



Legislation Text

File #: 18-0177, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember Scott

A Bill Entitled

An Ordinance concerning

Animal Control and Protection - Sale, etc., of Dogs and Cats

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

By repealing and reordaining, without amendment

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

By repealing and reordaining, with amendments

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

By adding

Article - Health
Section 10-217
Baltimore City Revised Code
(Edition 2000)

By repealing and reordaining, with amendments

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

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore

City read as follows:

Baltimore City Revised Code

Article - Health

Title 10. Animal Control and Protection

Subtitle 1. General Provisions

§ 10-101. Definitions.

(e) *Animal clinic.*

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

(g) *Animal fancier.*

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

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

(h) *Animal shelter.*

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

(k) *Cat.*

(1) *In general.*

“Cat” means any domesticated feline.

(2) *Exclusions.*

“Cat” does not include any:

(i) wild or exotic feline; or

(ii) except as specifically stated, feral cat.

(l) *Commercial establishment.*

(1) *In general.*

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

(2) *Inclusions.*

“Commercial [establishments] establishment” includes any:

(i) animal auction;

(ii) animal show;

(iii) commercial kennel;

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

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

(vi) stable or other facility for horses;

(vii) pet shop;

(viii) petting zoo or other commercial establishment, activity, or facility that permits persons to come into physical contact with animals

maintained by the establishment, activity, or facility; or

(ix) zoological park.

(3) Exclusions.

“Commercial [establishments] establishment” does not include any:

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

(ii) [(iii)] animal fancier[.]; or

(iii) [(ii)] animal shelter[; or].

(m) Commercial kennel.

(1) In general.

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

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

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

(2) Exclusions.

“Commercial kennel” does not include any:

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

(ii) [(iii)] animal fancier[.]; or

(iii) [(ii)] animal shelter[; or].

(p) *Dog.*

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

(v) *Humane society.*

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

Subtitle 2. Licensing

Part II. Facility Licenses

§ 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)[(4)] animal fancier[.];

(3)[(2)] animal shelter; or

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

(b) *Separate license for each facility.*

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

§ 10-216. Prohibited conduct - In general.

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

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

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

§ 10-217. Prohibited conduct - Sale, etc., of dogs or cats.

(a) *In general.*

Except as otherwise provided in subsection (b) of this section, no commercial establishment may:

(1) sell, barter, auction, give away, or otherwise transfer or dispose of any dog or cat; or

(2) offer to sell, barter, auction, give away, or otherwise transfer or dispose of any dog or cat.

(b) *Exceptions.*

(1) This section does not apply to:

(i) any nonprofit humane society that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; or

(ii) any of the following facilities duly licensed under this subtitle:

(A) animal clinic;

(B) animal fancier;

(C) animal shelter; or

(D) commercial kennel engaged in the breeding of dogs or cats.

(2) This section does not prevent a licensed commercial establishment from collaborating with a facility listed in paragraph (1) of this subsection to provide space for that facility to showcase adoptable dogs and cats.

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

Part I. Dog and Cat Licenses

\$100

Part II. Facility Licenses

§ 10-217. Prohibited conduct -
Sale, etc., of dogs or cats

\$500

All other provisions
Animal fanciers

\$100

All other facilities

\$250

...

....

Subtitle 41. Civil Citations

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

(6) *Health Code*

Title 10: Animal Control and Protection

...
Subtitle 2: Licensing

Part I. Dog and Cat Licenses

\$100

Part II. Facility Licenses

§ 10-217. Prohibited conduct -
Sale, etc., of dogs or cats

\$500

All other provisions
Animal fanciers

\$100

All other facilities

\$250

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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 30th day after the date it is enacted.