

TOWN OF NORTH BEACH
8916 Chesapeake Avenue
North Beach, Maryland

Sponsored by Councilmember Wilcox

July 7, 2012

JULY SPONSOR'S AMENDMENTS

ORDINANCE NO: 12-04

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE TOWN OF NORTH BEACH TO PROHIBIT DANGEROUS ANIMALS

WHEREAS, the Mayor and Town Council have determined that prohibiting from the Town any animal that, without provocation, wounds, bites, injures or kills a human being, another animal or livestock, or is being trained or has been trained to attack is to protect the health, safety and welfare of the citizens of the Town, and;

WHEREAS, in 2000 the Mayor and the Town Council passed ordinances to amend the Town Code that prohibited the keeping of "pit bulls" in the Town because it was determined that "pit bull" breeds, including the Staffordshire Bull Terrier, the American Staffordshire Bull Terrier, the American Pit Bull Terrier, and any genetic combination thereof, were inherently dangerous animals, and;

WHEREAS, the Mayor and the Town Council have determined that the major factors that cause the dangerousness of animals is not a specific breed of the animal but instead the disposition of specific animals and how the owner of the animal raises the animal, and;

WHEREAS, the Mayor and the Town Council have determined that confirming the exact breed of dog by genetic testing is prohibitively expensive and highly unreliable but determining the dangerousness of an animal by its actions are cost-effective and highly accurate, and;

NOW, THEREFORE, be it resolved by the Mayor and the Town Council of the Town of North Beach, Maryland that Section 26-3 of the Code of the Town of North Beach will be amended as follows:

Dogs running at large and dogs on the sand beach; Dangerous Animals

- A. No person shall own or harbor within the Town of North Beach any dog unless such dog is licensed as provided by the ordinances and regulations of Calvert County. All ordinances and regulations of Calvert County concerning dogs shall apply within the corporate limits of the Town of North Beach. In addition, this includes the provisions of the Calvert County Code which call for all dogs to be on a leash when in the company of their owner outside the confines of the owner's property. In addition, it is expressly prohibited for any dog to be on the town beach, whether said dog be at large or on a leash. It is the intention of the Council that dogs are prohibited on the sand beach under all circumstances.
- B. Dangerous Animals. Based on numerous instances in the Town of North Beach and Calvert County, the Mayor and Council have determined that dangerous animals are of particular nuisance and danger to the health, safety and welfare of the public. Therefore, except as otherwise permitted by this article, the ownership of a dangerous animal is hereby prohibited within the Town of North Beach. In addition, it is prohibited for a dangerous animal to be on any town right-of-way, including streets, the boardwalk and/or the beach, at any time, whether with its owner or not. It is the intention of this article that dangerous animals not have any contact with the public within the Town of North Beach.
- C. Dangerous animals presently owned within town limits. Any resident of the Town of North Beach who owns a dangerous animal at the time of the passing of this article may continue to own that animal within the Town of North Beach under the conditions stated in the Code of Calvert County, Chapter 7, Part 9, Article I, section 7-9-103.
- D. Any person not owning a dangerous animal pursuant to this article seen with a dangerous

animal within the Town of North Beach will be asked to remove said animal from the town immediately. If the animal is not removed, it shall be subject to confiscation by the town and will be turned over to the Calvert County Animal Control Officer where it can be claimed by the owner within the rules and regulations of county law. In addition, the owner shall be subject to the provisions of § 26-8 of this chapter which states that violations will be deemed to be a municipal infraction.

E. Any town resident owning a dangerous animal pursuant to the provisions of this article found to be in violation of this article shall be guilty of a municipal infraction as stated in § 26-8 of this article. In addition, any town resident who owns a dangerous animal pursuant to this article who receives a second municipal infraction for a violation of this article will be subject to having the animal confiscated by the town and turned over to the Calvert County Animal Control Officer for disposal pursuant to county law. All code enforcement officials of the Town of North Beach, including Deputy Sheriffs and Beach Patrol Officers, will have the authority to issue citations under this section.

F. Appeals.

(1) For the purposes of this article only, there is hereby created the Town of North Beach Animal Control Committee. This Committee will be separate and apart from any other committee within the town, but will consist of the members of the Town of North Beach Board of Appeals. It is the intention of this article that any person appointed to the North Beach Board of Appeals under the authority and rules contained in Article 8 of the Town of North Beach Zoning Ordinance shall automatically be members of the Town of North Beach Animal Control Committee for as long as they are members of the Town of North Beach Board of Appeals. The members will sit as the Town of North Beach Animal Control Committee only when dealing with appeals filed pursuant to this article. When holding a hearing on any appeal, the Board may not take any action unless there are at least three

members present, and no action will be valid unless at least three of the sitting members of the Committee vote in the affirmative.

- (2) Within 30 days of a dangerous animal being designated as dangerous or being confiscated under the provisions of this article, the Town of North Beach Animal Control Committee will review the actions of the town official and decide if the sanctions mandated in this article are being properly applied. The Town of North Beach Animal Control Committee may issue a stay of the designation of the animal as dangerous and confiscation of the animal until the resolution of the appeal. In this regard, the Town of North Beach Animal Control Committee may either uphold the decision of the town official to confiscate the dangerous animal or reverse that decision. During the pendency of an appeal, the dangerous animal will be held under the control of the Calvert County Animal Control Officer if a stay is not issued, but will not be disposed of until the appeal is final. If the Town of North Beach Control Committee votes to reverse the decision of the town officials, then the animal will be returned to the owner. All decisions of the Town of North Beach Animal Control Committee in this regard are final. The Town of North Beach Animal Control Committee will issue decisions only after a public and open hearing and after public and open deliberations.

G. Definition of Dangerous Animal.

- (1) For purposes of this article, “dangerous animal” means:
- i. any animal that without provocation, wounds, bites, injures or kills a human being, another animal or livestock, or
 - ii. any animal designated by another jurisdiction, County, or State as dangerous under similar procedures as the Town and Calvert County.
- (2) Exceptions
- i. Animals shall not be declared a “dangerous animal” if the threat, injury, or damage was

sustained by a person who, at the time:

(a) Was committing a willful trespass or other tort upon the premises occupied by the owner, keeper or custodian of the animal;

(b) Was teasing, tormenting, abusing, or assaulting the animal;

(c) Has been observed or reported to have teased, tormented, abused, or assaulted the animal; or

(d) Was committing or attempting to commit a crime.

ii. Animals shall not be declared dangerous if the animal was protecting or defending itself, its young, its owner or caretaker, another animal, another person, or responding to pain or injury.

iii. Animals owned by a governmental or law enforcement unit are exempt from being declared dangerous.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 31st day of July, 2012 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council


Mark R. Frazer, Mayor

ATTEST:



Stacy Wilkerson, Town Clerk
Town of North Beach