

## CROSS FOX CONDOMINIUM

### Resolution 05-2013: Dangerous Animals

WHEREAS, The Court of Appeals of Maryland ruled in April, 2012, in *Dorothy M. Tracey v. Anthony K. Solesky, et al.*, Appeal No. 53, the following:

Upon a plaintiff's sufficient proof that a dog involved in an attack is a pit bull or a pit bull cross, and that the owner, or other person(s) who has the right to control the pit bull's presence on the subject premises (including a landlord who has a right to prohibit such dogs on leased premises) knows, or has reason to know, that the dog is a pit bull or cross-bred pit bull, that person is liable for the damages caused to a plaintiff who is attacked by the dog on or from the owner's or lessor's premises. In that case a plaintiff has established a *prima facie* case of negligence. When an attack involves pit bulls, it is no longer necessary to prove that the particular pit bull or pit bulls are dangerous.

And,

WHEREAS, on August 21, 2012, The Court of Appeals of Maryland granted a motion for reconsideration of its previous decision, admitting that it went too far when it applied its standard to cross-bred dogs. A new ruling affects only purebred pit bull dogs.

Reference: [http://articles.baltimoresun.com/2012-08-21/news/bs-md-pit-bull-decision-20120821\\_1\\_pit-bull-tami-santelli-bull-terrier](http://articles.baltimoresun.com/2012-08-21/news/bs-md-pit-bull-decision-20120821_1_pit-bull-tami-santelli-bull-terrier)

And,

WHEREAS, Future legislation on the issue of pit bull dogs and dangerous animals, which may change current law, is possible considering that The Maryland General Assembly attempted to do so in the 2013 winter session (reference:

[http://www.huffingtonpost.com/2013/03/10/maryland-pit-bull-bill\\_n\\_2842785.html](http://www.huffingtonpost.com/2013/03/10/maryland-pit-bull-bill_n_2842785.html)),

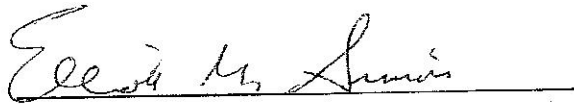
And,

WHEREAS, Cross Fox By-Laws Article X, Section 3(e) of the Cross Fox By-Laws states, "Any member who keeps or maintains any pet upon any portion of the condominium project shall be deemed to have indemnified and agreed to hold the Corporation, each of its members and the Grantor free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the condominium project. All pets shall be registered with the Board of Directors and shall otherwise be registered and inoculated as required by law."

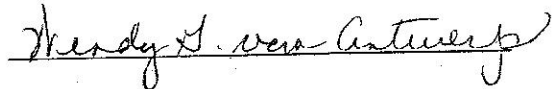
NOW, THEREFORE, BE IT RESOLVED THAT the policy for Cross Fox Condominiums pertaining to pit bull dogs or any other animal that is kept in a Cross Fox unit as a pet shall be consistent with any law, regardless of source but having jurisdiction in Howard County, without the Board of Directors taking any specific action. In other words, if current law prohibits such animals in condominiums in Howard County, Maryland, Cross Fox Condominiums, Inc., shall automatically prohibit those animals.

This Rule shall become effective the 1<sup>st</sup> day of November, 2013.

SIGNED, THIS 23<sup>rd</sup> DAY OF SEPTEMBER, 2013



Elliott M. Simons, President



Wendy G. van Antwerp, Secretary

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#### Corresponding Text for the Rules Document

Keeping dangerous animals, as defined in Resolution 05-2013, in any Cross Fox unit, or walking a dangerous animal on any part of the common element, shall be prohibited.