

# PUBLIC NOTICE



County of King William, Virginia

## PUBLIC HEARING

**POSTED MARCH 30, 2022**

The Board of Supervisors of King William County, Virginia will hold a Public Hearing on Monday, April 25, 2022 at 7:00 p.m., or as soon thereafter as the public may be heard, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to receive public comment and consider adoption on the following matters:

**ORDINANCE 03-22 – AMEND KING WILLIAM COUNTY CODE CHAPTER 10, ARTICLE II, DIVISION 3 (CODE SECTIONS 10-91, ET SEQ.) TO CONFORM THE COUNTY CODE’S DANGEROUS DOG ORDINANCES TO STATE CODE**

Pursuant to the authority granted by VA Code §3.2-6543.1, the King William County Board of Supervisors intends to amend the County Code Chapter 10, Article II, Division 3 to ensure it conforms with recently amended State Code 3.2-6540.01 through 3.2-6540.04, 3.2-6541.1, 3.2-6542.1, 3.2-6542.2, 3.2-6543.1, 3.2-6562.2, and 18.2-52.2 relating to dangerous dogs.

The full ordinance may be viewed below, in the Office of the County Administrator during regular business hours, and on [kingwilliamcounty.us](http://kingwilliamcounty.us). If a member of the public cannot attend, comments may be submitted using the Public Hearing form on [kingwilliamcounty.us](http://kingwilliamcounty.us), by mail to 180 Horse Landing Road, Suite 4, King William, VA 23086, or by email to [deputclerk@kingwilliamcounty.us](mailto:deputclerk@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to Board members and made a part of the public record.

**ORDINANCE 03-22**

**AN ORDINANCE TO AMEND KING WILLIAM COUNTY CODE CHAPTER 10, ARTICLE II, DIVISION 3 (CODE SECTIONS 10-91, ET SEQ.) TO CONFORM THE COUNTY CODE'S DANGEROUS DOG ORDINANCES TO STATE CODE**

**WHEREAS**, in 2021, the General Assembly amended and reenacted Virginia Code §§3.2-6540 and 3.2-6542, and adopted new Virginia Code sections numbered 3.2-6540.01 through 3.2-6540.04, 3.2-6541.1, 3.2-6542.1, 3.2-6542.2, 3.2-6543.1, 3.2-6562.2, and 18.2-52.2 relating to dangerous dogs; and

**WHEREAS**, King William County regulates dangerous dogs as permitted by §3.2-6543.1 of the Code of Virginia (1950), as amended, in County Code Chapter 10, Article II, Division 3, and the recent state code amendment requires that its local parallel dangerous dog ordinances be amended.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of King William County, Virginia, does this 28th day of March, 2022, amend the King William County Code Chapter 10, Article II, Division 3 as follows:

**DIVISION 3. - DANGEROUS, VICIOUS OR DESTRUCTIVE DOGS AND NUISANCE ANIMALS**

Sec. 10-91. - Control of dangerous ~~or vicious~~ dogs; investigation, summons, and hearing.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog Dog, in addition to its common meaning, ~~means includes a canine or a hybrid canine as defined in § 3.2-6581 of the Code of Virginia (1950), as amended. crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat; however, when a dog attacks or bites a dog or cat, the attacking or biting dog shall not be deemed dangerous if: (i) No serious physical injury as determined by a licensed veterinarian has occurred as a result of the attack or bite; (ii) both dogs are owned by the same person; (iii) if such attack or bite occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury~~

33 on a person shall be found to be a dangerous dog if the court determines, based on the totality of the  
34 evidence before it, that the dog is not dangerous or a threat to the community.

35  
36 ~~Vicious dog means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a~~  
37 ~~person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment~~  
38 ~~of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or,~~  
39 ~~on or before July 1, 2006, by an animal control officer as authorized by ordinance, that it is a dangerous~~  
40 ~~dog, provided that its owner has been given notice of that finding.~~

41  
42 (b) Any ~~law enforcement officer or animal control officer~~ who (i) has reason to believe that ~~an animal a~~  
43 ~~canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog~~ and (ii) is located in  
44 ~~the jurisdiction where the animal resides or in the jurisdiction where the act was committed~~ may ~~shall~~ apply  
45 to a magistrate ~~servicing the jurisdiction~~ for the issuance of a summons requiring the owner ~~or custodian~~, if  
46 known, to appear before a general district court at a specified time. The summons shall advise the owner of  
47 the nature of the proceeding and the matters at issue.

48  
49 (c) ~~No law-enforcement officer or animal control officer shall apply for a summons pursuant to subsection~~  
50 ~~(b) if, upon investigation, the officer finds (i) in the case of an injury to a companion animal that is a dog or~~  
51 ~~cat, that no serious injury has occurred as a result of the attack or bite, that both animals are owned by the~~  
52 ~~same person, or that the incident originated on the property of the attacking or biting dog's owner or (ii) in~~  
53 ~~the case of an injury to a person, that the injury caused by the dog upon the person consists solely of a~~  
54 ~~single nip or bite resulting only in a scratch, abrasion, or other minor injury. In determining whether serious~~  
55 ~~injury to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed~~  
56 ~~veterinarian.~~

57  
58 (d) ~~A law-enforcement officer or animal control officer who applies for a summons pursuant to subsection~~  
59 ~~(b) shall provide the owner with written notice of such application. For 30 days following such provision of~~  
60 ~~written notice, the owner shall not dispose of the animal other than by surrender to the animal control officer~~  
61 ~~or by euthanasia by a licensed veterinarian. Following such provision of written notice, an owner who elects~~  
62 ~~to euthanize a dog that is the subject of a dangerous dog investigation shall provide documentation of such~~  
63 ~~euthanasia to the animal control officer.~~

64  
65 (e) ~~If a law enforcement officer or animal control officer~~ successfully makes an application for the issuance  
66 of a summons, he shall contact the local animal control officer and inform him of the location of the dog and  
67 the relevant facts pertaining to his belief that the dog is dangerous ~~or vicious~~.

68  
69 (f) ~~Following the issuance of a summons following an application pursuant to subsection (b) above, an~~  
70 ~~animal control officer shall~~ ~~may~~ confine the animal until ~~such time as the evidence shall be~~ ~~is~~ heard and a  
71 verdict rendered. If the animal control officer determines that the owner ~~or custodian~~ can confine the animal  
72 in a manner that protects the public safety, he may permit the owner ~~or custodian~~ to confine the animal until  
73 ~~such time as the evidence shall be~~ ~~is~~ heard and a verdict rendered. ~~Upon being served with a summons for~~  
74 ~~a dangerous dog, the owner shall not dispose of the animal, other than by euthanasia, until the case has~~  
75 ~~been adjudicated.~~ The court, through its contempt powers, may compel the owner, ~~custodian or harborer~~ of  
76 the animal to produce the animal and to provide documentation that it has been, or will be within three  
77 ~~business days, implanted with electronic identification registered to the owner. The owner shall provide the~~  
78 ~~registration information to the animal control officer.~~

79

80 (g) Nothing in this section shall prohibit an animal control officer or law-enforcement officer from securing a  
81 summons for a hearing to determine whether a dog that is surrendered but not euthanized is a dangerous  
82 dog.  
83

84 (h) Unless good cause is determined by the court, the evidentiary hearing pursuant to the dangerous dog  
85 summons shall be held not more than 30 days from the issuance of the summons. The procedure for  
86 appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury, if any, shall be as  
87 provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia (1950), as  
88 amended. The prosecution shall be required to prove its case beyond a reasonable doubt. The court shall  
89 determine that the animal is a dangerous dog if the evidence shows that it (i) killed a companion animal that  
90 is a dog or cat or inflicted serious injury on a companion animal that is a dog or cat, including a serious  
91 impairment of health or bodily function that requires significant medical attention, a serious disfigurement,  
92 any injury that has a reasonable potential to cause death, or any injury other than a sprain or strain or (ii)  
93 directly caused serious injury to a person, including laceration, broken bone, or substantial puncture of skin  
94 by teeth. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be  
95 heard within 30 days.  
96

97 (i) If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall

98 (1) Shall order the animal's owner to comply with the provisions of this section, § 10-91.1, and §§  
99 3.2-6542 and 3.2-6542.1 of the Code of Virginia (1950), as amended.

100 (2) May order the owner of the animal to pay restitution for actual damages to the person injured by  
101 the animal or whose companion animal was injured or killed by the animal. Such order shall not preclude  
102 the injured person from pursuing civil remedies, including damages that accrue after the original finding that  
103 the animal is a dangerous dog; and

104 (3) May order the owner to pay all reasonable expenses incurred in caring and providing for such  
105 dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or  
106 returned to its owner.  
107

108 (j) If after hearing the evidence, the court decides to defer further proceedings without entering an  
109 adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this  
110 section. A court that defers further proceedings shall place specific conditions upon the owner of the dog,  
111 including the requirement that the owner provide documentation that the dog has been, or will be within  
112 three business days, implanted with electronic identification registered to the owner. The registration  
113 information shall be provided to the animal control officer. If the owner violates any of the conditions, the  
114 court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided in  
115 this section. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal  
116 and the owner without an adjudication that the animal is a dangerous dog. finds that the animal is a  
117 dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If,  
118 after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal  
119 euthanized in accordance with the provisions of Code of Virginia, § 3.2-6562.  
120

121 (k) ~~(c) No canine or canine crossbreed animal shall be found by the court to be a dangerous dog; or vicious~~  
122 dog solely

123 (1) Solely because it is a particular breed; nor shall the ownership of a particular breed of canine  
124 or canine crossbreed be prohibited.

125 No animal shall be found to be a dangerous dog or vicious dog if (2) If the threat, injury or damage  
126 was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the  
127 animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by

128 the animal's owner or custodian; or provoking, tormenting, or physically abusing the animal, or can be  
129 shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No

130 ~~(3) If the animal is a police dog that was engaged in the performance of its duties as such at the~~  
131 ~~time of the acts act complained of; shall be found to be a dangerous dog or a vicious dog. No animal which,~~

132 ~~(4) If at the time of the acts complained of, the animal was responding to pain or injury, or was~~  
133 ~~protecting itself, its kennel, its offspring, a person or its owner or owner's property, shall be found to be a~~  
134 ~~dangerous dog or a vicious dog.~~

135 ~~(5) As a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as~~  
136 ~~part of lawful hunting or participating in an organized, lawful dog handling event; or~~

137 ~~(6) If the court determines based on the totality of the evidence before it, or for other good cause,~~  
138 ~~that the dog is not dangerous or a threat to the community.~~

139  
140 (l) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian  
141 shall be responsible for complying with all requirements of this section, §§ 10-91.1, 10-91.2, 10-91.3, 10-  
142 91.4, and §§ 3.2-6542 and 3.2-6542.1 of the Code of Virginia (1950), as amended.

143  
144 ~~(d)The owner of any animal found to be a dangerous dog shall, within ten days of such finding,~~  
145 ~~obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$50.00, in~~  
146 ~~addition to other fees that may be authorized by law. The animal control officer shall also provide the owner~~  
147 ~~with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to~~  
148 ~~the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained~~  
149 ~~pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the~~  
150 ~~initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog~~  
151 ~~registration certificate and verification of compliance to the state veterinarian.~~

152 ~~(e)All certificates or renewals of dangerous dog registration required to be obtained under this~~  
153 ~~section shall only be issued to persons 18 years of age or older who present satisfactory evidence of the~~  
154 ~~animal's current rabies vaccination, if applicable; that the animal has been neutered or spayed; and that the~~  
155 ~~animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence~~  
156 ~~or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is~~  
157 ~~constructed. In addition, owners who apply for certificates or renewals under this section shall not be issued~~  
158 ~~a certificate or renewal thereof unless they present satisfactory evidence that their residence is and will~~  
159 ~~continue to be posted with clearly visible signs warning both minors and adults of the presence of a~~  
160 ~~dangerous dog on the property, and the animal has been permanently identified by means of a tattoo on~~  
161 ~~the inside thigh or by electronic implantation.~~

162 ~~(f)While on the property of its owner, an animal found to be a dangerous dog shall be confined~~  
163 ~~indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape~~  
164 ~~or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to~~  
165 ~~provide the animal with shelter from the elements of nature. When off its owner's property, an animal found~~  
166 ~~to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the~~  
167 ~~animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or~~  
168 ~~another animal.~~

169 ~~(g)If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal~~  
170 ~~guardian shall be responsible for complying with all requirements of this section.~~

171 ~~(h)The owner of any dog found to be dangerous shall register the animal with the Commonwealth~~  
172 ~~of Virginia Dangerous Dog Registry, as established under the Code of Virginia, § 3.2-6542, within 45 days~~  
173 ~~of such a finding by any appropriate court. The owner shall also cause the local animal control officer to be~~  
174 ~~promptly notified of: (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means~~  
175 ~~necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog~~

176 upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo  
177 or chip identification information or both; (vi) proof of insurance; and (vii) the death of the dog.

178 (i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately,  
179 upon learning of same, notify the county animal control authority if the animal is loose or unconfined; bites a  
180 person or attacks another animal; is sold, given away, or dies; or has been moved to a different address.

181 (j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply  
182 with the requirements of this section shall be guilty of a Class 1 misdemeanor.

183 (k) All fees collected pursuant to this section, less the costs incurred by the animal control authority  
184 in producing and distributing the certificates and tags required by this section, shall be paid into a special  
185 dedicated fund in the county treasury for the purpose of paying the expenses of any training course  
186 required under the Code of Virginia, § 3.2-6556.

187 (l) All certificates or renewals thereof required to be obtained under this section shall only be issued  
188 to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or  
189 spayed.

190 (m) All certificates or renewals thereof required to be obtained under this section shall only be  
191 issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the  
192 value of at least \$100,000.00 that covers animal bites.

193 (n) Notwithstanding the provisions of subsection (b) of this section, an animal control officer may  
194 determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines  
195 that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this  
196 section. If the animal's owner disagrees with the animal control officer's determination, he may appeal the  
197 determination to the General District Court for a trial on the merits.  
198 (Ord. of 2-23-2009)

200 10-91.1. - Obligations of officer and owner following dangerous dog finding.

201  
202 (a) After an animal is found to be a dangerous dog pursuant to § 10-91, the local animal control officer or  
203 treasurer shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous  
204 dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag  
205 at all times.

206  
207 (b) Within 30 days of the finding that an animal is a dangerous dog pursuant to § 10-91, the owner shall:

208 (1) Provide documentation that the animal has been neutered or spayed;

209 (2) Provide documentation that the animal has been implanted with electronic identification  
210 registered to the owner. The registration information shall be provided to the animal control officer;

211 (3) Present satisfactory evidence to the animal control officer of liability insurance coverage, to the  
212 value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety to  
213 the value of at least \$100,000 in lieu of liability insurance;

214 (4) Pay to the local governing body a fee of \$150 and under the direction of the animal control  
215 officer complete a dangerous dog registration certificate issued by the Department pursuant to § 3.2-6542  
216 of the Code of Virginia (1950), as amended. No dangerous dog registration certificate required to be  
217 obtained under this section shall be issued to any person younger than 18 years of age; and

218 (5) Post the residence where the animal is housed with clearly visible signs warning both minors  
219 and adults of the presence of a dangerous dog on the property. Such signs shall remain posted at all points  
220 of entry to the home and yard as long as the animal remains on the property.

221  
222 (c) Any dangerous dog not confined inside a locked enclosure constructed pursuant to subsection (d) shall  
223 be (i) confined inside the owner's residence or (ii) if outdoors, controlled by a physical leash employed by

224 the responsible adult owner and securely muzzled in a manner that does not cause injury to the animal or  
225 interfere with the animal's vision or respiration but prevents it from biting a person or another animal.  
226

227 (d) Any owner of a dangerous dog who keeps the dog outdoors and not within the immediate physical  
228 presence of its owner shall, within 30 days of the finding that an animal is a dangerous dog, cause to be  
229 constructed a secure, locked enclosure of sufficient height and design to prevent escape by the animal or  
230 entry by or direct physical contact with any person or other animal. While so confined within the structure,  
231 the animal shall be provided for according to § 3.2-6503 of the Code of Virginia (1950), as amended.  
232

233 (e) The owner of a dog found to be dangerous shall cause the local animal control officer to be promptly  
234 notified of (i) any change in the manner of locating the owner or the dog at any time; (ii) any transfer of  
235 ownership of the dog to a new owner, including the name and address of the new owner; (iii) any instance  
236 in which the animal is loose or unconfined; (iv) any complaint or incident of attack or bite by the dog upon  
237 any person or cat or dog; (v) any claim made or lawsuit brought as a result of any attack; and (vi) the  
238 escape, loss, or death of the dog.  
239

240 (f) Unless for good cause shown, the owner of a dangerous dog shall notify the animal control officer at  
241 least 10 days prior to moving or relocating the animal and the officer shall update the dangerous dog  
242 registry accordingly.  
243

244 (g) Any dangerous dog not reclaimed by the owner from the animal control officer within 10 days of notice  
245 to do so by such animal control officer shall be considered abandoned and may be disposed of according  
246 to the provisions of § 3.2-6546 of the Code of Virginia (1950), amended.  
247

248 (h) Any contract or agreement for the use of real property, including a recorded restrictive covenant,  
249 condominium instrument of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900  
250 et seq. of the Code of Virginia (1950), amended), declaration of a common interest community as defined in  
251 § 54.1-2345 of the Code of Virginia (1950), as amended, or cooperative instrument of a cooperative  
252 created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq. of the Code of Virginia  
253 (1950), amended), may prohibit the keeping of a dangerous dog or otherwise impose conditions that are  
254 more restrictive than those provided in subsection (b).  
255

256 (i) The owner of a dog found to be dangerous shall maintain the liability insurance coverage or bond in  
257 surety required by subdivision (b)(3) as long as he owns the dangerous dog and shall submit a certificate of  
258 insurance or evidence of such bond to the animal control officer on an annual basis.  
259

260 10-91.2. - Notice of dangerous dog finding; penalty.  
261

262 (a) Any releasing agency transferring or releasing for adoption within the Commonwealth an animal found  
263 to be a dangerous dog pursuant to § 10-91 shall notify in writing the receiving party of the requirements of  
264 this section and §§ 10-91, 10-91.1, 10-91.3, and 10-91.4.  
265

266 (b) Any releasing agency transferring or releasing for adoption outside the Commonwealth an animal found  
267 to be a dangerous dog pursuant to § 10-91 shall notify the appropriate animal control officer in the receiving  
268 jurisdiction that the animal has been so adjudicated.  
269

270 (c) Any owner of an animal found to be a dangerous dog in another state shall, upon bringing such animal  
271 to reside within the Commonwealth, notify the animal control officer of the jurisdiction in which the owner  
272 resides that the animal has been so adjudicated.

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(d) Any owner who disposes by surrender to a releasing agency, gift, sale, transfer, or trade of an animal found to be a dangerous dog pursuant to § 10-91 shall notify the receiver in writing that the animal has been so adjudicated. A violation of this subsection is a Class 3 misdemeanor.

10-91.3. - Violation of law by owner of dangerous dog; penalty.

(a) If an owner of an animal previously found to be a dangerous dog pursuant to either § 10-91 or § 3.2-6540 of the Code of Virginia (1950), as amended, is charged with a violation of § 10-91, 10-91.1, 10-91.2, or 10-91.4, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered pursuant to § 10-91. Unless good cause is determined by the court, such evidentiary hearing shall be held within 30 days of the issuance of the summons. The court, through its contempt powers, may compel the owner of the animal to produce the animal.

(b) Upon conviction, the court may

(1) order the dangerous dog to be disposed of pursuant to § 3.2-6562 of the Code of Virginia (1950), as amended, or

(2) grant the owner up to 30 days to comply with the requirements of § 10-91.1, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of pursuant to § 3.2-6562 of the Code of Virginia (1950), as amended. Further, the court may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

(c) Any owner of a dangerous dog who is charged with a violation pursuant to subsection A and is found to have willfully failed to comply with the requirements of § 10-91, 10-91.1, 10-91.2, or 10-91.4 is guilty of a Class 1 misdemeanor. The court may determine that a person convicted under this subsection shall be prohibited from owning, possessing, or residing on the same property with a dog.

10-91.4. - Subsequent attack or bite by dangerous dog; penalty.

(a) Any owner of an animal found to be a dangerous dog pursuant to § 10-91, when such finding arose out of a separate and distinct incident, is guilty of a:

(1) Class 2 misdemeanor if such dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

(2) Class 1 misdemeanor if such dog bites a human being or attacks a human being causing bodily injury.

(b) The provisions of subsection (a) shall not apply to any animal that at the time of the act complained of was responding to pain or injury, was protecting itself, its kennel, its offspring, a person, or its owner's property, or was a police dog engaged in the performance of its duties at the time of the attack.

(c) The court may determine that a person convicted under this section shall be prohibited from owning, possessing, or residing on the same property with a dog.

**DONE** this the 28th day of March, 2022.