

## Article - Local Government

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§13–105.

(a) Regardless of whether the dog bears the proper license tag required under this subtitle, a person may kill a dog that the person sees in the act of:

- (1) pursuing, attacking, wounding, or killing poultry or livestock; or
- (2) attacking a human being.

(b) A person who kills a dog under the circumstances described in subsection (a) of this section is immune from any civil liability or criminal penalty for the killing.

(c) (1) (i) The governing body of a county, by local law or ordinance, may provide for the compensation of a person whose poultry or livestock is destroyed or injured by a dog.

(ii) A local law or ordinance enacted under this section may require the sheriff of the county, a county official, or other person to:

1. appraise the damages sustained by the owner of the poultry or livestock that was destroyed or injured; and

2. report the findings to the governing body of the county.

(2) (i) If the owner of the dog cannot be determined, the governing body may compensate the owner of the poultry or livestock that was destroyed or injured, in accordance with the appraisal, from:

1. the dog license fund established under subsection (d) of this section; or

2. the county general fund.

(ii) A sworn report of the appraiser is prima facie evidence of the fairness of damages in each instance.

(iii) If the governing body determines the amount of the appraisal to be unfair, the governing body may award compensation in an amount that the governing body determines to be fair.

(3) (i) If the owner of the dog is known, the governing body shall direct the owner to euthanize the dog immediately.

(ii) If the owner refuses or neglects to euthanize the dog after being directed to do so by the governing body:

1. the owner is liable for damages to the same extent that the owner would be liable in a case of negligence or malicious destruction of property; and

2. the governing body may direct special officers to euthanize the dog.

(4) If the governing body does not adopt a local law or ordinance under this subsection, the county is not required to compensate a person for poultry or livestock destroyed or injured by a dog.

(d) (1) (i) The tax collector shall credit dog license fees to:

1. a separate fund; or

2. the county general fund.

(ii) The dog license fees may be used:

1. to pay damages for the injury and killing of poultry or other livestock in the county, in accordance with procedures set forth in a local law or ordinance adopted under subsection (c) of this section; and

2. as otherwise provided in this subtitle.

(2) (i) If the governing body enacts a local law or ordinance under subsection (c) of this section, claims shall be paid in the order in which the claims are filed and proved.

(ii) A person whose claim is not paid in a particular year due to lack of money available to satisfy the claim shall be paid out of the first money that subsequently becomes available.

(iii) A claim that is filed and proved, but remains unpaid, shall have preference over any subsequent claim.

(3) The governing body may spend any funds in excess of \$1,000 remaining in a dog license fund after the payment of claims for any public purpose determined by the governing body to be appropriate.

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