



CITY COUNCIL BILL 11-0766

TO: Members of the Health Committee

DATE: October 19, 2011

FROM: Caroline A. Griffin, Chair – Mayor’s Anti-Animal Abuse Advisory Commission

RE: **City Council Bill 11-0766 – Health - Animal Control and Protection - Reconstitution**

POSITION: SUPPORT

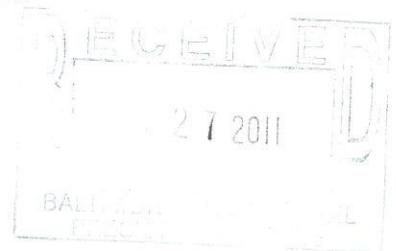
Chairman Curran, Vice-Chair Spector, and Members of the Health Committee, please be advised that the Mayor’s Anti-Animal Abuse Advisory Commission (“Commission”) supports enactment of **Council Bill 11-0766**, with minor changes.

On October 27, 2010, Mayor Rawlings-Blake enacted legislation that created the Commission -- the first of its kind in the country -- to help combat animal cruelty and dogfighting cases in Baltimore. Among other things, the Commission has been charged with making recommendations regarding “legislation to protect animals and prosecute abusers.” After months of analysis and review, the Commission believes that the proposed reconstitution of Title 10 both clarifies and amplifies protections for animals from abuse and neglect. For example, while the definition of “Abuse of an Animal” currently only provides that “no person may abuse, beat, torment, mistreat, overload, overwork or otherwise willfully cause injury or suffering to any animal,” the proposed revision provides multiple concrete examples of what this conduct includes. As proposed, “abuse” may also include intentionally leaving poison with the intent to injure, leaving an animal in a locked car in the summer, or persistently tethering a dog in severe weather with no access to shelter. These changes provide guidance to both animal enforcement officers and the public and the Commission applauds these efforts.

The Commission recommends the following minor changes:

1. §10-201- License Required – The Code only contemplates licenses for dogs and cats and does not provide licenses for other commonly owned domesticated animals. The authority of the Commissioner should be expanded.

F/A



2. §10-203(3)(III) - Applications (p. 16, line 10) – The phrase “ the Public Health Veterinarian has waived the requirement” should be added after the word “vaccination.”
3. §10-301 - Rabies Vaccination (p. 2, line 13) - The phrase “or the Public Health Veterinarian has waived the requirement” should be added at the end of the sentence.
4. §10-411 – Molesting Birds (p. 31, line13) – “Private property” should also be included in the section.
5. §10-915 – Limitations on Driving – Weather (p. 48, line 15) – The term “real and effective” should be inserted before the word “temperature.”
6. §40-14 – Violations to which subtitle applies (pp. 60 – 63). The Commission recommends that fines for citations should be made consistent throughout the City Code and on a sliding scale so that: (a) fines of \$100 - \$200 be imposed for minor code violations, such as lack of a pet license, (b) fines of \$250 - \$500 be imposed for violations of public health/disease prevention Code provisions (*e.g.* rabies vaccines, feces and dead animals); and (c) maximum fines of \$1,000 should be reserved for the most egregious offenses, such as animal cruelty and fighting. The Commission recommends the following revisions with respect to fees imposed for violations of Code sections.

§10-303 – Humane Care Required – The Commission recommends that the fine be increased from \$200 to \$500.

§10-308 - Transporting Animals (Confinement in Vehicle) – The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

§10-309 - Disposition of Dead Animals – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-401 - Cruelty to or Abuse of Animals – The Commission recommends that the fine be increased from \$500 to \$1,000.

§10-405 - Animal Fights – The Commission recommends that a fine of \$1,000 be imposed for *any* form of animal fighting (dog fighting or otherwise).

§10-406(A) – Animal Shows – Certain Devices Prohibited – The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

§10-406(B) – Animal Shows – Proper Equipment Required – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-407 – Exposure to Poisons - The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

§10-408 – Confinement in Cage – The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

§10-409 – Prohibited Tethering of Dogs – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-410 – Animals As Prizes or Inducements – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-411 – Molesting Birds – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-601 – Wild, Exotic, And Hybrid Animals – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-602 – Importation of Wild Rabbits and Hares – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-603 – Other Prohibited Animals – The Commission recommends that a fine of \$500 be imposed for violation of this Code section.

§10-701 – Attack Dogs – The Commission recommends that the fine be increased from \$500 to \$1,000.

§10-705 – Vicious Animals – At Large – The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

§10-918 – Sick or Injured Horses – The Commission recommends that a fine of \$1,000 be imposed for violation of this Code section.

Respectfully submitted,



Caroline A. Griffin

Chair, Mayor's Anti-Animal Abuse Advisory Commission