

**FOR THE PURPOSE OF AMENDING PROVISIONS
PERTAINING TO DANGEROUS ANIMALS**

WHEREAS, *Local Government Article*, § 13-115(c)(1)(iv) of the Maryland Annotated Code authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter the “Board of County Commissioners”) to “adopt rules and regulations for: ...any other matter concerning dogs the county commissioners consider necessary for the public health, safety, and welfare;”

WHEREAS, the Animal Matters Hearing Board has recommended repeal and readoption with amendment Chapter 7, Part 9 of the Code of Calvert County, Dangerous Animal provisions;

WHEREAS, a public hearing regarding this Ordinance was duly advertised in at least one newspaper of general circulation for two consecutive weeks before the public hearing, as required by Section 9-105 of the *Local Government Article* of the Maryland Annotated Code and held on November 19, 2019, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland, to adopt the amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners hereby approves, adopts, and enacts this Ordinance to repeal and readopt with amendments Chapter 7, Part 9 of the Code of Calvert County, Dangerous Animal provisions as reflected within Exhibit “A” hereto, incorporated herein by reference;

BE IT FURTHER ORDAINED by the Board of County Commissioners that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid;

BE IT FURTHER ORDAINED, by the Board of County Commissioners that the foregoing recitals are adopted as if fully rewritten herein; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 19th day of November, 2019, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 4

Nay: 0

Absent/Abstain: 1 Absent/Hart

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Phelps
Clerk

Timothy E. Hutchins
Timothy E. Hutchins, President

Kelly D. McConkey
Kelly D. McConkey, Vice-President

Approved for form and legal sufficiency
by:

Earl F. Hance
Earl F. Hance

John B. Norris
John B. Norris, County Attorney

Mike Hart
Mike Hart

Steven R. Weems
Steven R. Weems

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Folio.....289.....COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

Chapter 7. Animals

Part 9. Dangerous and Prohibited Animals

Article I. Dangerous Animals

§7-9-101 Determination.

- A. Potentially Dangerous and Dangerous Animals. There shall be two categories of animals that pose a threat to public health or safety:
1. Potentially Dangerous; and
 2. Dangerous.
- B. Potentially Dangerous. A Potentially Dangerous Animal is one that has:
1. Had an altercation with or attacked, without causing severe injury, a human, domestic animal, or livestock; or
 2. Chased or approached a person in attitude of attack while not on the real property of the owner or custodian of the animal; or
 3. Demonstrated behavior that is a threat to public health or safety; or
 4. Been determined to be Potentially Dangerous by another jurisdiction or any other equivalent designation.
- C. Dangerous Animals. A Dangerous Animal is one that has:
1. Been found to be a Potentially Dangerous Animal and the owner or custodian has not complied with one or more of the requirements set forth herein or not complied within the time prescribed; or
 2. Been found to be a Potentially Dangerous Animal on more than one (1) occasion; or
 3. Caused severe injury or death to a human, domestic animal, or livestock; or
 4. Been determined to be Dangerous by another jurisdiction or any other equivalent designation.
- D. The Animal Control Division shall notify the owner that his/her animal has been designated as "dangerous" or "potentially dangerous." The notice shall:

1. Be personally delivered or sent certified mail.
2. Include the:
 - a. Date and summary of the incident.
 - b. Requirements for keeping the dangerous or potentially dangerous animal.
 - c. Time frame in which the requirements must be completed.

§ 7-9-102. Exceptions.

- A. Notwithstanding the foregoing, an animal shall not be found to be Potentially Dangerous or Dangerous if:
1. The threat, injury, or damage was sustained to a person or animal who, at the time:
 - a. Was committing a willful trespass or other tort upon the premises occupied by the owner or custodian of the animal;
 - b. Was provoking or assaulting the animal;
 - c. Was committing or attempting to commit a crime.
 - d. Has ever been reported to have provoked or assaulted an animal; or
 2. The threat, injury, or damage was sustained to an animal who, at the time, was trespassing upon the premises or land of the animal being considered; or
 3. The animal was acting in an appropriate defense of others, including protecting or defending its young, another animal, its owner or custodian; or
 4. The animal was responding to pain or injury; or
 5. The animal is owned by a governmental or law enforcement agency.

§ 7-9-103 Requirements for Owners of a Potentially Dangerous or Dangerous Animal.

- A. The owner or custodian of a Potentially Dangerous Animal shall:
1. Upon declaration of the animal being deemed Potentially Dangerous, either:
 - a. Not permit the animal to leave the owner's or custodian's residence unless on a leash not exceeding six feet (6') in length, and under the care, custody, and control of a person not less than 18-years of age who must be capable of controlling the animal in all instances, and never on a leash or device having a retractable lead; or
 - b. Confine the animal as determined appropriate by Animal Control Division to contain the animal upon the property of the owner or custodian;
 2. Within fifteen (15) days of the declaration of the animal being Potentially Dangerous:
 - a. Pay all costs, expenses, fines and fees associated with the care of the animal, including, without limitation, all shelter and impoundment fees. This includes fees due upon redemption of said animal from the shelter facility;
 - b. Provide Calvert County Department of Public Safety, Animal Control Division (hereinafter, "Animal Control") proof of licensure of the animal;
 - c. Post and maintain on the premises where the Potentially Dangerous Animal is maintained clearly visible warning signs of the number, size (not less than 6"x9"), lettering, and location deemed necessary and appropriate by Animal Control that there is a Potentially Dangerous Animal on the property;
 - d. Have a micro-chip identification device implanted in the animal containing owner or custodian identification information;
 - e. Provide Calvert County Animal Control information pertaining to the micro-chip identification device; and
 - f. Obtain training from an approved trainer.
 3. If the Potentially Dangerous Animal declaration is appealed by the owner or custodian of the animal within thirty (30) days of the declaration, to the Animal

Matters Hearing Board, the owner or custodian of a Potentially Dangerous Animal shall comply with all above requirements with exception of A.2.c and A.2.f which will require compliance within 15 days of the Animal Matters Hearing Board's decision to uphold the Potentially Dangerous Animal declaration.

B. The owner or custodian of an animal declared Dangerous shall:

1. Comply with all of the requirements imposed upon the owner or custodian of a Potentially Dangerous Animal, above, except that:
 - a. A Dangerous Animal leaving the owner's or custodian's residence must be muzzled and restrained on a solid leash, not retractable or with elastic properties (i.e., a bungee leash), not exceed three feet (3') in length, and be under the care, custody, and control of a person not less than 18-years of age who must be capable of controlling the animal in all instances;
 - b. Contain the Dangerous Animal within a perimeter fence or structure of a size and type deemed necessary and appropriate by Animal Control, which may include double entry gates such that both gates are never open at the same time, and shall require that all passage openings (i.e., gates) be locked so as to be secured against entry; and
 - c. Underground, electric, or wireless fencing shall be insufficient to meet any fencing requirements;
2. Comply with all additional requirements imposed below:
 - a. Take all affirmative steps and measures, and comply with any actions deemed necessary by the Animal Control to abate the Dangerous Animal's threat to public health or safety;
 - b. At the time of the designation, and annually for the entire life of the Dangerous Animal, provide Animal Control with written evidence of a public liability insurance policy for \$100,000 per single incident that covers bodily injury to persons, the debts of any persons and damage to property owned by any persons caused by the animal, and immediately notify Animal Control if the policy is canceled, terminated, or expired;
 - c. Post and maintain on the premises where the Dangerous Animal is maintained clearly visible warning signs of the number, size (not less than 6"x9"), lettering, and location deemed necessary and appropriate by Animal Control that there is a Dangerous Animal on the property;

- d. Provide Animal Control proof of the Dangerous Animal having been spayed or neutered within forty-five (45) days:
 - i. A brief extension may be granted by the Chief of Animal Control upon request accompanied by an opinion of a Maryland-licensed veterinarian that the procedure is not medically advisable for that Dangerous Animal within the time prescribed; and
 - e. Animal Control shall conduct compliance inspections, at least annually, at the address or property where the Dangerous Animal was last reported to reside or be kept.
3. If the Dangerous Animal declaration is appealed by the owner or custodian of the animal within thirty (30) days of the declaration, to the Animal Matters Hearing Board, the owner or custodian of the Dangerous Animal shall continue compliance with all above requirements, with exception of A.2.f, B.2.c, and B.2.d which will require compliance upon the decision of the Animal Matters Hearing Board to uphold the Dangerous Animal declaration.
- C. Owners or custodians that fail to comply with applicable provisions of § 7-9-103 may be cited and subject to the fines set forth in § 7-9-106.
- D. Petition for Removal of Potentially Dangerous Designation.
- 1. The owner or custodian of a Potentially Dangerous Animal may petition the Animal Matters Hearing Board for the removal of the designation of a Potentially Dangerous Animal upon the following conditions:
 - a. The owner or custodian of the Potentially Dangerous Animal and the Potentially Dangerous Animal have not had any reported violations of Chapter 7 for not less than two (2) years; and
 - b. The owner or custodian of a Potentially Dangerous Animal demonstrates to the Animal Matters Hearing Board that changes in circumstances or measures taken by the owner or custodian, such as appropriate training of the animal, have adequately mitigated the animal's risk to public safety.

§ 7-9-104. Notification of Certain Acts.

- A. The owner or custodian of a Potentially Dangerous or Dangerous Animal shall immediately notify Animal Control, the Maryland State Police, and the Calvert County Sheriff's Office if the animal:
 - 1. Is loose or unattended; or
 - 2. Has attacked another animal or human being; or

- 3. Has died; or
- 4. Is being relocated to another jurisdiction and provide the location to where the animal is being relocated.

§ 7-9-105 Impoundment and Euthanasia.

- A. In the event that an Animal Control Officer has probable cause to believe an animal declared Potentially Dangerous or Dangerous Animal is being harbored or cared for in violation of this article, the Animal Control Officer may file a petition in a court of appropriate jurisdiction seeking the seizure and impoundment of the animal pending an adjudication of the offense.
- B. In the event that an animal attacks a human being, animal, or livestock, the animal shall be euthanized if, in the judgment of the District Court judge, the animal represents a continuing threat of serious harm to human beings, livestock, or animals.

§ 7-9-106 Penalties for Violation of Requirements for the Owner or Custodian.

- A. The owner or custodian of a Potentially Dangerous Animal that does not comply with the requirements set forth herein shall be fined:

First violation	\$100/day
Second violation	\$250/day
Third violation	\$500/day

- B. The owner or custodian of a Dangerous Animal that does not comply with the requirements set forth herein shall be fined:

First violation	\$200/day
Second violation	\$500/day
Third violation	\$1,000/day

- C. All fines shall be payable to the Treasurer, Calvert County, Maryland or other designee of the Board of County Commissioners of Calvert County, Maryland.
- D. At any time after the first violation for failure to comply with applicable requirements of a Potentially Dangerous Animal or a Dangerous Animal, Animal Control may petition a court of competent jurisdiction to seize and humanely euthanize a Potentially Dangerous or Dangerous Animal at the sole cost and expense of the owner or custodian.