

**CITY OF BALTIMORE
COUNCIL BILL 12-0101
(First Reader)**

Introduced by: Councilmembers Clarke, Henry, Middleton, Branch, Stokes, Cole, Holton, Scott,
Spector, Welch, Reisinger, Kraft

Introduced and read first time: June 11, 2012

Assigned to: Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Environmental Control Board, Department of Finance, Health
Department, Anti-Animal Abuse Advisory Commission

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Animal Control and Protection – Licensing Private Kennels**

3 FOR the purpose of requiring licenses for private kennels; establishing the procedures for issuing
4 or revoking private kennel licenses; making the failure to obtain a private kennel license
5 punishable by citation; defining certain terms; and generally relating to the licensing of
6 private kennels.

7 BY adding

8 Article - Health
9 Section(s) 10-101(cc-1), 10-213, and 10-221
10 Baltimore City Revised Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Health
14 Section(s) 10-210
15 Baltimore City Revised Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Section(s) 40-14(e)(7) and 41-14(6)
20 Baltimore City Revised Code
21 (Edition 2000)

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

24 **Baltimore City Revised Code**

25 **Article – Health**

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

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Title 10. Animal Control and Protection

§ 10-101. Definitions.

(cc-1) PRIVATE KENNEL.

(1) *IN GENERAL.*

“PRIVATE KENNEL” MEANS ANY PREMISES OR PART OF ANY PREMISES WHERE 3 OR MORE DOGS OR CATS OVER 6 MONTHS OLD ARE BOARDED OR MAINTAINED.

(2) *EXCEPTIONS.*

“PRIVATE KENNEL” DOES NOT INCLUDE

(I) THE PREMISES OF A FERAL CAT CAREGIVER, UNLESS 3 OR MORE DOGS OR NON-FERAL CATS OVER 6 MONTHS OLD ARE BOARDED OR MAINTAINED ON THE PREMISES; OR

(II) A COMMERCIAL KENNEL.

§ 10-210. License required.

(a) *In general.*

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

(1) animal clinic;

(2) animal shelter;

(3) commercial establishment; [or]

(4) animal fancier; OR

(5) PRIVATE KENNEL.

(b) *Separate license for each facility.*

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

§ 10-213. ISSUANCE – PRIVATE KENNEL IN RESIDENTIAL AREA.

(A) *SCOPE OF SECTION.*

THIS SECTION APPLIES WHENEVER A PERSON APPLIES FOR A LICENSE, OTHER THAN A RENEWAL LICENSE, TO OPERATE A PRIVATE KENNEL IN A RESIDENCE OR OFFICE-RESIDENCE ZONING DISTRICT.

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1 (B) *POSTING NOTICE.*

2 (1) BEFORE THE LICENSE MAY BE ISSUED, THE APPLICANT MUST POST NOTICE OF THE
3 APPLICATION ON THE PROPOSED PREMISES FOR AT LEAST 10 DAYS.

4 (2) THE NOTICE MUST BE IN THE FORM THAT THE COMMISSIONER REQUIRES.

5 (C) *ISSUANCE ON LACK OF OBJECTION.*

6 THE COMMISSIONER OF HEALTH MUST ISSUE THE LICENSE IF:

7 (1) WITHIN THE 10-DAY POSTING PERIOD, NO WRITTEN OBJECTION IS RECEIVED BY
8 THE COMMISSIONER; AND

9 (2) THE APPLICANT OTHERWISE QUALIFIES UNDER THIS SUBTITLE FOR THE LICENSE.

10 (D) *HEARING ON OBJECTION.*

11 (1) IF A WRITTEN OBJECTION IS RECEIVED BY THE COMMISSIONER, THE COMMISSIONER
12 MUST HOLD A PUBLIC HEARING AT WHICH ALL INTERESTED PERSONS HAVE AN
13 OPPORTUNITY TO BE HEARD.

14 (2) THE LICENSE MAY BE DENIED ONLY IN A WRITTEN STATEMENT THAT SPECIFIES THE
15 REASONS FOR THE DENIAL.

16 **§ 10-221. ADDITIONAL GROUNDS FOR SUSPENSION OR REVOCATION – PRIVATE KENNEL IN**
17 **RESIDENTIAL AREA.**

18 (A) *SCOPE OF SECTION.*

19 THIS SECTION APPLIES TO ANY PRIVATE KENNEL IN A RESIDENCE OR OFFICE-RESIDENCE
20 ZONING DISTRICT.

21 (B) *HEARING ON OBJECTION.*

22 (1) EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, IF, WITHIN A 60-DAY
23 PERIOD, 3 OR MORE INDIVIDUALS OF DIFFERENT HOUSEHOLDS COMPLAIN IN WRITING
24 TO THE COMMISSIONER ABOUT A PRIVATE KENNEL IN A RESIDENCE OR OFFICE-
25 RESIDENCE DISTRICT, THE COMMISSIONER MUST HOLD A PUBLIC HEARING ON THE
26 SUSPENSION OR REVOCATION OF THE KENNEL LICENSE.

27 (2) A HEARING MAY NOT BE HELD UNDER THIS SECTION IF ONE WAS HELD WITHIN THE
28 PAST 18 MONTHS AND THE COMMISSIONER DETERMINED THAT THERE ARE
29 INSUFFICIENT GROUNDS FOR THE SUSPENSION OR REVOCATION OF THE KENNEL
30 LICENSE.

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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

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Title 10: Animal Control and Protection

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Subtitle 2: Licensing

Part I. Dog and Cat Licenses \$100

Part II. Facility Licenses

Animal fanciers \$100

PRIVATE KENNELS \$100

All other facilities \$250

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Subtitle 41. Civil Citations

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

(6) Health Code

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Title 10: Animal Control and Protection

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Subtitle 2: Licensing

Part I. Dog and Cat Licenses \$100

Part II. Facility Licenses

Animal fanciers \$100

PRIVATE KENNELS \$100

All other facilities \$250

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

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