

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

July 6, 2012

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 12-0101– Animal Control and Protection – Licensing  
Private Kennels

Dear President and City Council Members:

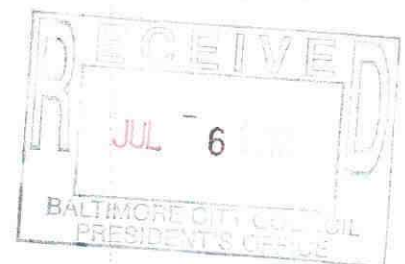
The Law Department has reviewed City Council Bill 12-0101 for form and legal sufficiency. The bill requires licenses for private kennels; establishes the procedures for issuing or revoking private kennel licenses; makes the failure to obtain a private kennel license punishable by citation; defines certain terms; and generally relates to the licensing of private kennels.

Unless written objections are received within a specified period, the bill requires the Health Commissioner to issue a private kennel license upon receipt of a private kennel application. After holding a public hearing on the objections, the Commissioner may thereafter grant or deny the license, according to the bill. The Law Department notes that the basis for a denial, while not specified in the bill, is provided in Sections 10-219 and 10-220 of the Health Article in the City Code. These provisions also provide the grounds for suspending or revoking existing licenses. Such provision satisfy the legal requirement that criteria be established in law before an administrative body may grant, deny or revoke a license. *See 120 W. Fayette St., LLLP v. Mayor & City Council of Balt. City*, 413 Md. 309, 350 (2010) (“To be valid, a delegation of municipal authority must contain sufficiently specific guidelines to ensure that the delegate does not act with unfettered discretion.”).

As there are not legal impediments to the passage of Council Bill 12-0101, the Law Department approves the bill as drafted for form and legal sufficiency.

Very truly yours,

Victor K. Tervalo  
Assistant Solicitor



Page 2: 12-0101

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Assistant Solicitor