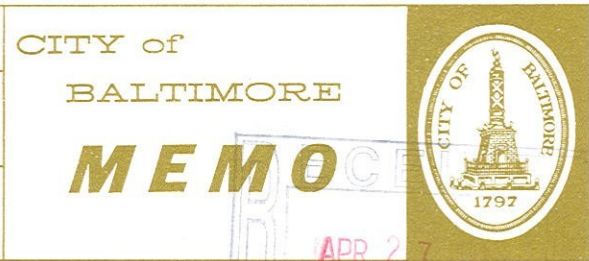


<b>FROM</b>	NAME & TITLE	Sandra E. Baker, Esq., Executive Director
	AGENCY NAME & ADDRESS	ENVIRONMENTAL CONTROL BOARD 417 East Fayette Street, Room 634
	SUBJECT	City Council Bill No 09-0322 Leash Law – Environmental and Civil Citations



**TO** The Honorable Stephanie Rawlings- Blake  
President of City Council of Baltimore  
400 City Hall

DATE: April 27, 2009

The Environmental Control Board (**ECB**) supports the premise of reducing civil penalties for violating animal control law requirements for leashes or other restraints. Unfortunately, this particular bill narrows the scope of the reduction of fines to only one violation in that catch –all in Article 1, Section 14 which refers to the Health Code, Title 10, Animal Control & Protection, Subtitle 3 governing general care and control.

There are several other violations which fall in this same catch-all provision stating that “all other provisions are \$1000.00 fine,” which should be reevaluated at the same time. ECB suggests that these sections be reexamined at this time as well.

The Animal Enforcement Officers (AEO) began citing under this new law as of April 1, 2009. Once the officers write the tickets they are no longer involved in the rest of the process. It falls in the hands of the ECB staff.

ECB have been bombarded with angry calls and walk-ins to the agency regarding the thousand dollar fines for the following;

		<u>Current</u>	<u>Old</u>
He 10-303	Humane care (failure to provide food or water	\$1000	\$100
He 10-306	Failure to prevent a nuisance	\$1000	\$100
He 10-313	Animal Waste i.e. feces in the yard	\$1000	\$100
He 10-315	Misrepresentation to obtain custody	\$1000	\$100

Please note that the fines jumped from a \$100 fine to a \$1000 fine.

This has resulted in an increase in request for hearing not on the merits of the offense, but on the issue of the fine amount alone. ECB should not be hearing a case based on the fine reduction alone. Absence some extenuating circumstances, it is not ECB’s policy to go against the laws that were passed by the Council when it comes to these fine amounts.

ECB realizes with dog ownership comes responsibilities that extends past the proper care and training of dogs. All dogs must be under control of the guardian at all times. Dogs that run loose unsupervised, dogs that bite or attack people or other animals, and dogs that just plain cause a nuisance are a real and often serious problem in communities. The leash law was designed to ensure the safety of dogs and people in our community.

This agency is definitely in support of increasing the previous fines, but it appears that the jump was somewhat extreme under the current economical conditions. We can only imagine that if ECB is receiving this enormous outcry that the constituents have also been contacting the Council members. If we do not address the other violations at this time it will only be a

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matter of days or weeks before the Council will find it necessary to convene to address the other areas.

It is ECB's recommendation that the fine be reduced from the \$1,000 to \$250 for all provisions in the catch-all enumerated in Title 10, Subtitle 3.

ECB recommends the following amendment, that line 4 on page 2, should read: "All other provisions" \$250.