

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2018, Legislative Day No. 6

Bill No. 23-18

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Councilmembers Quirk, Marks, Kach, Crandell & Almond

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By the County Council, March 19, 2018

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A BILL  
ENTITLED

AN ACT concerning

Animal Welfare  
(Oscar's Law)

FOR the purpose of adding a definition to the Animal Welfare laws; requiring that an animal that is not kept inside a home or building be brought indoors under certain conditions; specifying the type of outdoor shelter that must be provided for an animal that is not kept within a home, including the space available to the animal, the cleanliness and maintenance of the shelter, and its ventilation; prohibiting the use of certain types of structures as animal shelters; authorizing a police officer to perform certain duties of an animal control officer; and generally relating to the Animal Welfare laws by requiring certain care and shelter of animals that are not kept in a home or building.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY adding  
Section 12-1-101(b)  
Article 12 – Animals  
Title 1 – In General  
Baltimore County Code 2015

BY renumbering  
Section 12-1-101(b) through (cc) to be  
12-1-101(c) through (dd)  
Article 12 – Animals  
Title 1 – In General  
Baltimore County Code 2015

BY repealing and re-enacting, with amendments  
Section 12-1-108 (a) and (b)  
Article 12 – Animals  
Title 1 – In General  
Baltimore County Code 2015

BY repealing and re-enacting, with amendments  
Section 12-3-111(c)  
Article 12 – Animals  
Title 3 – Animal Welfare  
Baltimore County Code 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

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4 §12-1-101. Definitions.

5 (B) “ADVERSE ENVIRONMENTAL CONDITIONS” MEANS:

6 (1) AN AMBIENT TEMPERATURE OF 32 DEGREES FAHRENHEIT OR BELOW  
7 IN THE IMMEDIATE VICINITY OF AN ANIMAL, IN ADDITION TO OTHER COLD  
8 WEATHER OR PRECIPITATION-RELATED ENVIRONMENTAL CONDITIONS,  
9 INCLUDING, BUT NOT LIMITED TO, WIND, RAIN, SNOW, ICE, SLEET, OR HAIL, THAT

1 A PERSON SHOULD REASONABLY CONCLUDE WOULD POSE AN ADVERSE RISK TO  
2 THE HEALTH OR SAFETY OF AN ANIMAL, BASED ON THE ANIMAL’S SIZE, AGE,  
3 PHYSICAL CONDITION, OR THICKNESS OF THE ANIMAL’S HAIR OR FUR; OR

4 (2) AN AMBIENT TEMPERATURE OF 90 DEGREES FAHRENHEIT OR ABOVE IN  
5 THE IMMEDIATE VICINTIY OF AN ANIMAL, IN ADDITION TO OTHER  
6 ENVIRONMENTAL CONDITIONS, SUCH AS DIRECT SUNLIGHT, OR HOT PAVEMENT,  
7 OR ANY OTHER HOT SURFACE, THAT A PERSON SHOULD REASONABLY  
8 CONCLUDE WOULD POSE AN ADVERSE RISK TO THE HEALTH OR SAFETY OF AN  
9 ANIMAL, BASED ON THE ANIMAL’S SIZE, AGE, PHYSICAL CONDITION, OR  
10 THICKNESS OF THE ANIMAL’S HAIR OR FUR; OR

11 (3) THE NATIONAL WEATHER SERVICE ISSUES A SEVERE WEATHER ALERT,  
12 AND THE FORECASTED WEATHER IS SUCH THAT A PERSON SHOULD REASONABLY  
13 CONCLUDE THAT THE WEATHER WOULD POSE AN ADVERSE RISK TO THE HEALTH  
14 OR SAFETY OF AN ANIMAL, BASED ON THE ANIMAL’S SIZE, AGE, PHYSICAL  
15 CONDITION, OR THICKNESS OF THE ANIMAL’S HAIR OR FUR.

16

17 §12-1-108. Animal Control Officers.

18

19 a) Authority to enter premises. Subject to subsection (b) of this section, an animal  
20 control officer OR A BALTIMORE COUNTY POLICE OFFICER may enter on any property  
21 [where] IF the animal control officer OR POLICE OFFICER has probable cause to believe that  
22 entry is necessary for the purpose of discharging the duties imposed on the animal control officer

1 by the Health Officer and under this article, including for the purpose of impoundment under Title  
2 3, Subtitle 2 of this article.

3 (b) Warrant. Absent exigent circumstances, subject to approval of the Health Officer, an  
4 animal control officer OR POLICE OFFICER may request the Office of Law to seek in a court of  
5 competent jurisdiction a search and seizure warrant to allow entry into any private building or  
6 other enclosure subject to appropriate legal procedure and limitations.

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9 §12-3-111. Collars and Shelters.

10 (c) Required shelter.

11 (1) AN ANIMAL SHALL BE BROUGHT INSIDE A HOME OR BUILDING  
12 WITHIN 30 MINUTES OF THE ONSET OF AND DURING ADVERSE ENVIRONMENTAL  
13 CONDITIONS, UNLESS THE ANIMAL HAS CONTINUOUS ACCESS TO SUITABLE  
14 SHELTER.

15 [(1)] (2) The owner of an animal that is not kept within a home or building shall  
16 provide the animal with a suitable shelter to protect it from [the] wind, snow, rain, cold, [and]  
17 sunlight, AND ADVERSE ENVIRONMENTAL CONDITIONS.

18 [(2)] (3) The shelter shall have a floor, a roof, and four walls, one of which shall  
19 contain a doorway.

20 (4) THE SPACE AVAILABLE TO THE ANIMAL IN THE SHELTER SHALL  
21 BE MAINTAINED IN A SAFE AND HEALTHFUL MANNER, FREE OF STANDING  
22 WATER, ACCUMULATED WASTE AND DEBRIS, PROTECTED FROM FLOODING, AND

1 PROVIDED WITH ADEQUATE VENTILATION TO ALLOW THE ANIMAL TO REMAIN  
2 DRY AND MAINTAIN A NORMAL BODY TEMPERATURE AND EXPOSURE TO  
3 NATURAL OR ARTIFICIAL LIGHT.

4 (5) THE SHELTER PROVIDED TO AN ANIMAL MAY NOT INCLUDE A  
5 CRAWL SPACE UNDER OR INSIDE OF A BUILDING OR PART OF A BUILDING, THE  
6 SPACE UNDER OR INSIDE OF A VEHICLE, ANY STRUCTURE MADE FROM PRESSURE-  
7 TREATED WOOD WHICH CONTAINS THE CHEMICALS ARSENIC OR CHROMIUM, OR  
8 A FLOOR CONSISTING OF WIRE OR CHAIN-LINK, OR ANY STRUCTURE MADE FROM  
9 CARDBOARD OR OTHER MATERIALS THAT ARE EASILY DEGRADED BY THE  
10 ELEMENTS.

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12 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
13 the affirmative vote of five members of the County Council, shall take effect on April 30, 2018.