

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0829

Introduced by: Councilmembers Welch, D’Adamo, Clarke, Spector, Conaway, Middleton, Kraft
Introduced and read first time: October 1, 2007
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 26, 2007

AN ORDINANCE CONCERNING

Dangerous Animals – ~~Required Restraints~~ Vicious Dogs

FOR the purpose of strengthening the restraint requirements for dangerous animals; modifying the options available to the Vicious Dog Hearing Board; and generally relating to animal control and protection.

BY repealing and reordaining, without amendments

Article - Health
Section(s) 10-101(i) and (q)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health
Section(s) 10-602, 10-702, and 10-714
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

Title 10. Animal Control and Protection

Subtitle 1. Definitions; General Provisions

§ 10-101. Definitions.

(i) *Dangerous animal.*

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 “Dangerous animal” means any animal that:

2 (1) has bitten or attacked a human being or another animal without provocation; or

3 (2) presents a physical threat to human beings or to other animals due to a disposition
4 or propensity to cause injury or to behave in a way that could reasonably be
5 expected to cause injury, regardless of whether its behavior is hostile.

6 (q) Vicious dog.

7 (1) In general.

8 “Vicious dog” means any dog that:

9 (i) has bitten or attacked a human being or another animal; or

10 (ii) has attempted to bite or attack a human being or another animal and was
11 prevented from doing so only because it was restrained by a leash, fence, or
12 other means.

13 (2) Exclusions – Instigation by other.

14 “Vicious dog” does not include a dog that has bitten or attacked or has attempted to
15 bite or attack if the injury, damage, or threat was sustained by one who:

16 (i) at the time was committing a willful trespass or other tort on the premises
17 occupied by the owner or keeper of the dog;

18 (ii) was tormenting, abusing, or assaulting the dog;

19 (iii) in the past has been observed or reported to have tormented, abused, or
20 assaulted the dog; or

21 (iv) was committing or attempting to commit a crime.

22 (3) Exclusions – Dog protecting young or in pain.

23 “Vicious dog” does not include a dog that has bitten or attacked or attempted to
24 attack or bite if the dog was:

25 (i) protecting or defending itself, its young, or another animal; or

26 (ii) responding

27 ***Subtitle 6. Wild and Dangerous Animals***

28 **§ 10-602. Dangerous animals.**

29 (a) *Restraints required – GENERALLY.*

30 ~~(1)~~ Every dangerous animal must be:

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1 (1) ~~(1)~~ [(1) confined] MAINTAINED in a ~~[building or]~~ secure enclosure ON THE
2 PREMISES OF ITS OWNER OR KEEPER; and

3 (2) ~~(2)~~ [(2)] whenever [off the premises of its owner or keeper] OUTSIDE OF THE
4 BUILDING OR ENCLOSURE:

5 (i) securely caged; or

6 (ii) muzzled and leashed.

7 (B) RESTRAINTS REQUIRED – DANGEROUS DOGS.

8 (1) IN THIS SUBSECTION, “DANGEROUS DOG” MEANS A DOG THAT, UNDER SUBTITLE 7
9 {“VICIOUS DOGS”} OF THIS TITLE, THE VICIOUS DOG HEARING BOARD DETERMINES
10 TO BE A DANGEROUS ANIMAL.

11 (2) EXCEPT AS OTHERWISE ORDERED BY THE VICIOUS DOG HEARING BOARD, EVERY
12 DANGEROUS DOG MUST BE:

13 (1) MAINTAINED IN A BUILDING OR SECURE ENCLOSURE ON THE PREMISES OF ITS
14 OWNER OR KEEPER; AND

15 (2) WHENEVER OUTSIDE OF THE BUILDING OR ENCLOSURE:

16 (I) SECURELY CAGED; OR

17 (II) MUZZLED AND LEASHED.

18 (2) THE ENCLOSURE REQUIRED BY PARAGRAPH (1)(i) OF THIS SUBSECTION MUST BE:

19 (i) AT LEAST 4' WIDE, 6' LONG, AND 4' TALL;

20 (ii) CONSTRUCTED OF WIRE MESH FENCING ON A CONCRETE BASE;

21 (iii) TOPPED WITH A ROOF THAT IS ANCHORED TO THE FRAME;

22 (iv) ATTACHED TO STEEL POLES ON ALL SIDES, INCLUDING THE ROOF; AND

23 (v) KEPT LOCKED AT ALL TIMES.

24 (C) ~~(b)~~ Keeping for display prohibited.

25 (1) Except as specified in paragraph (2) of this subsection, no person may keep or allow
26 to be kept on that person’s premises any dangerous animal for display or exhibition
27 purposes, whether a fee is charged or not.

28 (2) This subsection does not apply to any animal show or zoological park licensed under
29 this title.

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Subtitle 7. Vicious Dogs

§ 10-702. Keeping vicious dog prohibited.

(a) In general.

[Except as specified in subsection (b) of this section, no] No person may keep in the CITY any dog that the Vicious Dog Hearing Board determines under this subtitle to be a vicious dog [in the City].

(b) Exception.

This subtitle does not apply to a dog owned by and working for a law enforcement or other governmental agency.

§ 10-714. Decision.

(a) In general.

The decision of the Board must comply with the same requirements as those imposed by Title 2, Subtitle 3 {"Administrative Hearings"} of this article for hearings conducted by the Commissioner.

(b) Options.

BASED ON THE FACTS PRESENTED, THE BOARD MUST DETERMINE WHETHER THE DOG:

(1) IS A VICIOUS DOG;

(2) IS NOT A VICIOUS DOG, BUT IS A DANGEROUS ANIMAL; OR

(3) IS NEITHER A VICIOUS DOG NOR A DANGEROUS ANIMAL.

(c) ACTIONS – DOG FOUND TO BE VICIOUS.

If the Board [finds] DETERMINES that the dog is vicious, the Board [may issue an order for one or more of the following actions]:

(1) [authorizing] SHALL DIRECT the Commissioner to immediately kill the dog in the most humane way possible; AND

(2) MAY:

(i) [requiring] REQUIRE the owner or keeper to pay all costs of impoundment; AND

[(3) requiring the owner or keeper to undertake any other corrective action; and]

(ii) [(4) referring] REFER the matter to the State’s Attorney for prosecution.

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1 (D) ACTIONS – DOG FOUND TO BE DANGEROUS.

2 IF THE BOARD DETERMINES THAT THE DOG IS DANGEROUS, BUT NOT VICIOUS, THE BOARD:

3 (1) SHALL REQUIRE THE OWNER OR KEEPER TO TAKE WHATEVER CORRECTIVE ACTIONS
4 THE BOARD FINDS NECESSARY OR APPROPRIATE; AND

5 (2) MAY REQUIRE THE OWNER OR KEEPER TO PAY ALL COSTS OF IMPOUNDMENT.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
7 are not law and may not be considered to have been enacted as a part of this or any prior
8 Ordinance.

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
10 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City