OWNER SHALL PAY
2 ALL COSTS OF CARE BEGINNING ON THE DATE THE ANIMAL WAS SEIZED OR
3 SURRENDERED.

4
5 (2) THE COSTS OF CARE SHALL BE \$15 PER DAY PER ANIMAL, PLUS THE COSTS OF
6 NECESSARY MEDICAL CARE FOR THE ANIMAL, INCLUDING NECESSARY HUMANE
7 EUTHANASIA, AS DETERMINED BY A LICENSED VETERINARIAN AND THE AGENCY, AND
8 DOCUMENTED BY INVOICES, UP TO A MAXIMUM OF \$50 PER DAY PER ANIMAL.

9
10 (3) THE NOTICE PROVIDED IN ACCORDANCE WITH SUBSECTION (D) SHALL ADVISE
11 THE OWNER OF THE ESTIMATED COSTS OF CARE FOR A 30-DAY PERIOD, THE DEADLINE
12 FOR PAYMENT, AND THE PROVISIONS OF THIS SUBSECTION.

13
14 (4) WITHIN ~~FIVE~~ 45 DAYS OF THE DATE OF A NOTICE ISSUED UNDER THIS SECTION,
15 THE OWNER SHALL PAY THE ESTIMATED COSTS OF CARE FOR THE ANIMAL FOR A 30-DAY
16 PERIOD.

17
18 (5) WITHIN ~~FIVE~~ 45 14 DAYS OF THE END OF ANY 30-DAY PERIOD FOR WHICH
19 PAYMENT WAS PREVIOUSLY MADE, IF THE ANIMAL REMAINS SEIZED OR SURRENDERED,
20 THE OWNER SHALL PAY THE ESTIMATED COSTS OF CARE FOR AN ADDITIONAL 30 DAYS.

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

29
30 (7) IF THE OWNER DOES NOT MAKE PAYMENT WITHIN THE TIME FRAMES SET
31 FORTH IN THIS SUBSECTION, THE ANIMAL SHALL BE DEEMED UNWANTED OR
32 UNREDEEMED AND SHALL BECOME THE PROPERTY OF THE COUNTY AS OF THE DAY AFTER
33 ANY MISSED PAYMENT.

34
35 (8) IF THE OWNER OF THE SEIZED OR SURRENDERED ANIMAL IS CONVICTED OF ANY
36 CRIMINAL CHARGES BROUGHT UNDER § 10-615 OF THE CRIMINAL LAW ARTICLE OF THE
37 STATE CODE, ANY ANIMALS SEIZED OR SURRENDERED SHALL BE FORFEITED TO THE
38 COUNTY.

39
40 (9) ANY COSTS OF CARE IMPOSED UNDER THIS SUBTITLE THAT ARE NOT PAID MAY
41 BE COLLECTED IN THE SAME MANNER AS ANY JUDGMENT OR DEBT. NOTHING IN THIS
42 SECTION SHALL PRECLUDE THE COUNTY FROM SEEKING RESTITUTION FOR UNPAID COSTS
43 OF CARE AS PART OF A CRIMINAL CASE UNDER § 10-615 OF THE CRIMINAL LAW ARTICLE
44 OF THE STATE CODE.

45
46 (10) THE OWNER MAY REQUEST A REVIEW OF THE COSTS OF CARE IMPOSED UNDER
47 THIS SUBSECTION AS PART OF ANY PETITION FILED UNDER THIS SECTION, AND SUCH
48 COSTS MAY BE REDUCED ~~OR~~, WAIVED, OR COLLECTED AS PART OF A PAYMENT PLAN AS
49 DEEMED APPROPRIATE.

50
51 (11) THE COUNTY SHALL ISSUE A REFUND TO THE OWNER WITHIN 30 DAYS:

52
53 (I) AFTER THE END OF THE SEIZURE OR SURRENDER, ANY PAYMENT FROM THE
54 OWNER THAT EXCEEDS THE ACTUAL COSTS OF CARE, INCLUDING ANY PAYMENT FOR A
55 DAY THAT THE COUNTY DID NOT CARE FOR THE ANIMAL; OR

56
57 (II) AFTER ANY FINAL JUDGMENT OF THE COMMISSION, BOARD OF APPEALS, OR
58 A COURT OF COMPETENT JURISDICTION ORDERING THE COUNTY TO RETURN ALL OR A
59 PORTION OF THE COSTS OF CARE.

1 **12-4-912. Adopted animals – spaying or neutering fees; waiver of fees.**


2
3 (E) **Waiver.** THE AGENCY MAY WAIVE ADOPTION FEES OR THE COST OF SPAYING OR
4 NEUTERING UPON A SHOWING OF GOOD CAUSE OR AS DEEMED APPROPRIATE.

5
6 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
7 from the date it becomes law.


AMENDMENTS ADOPTED: February 5 and 20, March 4 and 18, and April 1, 2024

READ AND PASSED this 1st day of April, 2024

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 3rd day of April, 2024


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 5th day of April, 2024


Steuart Pittman
County Executive

EFFECTIVE DATE: May 20, 2024

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 1-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby", with a stylized, flowing script.

Laura Corby
Administrative Officer