

COUNTY ORDINANCE NO. 15-14

A BILL ENTITLED

AN ACT 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 adopting a new Section 9-26.2 of Chapter 9 of the Code of Public Local Laws of Queen Anne’s County.

SECTION I

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that the following Section 9-26.2 of the Code of Public Local Laws be and is hereby **ADOPTED**:

§9-26.2. Animal Fighting Paraphernalia.

A. Definitions.

(1) In General.

In this section, the following terms have the meanings indicated.

(2) Animal Fight.

“Animal fight” means any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(3) Animal Fighting Paraphernalia.

(a) In General.

“Animal Fighting Paraphernalia” means any equipment,

product, drug, or other substance or 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.

(b) Inclusions.

“Animal Fighting Paraphernalia” includes:

- (i) 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:**
- (ii) 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;**
- (iii) 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;**
- (iv) 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;**
- (v) A “fighting pit”, walled area, or otherwise confined area that is used to contain an animal fight;**
- (vi) 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 – 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:

- (a) Any statement by an owner or a person in control of the object concerning its use;**
- (b) 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;**
- (c) The proximity of the object, in time and space, to an animal fighting venue;**
- (d) 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;**
- (e) Any instructions, oral or written, provided with the object concerning its use;**
- (f) Any descriptive materials accompanying the object that explain or depict its use;**
- (g) The manner in which the object is displayed for sale;**
- (h) The existence and scope of legitimate use for the object in the community;**

(i) Expert testimony concerning use of the object; and

(j) 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.

C. Penalties.

Notwithstanding Section 9-27 of this Chapter, any person who violates any provision of this Section is guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000.00, imprisonment not exceeding ninety (90) days or both.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its passage.

INTRODUCED BY: Commissioner Anderson

CO-SPONSORED: Commission J. Wilson

DATE: November 24, 2015

PUBLIC HEARING HELD: December 22, 2015 @ 6:40 pm

VOTE: 4 Yea 0 Nay

DATE OF ADOPTION: January 12, 2016

EFFECTIVE DATE: February 27, 2016