



Legislation Details (With Text)

File #: 15-0558 **Version:** 0 **Name:** Animal Fighting Paraphernalia
Type: Ordinance **Status:** Enacted
File created: 8/17/2015 **In control:** City Council
On agenda: **Final action:** 11/19/2015
Enactment date: **Enactment #:** 15-430

Title: Animal Fighting Paraphernalia
FOR the purpose of prohibiting the possession, sale, transfer, or manufacture of animal fighting paraphernalia with the intent to engage in or otherwise promote or facilitate an animal fight; defining certain terms; listing relevant factors in determining whether an object is an item of animal fighting paraphernalia; imposing certain penalties; and generally relating to the objects used or intended or designed for use in the training, preparation, conditioning, or breeding for, in conducting, or otherwise in furtherance of animal fights.

Sponsors: City Council President (Administration), Robert Curran

Indexes: Animal, Fighting, Paraphernalia

Code sections:

Attachments: 1. 15-0558~1st Reader, 2. ECB 15-0558, 3. Health 15-0558, 4. City Solicitor 15-0558, 5. Police 15-0558, 6. 2nd Reader Amendments 15-05558, 7. 15-0558~3rd Reader

Date	Ver.	Action By	Action	Result
12/7/2015	0	Mayor	Signed by Mayor	
11/16/2015	0	City Council	Approved and Sent to the Mayor	
11/9/2015	0	City Council	3rd Reader, for final passage	
11/9/2015	0	Health Committee	Recommended Favorably with Amendment	
11/3/2015	0	Health Committee	Recommended Favorably with Amendment	Pass
9/21/2015	0	Health Committee	Scheduled for a Public Hearing	
8/20/2015	0	City Council President	Refer to Environmental Control Board	
8/20/2015	0	City Council President	Refer to Dept. of Health	
8/20/2015	0	City Council President	Refer to Police Department	
8/20/2015	0	City Council President	Refer to City Solicitor	
8/17/2015	0	City Council	Assigned	
8/17/2015	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Health Department)

A BILL ENTITLED

AN ORDINANCE concerning
Animal Fighting Paraphernalia

FOR the purpose of prohibiting the possession, sale, transfer, or manufacture of animal fighting paraphernalia with the intent to engage in or otherwise promote or facilitate an animal fight; defining certain terms; listing relevant factors in determining whether an object is an item of animal fighting paraphernalia; imposing certain penalties; and generally relating to the objects used or intended or designed for use in the training, preparation, conditioning, or breeding for, in conducting, or otherwise in furtherance of animal fights.

BY repealing and reordaining, with amendments

Article - Health
Section 10-405
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article - Health
Sections 10-1101 and 10-1102
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 40-14(e)(7)(He Title 10, Subtitle 4) and 41-14(6)(He Title 10, Subtitle 4)
Baltimore City 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 4. Animal Protection

♦♦10▲405. Animal fights AND PARAPHERNALIA.

(a) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) [◆Animal fight◆ defined] ANIMAL FIGHT.

[In this section, ◆animal] ◆ANIMAL fight◆ means any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(3) ANIMAL FIGHTING PARAPHERNALIA.

(I) IN GENERAL.

◆ANIMAL FIGHTING PARAPHERNALIA◆ MEANS ANY EQUIPMENT, PRODUCT, DRUG, OR OTHER SUBSTANCE OF ANY KIND, OR ANY LITERATURE, MANUAL, GUIDE, OR OTHER MATERIAL OF ANY KIND, THAT IS USED OR INTENDED OR DESIGNED FOR USE IN THE TRAINING, PREPARATION, CONDITIONING, OR BREEDING FOR, IN CONDUCTING, OR OTHERWISE IN FURTHERANCE OF AN ANIMAL FIGHT.

(II) INCLUSIONS.

◆ANIMAL FIGHTING PARAPHERNALIA◆ INCLUDES:

(A) A ◆BREAKING STICK◆ OR SIMILAR DEVICE THAT IS DESIGNED FOR INSERTION BEHIND THE MOLARS OF A DOG FOR THE PURPOSE OF BREAKING THE DOG'S GRIP ON ANOTHER ANIMAL OR OBJECT;

(B) A ◆CAT MILL◆ OR SIMILAR DEVICE THAT ROTATES AROUND A CENTRAL SUPPORT WITH ONE ARM DESIGNED TO SECURE A DOG AND ONE ARM DESIGNED TO SECURE A CAT, RABBIT, OR OTHER SMALL ANIMAL BEYOND THE GRASP OF THE DOG;

(C) A TREADMILL OR SIMILAR DEVICE THAT IS DESIGNED FOR ANIMAL EXERCISE CONSISTING OF AN ENDLESS BELT ON WHICH AN ANIMAL WALKS OR RUNS WITHOUT CHANGING PLACES;

(D) A ◆SPRINGPOLE◆ OR SIMILAR DEVICE WITH A BITING SURFACE ATTACHED TO A STRETCHABLE DEVICE, SUSPENDED AT A HEIGHT SUFFICIENT TO PREVENT AN ANIMAL FROM REACHING THE BITING SURFACE WHILE TOUCHING THE GROUND;

(E) A ◆FIGHTING PIT◆, WALLED AREA, OR OTHERWISE CONFINED AREA THAT IS DESIGNED TO CONTAIN AN ANIMAL FIGHT;

(F) A ◆BREEDING STAND◆, ◆RAPE STAND◆, OR SIMILAR DEVICE THAT IS USED TO IMMOBILIZE FEMALE DOGS FOR BREEDING PURPOSES; AND

(G) ANY OTHER INSTRUMENT OR DEVICE THAT IS COMMONLY USED IN THE TRAINING,

PREPARATION, CONDITIONING, OR BREEDING FOR, IN CONDUCTING, OR OTHERWISE IN FURTHERANCE OF AN ANIMAL FIGHT.

(b) Prohibited conduct - IN GENERAL

No person may:

- (1) conduct, cause, attend, or participate in any animal fight;
- (2) permit any animal that the person owns or keeps to participate in an animal fight;
- (3) prepare any animal for an animal fight;
- (4) wager on any animal fight; or
- (5) breed animals to use them for fighting or to sell them for the purpose of fighting.

(C) PROHIBITED CONDUCT - ANIMAL FIGHTING PARAPHERNALIA.

(1) IN GENERAL.

NO PERSON MAY POSSESS, SELL, TRANSFER, OR MANUFACTURE ANY ITEM OF ANIMAL FIGHTING PARAPHERNALIA WITH THE INTENT TO ENGAGE IN OR OTHERWISE PROMOTE OR FACILITATE AN ANIMAL FIGHT.

(2) RELEVANT FACTORS.

TO DETERMINE WHETHER AN OBJECT IS AN ITEM OF ANIMAL FIGHTING PARAPHERNALIA, THE COURT MAY CONSIDER, AMONG OTHER LOGICALLY RELEVANT FACTORS, THE FOLLOWING:

(I) ANY STATEMENT BY AN OWNER OR A PERSON IN CONTROL OF THE OBJECT CONCERNING ITS USE;

(II) ANY PRIOR CONVICTION OF AN OWNER OR A PERSON IN CONTROL OF THE OBJECT UNDER A LOCAL, STATE, OR FEDERAL LAW RELATING TO ANIMAL CRUELTY OR ANIMAL FIGHTING;

(III) THE PROXIMITY OF THE OBJECT, IN TIME AND SPACE, TO A DIRECT VIOLATION OF THIS SECTION OR TO AN ANIMAL;

(IV) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE INTENT OF AN OWNER OR A PERSON IN CONTROL OF THE OBJECT TO DELIVER IT TO ANOTHER PERSON WHO THE OWNER OR THE PERSON IN CONTROL KNOWS OR SHOULD REASONABLY KNOW INTENDS TO USE THE OBJECT TO FACILITATE A VIOLATION OF THIS SECTION;

(V) ANY INSTRUCTIONS, ORAL OR WRITTEN, PROVIDED WITH THE OBJECT CONCERNING ITS USE;

(VI) ANY DESCRIPTIVE MATERIALS ACCOMPANYING THE OBJECT THAT EXPLAIN OR DEPICT ITS USE;

(VII) THE MANNER IN WHICH THE OBJECT IS DISPLAYED FOR SALE;

(VIII) THE EXISTENCE AND SCOPE OF LEGITIMATE USES FOR THE OBJECT IN THE COMMUNITY;

(IX) EXPERT TESTIMONY CONCERNING USE OF THE OBJECT; AND

(X) ANY OTHER VERIFIABLE INFORMATION THAT INDICATES THAT THE OBJECT IS INTENDED OR DESIGNED FOR USE IN VIOLATION OF THIS SECTION.

(3) EACH ITEM A SEPARATE OFFENSE.

EACH ITEM OF PARAPHERNALIA THAT IS POSSESSED, SOLD, TRANSFERRED, OR MANUFACTURED IN VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

Subtitle 11. Penalties

◆◆10▲1101. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {◆Environmental Control Board◆}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {◆Civil Citations◆}.

(b) Process not exclusive.

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

◆◆10▲1102. Criminal penalties.

(a) In general.

(1) Any person who violates any provision of this title, or a rule or regulation adopted under this title, or a lawful directive or order issued under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(2) Each day that a violation continues is a separate offense.

(b) Basic penalty: \$1,000.

Except as otherwise specified in the section, the penalty for a violation is a fine of not more than \$1,000 for each offense.

(c) Misrepresentation: \$1,000 and 30 days.

For a violation of **10-112** {Obstructing, etc., officer; False statements} of this title, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(d) Animal Protection: \$1,000 and 90 days.

For a violation of Subtitle 4 {Animal Protection} or Subtitle 9 {Horse Riding and Driving} of this title, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 90 days or both fine and imprisonment for each offense.

(e) Attack dogs and vicious dogs: \$1,000 and 6 months.

For a violation of **10-701** {Attack dogs} or **10-706** {Vicious animals Keeping prohibited} of this title, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

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Title 10: Animal Control and Protection

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Subtitle 4: Animal Protection

\$1,000

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Subtitle 41. Civil Citations

41-14. Offenses to which subtitle applies Listing.

(6) Health Code

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Title 10: Animal Control and Protection

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Subtitle 4: Animal Protection

\$1,000

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....

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

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

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