

**CITY OF BALTIMORE  
COUNCIL BILL 11-0667  
(First Reader)**

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Introduced by: Councilmembers Kraft, Curran, Henry, President Young, Councilmembers  
Middleton, Cole, D'Adamo, Stokes, Spector, Branch, Clarke, Conaway, Holton, Welch,  
Reisinger

Introduced and read first time: March 7, 2011

Assigned to: Health Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Baltimore Animal  
Rescue and Care Shelter, Inc.

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Health – Animal Control and Protection**

3 FOR the purpose of requiring that certain animal licenses be denied or revoked if the applicant or  
4 licensee or certain persons connected with the applicant or licensee has been convicted, at  
5 any time, of animal abuse, cruelty, or neglect; and generally relating to the control and  
6 protection of animals.

7 BY repealing and reordaining, without amendments

8 Article - Health

9 Section(s) 10-201(a), 10-210(a), 10-905(a)

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Health

14 Section(s) 10-203, 10-211, 10-219, 10-906, 10-909

15 Baltimore City Revised Code

16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
18 Laws of Baltimore City read as follows:

19 **Baltimore City Revised Code**

20 **Article – Health**

21 **Title 10. Animal Control and Protection**

22 ***Subtitle 2. Licensing***

23 ***Part I. Dog and Cat Licenses***

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 **§ 10-201. License required.**

2 (a) *In general.*

3 The keeper of any dog or cat must obtain and annually renew a license for that dog or cat,  
4 as provided in this Part I.

5 **§ 10-203. Applications.**

6 The application for a license must:

7 (1) be in the form that the Commissioner of Health requires;

8 (2) be accompanied by the required fee;

9 (3) BE ACCOMPANIED BY AN AFFIDAVIT CERTIFYING THAT NEITHER THE APPLICANT NOR  
10 ANYONE RESIDING ON THE APPLICANT'S HOUSEHOLD HAS EVER BEEN CONVICTED OF  
11 ANIMAL ABUSE, CRUELTY, OR NEGLECT; and

12 (4) [(3)] contain:

13 (i) the name and address of the applicant,

14 (ii) a description of the dog or cat;

15 (iii) proof of a still-current rabies vaccination; and

16 (iv) any other information that the Commissioner requires.

17 *Part II. Facility Licenses*

18 **§ 10-210. License required.**

19 (a) *In general.*

20 No person may operate any of the following facilities without a license to do so from the  
21 Commissioner of Health, as provided in this Part II:

22 (1) animal clinic;

23 (2) animal shelter;

24 (3) commercial establishment; or

25 (4) private kennel.

26 **§ 10-211. Applications.**

27 The application for a facility license must:

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- 1 (1) be in the form that the Commissioner of Health requires;
- 2 (2) BE ACCOMPANIED BY AN AFFIDAVIT CERTIFYING THAT NEITHER THE APPLICANT NOR  
3 ANY OPERATOR, EMPLOYEE, OR AGENT OF THE APPLICANT HAS EVER BEEN CONVICTED  
4 OF ANIMAL ABUSE, CRUELTY, OR NEGLECT;
- 5 (3) [(2)] contain the information that the Commissioner requires; and
- 6 (3) be accompanied by the required fee.

7 *Part III. Denials, Suspensions, and Revocations*

8 **§ 10-219. Grounds for denial, suspension, or revocation.**

9 (A) *REQUIRED DENIAL OR REVOCATION.*

10 Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of  
11 this article, the Commissioner of Health MUST DENY OR REVOKE ANY DOG OR CAT  
12 LICENSE ISSUED UNDER THIS SUBTITLE IF THE APPLICANT OR LICENSEE, AT ANY TIME, HAS  
13 BEEN CONVICTED OF ANIMAL ABUSE, CRUELTY, OR NEGLECT.

14 (B) *PERMISSIVE DENIAL, SUSPENSION, OR REVOCATION.*

15 SUBJECT TO THE HEARING PROVISIONS OF TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE  
16 HEARINGS"} OF THIS ARTICLE, THE COMMISSIONER OF HEALTH may deny, suspend, or  
17 revoke any dog or cat license or any facility license issued under this subtitle if the  
18 applicant or licensee:

- 19 (1) has withheld or falsified any information on an application;
- 20 [(2) at any time, has been convicted of cruelty to animals;]
- 21 (2) [(3)] during the preceding year, has failed to reclaim an impounded animal within  
22 the time required by § 10-308 of this title;
- 23 (3) (4) during the preceding year, has surrendered an animal after receiving a  
24 violation notice or citation; or
- 25 (4) [(5)] within any 12-month period, has committed 3 or more violations of this title  
26 for which the applicant or licensee:
  - 27 (i) has been convicted; or
  - 28 (ii) received environmental or civil citations that have been disposed of other  
29 than by a decision of "not guilty".

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***Subtitle 9. Horse Riding and Driving***

*Part II. Driving Licenses*

**§ 10-905. License required.**

(a) *In general.*

Except as otherwise specified in this section, no one may drive a horse unless:

- (1) he or she is an adult;
- (2) has been issued a driving license by the Commissioner of Health; and
- (3) has that license with him or her while driving the horse.

**§ 10-906. Applications.**

The application for a driving license must:

- (1) be in the form that the Commissioner requires;
- (2) BE ACCOMPANIED BY AN AFFIDAVIT CERTIFYING THAT THE APPLICANT HAS NEVER BEEN CONVICTED OF ANIMAL ABUSE, CRUELTY, OR NEGLECT; and
- (3) [(2)] contain the information that the Commissioner considers necessary to determine whether an applicant:
  - (i) is capable of humanely handling a horse; and
  - (ii) otherwise qualified for a license under this subtitle and the rules and regulations adopted under it.

**§ 10-909. Denial, suspension, or revocation.**

(A) *REQUIRED DENIAL OR REVOCATION.*

Subject to the hearing provisions of Title 2, Subtitle 3 {“Administrative Hearings”} of this article, the Commissioner OF HEALTH MUST DENY OR REVOKE ANY DRIVING LICENSE ISSUED UNDER THIS SUBTITLE IF THE APPLICANT OR LICENSEE, AT ANY TIME, HAS BEEN CONVICTED OF ANIMAL ABUSE, CRUELTY, OR NEGLECT.

(B) *PERMISSIVE DENIAL, SUSPENSION, OR REVOCATION.*

SUBJECT TO THE HEARING PROVISIONS OF TITLE 2, SUBTITLE 3 {“ADMINISTRATIVE HEARINGS”} OF THIS ARTICLE, THE COMMISSIONER OF HEALTH may deny, suspend, or revoke any driving license if the Commissioner finds that the applicant or licensee:

- (1) used fraud or deception in obtaining the license;

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1 (2) violated any provision of this subtitle or of any rule or regulation adopted under  
2 it; or

3 (3) violated any other law relating to:

4 (i) the driving of horsedrawn vehicles;

5 (ii) the riding of horses; or

6 (iii) the treatment, care, or handling of horses.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
8 are not law and may not be considered to have been enacted as a part of this or any prior  
9 Ordinance.

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
11 after the date it is enacted.