

**CITY OF BALTIMORE  
COUNCIL BILL 18-0177  
(First Reader)**

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Introduced by: Councilmembers Scott, Schleifer, Pinkett, Dorsey, Burnett, Henry, Bullock,  
Clarke, Sneed, Cohen, President Young, Councilmembers Stokes, Costello, Middleton  
Introduced and read first time: January 8, 2018

Assigned to: Housing and Urban Affairs Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Police Department,  
Environmental Control Board, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Animal Control and Protection – Sale, etc., of Dogs and Cats**

3 FOR the purpose of prohibiting certain commercial establishments from selling or transferring,  
4 etc., or offering to sell or transfer, etc., any dog or cat; providing for certain penalties;  
5 correcting, clarifying, and conforming related provisions; and generally relating to the control  
6 and protection of dogs and cats.

7 BY repealing and reordaining, without amendment

8 Article - Health  
9 Sections 10-101(e), (g), (h), (k), (p), and (v), 10-1101, and  
10 10-1102(a) and (b)  
11 Baltimore City Revised Code  
12 (Edition 2000)

13 BY repealing and reordaining, with amendments

14 Article - Health  
15 Sections 10-101(l) and (m), 10-210, and 10-216  
16 Baltimore City Revised Code  
17 (Edition 2000)

18 BY adding

19 Article - Health  
20 Section 10-217  
21 Baltimore City Revised Code  
22 (Edition 2000)

23 BY repealing and reordaining, with amendments

24 Article 1. Mayor, City Council, and Municipal Agencies  
25 Sections 40-14(e)(7)(Title 10, Sub. 2) and 41-14(6)(Title 10, Sub. 2)  
26 Baltimore City Revised Code  
27 (Edition 2000)

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

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

3                                 **Baltimore City Revised Code**

4                                     **Article – Health**

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

6   *Subtitle 1. General Provisions*

7         **§ 10-101. Definitions.**

8             (e) *Animal clinic.*

9                     “Animal clinic” means any facility that is regularly used by a veterinarian for the  
10 immunization, diagnosis, or treatment of or surgery on animals.

11            (g) *Animal fancier.*

12                     “Animal fancier” means a person who owns or keeps, within or adjoining a private  
13 residence, 2 or more animals for the non-commercial purposes of:

- 14                         (1) breeding;
- 15                         (2) hunting;
- 16                         (3) tracking;
- 17                         (4) exhibition in shows; or
- 18                         (5) exhibition in field or obedience trials.

19            (h) *Animal shelter.*

20                     “Animal shelter” means any facility that is owned or operated by or under contract with  
21 the City or a humane society for the care or detention of animals under authority of State  
22 or City law.

23            (k) *Cat.*

24                     (1) *In general.*

25                         “Cat” means any domesticated feline.

26                     (2) *Exclusions.*

27                         “Cat” does not include any:

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1 (i) wild or exotic feline; or

2 (ii) except as specifically stated, feral cat.

3 (l) *Commercial establishment.*

4 (1) *In general.*

5 “Commercial establishment” means, except as provided in paragraph (3) of this  
6 subsection, any person engaged in the business of selling, transferring, or conveying  
7 animals or providing animal services.

8 (2) *Inclusions.*

9 “Commercial [establishments] ESTABLISHMENT” includes any:

10 (i) animal auction;

11 (ii) animal show;

12 (iii) commercial kennel;

13 (iv) commercial pet distribution or other facility where animals are held for sale at  
14 wholesale or for distribution to other commercial establishments or to  
15 zoological parks, aviaries, or aquariums;

16 (v) grooming establishment or similar facility where animals are cleaned, bathed,  
17 clipped, plucked, or otherwise groomed for a fee;

18 (vi) stable or other facility for horses;

19 (vii) pet shop;

20 (viii) petting zoo or other commercial establishment, activity, or facility that  
21 permits persons to come into physical contact with animals maintained by the  
22 establishment, activity, or facility; or

23 (ix) zoological park.

24 (3) *Exclusions.*

25 “Commercial [establishments] ESTABLISHMENT” does not include any:

26 (i) animal clinic, unless it engages in the boarding of healthy animals not  
27 currently being treated by the clinic;

28 (II) [(iii)] animal fancier[.]; OR

29 (III) [(ii)] animal shelter[; or].

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1 (m) *Commercial kennel.*

2 (1) *In general.*

3 “Commercial kennel” means, except as specified in paragraph (2) of this subsection,  
4 any facility:

5 (i) for the commercial breeding of dogs or cats; or

6 (ii) where dogs or cats are boarded, groomed, [sold, bought,] or trained for a fee.

7 (2) *Exclusions.*

8 “Commercial kennel” does not include any:

9 (i) animal clinic, unless it engages in the boarding of healthy animals not  
10 currently being treated by the clinic;

11 (II) [(iii)] animal fancier[.]; OR

12 (III) [(ii)] animal shelter[; or].

13 (p) *Dog.*

14 “Dog” means any member of the domesticated canine species.

15 (v) *Humane society.*

16 “Humane society” means an entity incorporated under the laws of this State for the  
17 prevention of cruelty to animals or for promoting the humane care and treatment of  
18 animals.

19 ***Subtitle 2. Licensing***

20 ***Part II. Facility Licenses***

21 **§ 10-210. License required.**

22 (a) *In general.*

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

25 (1) animal clinic;

26 (2) [(4)] animal fancier[.];

27 (3) [(2)] animal shelter; OR

28 (4) [(3)] commercial establishment[; or].

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1 (b) *Separate license for each facility.*

2 Every facility subject to this Part II is considered a separate enterprise and requires a  
3 separate license.

4 **§ 10-216. Prohibited conduct – IN GENERAL.**

5 No person may operate any facility subject to this Part II in violation of:

6 (1) any condition imposed on the facility’s license; or

7 (2) any provision of this title or of a rule or regulation adopted under this title.

8 **§ 10-217. PROHIBITED CONDUCT – SALE, ETC., OF DOGS OR CATS.**

9 (A) *IN GENERAL.*

10 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO COMMERCIAL  
11 ESTABLISHMENT MAY:

12 (1) SELL, BARTER, AUCTION, GIVE AWAY, OR OTHERWISE TRANSFER OR DISPOSE OF  
13 ANY DOG OR CAT; OR

14 (2) OFFER TO SELL, BARTER, AUCTION, GIVE AWAY, OR OTHERWISE TRANSFER OR  
15 DISPOSE OF ANY DOG OR CAT.

16 (B) *EXCEPTIONS.*

17 (1) THIS SECTION DOES NOT APPLY TO:

18 (I) ANY NONPROFIT HUMANE SOCIETY THAT IS EXEMPT FROM TAXATION UNDER  
19 § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

20 (II) ANY OF THE FOLLOWING FACILITIES DULY LICENSED UNDER THIS SUBTITLE:

21 (A) ANIMAL CLINIC;

22 (B) ANIMAL FANCIER;

23 (C) ANIMAL SHELTER; OR

24 (D) COMMERCIAL KENNEL ENGAGED IN THE BREEDING OF DOGS OR CATS.

25 (2) THIS SECTION DOES NOT PREVENT A LICENSED COMMERCIAL ESTABLISHMENT FROM  
26 COLLABORATING WITH A FACILITY LISTED IN PARAGRAPH (1) OF THIS SUBSECTION TO  
27 PROVIDE SPACE FOR THAT FACILITY TO SHOWCASE ADOPTABLE DOGS AND CATS.

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***Subtitle 11. Penalties***

**§ 10-1101. Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 10-1102. Criminal penalties.**

(a) *In general.*

(1) Any person who violates any provision of this title, or a rule or regulation adopted under this title, or a lawful directive or order issued under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(2) Each day that a violation continues is a separate offense.

(b) *Basic penalty: \$1,000.*

Except as otherwise specified in the section, the penalty for a violation is a fine of not more than \$1,000 for each offense.

**Baltimore City Code**

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

(7) ***Health Code***

Title 10: Animal Control and Protection

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Subtitle 2: Licensing

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1	Part I. Dog and Cat Licenses	\$100
2	Part II. Facility Licenses	
3	§ 10-217. PROHIBITED CONDUCT –	
4	SALE, ETC., OF DOGS OR CATS	\$500
5	ALL OTHER PROVISIONS	
6	Animal fanciers	\$100
7	All other facilities	\$250
8	...	
9	....	

**Subtitle 41. Civil Citations**

**§ 41-14. Offenses to which subtitle applies – Listing.**

**(6) *Health Code***

Title 10: Animal Control and Protection

...

Subtitle 2: Licensing

14	Part I. Dog and Cat Licenses	\$100
15	Part II. Facility Licenses	
16	§ 10-217. PROHIBITED CONDUCT –	
17	SALE, ETC., OF DOGS OR CATS	\$500
18	ALL OTHER PROVISIONS	
19	Animal fanciers	\$100
20	All other facilities	\$250
21	...	
22	....	

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

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