



Legislation Text

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmember Curran

A BILL ENTITLED

AN ORDINANCE concerning  
**Animal Control and Protection - Reconstitution**

FOR the purpose of reconstituting the laws governing animals and their control and protection; prohibiting certain conduct; requiring licenses or permits for certain animals; providing for the licensing and regulation of certain animal facilities; prohibiting the keeping of certain animals; establishing standards for the general care and control of animals; establishing standards for the protection of animals from cruelty, abuse, and other inappropriate conduct; providing for the treatment of animals at large, dangerous animals, and vicious dogs; providing for the administration of complaints; providing for the appointment of animal control officers and for the enforcement of these laws by police officers, animal control officers, humane officers, and other authorized persons; abolishing the Vicious Dog Hearing Board and substituting for it a new Animal Hearing Board with broadened jurisdiction; authorizing the adoption of rules and regulations to supplement the law; defining certain terms; changing the name of the Bureau of Animal Control to Office of Animal Control; imposing certain civil and criminal penalties; conforming certain related provisions; and generally relating to the control and protection of animals.

BY repealing  
Article - Health  
Title 10. Animal Control and Protection  
Baltimore City Revised Code  
(Edition 2000)

BY adding  
Article - Health  
Title 10. Animal Control and Protection  
Baltimore City Revised Code  
(Edition 2000)

BY repealing  
Article - Zoning

Section(s) 1-134  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning  
Section(s) 4-202(3), 6-208(3)  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reenacting, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 40-14(e)(7)(Title 10) and 41-14(6)(Title 10)  
Baltimore City Code  
(Edition 2000)

BY repealing and reenacting, with amendments

Article 8 - Ethics  
Section(s) 2-3  
Baltimore City Code  
(Edition 2000)

BY repealing and reenacting, with amendments

Article 8 - Ethics  
Section(s) 7-8(16)  
Baltimore City Code  
(As enacted by Ord. 11-xxx (Council Bill 11-657))

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Health Article Title 10 is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED 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

PART I. DEFINITIONS; PURPOSE

§ 10I01. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

(B) ALTER.

“ALTER” MEANS TO SURGICALLY OR CHEMICALLY RENDER AN ANIMAL INCAPABLE OF REPRODUCING.

(D) ANIMAL.

“ANIMAL” MEANS ANY LIVING CREATURE OTHER THAN A HUMAN BEING.

(D) ANIMAL AT LARGE.

“ANIMAL AT LARGE” HAS THE MEANING STATED IN § 10-504 OF THIS TITLE.

(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.

(F) ANIMAL ENFORCEMENT OFFICER.

“ANIMAL ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 10-110 {“ANIMAL ENFORCEMENT OFFICERS”} OF THIS TITLE.

(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.

(I) ANIMAL SHOW.

“ANIMAL SHOW” MEANS ANY COMMERCIAL CIRCUS, VARIETY SHOW, SPECTACLE, DISPLAY, ACT, OR EVENT IN WHICH ANIMALS PERFORM.

(J) BOARD.

“BOARD” MEANS THE ANIMAL HEARING BOARD IN THE DEPARTMENT OF HEALTH.

(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” 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” DOES NOT INCLUDE ANY:

(I) ANIMAL CLINIC, UNLESS IT ENGAGES IN THE BOARDING OF HEALTHY ANIMALS NOT CURRENTLY BEING TREATED BY THE CLINIC;

(II) ANIMAL SHELTER; OR

(III) ANIMAL FANCIER.

(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) ANIMAL SHELTER; OR

(III) ANIMAL FANCIER.

(N) CUSTODIAN.

“CUSTODIAN” MEANS A PERSON:

(1) WHO TEMPORARILY OR PERMANENTLY PROVIDES FOOD, SHELTER, AND CARE FOR AN ANIMAL IN THE ABSENCE OF THE OWNER; OR

(2) WHO EXERCISES CONTROL OVER THE PARTICULAR ANIMAL ON A REGULAR BASIS.

(O) DANGEROUS ANIMAL.

“DANGEROUS ANIMAL” HAS THE MEANING STATED IN § 10-702 OF THIS TITLE.

(P) DOG.

“DOG” MEANS ANY MEMBER OF THE DOMESTICATED CANINE SPECIES.

(Q) DOMESTICATED ANIMAL.

“DOMESTICATED ANIMAL” MEANS ANY ANIMAL OF A SPECIES THAT:

(1) HAS BEEN BRED AND RAISED, AND IS ACCUSTOMED TO LIVE IN OR ABOUT, THE HABITATION OF HUMANS; AND

(2) IS DEPENDENT ON HUMANS FOR FOOD OR SHELTER.

(R) EXOTIC ANIMAL.

(1) IN GENERAL.

“EXOTIC ANIMAL” MEANS:

(I) ANY WILD ANIMAL OF A SPECIES THAT IS NOT INDIGENOUS TO THE STATE OF MARYLAND; AND

(II) ANY OTHER ANIMAL THAT THE COMMISSIONER SPECIFIES BY RULE OR REGULATION.

(2) INCLUSIONS.

“EXOTIC ANIMAL” INCLUDES ANY HYBRID ANIMAL THAT IS PART EXOTIC ANIMAL.

(S) FERAL CAT.

“FERAL CAT” MEANS A CAT THAT IS UNSOCIALIZED TO HUMANS AND HAS A TEMPERAMENT OF EXTREME FEAR OF AND RESISTANCE TO CONTACT WITH HUMANS.

(T) FERAL CAT CAREGIVER.

“FERAL CAT CAREGIVER” MEANS ANY PERSON WHO, IN ACCORDANCE WITH A PROGRAM APPROVED BY THE COMMISSIONER TO TRAP, ALTER, VACCINATE FOR RABIES, EAR TIP, AND RETURN FERAL CATS:

(1) PROVIDES CARE, INCLUDING FOOD, SHELTER, OR MEDICAL CARE, TO THE CAT; OR

(2) HAS TEMPORARY CUSTODY OF THE CAT.

(U) HUMANE OFFICER.

“HUMANE OFFICER” MEANS AN AGENT OF A HUMANE SOCIETY WHO HAS BEEN REGISTERED AND APPROVED BY THE COMMISSIONER TO PERFORM THE DUTIES SPECIFIED IN THIS TITLE.

(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.

(W) HYBRID ANIMAL.

“HYBRID ANIMAL” MEANS ANY ANIMAL THAT IS A CROSS BRED BETWEEN A DOMESTICATED ANIMAL, EXOTIC ANIMAL, OR WILD ANIMAL.

(X) KEEP.

“KEEP” MEANS FOR AN OWNER, CUSTODIAN, OR OCCUPANT OF REAL PROPERTY TO:

- (1) FEED OR SHELTER ANY ANIMAL ON THE PREMISES OF THE OCCUPANT, CUSTODIAN, OR OWNER; OR
- (2) TO PERMIT ANOTHER TO FEED OR SHELTER ANY ANIMAL ON THE PREMISES OF THE OCCUPANT, CUSTODIAN, OR OWNER.

(Y) OFFICE.

“OFFICE” MEANS THE HEALTH DEPARTMENT’S OFFICE OF ANIMAL CONTROL OR THE OFFICE’S AGENT.

(Z) OWNER.

“OWNER” MEANS ANY PERSON WHO:

- (1) HAS A RIGHT OF PROPERTY IN THE ANIMAL;
- (2) IS THE PARENT OR GUARDIAN OF A MINOR WHO OWNS OR POSSESSES AN ANIMAL (AND, FOR THE PURPOSES OF THIS TITLE, THE PARENT OR GUARDIAN IS RESPONSIBLE FOR THE ANIMAL); OR
- (3) IS THE INDIVIDUAL WHO HAS BEEN APPROVED FOR A LICENSE OR PERMIT OF AN ANIMAL.

(AA) PET.

“PET” MEANS ANY ANIMAL KEPT PRIMARILY FOR PLEASURE RATHER THAN UTILITY.

(BB) PET SHOP.

“PET SHOP” MEANS ANY ESTABLISHMENT, WHETHER MAINTAINED SEPARATELY OR IN CONNECTION WITH ANOTHER COMMERCIAL ENTERPRISE, THAT OFFERS LIVE ANIMALS FOR SALE WITH THE INTENT OR EXPECTATION THAT THEY BE KEPT AS PETS.

(CC) VETERINARIAN.

“VETERINARIAN” MEANS AN INDIVIDUAL AUTHORIZED BY LAW TO PRACTICE VETERINARY MEDICINE IN THE STATE OF MARYLAND.

(DD) VICIOUS ANIMAL.

“VICIOUS ANIMAL” HAS THE MEANING STATED IN § 10-703 OF THIS TITLE.

(EE) WILD ANIMAL.

“WILD ANIMAL” MEANS ANY ANIMAL THAT IS NORMALLY FOUND IN THE WILD.

(FF) ZOOLOGICAL PARK.

(1) IN GENERAL.

“ZOOLOGICAL PARK” MEANS A FACILITY IN WHICH MORE THAN 1 SPECIES OF ANIMAL:

- (1) IS CONFINED WITHIN ENCLOSURES; AND
- (2) EXHIBITED OR DISPLAYED TO THE PUBLIC FOR A FEE.

(2) INCLUSIONS.

“ZOOLOGICAL PARK” INCLUDES AN AQUARIUM.

(3) EXCLUSIONS.

“ZOOLOGICAL PARK” DOES NOT INCLUDE OF THE OTHER ANIMAL ESTABLISHMENTS LISTED IN THE DEFINITION OF “COMMERCIAL ESTABLISHMENT”.

§ 10102. PURPOSE OF TITLE.

THE PURPOSE OF THIS TITLE IS:

- (1) TO PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC;
- (2) FOR HUMANE CARE AND TREATMENT OF ANIMALS;
- (3) FOR THE PROTECTION OF ANIMALS FROM ABUSE , CRUELTY, AND NEGLECT; AND
- (4) FOR THE PREVENTION AND REMOVAL OF NUISANCES.

§ 10-103. {RESERVED}

## PART II. ADMINISTRATION

§ 10104. RULES AND REGULATIONS.

THE RULES AND REGULATIONS THAT THE COMMISSIONER ADOPTS UNDER § 2106 OF THIS ARTICLE MAY INCLUDE PROVISIONS:

- (1) FOR THE ISSUANCE OF PERMITS AND LICENSES UNDER THIS TITLE;
- (2) REQUIRING THE HUMANE CARE OF ALL ANIMALS;
- (3) GOVERNING THE GENERAL CARE AND CONTROL OF ANIMALS;
- (4) GOVERNING THE OPERATION OF FACILITIES SUBJECT TO THIS TITLE;
- (5) PROVIDING FOR THE APPROVAL OF PROGRAMS TO TRAP, ALTER, VACCINATE FOR RABIES, EAR TIP, AND RETURN FERAL CATS;
- (6) TO DEFINE OR FURTHER DEFINE TERMS USED IN THIS TITLE; AND
- (7) TO CARRY OUT THE PROVISIONS OF THIS TITLE.

§ 10I05. MAYOR'S ANTI-ANIMAL ABUSE ADVISORY COMMISSION

THE COMMISSIONER MAY REQUEST THE MAYOR'S ANTI-ANIMAL ABUSE ADVISORY COMMISSION, ESTABLISHED UNDER CITY CODE ARTICLE 1, SUBTITLE 55., TO RESEARCH BEST PRACTICES AND MAKE RECOMMENDATIONS TO THE COMMISSIONER ABOUT THE REGULATION AND TREATMENT OF ANIMALS.

§ 10I06. FEES.

(A) IN GENERAL.

WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE COMMISSIONER MAY SET FEES AND CHARGES FOR:

- (1) THE ISSUANCE AND RENEWAL OF ALL LICENSES AND PERMITS ISSUED UNDER THIS TITLE;
- (2) THE REMOVAL OR DISPOSAL OF DEAD ANIMALS BY THE CITY FOR ANY ANIMAL CLINIC, HUMANE SOCIETY, VETERINARY OFFICE, OR OTHER INSTITUTION OR AGENCY OR PERSON; AND
- (3) ANY OF THE OTHER SERVICES PROVIDED UNDER THIS TITLE.

(B) RETENTION OF FUNDS.

WITH THE APPROVAL OF THE BOARD OF ESTIMATES AND THE DIRECTOR OF FINANCE, THE COMMISSIONER MAY RETAIN A PERCENTAGE OF ALL THE FUNDS COLLECTED FOR THE CITY UNDER THIS TITLE (E.G., FEES AND CHARGES) IN ORDER FOR THE OFFICE TO FUND ITS ANIMAL CONTROL AND PROTECTION PROGRAMS IN BALTIMORE CITY.

§ 10I07. CONTRACTING WITH OTHERS FOR SERVICES.

WITH THE APPROVAL OF THE COMMISSIONER AND THE BOARD OF ESTIMATES, THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH OTHERS TO PROVIDE SERVICES UNDER THIS TITLE, EXCEPT FOR NON-DELEGABLE GOVERNMENT FUNCTIONS.

§ 10I08. INSPECTIONS, INVESTIGATION OF COMPLAINTS, AND IMPOUNDMENT.

(A) INSPECTIONS.

(1) IN ACCORDANCE WITH § 2I07 {"RIGHT OF ENTRY"} OF THIS ARTICLE AND § 104.6 {"RIGHT OF ENTRY"} OF THE BUILDING CODE, THE COMMISSIONER MAY INSPECT ALL ANIMALS AND ALL PREMISES WHERE ANIMALS ARE KEPT.

(2) THE RIGHT TO MAKE THESE INSPECTIONS IS A CONDITION OF THE ISSUANCE OF ANY LICENSE OR PERMIT ISSUED UNDER THIS TITLE.

(B) INVESTIGATION OF COMPLAINTS.

THE COMMISSIONER MUST MAKE EVERY EFFORT TO INVESTIGATE ALL COMPLAINTS SUBMITTED UNDER PART III OF THIS SUBTITLE.

(C) IMPOUNDMENT.

THE COMMISSIONER MAY IMPOUND ANIMALS AS REQUIRED OR AUTHORIZED BY THIS TITLE.

§ 10I09. OFFICE OF ANIMAL CONTROL.

(A) OFFICE ESTABLISHED.

THERE IS AN OFFICE OF ANIMAL CONTROL IN THE DEPARTMENT OF HEALTH.

(B) DIRECTOR.

THE HEAD OF THE OFFICE IS THE DIRECTOR OF ANIMAL CONTROL, WHO IS APPOINTED BY THE COMMISSIONER FROM A LIST CERTIFIED BY THE CIVIL SERVICE COMMISSION.

(C) STAFF.

THE COMMISSIONER MAY APPOINT THE STAFF OF THE OFFICE AS PROVIDED IN TITLE 2 OF THIS ARTICLE.

§ 10I10. ANIMAL ENFORCEMENT OFFICERS.

(A) "ANIMAL ENFORCEMENT OFFICER" DEFINED.

IN THIS SECTION, "ANIMAL ENFORCEMENT OFFICER" MEANS ANY PERSON:

(1) DESIGNATED BY THE COMMISSIONER AS AN ANIMAL ENFORCEMENT OFFICER; AND

(2) APPOINTED BY THE POLICE COMMISSIONER UNDER CITY CODE ARTICLE 19, § 71-1 FOR THE

PURPOSE OF ENFORCING THE ANIMAL CONTROL AND PROTECTION LAWS, RULES, AND REGULATIONS OF THIS CITY AND STATE.

(B) GENERAL DUTIES.

ANIMAL ENFORCEMENT OFFICERS ARE AUTHORIZED AND EMPOWERED TO:

- (1) ENFORCE THIS TITLE BY IMPOUNDING ANIMALS FOUND AT LARGE, ANIMALS INJURED, ILL, OR NEGLECTED, OR FOUND TO BE DISEASED;
- (2) ENFORCE THE LICENSE, PERMIT, AND INOCULATION REQUIREMENTS OF THIS TITLE;
- (3) ENFORCE THE CRUELTY AND NEGLECT PROVISIONS OF THIS TITLE BY REMOVING AND IMPOUNDING MISTREATED ANIMALS;
- (4) ADMINISTER EMERGENCY ASSISTANCE TO INJURED ANIMALS THAT COME INTO THE CUSTODY OF THE CITY, WITHOUT NEED TO OBTAIN THE CONSENT OF THE OWNERS OR CUSTODIANS OF THE ANIMALS;
- (5) CONDUCT INSPECTIONS OF ANIMAL FACILITIES AND PRIVATE RESIDENCES, AS DIRECTED BY THE COMMISSIONER;
- (6) ISSUE CITATIONS TO PERSONS WHO ARE IN VIOLATION OF THIS TITLE; AND
- (7) ENFORCE ANY REQUIREMENTS OF THE ANIMAL CONTROL AND PROTECTION LAWS, RULES, AND REGULATIONS OF THIS CITY AND STATE.

(B) ORDERS TO OWNERS, CUSTODIANS.

AN ANIMAL ENFORCEMENT OFFICER MAY DIRECT AN OWNER OR CUSTODIAN TO:

- (1) PROVIDE VETERINARY EXAMINATION AND TREATMENT OF AN ANIMAL;
- (2) ABATE CONDITIONS THAT ADVERSELY AFFECT THE HEALTH AND WELL-BEING OF AN ANIMAL, INCLUDING THE USE OR PROVISION OF:
  - (I) PROTECTION FROM THE ELEMENTS;
  - (II) PROTECTION FROM HAZARDOUS CONDITIONS;
  - (III) METHODS OF RESTRAINT OR CONFINEMENT;
  - (IV) WHOLESOME FOOD AND POTABLE WATER; AND
  - (V) SANITARY CONDITIONS; AND
- (3) PROPERLY COMPLY WITH ANY OTHER PROVISION OF THIS TITLE.

(C) AUTHORITY TO ENTER PREMISES.

AN ANIMAL ENFORCEMENT OFFICER MUST COMPLY WITH THE REQUIREMENTS OF § 2107 {"RIGHT OF ENTRY"} OF THIS ARTICLE AND § 104.6 {"RIGHT OF ENTRY"} OF THE BUILDING CODE WHEN ENTERING ANY LAND, STRUCTURE, OR PREMISES IN THE CITY.

(D) INSPECTION OF COMMERCIAL ESTABLISHMENTS.

(1) A COMMERCIAL ESTABLISHMENT MAY NOT REFUSE AN INSPECTION BY THE OFFICE.

(2) ANIMAL ENFORCEMENT OFFICERS ARE AUTHORIZED TO INSPECT COMMERCIAL ESTABLISHMENTS:

(I) TO DETERMINE IF THE ESTABLISHMENT IS OPERATING IN COMPLIANCE WITH ITS LICENSE OR PERMIT REQUIREMENTS;

(II) TO DETERMINE THAT ALL ANIMALS ARE BEING TREATED AND KEPT IN COMPLIANCE WITH THE ESTABLISHMENT'S LICENSE OR PERMIT REQUIREMENTS;

(III) TO DETERMINE THAT ALL ANIMALS WITHIN THE FACILITY ARE BEING TREATED AND KEPT IN COMPLIANCE WITH THIS TITLE; OR

(III) WHEN RESPONDING TO A COMPLAINT THAT:

A. AN ANIMAL IS BEING TREATED INHUMANELY OR IN VIOLATION OF THIS TITLE;

B. THE FACILITY IS BEING MAINTAINED IN AN UNSANITARY MANNER; OR

C. ANIMALS ARE BEING KEPT OR THE ESTABLISHMENT IS BEING MAINTAINED IN VIOLATION OF ANY PROVISION OF THIS TITLE.

(E) ANIMAL SUBJECTED TO CRUELTY OR NEGLECT.

(1) IF THE COMMISSIONER DETERMINES THAT AN ANIMAL IS BEING SUBJECTED TO CRUELTY OR NEGLECT, THE ANIMAL ENFORCEMENT OFFICER MAY REFER THE MATTER TO THE STATE ATTORNEY'S OFFICE FOR PROSECUTION.

(2) IN ADDITION, THE HEALTH COMMISSIONER MAY REFER THE MATTER FOR FURTHER CRIMINAL INVESTIGATION TO THE POLICE OFFICER IN THE POLICE DISTRICT WHO HAS BEEN DESIGNATED BY THE POLICE COMMISSIONER AS THE DISTRICT'S ANIMAL CRUELTY LIAISON TO THE OFFICE.

§ 1011. SERVICE OF NOTICE.

(A) IN GENERAL.

NOTICES ISSUED TO A PERSON UNDER THIS TITLE MUST BE:

(1) IN WRITING; AND

(2) SERVED:

- (I) IN PERSON;
- (II) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED;
- (III) BY DELIVERY TO AN INDIVIDUAL OF SUITABLE AGE AND DISCRETION WHO RESIDES AT THE PERSON'S LAST KNOWN ADDRESS; OR
- (IV) BY POSTING ON THE MAIN ENTRANCE OF THE PREMISES AT WHICH THE VIOLATION OCCURRED AND MAILING BY REGULAR MAIL TO THE PERSON AT THAT PERSON'S LAST KNOWN ADDRESS.

(B) DETERMINING LAST KNOWN ADDRESS.

THE LAST KNOWN ADDRESS OF AN ANIMAL'S OWNER OR CUSTODIAN MAY BE DETERMINED BY THE ANIMAL'S TAG, TATTOO, MICROCHIP, LICENSE, PERMIT, OR PROPERTY ON WHICH THE ANIMAL WAS FOUND.

§ 10-112. OBSTRUCTING, ETC. OFFICER; FALSE STATEMENTS.

(A) OBSTRUCTING, ETC., OFFICER AND OTHERS.

NO PERSON MAY KNOWINGLY OBSTRUCT, RESIST, OR INTERFERE WITH THE COMMISSIONER, ANY ANIMAL ENFORCEMENT OFFICER, OR ANY OTHER OFFICER, EMPLOYEE, OR AUTHORIZED REPRESENTATIVE OF THE OFFICE.

(B) FALSE STATEMENTS.

NO PERSON MAY WILLFULLY MAKE A FALSE STATEMENT ABOUT OWNERSHIP, CUSTODIANSHIP, IDENTITY, OR ADDRESS TO AN ANIMAL ENFORCEMENT OFFICER OR ANY AUTHORIZED REPRESENTATIVE OF THE OFFICE.

§ 10-113. {RESERVED}

PART III. COMPLAINT PROCESS

§ 10-114. INITIATION OF COMPLAINT.

(A) IN GENERAL.

ANY PERSON MAY SUBMIT A COMPLAINT TO THE OFFICE IF THE PERSON KNOWS OF:

- (1) A VIOLATION OF THIS TITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS TITLE; OR
- (2) A VIOLATION OF ANY OTHER ANIMAL CONTROL OR PROTECTION LAW, RULE, OR REGULATION OF THIS CITY OR STATE

(B) FORM.

THE COMPLAINT MUST BE:

- (1) A WRITTEN COMPLAINT IN A FORM THAT THE OFFICE REQUIRES; OR
  - (2) AN ORAL COMPLAINT THAT IS RECORDED IN THE CITY'S 311 SYSTEM.
- (C) MINIMUM CONTENTS.

THE COMPLAINT MUST:

- (1) DESCRIBE THE ANIMAL;
- (2) IDENTIFY WHERE IT IS LOCATED; AND
- (3) STATE IN CLEAR LANGUAGE HOW THE ANIMAL IS IN VIOLATION OF ANY LAW OR REGULATION.

§ 10-115. INVESTIGATION OF COMPLAINT.

(A) IN GENERAL.

- (1) ONCE A COMPLAINT HAS BEEN SUBMITTED AND REVIEWED BY THE OFFICE, AN ANIMAL ENFORCEMENT OFFICER MAY INVESTIGATE THE COMPLAINT TO DETERMINE ITS VALIDITY.
- (2) IF THE OFFICE DETERMINES THE COMPLAINT TO BE VALID, THE OFFICE MAY DIRECT AN OWNER OR CUSTODIAN TO PROPERLY FOLLOW ANY PROVISION OF THE ANIMAL CONTROL AND PROTECTION LAWS, RULES, AND REGULATIONS OF THIS CITY AND STATE.
- (3) IF THE OWNER OR CUSTODIAN IS AGGRIEVED BY THE ACTION OF THE OFFICE, THE PERSON MAY REQUEST A HEARING UNDER SUBTITLE 10 OF THIS TITLE.

§ 10-116. FINDING DANGEROUS OR VICIOUS ANIMAL.

IF, ON INVESTIGATION OF A COMPLAINT, THE OFFICE BELIEVES THAT THE ANIMAL IS DANGEROUS OR VICIOUS ANIMAL, THE OFFICE MUST:

- (1) SUBMIT A WRITTEN INVESTIGATION REPORT TO THE ANIMAL HEARING BOARD; AND
- (2) IMPOUND THE ANIMAL PENDING A HEARING BY THE ANIMAL HEARING BOARD.

SUBTITLE 2. LICENSING

PART I. DOG AND CAT LICENSES

§ 10201. LICENSE REQUIRED.

(A) IN GENERAL.

THE OWNER OF ANY DOG OR CAT MUST OBTAIN AND RENEW A LICENSE FOR THAT DOG OR CAT,

AS PROVIDED IN THIS PART I.

(B) WHEN TO BE OBTAINED.

THE LICENSE MUST BE OBTAINED WITHIN 10 DAYS OF THE FOLLOWING, WHICHEVER IS LATER:

- (1) WHEN THE DOG OR CAT BECOMES 4 MONTHS OLD; OR
- (2) WHEN THE DOG OR CAT WAS ACQUIRED BY THE OWNER, WHETHER OR NOT THE PREVIOUS OWNER HAD A LICENSE FOR THE ANIMAL.

§ 10202. LICENSE FEES.

(A) CLASSES.

THE COMMISSIONER MUST PROVIDE FOR THE FOLLOWING CLASSES OF LICENSES:

- (1) CLASS A LICENSES, FOR:
  - (I) DOGS AND CATS THAT HAVE BEEN ALTERED; AND
  - (II) DOGS AND CATS THAT HAVE NOT BEEN ALTERED, BUT FOR WHICH A LICENSED VETERINARIAN CERTIFIES IN WRITING THAT, BECAUSE OF AGE OR BAD HEALTH, THE ANIMAL SHOULD NOT BE ALTERED.
- (2) CLASS B LICENSES, FOR DISABILITY SERVICE ANIMALS, WHETHER OR NOT ALTERED, ON THE APPLICANT'S SUBMISSION OF AN AFFIDAVIT CLAIMING THE PERSON HAS A DISABILITY.
- (3) CLASS C LICENSES, FOR THE LIFETIME OF DOGS AND CATS THAT ARE ALTERED AND MICROCHIPPED.
  - (4) CLASS D LICENSES, FOR ALL OTHER DOGS AND CATS.

(B) FEES.

- (1) THE LICENSE FEE FOR EACH CLASS IS AS SET UNDER § 10-106 OF THIS TITLE.
- (2) FOR OWNERS 65 YEARS OLD OR OLDER, THE ANNUAL FEE FOR EACH LICENSE CLASS IS 50% OF THE ANNUAL FEE OTHERWISE SET FOR THAT CLASS.

§ 10203. APPLICATIONS.

THE APPLICATION FOR A LICENSE MUST:

- (1) BE IN THE FORM THAT THE COMMISSIONER REQUIRES;
- (2) BE ACCOMPANIED BY THE REQUIRED FEE; AND
- (3) CONTAIN:

- (I) THE NAME AND ADDRESS OF THE OWNER;
- (II) A DESCRIPTION OF THE DOG OR CAT;
- (III) PROOF OF A STILLCURRENT RABIES VACCINATION; AND
- (IV) ANY OTHER INFORMATION THAT THE COMMISSIONER REQUIRES.

§ 10204. ISSUANCE OF LICENSES AND TAGS.

(A) IN GENERAL.

- (1) ON APPROVAL OF THE APPLICATION AND RECEIPT OF THE REQUIRED FEE, THE OFFICE MUST ISSUE THE LICENSE.
- (2) TOGETHER WITH THE LICENSE, THE OFFICE MUST ISSUE AN IDENTIFICATION TAG THAT IS:
  - (I) DURABLY CONSTRUCTED;
  - (II) DESIGNED SO THAT IT CAN BE CONVENIENTLY FASTENED OR RIVETED TO A WELL-FITTED COLLAR OR HARNESS; AND
  - (III) STAMPED WITH THE YEAR OF ITS ISSUANCE AND AN IDENTIFYING NUMBER.

(B) ANIMAL FROM ANIMAL SHELTER.

FOR AN UNLICENSED DOG OR CAT THAT IS RECLAIMED OR ADOPTED FROM AN ANIMAL SHELTER, THE ANIMAL SHELTER MUST:

- (1) REQUIRE A LICENSE APPLICATION AND THE REQUIRED FEE TO BE SUBMITTED TO IT; AND
- (2) ON APPROVAL OF THE APPLICATION AND RECEIPT OF THE REQUIRED FEE, ISSUE THE LICENSE AND IDENTIFICATION TAG FOR THAT DOG OR CAT.

§ 10205. TERM.

UNLESS SOONER SUSPENDED OR REVOKED, A DOG OR CAT LICENSE (EXCEPT FOR A CLASS C LICENSE) EXPIRES ANNUALLY ON THE ANNIVERSARY OF ITS ISSUANCE.

§ 10206. RECORDS; REPLACEMENTS.

(A) PUBLIC RECORD OF IDENTIFYING NUMBERS.

THE OFFICE AND THE ANIMAL SHELTER MUST:

- (1) KEEP A RECORD OF THE IDENTIFYING NUMBERS OF ALL LICENSES, IDENTIFICATION TAGS, AND MICROCHIPS ISSUED; AND

(2) MAKE THIS RECORD AVAILABLE TO THE PUBLIC AND OTHER CITY AGENCIES, SUBJECT TO A COPY FEE.

(B) REPLACEMENTS.

IF A LICENSE, MICROCHIP, OR AN IDENTIFICATION TAG IS LOST OR DESTROYED, A REPLACEMENT MUST BE OBTAINED AND THE REQUIRED FEE PAID.

§ 10207. PROHIBITED CONDUCT.

NO PERSON MAY:

- (1) FAIL TO OBTAIN A LICENSE AS REQUIRED BY THIS PART I;
- (2) PERMIT ANY CAT OR DOG FOR WHICH THE PERSON IS REQUIRED TO OBTAIN A LICENSE TO BE OUTDOORS AT ANY TIME UNLESS IT IS WEARING A VALID IDENTIFICATION TAG ISSUED UNDER THIS SUBTITLE;
- (3) USE ANY LICENSE OR IDENTIFICATION TAG FOR ANY DOG OR CAT OTHER THAN THE ONE FOR WHICH IT WAS ISSUED;
- (4) USE ANY LICENSE OR IDENTIFICATION TAG THAT WAS ISSUED TO A PREVIOUS OWNER OF THE DOG OR CAT;
- (5) REMOVE ANY IDENTIFICATION TAG FROM ANY DOG OR CAT WITHOUT THE CONSENT OF ITS OWNER;
- (6) USE ANY MICROCHIP REQUIRED BY THIS SUBTITLE FOR ANY DOG OR CAT OTHER THAN THE ONE TO WHICH THE MICROCHIP APPLIES; OR
- (7) EXCEPT AS AUTHORIZED BY THE COMMISSIONER, REMOVE FROM ANY DOG OR CAT ANY MICROCHIP REQUIRED BY THIS SUBTITLE.

§ 10208. OWNER TO PROVIDE COPY TO CUSTODIAN.

WHENEVER THE OWNER OF AN ANIMAL PLACES IT IN THE CARE OR CUSTODY OF ANOTHER PERSON, THE OWNER MUST PROVIDE THAT CUSTODIAN WITH A COPY OF THE LICENSE AND IDENTIFICATION TAG ISSUED UNDER THIS PART FOR THE ANIMAL.

§ 10-209. {RESERVED}

PART II. FACILITY LICENSES

§ 10210. 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.

(B) SEPARATE LICENSE FOR EACH FACILITY.

EVERY FACILITY SUBJECT TO THIS PART II IS CONSIDERED A SEPARATE ENTERPRISE AND REQUIRES A SEPARATE LICENSE.

§ 10211. APPLICATIONS.

THE APPLICATION FOR A FACILITY LICENSE MUST:

- (1) BE IN THE FORM THAT THE COMMISSIONER REQUIRES;
- (2) CONTAIN THE INFORMATION THAT THE COMMISSIONER REQUIRES; AND
- (3) BE ACCOMPANIED BY THE REQUIRED FEE.

§ 10212. ISSUANCE.

THE OFFICE MUST ISSUE THE LICENSE IF THE APPLICANT:

- (1) MEETS THE REQUIREMENTS OF THIS PART II; AND
- (2) SHOWS THE WILLINGNESS AND ABILITY TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE AND THE RULES AND REGULATIONS ADOPTED UNDER IT.

§ 10213. {RESERVED}

§ 10214. TERM.

UNLESS SOONER SUSPENDED OR REVOKED, A FACILITY LICENSE EXPIRES ANNUALLY ON THE ANNIVERSARY DATE OF ITS ISSUANCE.

§ 10215. ANIMAL RECORDS.

(A) REQUIRED RECORDS.

EVERY FACILITY THAT SELLS OR GIVES AWAY ANY ANIMAL MUST KEEP A RECORD OF:

- (1) NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO WHOM THE ANIMAL WAS SOLD OR GIVEN; AND
- (2) THE BREED, COLOR, SEX, AND AGE OF THE ANIMAL; AND

(3) ANY OTHER INFORMATION OF AN ANIMAL THAT THE COMMISSIONER REQUIRES.

(B) RETENTION AND INSPECTION.

THE FACILITY MUST:

(1) RETAIN THESE RECORDS FOR AT LEAST 2 YEARS; AND

(2) MAKE THEM AVAILABLE FOR INSPECTION BY THE OFFICE DURING NORMAL BUSINESS HOURS.

§ 10216. PROHIBITED CONDUCT.

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.

§§ 10217 TO 10218. {RESERVED}

### PART III. DENIALS, AMENDMENTS, SUSPENSIONS, AND REVOCATIONS

§ 10219. GROUNDS FOR DENIAL, ETC.

SUBJECT TO THE HEARING PROCEDURES OF SUBTITLE 10 OF THIS TITLE, THE COMMISSIONER MAY DENY, AMEND, SUSPEND, REVOKE, OR REFUSE TO RENEW ANY LICENSE OR PERMIT ISSUED UNDER THIS TITLE IF THE APPLICANT, LICENSEE, OR PERMITEE:

(1) HAS WITHHELD OR FALSIFIED ANY INFORMATION ON AN APPLICATION;

(2) AT ANY TIME, HAS BEEN CONVICTED OF CRUELTY TO OR NEGLECT OF ANIMALS IN ANY THE CITY OR ANY OTHER JURISDICTION;

(3) DURING THE PRECEDING YEAR, HAS FAILED TO RECLAIM AN IMPOUNDED ANIMAL WITHIN THE TIME REQUIRED BY SUBTITLE 8 {"IMPOUNDMENT"} OF THIS TITLE;

(4) DURING THE PRECEDING YEAR, HAS SURRENDERED AN ANIMAL AFTER RECEIVING A VIOLATION NOTICE OR CITATION; OR

(5) WITHIN ANY 12-MONTH PERIOD, HAS COMMITTED 3 OR MORE VIOLATIONS OF THIS TITLE FOR WHICH THE APPLICANT, LICENSEE, OR PERMITEE:

(I) HAS BEEN CONVICTED; OR

(II) RECEIVED ENVIRONMENTAL OR CIVIL CITATIONS THAT HAVE BEEN DISPOSED OF OTHER

THAN BY A DECISION OF “NOT GUILTY”.

§ 10220. ADDITIONAL GROUNDS FOR DENIAL, ETC.

SUBJECT TO THE HEARING PROCEDURES OF SUBTITLE 10 OF THIS TITLE, THE COMMISSIONER ALSO MAY DENY, SUSPEND, AMEND, REVOKE, OR REFUSE TO RENEW ANY LICENSE OR PERMIT ISSUED UNDER THIS TITLE IF THE APPLICANT, LICENSEE, OR PERMITEE NEGLECTS, REFUSES, OR OTHERWISE FAILS TO COMPLY WITH ANY PROVISION OF:

- (1) THIS TITLE;
- (2) A RULE OR REGULATION ADOPTED UNDER THIS TITLE; OR
- (3) ANY OTHER LAW GOVERNING THE KEEPING AND PROTECTION OF ANIMALS.

§ 10221. {RESERVED}

§ 10222. NO REFUND ON SUSPENSION, AMENDMENT, OR REVOCATION.

NO PART OF A LICENSE OR PERMIT FEE MAY BE REFUNDED WHEN THE LICENSE OR PERMIT IS SUSPENDED, AMENDED OR REVOKED.

§ 10223. SURRENDER OR REMOVAL OF ANIMALS ON DENIAL, ETC.

A PERSON WHOSE LICENSE OR PERMIT FOR AN ANIMAL IS DENIED, SUSPENDED, OR REVOKED MUST, WITHIN 10 DAYS OF THE DENIAL, SUSPENSION, OR REVOCATION:

- (1) SURRENDER THE ANIMALS TO THE OFFICE; OR
- (2) REMOVE THE ANIMAL FROM THE CITY AND PROVIDE THE OFFICE WITH AN AFFIDAVIT STATING THAT THE ANIMAL HAS BEEN REMOVED FROM THE CITY, THE NAME OF THE OWNER OF THE ANIMAL, AND THE NEW ADDRESS WHERE THE ANIMAL IS LOCATED.

§ 10224. REAPPLICATION AFTER DENIAL OR REVOCATION.

ANY PERSON WHO IS DENIED A LICENSE OR PERMIT UNDER THIS TITLE OR HAS HAD A LICENSE OR PERMIT REVOKED UNDER THIS TITLE MAY NOT REAPPLY FOR:

- (1) 1 YEAR; OR
- (2) IF THE PERSON WAS CONVICTED OF CRUELTY TO OR NEGLECT OF ANIMALS, 5 YEARS.

### SUBTITLE 3. GENERAL CARE AND CONTROL

§ 10301. RABIES - VACCINATIONS.

- (A) VACCINATION REQUIRED.

NO PERSON MAY OWN OR KEEP A DOG, CAT, FERAL CAT, OR FERRET THAT IS OLDER THAN 4

MONTHS UNLESS IT HAS A CURRENT RABIES VACCINATION.

(B) CERTIFICATE REQUIRED.

(1) ANY PERSON WHO BRINGS A DOG, CAT, FERAL CAT, OR FERRET OVER 4 MONTHS OLD INTO THE CITY MUST HAVE READILY AVAILABLE A CURRENT RABIES VACCINATION CERTIFICATE SIGNED BY A VETERINARIAN OR ISSUED BY AN APPROVED GOVERNMENT AGENCY.

(2) A DOG, CAT, FERAL CAT, OR FERRET FOR WHICH THERE IS NO EVIDENCE OF A CURRENT VACCINATION MUST IMMEDIATELY BE:

(I) VACCINATED BY A VETERINARIAN; OR

(II) REMOVED FROM THE CITY.

(C) UNLICENSED DOG OR CAT PRESUMED UNVACCINATED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY UNLICENSED DOG, CAT, OR FERAL CAT THAT IS OLDER THAN 4 MONTHS IS PRESUMED TO BE UNVACCINATED. THIS PRESUMPTION CAN BE REBUTTED ONLY BY A CURRENT RABIES VACCINATION CERTIFICATE SIGNED BY A VETERINARIAN OR ISSUED BY AN APPROVED GOVERNMENT AGENCY.

(2) A FERAL CAT THAT HAS BEEN EAR TIPPED IS PRESUMED TO HAVE BEEN VACCINATED AT LEAST ONCE.

(D) ISSUANCE OF CERTIFICATES.

(1) ANY VETERINARIAN WHO ADMINISTERS A RABIES VACCINATION TO AN ANIMAL MUST COMPLETE A VACCINATION CERTIFICATE AND GIVE A COPY OF THE CERTIFICATE TO THE ANIMAL'S OWNER OR CUSTODIAN.

(2) IN ADDITION TO ANY OTHER INFORMATION THAT THE COMMISSIONER REQUIRES, THE CERTIFICATE MUST STATE:

(I) THE DATE THE VACCINATION WAS ADMINISTERED; AND

(II) THE VACCINATION'S EXPIRATION DATE.

(E) COMMISSIONER MAY OPERATE ANTIRABIES CLINICS.

THE COMMISSIONER MAY OPERATE RABIES VACCINATION CLINICS AND CHARGE REASONABLE FEES TO DEFRAY THE COST OF THE SERVICES PROVIDED.

(F) OTHER ANIMAL RABIES VACCINATIONS.

THE COMMISSIONER MAY, BY RULE OR REGULATION, REQUIRES RABIES VACCINATIONS FOR OTHER ANIMALS.

(G) OWNER TO PROVIDE COPY OF RABIES VACCINATION CERTIFICATE TO CUSTODIAN.

WHENEVER THE OWNER OF AN ANIMAL PLACES IT IN THE CARE OR CUSTODY OF ANOTHER PERSON, THE OWNER MUST PROVIDE THAT CUSTODIAN WITH A COPY OF THE ANIMAL'S RABIES VACCINATION CERTIFICATE.

§ 10302. RABIES - POSSIBLE EXPOSURE.

(A) REQUIRED REPORTING.

IN ADDITION TO COMPLYING WITH STATE HEALTH-GENERAL ARTICLE, § 18-316, A PERSON MUST IMMEDIATELY, BY TELEPHONE OR IN PERSON, REPORT TO THE COMMISSIONER AND THE BALTIMORE CITY POLICE DEPARTMENT WHENEVER THAT PERSON HAS KNOWLEDGE OF:

- (1) ANY ANIMAL SUSCEPTIBLE TO RABIES THAT:
  - (I) HAS BITTEN OR SCRATCHED AND BROKEN THE SKIN OF ANY HUMAN BEING; OR
  - (II) OTHERWISE HAS EXPOSED ANY HUMAN BEING TO A POSSIBLE RABIES INFECTION;
- (2) ANY ANIMAL THAT HAS BEEN BITTEN BY ANOTHER ANIMAL SUSPECTED OF HAVING RABIES; OR
- (3) ANY OTHER ANIMAL THAT IS SUSPECTED OF HAVING RABIES.

(B) ISOLATION AND EXAMINATION.

IN ADDITION TO THE REQUIREMENTS OF STATE HEALTH-GENERAL ARTICLE, § 18316, THE FOLLOWING APPLY TO A QUARANTINED ANIMAL:

- (1) THE ANIMAL MUST BE ISOLATED IN THE MANNER AND FOR THE PERIOD THAT THE COMMISSIONER DIRECTS; AND
- (2) AT ANY TIME DURING THE ISOLATION, THE COMMISSIONER OR THE OWNER OR CUSTODIAN OF THE ANIMAL MAY DIRECT THAT THE ANIMAL BE HUMANELY KILLED FOR THE PURPOSE OF RABIES TESTING.

(C) EXPENSES.

- (1) THE ISOLATION AND EXAMINATION OF AN ANIMAL UNDER THIS SECTION IS AT THE EXPENSE OF THE ANIMAL'S OWNER OR CUSTODIAN.
- (2) WHEN THE ANIMAL IS IMPOUNDED, THE ANIMAL'S OWNER OR CUSTODIAN MUST PAY TO THE OFFICE AN INITIAL DEPOSIT, AS SET UNDER § 10-106 OF THIS TITLE, TOWARD EXPENSES RELATED TO ISOLATION AND EXAMINATION.

(D) RELEASE OF ANIMAL.

AN ANIMAL ISOLATED UNDER THIS SECTION MAY BE RELEASED ONLY:

(1) WITH THE CONSENT OF THE COMMISSIONER; AND

(2) ON PAYMENT OF:

(I) THE FEE SET FOR EACH DAY OR PART OF A DAY THAT THE ANIMAL WAS HELD; AND

(II) ALL COSTS INCURRED DURING THE ISOLATION.

§ 10303. HUMANE CARE REQUIRED.

EVERY OWNER OR CUSTODIAN OF AN ANIMAL MUST PROVIDE THE ANIMAL WITH HUMANE CARE AND TREATMENT, WHICH INCLUDES PROVIDING ALL OF THE FOLLOWING:

(1) SUFFICIENT AND WHOLESOME FOOD AND WATER, WHICH MEANS:

(I) AT LEAST ONCE A DAY, THE ANIMAL MUST BE FED FOOD OF A SUFFICIENT QUANTITY AND WITH ADEQUATE NUTRITIVE VALUE, IN CLEAN AND SANITARY RECEPTACLES; AND

(II) THE ANIMAL MUST HAVE CLEAN AND DRINKABLE WATER AVAILABLE AT ALL TIMES.;

(2) PROPER SHELTER AND PROTECTION FROM THE WEATHER, WHICH MEANS:

(I) THE ANIMAL MUST BE KEPT REASONABLY FREE OF URINE, FECAL MATTER, AND ANY OTHER TRASH OR HAZARDOUS MATERIAL;

(II) THE ANIMAL MUST HAVE REASONABLE PROTECTION TO MINIMIZE HEAT EXPOSURE; AND

(III) THE ANIMAL MUST HAVE ACCESS TO A STRUCTURALLY SOUND SHELTER IN GOOD REPAIR, THAT PROVIDES SUITABLE PROTECTION FROM THE ELEMENTS;

(4) VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING OR TO MAINTAIN THE ANIMAL'S HEALTH; AND

(5) SUFFICIENT EXERCISE SPACE, WHICH MEANS:

(I) THE ANIMAL MUST HAVE PROPER SPACE TO BE ABLE TO STAND TO ITS FULL HEIGHT, STRETCH OUT, TURN AROUND, LIE DOWN, AND MAKE NORMAL POSTURAL ADJUSTMENTS COMFORTABLY;

(II) THE ANIMAL MUST BE ALLOWED TO EXERCISE AND HAVE FREEDOM OF MOVEMENT AS NECESSARY TO REDUCE AND MAINTAIN GOOD PHYSICAL CONDITION; AND

(III) MORE SPECIFICALLY FOR DOGS, CATS, AND FERAL CATS:

A A DOG, CAT, OR FERAL CAT MAY ONLY BE CONFINED TO A CAGE FOR TEMPORARY CONFINEMENT; AND

B. IF A DOG IS CAGED, IT MUST BE REMOVED FROM THE CAGE AND EXERCISED AT LEAST:

1. TWICE DAILY FOR AT LEAST HALF AN HOUR EACH TIME; OR
2. ONCE A DAY FOR A MINIMUM OF 2 HOURS.

§§ 10304 TO 10306. {RESERVED}

§ 10307. RESTRAINTS REQUIRED.

(A) IN GENERAL.

ALL ANIMALS MUST BE RESTRAINED:

(1) AS REQUIRED BY THIS SECTION; AND

(2) IN THE CASE OF A DANGEROUS ANIMAL, AS REQUIRED BY § 10702 {"DANGEROUS ANIMALS"} OF THIS TITLE.

(B) ANIMALS GENERALLY.

(1) EXCEPT AS OTHERWISE AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION, ALL ANIMALS MUST BE KEPT:

(I) CONFINED IN A BUILDING OR SECURE ENCLOSURE;

(II) SECURED BY A LEASH OR OTHERWISE; OR

(III) RESTRAINED ACCORDING TO RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER.

(2) THIS SUBSECTION DOES NOT APPLY WHILE THE ANIMAL IS:

(1) PARTICIPATING IN AN OFF-LEASH ACTIVITY APPROVED BY THE COMMISSIONER; OR

(2) IS IN AN AREA AND DURING THE HOURS APPROVED BY THE DIRECTOR OF RECREATION AND PARKS FOR OFF-LEASH RECREATION.

(C) FEMALE ANIMALS IN HEAT.

EVERY FEMALE ANIMAL IN HEAT MUST BE CONFINED IN A BUILDING OR SECURE ENCLOSURE SO THAT IT CANNOT COME INTO CONTACT WITH A MALE ANIMAL, EXCEPT IF THE OWNER HAS AN ANIMAL FANCIER PERMIT.

§ 10308. TRANSPORTING ANIMALS.

(A) CONFINEMENT IN VEHICLE.

NO PERSON MAY PLACE, CONFINE, OR ALLOW AN ANIMAL TO BE PLACED OR CONFINED INSIDE A VEHICLE UNDER CONDITIONS OR FOR A PERIOD OF TIME THAT ENDANGER THE HEALTH OR WELL-BEING OF THE ANIMAL DUE TO TEMPERATURE, LACK OF FOOD OR DRINK, OR OTHER CONDITIONS THAT MIGHT REASONABLY BE EXPECTED TO CAUSE DEATH, DISABILITY, OR

SUFFERING.

(B) UNENCLOSED AREA OF VEHICLE.

NO PERSON MAY ALLOW AN ANIMAL TO RIDE IN THE UNENCLOSED AREA OF A VEHICLE UNLESS THE ANIMAL IS CONFINED BY A SECURE TETHER OR A SECURELY AFFIXED AND VENTILATED CRATE.

§ 103-9. DISPOSITION OF DEAD ANIMALS.

(A) PROHIBITED DISPOSITION.

THE OWNER OR CUSTODIAN OF A DEAD ANIMAL MAY NOT:

- (1) DEPOSIT THE ANIMAL OR LEAVE IT EXPOSED ON ANY PUBLIC OR PRIVATE PROPERTY; OR
- (2) PLACE IT ION A STORM DRAIN OR WATERSHED AREA.

(B) REQUIRED DISPOSITION.

(1) DEAD ANIMALS MUST BE PROMPTLY DISPOSED OF BY CREMATION, BURIAL, OR OTHER SANITARY MEANS.

(2) ON REQUEST, THE OFFICE MAY PICK UP DEAD DOMESTICATED ANIMALS FOR DISPOSAL, SUBJECT TO A FEE FOR THE DISPOSAL AS SET UNDER § 10105 OF THIS TITLE.

§§ 10310 TO 10312. {RESERVED}

§ 10313. ANIMAL WASTE.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE OWNER OR CUSTODIAN OF AN ANIMAL MUST:

- (1) HAVE IN HIS OR HER POSSESSION A MEANS FOR THE REMOVAL AND SANITARY DISPOSAL OF THE ANIMAL'S FECES; AND
- (2) IMMEDIATELY REMOVE ALL FECES LEFT BY THE ANIMAL:
  - (I) ON THAT PERSON'S OR ANY OTHER PERSON'S PRIVATE PROPERTY; OR
  - (II) ON ANY PUBLIC PROPERTY, INCLUDING ANY STREET, SIDEWALK, FOOT PATH, MEDIAN, GUTTER, ALLEY, PARK, OR RECREATION AREA.

(B) DEPOSIT IN STORM DRAIN, ETC., PROHIBITED.

THE OWNER OR CUSTODIAN OF A ANIMAL MAY NOT DISPOSE OF THE ANIMAL'S FECES BY

PLACING THEM IN A STORM DRAIN OR WATERSHED AREA.

(C) EXCEPTIONS.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

- (1) AN ANIMAL OWNED BY AND WHILE WORKING FOR A LAW ENFORCEMENT OR OTHER GOVERNMENTAL AGENCY; OR
- (2) AN ANIMAL PROFESSIONALLY TRAINED TO AID THE VISUALLY, HEARING, OR MOBILITY DISABLED, WHILE ACTUALLY BEING USED FOR THAT PURPOSE.

§ 10314. INJURY BY VEHICLE.

IF A MOTOR VEHICLE HITS OR IS HIT BY AN ANIMAL, THE DRIVER OF THE MOTOR VEHICLE MUST IMMEDIATELY:

- (1) STOP THE VEHICLE; AND
- (2) IF THE ANIMAL IS INJURED OR KILLED, REPORT THE ACCIDENT TO:
  - (I) THE BALTIMORE CITY POLICE DEPARTMENT; AND
  - (II) THE ANIMAL'S OWNER OR CUSTODIAN, IF THE OWNER OR CUSTODIAN CAN BE DETERMINED AND LOCATED.

#### SUBTITLE 4. ANIMAL PROTECTION

§ 10-401. SCOPE OF SUBTITLE.

THIS SUBTITLE DOES NOT APPLY TO:

- (1) CUSTOMARY AND NORMAL VETERINARY AND AGRICULTURAL HUSBANDRY PRACTICES, INCLUDING DEHORNING, CASTRATION, TAIL DOCKING, AND LIMIT FEEDING;
- (2) A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY;
- (3) AN ACTIVITY THAT MAY CAUSE UNAVOIDABLE PHYSICAL PAIN TO AN ANIMAL, INCLUDING FOOD PROCESSING, PEST ELIMINATION, ANIMAL TRAINING, AND HUNTING, IF THE PERSON PERFORMING THE ACTIVITY USES THE MOST HUMANE METHOD REASONABLY AVAILABLE; OR
- (4) NORMAL HUMAN ACTIVITIES IN WHICH THE INFLICTION OF PAIN TO AN ANIMAL IS PURELY INCIDENTAL AND UNAVOIDABLE.

§ 10402. NEGLECT OF ANIMAL.

NO PERSON MAY NEGLECT TO PROVIDE HUMANE CARE AND TREATMENT, AS DESCRIBED IN § 10303 {"HUMANE CARE REQUIRED"} OF THIS TITLE, FOR ANY ANIMAL THAT THE PERSON OWNS,

KEEPS, RESTRAINS, OR CONFINES, WHETHER AS A PET OR FOR ANY OTHER PURPOSE.

§ 10403. ABANDONMENT OF ANIMAL.

(A) “ABANDON” DEFINED..

IN THIS SECTION, “ABANDON” MEANS TO DESERT, FORSAKE, OR ABSOLUTELY GIVE UP AN ANIMAL WITHOUT HAVING SECURED ANOTHER OWNER OR CUSTODIAN FOR THE ANIMAL’S CARE.

(B) ABANDONMENT PROHIBITED.

NO PERSON MAY ABANDON ANY ANIMAL THAT THE PERSON OWNS, KEEPS, RESTRAINS, OR CONFINES, WHETHER AS A PET OR FOR ANY OTHER PURPOSE.

(C) IMPOUNDED ANIMALS NOT RECLAIMED.

IF AN ANIMAL HAS BEEN IMPOUNDED AND IS NOT RECLAIMED BY ITS OWNER OR CUSTODIAN AFTER HAVING BEEN IMPOUNDED FOR 72 HOURS, THE ANIMAL IS CONSIDERED TO BE ABANDONED AND BECOMES THE PROPERTY OF THE CITY.

(D) EXCEPTION - TRANSFER TO OFFICE OR SHELTER..

IF A PERSON RELEASES AND TRANSFERS OWNERSHIP OF AN ANIMAL TO THE OFFICE OR TO AN ANIMAL SHELTER, THAT IS NOT AN ABANDONMENT.

(E) EXCEPTION - RELEASE BY FERAL CAT CAREGIVER.

IF A FERAL CAT CAREGIVER RELEASES A FERAL IN ACCORDANCE WITH AN APPROVED PROGRAM TO TRAP, ALTER, VACCINATE, EAR TIP, AND RETURN FERAL CATS, THE FERAL CAT IS NOT CONSIDERED ABANDONED.

§ 10404. CRUELTY TO OR ABUSE OF ANIMALS.

NO PERSON MAY ACT CRUELLY TO OR ABUSE ANIMALS, WHICH INCLUDES THE FOLLOWING ACTIONS:

- (1) TEASING, TORTURING, TORMENTING, BEATING, KILLING, DELIBERATELY INCITING, INTENTIONALLY INJURING, MUTILATING, INTENTIONALLY HITTING WITH A VEHICLE, OVERDRIVING, OVERLOADING, OR OTHERWISE ABUSING AN ANIMAL;
- (2) SUBJECTING AN ANIMAL TO CONDITIONS DETRIMENTAL TO ITS HEALTH AND GENERAL WELFARE;
- (3) ADMINISTERING POISON TO AN ANIMAL OR KNOWINGLY PLACING OR LEAVING ANY POISONOUS OR OTHER HARMFUL SUBSTANCE WITH THE INTENT TO INJURE OR KILL ANY ANIMAL OTHER THAN VERMIN;
- (4) INFLECTING UNNECESSARY SUFFERING OR PAIN ON AN ANIMAL OR CAUSING UNNECESSARY INJURY, SUFFERING, OF DEATH OF AN ANIMAL UNDER THE INDIVIDUAL’S CHARGE

OR CUSTODY;

- (5) LEAVING ANY DOMESTIC ANIMAL UNATTENDED IN A PARKED, STANDING, OR STOPPED VEHICLE IN A MANNER THAT ENDANGERS THE HEALTH, SAFETY, OR WELFARE OF THE ANIMAL;
- (6) CONFINING, TETHERING, OR ALLOWING AN ANIMAL TO REMAIN IN OUTSIDE AREAS DURING PERIOD OF EXTREME WEATHER WITHOUT ACCESS TO PROPER SHELTER;
- (7) HOARDING, ACCUMULATING, OR MAINTAINING A NUMBER OF ANIMALS IN A SINGLE LOCATION, IF THE NUMBER OF ANIMALS OVERWHELMS A PERSON'S ABILITY TO PROVIDE NUTRITION, SANITATION, AND VETERINARY CARE OR THE PERSON FAILS TO ACKNOWLEDGE THE DETERIORATING HEALTH OF THE ANIMAL OR CONDITION OF THE DWELLING OR FACILITY; OR
- (8) CAUSING, ARRANGING, PERMITTING, OR AUTHORIZING ANY OF THE ACTIONS LISTED IN THIS SECTION .

§ 10405. ANIMAL FIGHTS.

(A) "ANIMAL FIGHT" DEFINED.

IN THIS SECTION, "ANIMAL FIGHT" MEANS ANY DOGFIGHT, COCKFIGHT, BULLFIGHT, OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

(B) PROHIBITED CONDUCT.

NO PERSON MAY:

- (1) CONDUCT, CAUSE, ATTEND, OR PARTICIPATE IN ANY ANIMAL FIGHT;
- (2) PERMIT ANY ANIMAL THAT THE PERSON OWNS OR KEEPS TO PARTICIPATE IN AN ANIMAL FIGHT;
- (3) PREPARE ANY ANIMAL FOR AN ANIMAL FIGHT;
- (4) WAGER ON ANY ANIMAL FIGHT; OR
- (5) BREED ANIMALS TO USE THEM FOR FIGHTING OR TO SELL THEM FOR THE PURPOSE OF FIGHTING.

§ 10406. ANIMAL SHOWS.

(A) CERTAIN DEVICES PROHIBITED.

NO ANIMAL SHOW MAY BE CONDUCTED OR HELD IF ANY ANIMAL IS INDUCED OR ENCOURAGED TO PERFORM THROUGH THE USE OF ANY CHEMICAL, MECHANICAL, ELECTRICAL, OR MANUAL DEVICE THAT IS LIKELY TO CAUSE PHYSICAL INJURY, PAIN, OR SUFFERING.

(B) PROPER EQUIPMENT REQUIRED.

ALL EQUIPMENT USED ON OR BY A PERFORMING ANIMAL MUST FIT PROPERLY AND BE IN GOOD WORKING CONDITION.

§ 10407. EXPOSURE TO POISONS.

NO PERSON MAY USE OR EXPOSE ANY PESTICIDE OR POISON, WHETHER MIXED WITH FOOD OR NOT, WITHOUT TAKING ALL NECESSARY PRECAUTIONS TO PROTECT NONTARGET ANIMALS FROM EXPOSURE TO THE PESTICIDE OR POISON.

§ 10408. CONFINEMENT IN CAGE.

NO PERSON MAY CONFINED ANY ANIMAL IN A CAGE THAT CONSISTS ENTIRELY OF SOLID WALLS.

§ 10409. PROHIBITED TETHERING OF DOGS.

(A) IN GENERAL.

NO PERSON MAY TETHER A DOG UNDER UNSAFE CONDITIONS, INCLUDING HARSH OR EXTREME WEATHER CONDITIONS, THAT ENDANGER ITS HEALTH, SAFETY, OR WELFARE.

(B) SPECIFIC PROHIBITIONS.

NO PERSON MAY TETHER A DOG:

- (1) BY ANY MEANS OTHER THAN A FITTED COLLAR OR HARNESS;
- (2) WITH A CHOKE COLLAR, TRAINING COLLAR, COLLAR WITH METAL SPIKES, OR CHAIN; OR
- (3) WITH A TETHER THAT:
  - (I) DOES NOT HAVE SWIVELS AT BOTH ENDS TO PREVENT KINKING AND KNOTTING;
  - (II) WEIGHS MORE THAN 1/8 OF THE DOG'S BODY WEIGHT;
  - (III) IS NOT PROPERLY POSITIONED TO PREVENT THE TETHER FROM BECOMING ENTANGLED IN OR AROUND OBJECTS;
  - (IV) UNREASONABLY LIMITS A DOG'S MOVEMENT;
  - (V) RESTRICTS THE DOG'S ACCESS TO SUITABLE AND SUFFICIENT FOOD, CLEAN WATER, AND APPROPRIATE SHELTER;
  - (VI) IS NOT PROPERLY POSITIONED TO PREVENT THE DOG FROM REACHING OR CLIMBING A FENCE TO AVOID STRANGULATION;
  - (VII) THAT DOES NOT PERMIT THE DOG TO DEFECATE OR URINATE IN AN AREA SEPARATE FROM THE AREA WHERE IT MUST EAT, DRINK, OR LIE DOWN;

- (VIII) CONFINES THE DOG IN UNSAFE OR UNSANITARY CONDITIONS; OR

(IX) CAUSES INJURY, STRESS, OR DEMONSTRABLE SOCIALIZATION PROBLEMS.

§ 10410. ANIMALS AS PRIZES OR INDUCEMENTS.

NO PERSON MAY GIVE AWAY OR OFFER TO GIVE AWAY ANY LIVE ANIMAL:

- (1) AS A PRIZE FOR OR AS AN INDUCEMENT TO ENTER ANY CONTEST, GAME, OR OTHER COMPETITION;
- (2) AS AN INDUCEMENT TO ENTER A PLACE OF AMUSEMENT; OR
- (3) AS AN INCENTIVE TO ENTER INTO ANY BUSINESS AGREEMENT.

§ 10411. MOLESTING BIRDS.

NO PERSON MAY:

- (1) KILL, INJURE, MOLEST, OR ATTEMPT TO KILL, INJURE, OR MOLEST, IN ANY WAY, ANY BIRD ON ANY OF THE STREETS, PUBLIC SQUARES, OR PARKS IN THE CITY; OR
- (2) DESTROY, REMOVE, OR ATTEMPT TO DESTROY OR REMOVE, ANY BOX PLACED IN ANY TREE OR OTHER SUITABLE PLACE IN THE CITY FOR THE USE OF THESE BIRDS.

SUBTITLE 5. PUBLIC NUISANCE ANIMALS

§ 10-501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) PUBLIC NUISANCE ANIMAL.

“PUBLIC NUISANCE ANIMAL” MEANS AN ANIMAL THAT:

- (1) IS FOUND AT LARGE;
- (2) DAMAGES THE PROPERTY OF ANYONE OTHER THAN ITS OWNER OR CUSTODIAN;
- (3) DEFECATES ON PUBLIC PROPERTY;
- (4) URINATES OR DEFECATES ON PRIVATE PROPERTY;
- (5) MOLESTS OR INTIMIDATES PEDESTRIANS OR PASSERBY;
- (6) CHASES VEHICLES;

(7) EXCESSIVELY MAKES DISTURBING NOISES (INCLUDING CONTINUED OR REPEATED HOWLING, BARKING, WHINING, OR OTHER UTTERANCES) THAT CAUSES UNREASONABLE ANNOYANCE, DISTURBANCE, OR DISCOMFORT TO NEIGHBORS OR OTHERS IN CLOSE PROXIMITY TO THE PREMISES WHERE THE ANIMAL IS KEPT;

(8) FOULS THE AIR BY ODOR SO AS TO CAUSE UNREASONABLE ANNOYANCE OR DISCOMFORT TO NEIGHBORS OR OTHERS IN CLOSE PROXIMITY TO THE PREMISES WHERE THE ANIMAL IS KEPT

(9) CAUSES UNSANITARY CONDITIONS IN ENCLOSURES OR SURROUNDINGS WHERE THE ANIMAL IS KEPT;

(10) BY VIRTUE OF THE NUMBER OR TYPES OF ANIMALS MAINTAINED, IS OFFENSIVE OR DANGEROUS TO THE PUBIC HEALTH, SAFETY, OR WELFARE;

(11) ATTACKS OTHER ANIMALS; OR

(12) HAS BEEN FOUND BY THE COMMISSIONER TO BE A PUBLIC NUISANCE ANIMAL BY VIRTUE OF BEING OFFENSIVE OR A DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

(C) PUBLIC NUISANCE CONDITION.

(1) IN GENERAL.

“PUBLIC NUISANCE CONDITION” MEANS:

(I) AN UNSANITARY, DANGEROUS, OR OFFENSIVE CONDITION CAUSED BY:

A. THE SIZE, NUMBER, OR TYPES OF ANIMALS MAINTAINED OR KEPT;

B. THE INADEQUACY OF THE FACILITIES; OR

C. THE MANNER OR METHOD OF HOLDING, CONFINING, RESTRAINING, BOARDING, OR TRAINING ANIMALS; OR

(II) ANY OTHER CONDITION THAT THE COMMISSIONER DEEMS TO BE A PUBLIC NUISANCE CONDITION.

(2) INCLUSIONS.

“PUBLIC NUISANCE CONDITION” INCLUDES ANY PREMISES IN WHICH:

(I) AN ANIMAL IS MAINTAINED OR KEPT UNDER A CONDITION THAT CONSTITUTES NEGLECT OF OR CRUELTY TO THE ANIMAL; OR

(II) THE ANIMAL IS IN AN UNSANITARY CONDITION.

§ 10502. OWNER OR CUSTODIAN TO EXERCISE CARE AND CONTROL.

EVERY OWNER OR CUSTODIAN OF AN ANIMAL MUST EXERCISE PROPER CARE AND CONTROL TO

PREVENT THE ANIMAL FROM BECOMING A PUBLIC NUISANCE ANIMAL.

§ 10503. NUISANCES PROHIBITED.

(A) IN GENERAL.

NO PERSON MAY KEEP OR MAINTAIN ANY ANIMAL IN THE CITY IN A MANNER THAT:

- (1) CAUSES OR PERMITS IT TO BE A PUBLIC NUISANCE ANIMAL; OR
- (2) CAUSES OR PERMITS THE ANIMAL TO CAUSE A PUBLIC NUISANCE CONDITION.

(B) DISTURBING HEALTH, SAFETY, OR WELFARE.

NO PERSON MAY KEEP OR MAINTAIN ANY ANIMAL IN THE CITY IN A MANNER THAT DISTURBS THE HEALTH, SAFETY, OR WELFARE OF ANY PERSON.

§ 10504. ANIMALS AT LARGE.

(A) “ANIMAL AT LARGE” DEFINED.

“ANIMAL AT LARGE” MEANS ANY ANIMAL THAT IS:

- (1) OFF THE PREMISES OF ITS OWNER OR CUSTODIAN; AND
- (2) NOT UNDER RESTRAINT IN THE MANNER REQUIRED BY § 10- 307 {“RESTRAINTS REQUIRED”} OF THIS TITLE.

(B) PROHIBITED CONDUCT.

NO OWNER OR CUSTODIAN OF AN ANIMAL MAY ALLOW IT TO BE AN ANIMAL AT LARGE.

(C) RESTRAINTS AND CONTROL.

WHEN AN ANIMAL IS OFF THE PREMISES OF THE OWNER OR CUSTODIAN, THE ANIMAL MUST BE:

- (1) RESTRAINED AS REQUIRED BY § 10-307 {“RESTRAINTS REQUIRED”}; AND
- (2) UNDER THE CONTROL OF A PERSON WHO IS CAPABLE OF CONTROLLING AND PHYSICALLY RESTRAINING THE ANIMAL.

(D) OFF-LEASH RECREATION.

AN ANIMAL THAT IS PARTICIPATING IN AN OFF-LEASH ACTIVITY APPROVED BY THE COMMISSIONER OR IS IN AN AREA AND DURING THE HOURS APPROVED BY THE DIRECTOR OF RECREATION AND PARKS FOR OFF-LEASH RECREATION IS NOT AT LARGE UNLESS THE ANIMAL LEAVES THE ACTIVITY OR AREA OR REMAINS BEYOND THE APPROVED HOURS.

SUBTITLE 6. WILD ANIMALS, ETC.; PROHIBITED ANIMALS

§ 10601. WILD, EXOTIC, AND HYBRID ANIMALS.

(A) IN GENERAL.

EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, NO PERSON MAY KEEP OR ALLOW TO BE KEPT ON THAT PERSON'S PREMISES ANY WILD, EXOTIC, OR HYBRID ANIMAL WITHOUT A PERMIT FROM THE COMMISSIONER TO DO SO.

(B) RULES AND REGULATIONS.

BY RULE OR REGULATION, THE COMMISSIONER MAY SET:

- (1) QUALIFICATIONS FOR OBTAINING A PERMIT;
- (2) CONDITIONS FOR KEEPING THE ANIMAL;
- (3) THE TERM OF THE PERMIT;
- (4) GROUNDS FOR DENYING, AMENDING, SUSPENDING, REVOKING, OR REFUSING TO RENEW THE PERMIT; AND
- (5) OTHER LIMITATIONS THE COMMISSIONER FINDS NECESSARY OR APPROPRIATE.

(B) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

- (1) AN ANIMAL SHOW OR ZOOLOGICAL PARK LICENSED UNDER THIS TITLE AND REGULATED BY A MARYLAND OR FEDERAL AGENCY; OR
- (2) A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY.

§ 10602. IMPORTATION OF WILD RABBITS AND HARES.

(A) "WILD RABBIT OR HARE" DEFINED.

IN THIS SECTION, "WILD RABBIT OR HARE" MEANS ANY RABBIT OR HARE THAT HAS NOT BEEN BRED AND SUPERVISED IN A PROPERLY MAINTAINED RABBITRY.

(B) PROHIBITED CONDUCT.

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, NO PERSON MAY:

- (1) BRING OR IMPORT INTO THE CITY, FOR SALE, ANY WILD RABBIT OR HARE, DEAD OR ALIVE; OR

(2) SELL OR OFFER FOR SALE IN THE CITY ANY IMPORTED WILD RABBIT OR HARE, DEAD OR ALIVE.

(C) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO THE IMPORTATION OF WILD RABBITS OR HARES BY THE FOLLOWING, IF DONE IN CONFORMITY WITH THE REGULATIONS OF THE COMMISSIONER:

(1) AN ANIMAL SHOW OR ZOOLOGICAL PARK LICENSED UNDER THIS TITLE AND REGULATED BY A MARYLAND OR FEDERAL AGENCY; OR

(2) A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY.

§ 10-603. OTHER PROHIBITED ANIMALS.

(A) COMMISSIONER MAY PROHIBIT.

BY RULE OR REGULATION, THE COMMISSIONER MAY PROHIBIT OTHER ANIMALS FROM BEING KEPT IN THE CITY AS NECESSARY OR APPROPRIATE TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.

(B) KEEPING PROHIBITED.

EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, NO PERSON MAY KEEP OR ALLOW TO BE KEPT ON THAT PERSON'S PREMISES ANY ANIMAL THAT THE COMMISSIONER PROHIBITS UNDER SUBSECTION (A) OF THIS SECTION.

(C) EXCEPTIONS.

THIS SUBSECTION DOES NOT APPLY TO:

(1) AN ANIMAL SHOW OR ZOOLOGICAL PARK LICENSED UNDER THIS TITLE AND REGULATED BY A STATE OF MARYLAND OR FEDERAL AGENCY; OR

(2) A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY.

SUBTITLE 7. ATTACK DOGS; DANGEROUS AND VICIOUS ANIMALS.

§ 10701. ATTACK DOGS.

(A) ATTACK DOG DEFINED.

IN THIS SECTION, "ATTACK DOG" MEANS A DOG THAT IS TRAINED TO ATTACK ON COMMAND.

(B) KEEPING OR TRAINING PROHIBITED.

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, NO PERSON MAY KEEP OR TRAIN ANY ATTACK DOG IN THE CITY.

(C) EXCEPTION.

THIS SECTION DOES NOT APPLY TO A DOG OWNED BY AND WORKING FOR LAW ENFORCEMENT OR OTHER GOVERNMENTAL AGENCY.

§ 10702. DANGEROUS ANIMALS.

(A) “DANGEROUS ANIMAL” DEFINED.

“DANGEROUS ANIMAL” MEANS ANY ANIMAL THAT:

- (1) HAS BITTEN OR ATTACKED A HUMAN BEING OR ANOTHER ANIMAL WITHOUT PROVOCATION;
- (2) EXHIBITS AGGRESSIVE OR DANGEROUS BEHAVIOR AND IS NOT ADEQUATELY CONFINED OR RESTRAINED;
- (3) IS KNOWN OR SUSPECTED TO BE AN ANIMAL EXPOSED TO RABIES AND IS NOT ADEQUATELY CONFINED OR RESTRAINED; OR
- (4) REQUIRES CONFINEMENT OR RESTRAINTS TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.

(B) HEARING.

THE ANIMAL HEARING BOARD MUST DETERMINE IF AN ANIMAL IS A DANGEROUS ANIMAL IN ACCORDANCE WITH THE HEARING PROCEDURES OF SUBTITLE 10 OF THIS TITLE.

(C) RESTRAINTS REQUIRED.

EXCEPT AS OTHERWISE ORDERED BY THE ANIMAL HEARING BOARD, EVERY DANGEROUS ANIMAL MUST BE:

- (1) MAINTAINED IN A BUILDING OR SECURE ENCLOSURE ON THE PREMISES OF ITS OWNER OR CUSTODIAN; AND
- (2) WHENEVER OUTSIDE OF THE BUILDING OR ENCLOSURE:
  - (I) SECURELY CAGED;
  - (II) SECURELY MUZZLED AND LEASHED; OR
  - (III) RESTRAINED BY ANY OTHER APPROPRIATE METHOD REQUIRED BY THE BOARD.

(D) OTHER REQUIREMENTS.

AN OWNER OR CUSTODIAN OF AN ANIMAL FOUND TO BE A DANGEROUS ANIMAL MUST:

- (1) HAVE THE ANIMAL MICROCHIPED AND ALTERED AT THE OWNER'S OR CUSTODIAN'S EXPENSE;
- (2) DISPLAY A "DANGEROUS ANIMAL" SIGN, VISIBLE TO THE PUBLIC, ON THE PROPERTY WHERE THE ANIMAL IS KEPT;
- (3) IF THE ANIMAL IS KEPT OUTSIDE OF THE DWELLING, INSTALL A PERIMETER FENCE ON THE PROPERTY OR A PORTION OF THE PROPERTY;
- (4) NOTIFY THE OFFICE IF THE ANIMAL IS LOOSE, HAS BITTEN ANOTHER DOMESTICATED ANIMAL OR HUMAN BEING, OR HAS VIOLATED ANY OTHER REQUIREMENTS OF THIS TITLE;
- (5) NOTIFY THE OFFICE IF THE ANIMAL HAS DIED OR IS BEING RELOCATED TO ANOTHER JURISDICTION; AND
- (6) BEFORE TRANSFERRING OWNERSHIP OR CUSTODY OF THE DANGEROUS ANIMAL TO ANOTHER:
  - (I) NOTIFY THE OFFICE IN WRITING OF THE NAME AND ADDRESS OF THE NEW OWNER OR CUSTODIAN; AND
  - (II) NOTIFY THE NEW OWNER OR CUSTODIAN OF THE ANIMAL'S DANGEROUS BEHAVIOR.
- (E) ANIMALS DETERMINED DANGEROUS BY ANOTHER JURISDICTION.
  - (1) ANIMALS DETERMINED DANGEROUS BY ANOTHER JURISDICTION ARE AUTOMATICALLY CONSIDERED DANGEROUS IN THE CITY.
  - (2) THE OWNER OR CUSTODIAN MUST IMMEDIATELY NOTIFY THE OFFICE IF ANY ANIMAL DETERMINED DANGEROUS IN ANOTHER JURISDICTION IS TRANSPORTED INTO THE CITY.
  - (3) IF ANOTHER JURISDICTION DEFINES "DANGEROUS ANIMAL" DIFFERENTLY THAN AS DEFINED IN THIS SECTION OR MAKES A DETERMINATION USING A TERM OTHER THAN "DANGEROUS", THE ANIMAL HEARING BOARD MUST DETERMINE IF THE CRITERIA USED IN THE OTHER JURISDICTION IS APPROPRIATE FOR THE ANIMAL TO BE CONSIDERED DANGEROUS IN THE CITY.

(F) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

- (1) AN ANIMAL SHOW OR ZOOLOGICAL PARK LICENSED UNDER THIS TITLE AND REGULATED BY A MARYLAND OR FEDERAL AGENCY; OR
- (2) A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY.

§ 10703. VICIOUS ANIMALS - DEFINITION.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) VICIOUS ANIMAL.

(1) IN GENERAL.

“VICIOUS ANIMAL” MEANS ANY ANIMAL THAT:

- (I) HAS SEVERELY BITTEN OR ATTACKED A HUMAN BEING OR ANOTHER ANIMAL; OR
- (II) HAS BEEN PREVIOUSLY DEEMED DANGEROUS, AND SUBSEQUENTLY BITTEN OR ATTACKED A HUMAN BEING OR OTHER ANIMAL SO THAT THE ANIMAL SHOULD BE IMMEDIATELY KILLED TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.

(2) EXCLUSIONS - INSTIGATION BY OTHER.

“VICIOUS ANIMAL” DOES NOT INCLUDE AN ANIMAL THAT HAS BITTEN OR ATTACKED IF THE INJURY, DAMAGE, WAS SUSTAINED BY ONE WHO:

- (I) AT THE TIME WAS COMMITTING A WILLFUL TRESPASS OR OTHER TORT ON THE PREMISES OCCUPIED BY THE OWNER OR CUSTODIAN OF THE ANIMAL;
- (II) WAS TORMENTING, ABUSING, OR ASSAULTING THE ANIMAL;
- (III) IN THE PAST HAS BEEN OBSERVED OR REPORTED TO HAVE TORMENTED, ABUSED, OR ASSAULTED THE ANIMAL; OR
- (IV) WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIME.

(3) EXCLUSIONS - PROTECTING SELF OR OTHERS OR IN PAIN.

“VICIOUS ANIMAL” DOES NOT INCLUDE AN ANIMAL THAT HAS BITTEN OR ATTACKED IF THE ANIMAL WAS:

- (I) PROTECTING OR DEFENDING ITSELF, ITS YOUNG, OR ANOTHER ANIMAL;
- (II) RESPONDING TO PAIN OR INJURY; OR
- (III) PROTECTING OR DEFENDING A HUMAN BEING WITHIN THE IMMEDIATE VICINITY OF THE ANIMAL FROM PHYSICAL ATTACK OR ASSAULT.

§ 10704. VICIOUS ANIMALS - HEARING.

THE ANIMAL HEARING BOARD MUST DETERMINE IF AN ANIMAL IS A VICIOUS ANIMAL IN ACCORDANCE WITH THE HEARING PROCEDURES OF SUBTITLE 10 OF THIS TITLE.

§ 10705. VICIOUS ANIMALS - AT LARGE.

IF AN ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, OR HUMANE OFFICER FINDS AN ANIMAL AT LARGE, AND IF THE ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, OR HUMANE OFFICER REASONABLY BELIEVES THAT THE ANIMAL IS A VICIOUS ANIMAL AND THAT THE ANIMAL CANNOT BE TAKEN UP OR TRANQUILIZED AND IMPOUNDED, THE ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, OR HUMANE OFFICER MAY KILL THE ANIMAL.

§ 10706. VICIOUS ANIMALS - KEEPING PROHIBITED.

(A) IN GENERAL.

NO PERSON MAY KEEP IN THE CITY ANY ANIMAL THAT THE BOARD DETERMINES TO BE A VICIOUS ANIMAL.

(B) EXCEPTION.

THIS SUBTITLE DOES NOT APPLY TO AN ANIMAL OWNED BY AND WORKING FOR A LAW ENFORCEMENT OR OTHER GOVERNMENTAL AGENCY.

SUBTITLE 8. IMPOUNDMENT

§ 10801. AUTHORITY TO IMPOUND.

AN ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, HUMANE OFFICER, OR OTHER PERSON AUTHORIZED AND CONTRACTING WITH THE CITY TO DO SO MAY IMPOUND ANY ANIMAL:

- (1) FOUND AT LARGE;
- (2) WHOSE OWNER OR CUSTODIAN DOES NOT HAVE THE REQUIRED LICENSE OR PERMIT FOR THE ANIMAL;
- (3) THAT IS FOUND WITHOUT A LICENSE TAG REQUIRED BY THIS TITLE;
- (4) THAT POSES A THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE;
- (5) REASONABLY BELIEVED TO BE A DANGEROUS OR VICIOUS ANIMAL;
- (6) PLACED AT RISK BY ITS HEALTH OR ENVIRONMENT;
- (7) THAT IS ABANDONED;
- (8) THAT IS PROHIBITED IN THE CITY;
- (9) THAT IS A PUBLIC NUISANCE ANIMAL;
- (10) WHOSE OWNER OR CUSTODIAN IS IN VIOLATION OF THIS TITLE; OR
- (11) WHOSE OWNER OR CUSTODIAN IS IN VIOLATION OF ANY OTHER ANIMAL CONTROL OR PROTECTION LAW, RULE, OR REGULATION OF THIS CITY OR STATE.

§ 10802. RIGHT OF ENTRY AND IMPOUNDMENT.

(A) IN GENERAL.

ON THE DETERMINATION THAT AN ANIMAL SHOULD BE IMPOUNDED, AN ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, HUMANE OFFICER, OR OTHER PERSON AUTHORIZED AND CONTRACTING WITH THE CITY TO DO SO MAY ENTER ONTO PUBLIC OR PRIVATE PROPERTY, REMOVE THE ANIMAL, AND IMPOUND IT AT AN ANIMAL SHELTER OR OTHER FACILITY APPROVED BY THE COMMISSIONER

(B) FACILITY TO NOTIFY OFFICE.

IF AN ANIMAL IS IMPOUNDED, THE OWNER OR OPERATOR OF THE FACILITY MUST IMMEDIATELY NOTIFY THE OFFICE OF THE IMPOUNDMENT AND PROVIDE ANY INFORMATION THAT THE OFFICE REASONABLY REQUIRES.

§ 10803. NOTICE.

(A) NOTICE REQUIRED.

WHEN AN ANIMAL IS IMPOUNDED, THE OFFICE MUST MAKE A REASONABLE ATTEMPT TO PROVIDE NOTICE OF THE IMPOUNDMENT TO THE ANIMAL'S OWNER OR CUSTODIAN.

(B) CONTENTS OF NOTICE.

THE NOTICE SHALL INCLUDE:

- (1) THE NAME, IF KNOWN, OF THE OWNER OR CUSTODIAN;
  - (2) A DESCRIPTION OF THE ANIMAL SEIZED;
  - (3) THE VIOLATION OF THIS TITLE, INCLUDING A REFERENCE TO THE SPECIFIC LEGAL AUTHORITY FOR THE IMPOUNDMENT;
  - (4) THE MANNER AND TIME IN WHICH THE PERSON MUST EITHER:
    - (I) RECLAIM THE ANIMAL; OR
    - (II) REQUEST A HEARING ON THE VIOLATION;
  - (5) A CONTACT PERSON AND TELEPHONE NUMBER AT THE OFFICE; AND
  - (6) A STATEMENT THAT IF THE OWNER OR CUSTODIAN FAILS TO ACT WITHIN 72 HOURS OF THE IMPOUNDMENT, THE ANIMAL WILL BECOME THE PROPERTY OF THE CITY.
- (D) UNKNOWN OWNER OR CUSTODIAN.

IF THE OFFICE CANNOT ASCERTAIN THE IDENTITY AND ADDRESS OF THE OWNER OR CUSTODIAN, THE ANIMAL IS CONSIDERED A STRAY AND BECOMES PROPERTY OF THE CITY AFTER 72 HOURS

FROM THE IMPOUNDMENT.

§ 10-804. HOLDING PERIOD; HEARING.

(A) IN GENERAL.

THE IMPOUNDED ANIMAL MUST BE KEPT FOR AT LEAST 72 HOURS, UNLESS SOONER RECLAIMED BY ITS OWNER OR CUSTODIAN OR OTHERWISE REQUIRED BY LAW.

(B) DANGEROUS OR VICIOUS ANIMAL.

IF THE OFFICE REASONABLY BELIEVES THAT THE ANIMAL IS A DANGEROUS OR VICIOUS ANIMAL, THE OFFICE MUST HOLD THE ANIMAL PENDING A HEARING UNDER SUBTITLE 10 OF THIS TITLE.

(C) REQUEST FOR HEARING.

IF THE OWNER OR CUSTODIAN IS AGGRIEVED BY THE ANIMAL'S IMPOUNDMENT, HE OR SHE MAY REQUEST A HEARING UNDER SUBTITLE 10 OF THIS TITLE.

§ 10805. RECLAIMING ANIMAL.

(A) RIGHT TO RECLAIM.

THE OWNER OR CUSTODIAN HAS THE RIGHT TO RECLAIM THE ANIMAL WITHIN 72 HOURS OF THE IMPOUNDMENT.

(B) REQUISITES FOR RECLAIMING.

IF THE OWNER OR CUSTODIAN SEEKS TO RECLAIM THE ANIMAL, THE OFFICE MAY REQUIRE THE OWNER OR CUSTODIAN TO:

- (1) PROVIDE PROOF OF LEGAL TITLE TO OR CUSTODIANSHIP OF THE ANIMAL OR PROVIDE AN AFFIDAVIT OF LEGAL TITLE OR CUSTODIANSHIP;
- (2) DEMONSTRATE THAT THE ANIMAL HAS THE REQUIRED LICENSE OR PERMIT;
- (3) PAY ANY FEES OR EXPENSES REQUIRED BY THE OFFICE FOR THE CARE, FEEDING, HOUSING, AND VETERINARY CARE OF THE ANIMAL DURING THE IMPOUNDMENT;
- (4) ALLOW THE OFFICE TO MICROCHIP THE ANIMAL AT THE OWNER'S OR CUSTODIAN'S EXPENSE; AND
- (5) ALLOW THE OFFICE TO ALTER THE ANIMAL AT THE OWNER'S OR CUSTODIAN'S EXPENSE.

§ 10806. UNCLAIMED OR SURRENDERED ANIMALS.

(A) UNCLAIMED ANIMALS.

IF AN IMPOUNDED ANIMAL IS NOT RECLAIMED WITHIN 72 HOURS OF IMPOUNDMENT, THE

ANIMAL IS ABANDONED AND IMMEDIATELY BECOMES PROPERTY OF THE CITY.

(B) SURRENDERED ANIMAL.

IF AN ANIMAL IS SURRENDERED TO THE OFFICE BY ITS OWNER, THE ANIMAL IMMEDIATELY BECOMES PROPERTY OF THE CITY.

(C) DISPOSITION.

ONCE AN ANIMAL BECOMES CITY PROPERTY UNDER THIS SECTION, THE OFFICE MUST:

- (1) PLACE THE ANIMAL FOR ADOPTION;
- (2) HUMANELY EUTHANIZE THE ANIMAL; OR
- (3) TRANSFER THE ANIMAL BY ANY METHOD THAT IS ADVANTAGEOUS TO THE CITY AND THE PUBLIC INTEREST AND IS NOT PROHIBITED BY LAW.

#### § 10807. ALTERATION

AN ANIMAL THAT BECOMES CITY PROPERTY UNDER THIS SUBTITLE MAY BE ALTERED BEFORE BEING RELEASED FOR ADOPTION, RESCUE, OR OTHERWISE, UNLESS THE ANIMAL WEIGHS LESS THAN 2 POUNDS.

#### § 10808. OTHER FEES.

EVEN IF AN ANIMAL IS NOT RECLAIMED BY THE OWNER OR CUSTODIAN, THE OWNER OR CUSTODIAN MAY STILL BE REQUIRED TO PAY FOR FEES OR EXPENSES RELATED TO THE IMPOUNDMENT THROUGH THE DATE WHEN THE ANIMAL BECAME CITY PROPERTY.

### SUBTITLE 9. HORSE RIDING AND DRIVING

#### PART I. DEFINITIONS; SCOPE

#### § 10-901. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) HORSE.

“HORSE” MEANS A HORSE, PONY, DONKEY, OR MULE THAT IS:

- (1) OWNED, DRIVEN, USED, OR QUARTERED IN THE CITY, WHETHER PERMANENTLY OR TEMPORARILY; AND

(2) USED FOR:

(I) RIDING, DRIVING, OR BREEDING;

(II) SHOWING OR PERFORMING IN ANY EXHIBITION OR ANIMAL SHOW; OR

(III) ANY WORK OR LABOR.

(C) DRIVING.

“DRIVING” MEANS THE PROCESS OF USING A HORSE:

(1) FOR RIDING; OR

(2) FOR PULLING A WAGON, CART, CARRIAGE, OR OTHER VEHICLE OR DEVICE.

(D) DRIVING LICENSE.

“DRIVING LICENSE” MEANS A LICENSE ISSUED BY THE COMMISSIONER TO USE A HORSE:

(1) FOR RIDING; OR

(2) FOR PULLING A WAGON, CART, CARRIAGE, OR OTHER VEHICLE OR DEVICE.

(E) STABLE.

“STABLE” MEANS ANY PLACE WHERE HORSES ARE:

(1) BOARDED OR DISPLAYED;

(2) RENTED FOR RIDING, DRIVING, OR OTHER PURPOSES; OR

(3) BRED, BOUGHT, SOLD, TRAINED, OR TRADED.

(F) STABLE OPERATOR.

“STABLE OPERATOR” MEANS THE PERSON WHO OWNS OR IS IN CHARGE OF A STABLE.

§ 10902. EXEMPTIONS.

THIS SUBTITLE DOES NOT APPLY TO ANY HORSE THAT IS:

(1) IN THE CUSTODY OF A ZOOLOGICAL PARK OR ITS AGENTS OR CONTRACTORS, IF THE ZOOLOGICAL PARK IS LICENSED UNDER THIS TITLE AND REGULATED BY A MARYLAND OR FEDERAL AGENCY;

(2) IN A LABORATORY WHERE SCIENTIFIC RESEARCH IS CARRIED OUT UNDER REGULATION OF A MARYLAND OR FEDERAL AGENCY; OR

(3) REGULATED BY THE MARYLAND RACING COMMISSION.

§§ 10903 TO 10904. {RESERVED}

PART II. DRIVING LICENSES

§ 10905. DRIVING LICENSE REQUIRED.

(A) IN GENERAL.

EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, NO ONE MAY DRIVE A HORSE UNLESS:

- (1) HE OR SHE IS 18 YEARS OLD OR OLDER;
- (2) HAS BEEN ISSUED A DRIVING LICENSE BY THE COMMISSIONER; AND
- (3) HAS THAT DRIVING LICENSE WITH HIM OR HER WHILE DRIVING THE HORSE.

(B) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO THE RIDER OF A HORSE THAT IS BEING HELD OR LED, DURING THE ENTIRE PERIOD OF RENTAL OR USE, BY A CUSTODIAN WITH A VALID DRIVING LICENSE.

(C) WAIVERS.

THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR INDIVIDUALS PARTICIPATING IN:

- (1) ANIMAL SHOWS;
- (2) ORGANIZED COMPETITIONS;
- (3) SPECIAL EVENTS INVOLVING THE TRANSPORTATION OF PEOPLE IN CARRIAGES OR SLEIGHS; OR
- (4) SIMILAR EVENTS.

§ 10906. APPLICATIONS.

THE APPLICATION FOR A DRIVING LICENSE MUST:

- (1) BE IN THE FORM THAT THE COMMISSIONER REQUIRES; AND
- (2) CONTAIN THE INFORMATION THAT THE COMMISSIONER CONSIDERS NECESSARY TO DETERMINE WHETHER AN APPLICANT:
  - (I) IS CAPABLE OF HUMANELY HANDLING A HORSE; AND
  - (II) OTHERWISE QUALIFIED FOR A DRIVING LICENSE UNDER THIS SUBTITLE AND THE RULES

AND REGULATIONS ADOPTED UNDER IT.

§ 10907. ISSUANCE; FORM; FEE.

(A) ISSUANCE.

THE OFFICE MUST ISSUE A DRIVING LICENSE TO THE APPLICANT IF:

- (1) THE APPLICANT QUALIFIES FOR THE LICENSE; AND
- (2) PAYS THE REQUIRED FEE.

(B) FORM.

THE DRIVING LICENSE MUST CONTAIN:

- (1) THE LICENSEE'S FULL LEGAL NAME, CURRENT ADDRESS, DATE OF BIRTH, SEX, HEIGHT, WEIGHT, AND EYE, SKIN, AND HAIR COLORS; AND
- (2) A CLEAR, FULLFACE, HEADANDSHOULDERS PHOTOGRAPH OF THE DRIVER THAT:
  - (I) WAS TAKEN WITHIN THE PRECEDING 12 MONTHS; AND
  - (II) MEASURES 1¼" BY 1¼".

§ 10908. TERM

UNLESS SOONER SUSPENDED OR REVOKED, A DRIVING LICENSE EXPIRES ANNUALLY ON THE ANNIVERSARY DATE OF ITS ISSUANCE.

§ 10909. DENIAL, SUSPENSION, REVOCATION, ETC.

THE COMMISSIONER OF HEALTH MAY DENY, AMEND, SUSPEND, REVOKE, OR REFUSE TO RENEW A DRIVING LICENSE AS PROVIDED IN SUBTITLE 2, PART III, OF THIS TITLE.

§§ 10910 TO 10911. {RESERVED}

### PART III. REQUIRED CARE

§ 10912. EXAMINATION BY VETERINARIAN.

(A) ANNUAL EXAMINATION REQUIRED.

THE CUSTODIAN OF EVERY HORSE MUST HAVE THE HORSE EXAMINED BY A VETERINARIAN AT LEAST ONCE A YEAR.

(B) SCOPE OF EXAMINATION.

THE EXAMINATION MUST COVER:

- (1) THE GENERAL CONDITION OF THE HORSE AND ITS TEETH, HOOFES, AND SHOES; AND
- (2) THE HORSE'S STAMINA AND PHYSICAL ABILITY TO CARRY THE LOADS AND PERFORM THE WORK FOR WHICH IT IS INTENDED.

(C) VETERINARIAN'S RECORD.

(1) THE VETERINARIAN MUST MAKE A RECORD OF:

- (I) ANY INJURY, DISEASE, OR DEFICIENCY DETECTED; AND
- (II) ANY PRESCRIPTION OR RECOMMENDATION FOR CURING OR CORRECTING THAT CONDITION OR FOR ANY OTHER DISPOSITION OF THE HORSE.

- (2) THE VETERINARIAN MUST PROVIDE A COPY OF THAT RECORD TO THE HORSE'S CUSTODIAN.

(D) CUSTODIAN TO RETAIN RECORDS.

THE CUSTODIAN MUST:

- (1) KEEP A COPY OF THE RECORD FOR AT LEAST 3 YEARS; AND
- (2) MAKE IT AVAILABLE FOR INSPECTION BY AN ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, OR HUMANE OFFICER DURING NORMAL BUSINESS HOURS.

§ 10913. GENERAL LIMITATIONS ON USE.

WHENEVER A HORSE IS BEING USED FOR ANY PURPOSE ON THE STREETS OF THE CITY, THE CUSTODIAN OF THE HORSE:

- (1) MUST TREAT THE HORSE IN A HUMANE MANNER, NEVER BEAT OR PROD IT IN ANY WAY THAT WILL CAUSE PAIN OR INJURY TO THE HORSE, AND NEVER INTENTIONALLY, KNOWINGLY, OR OBVIOUSLY BE CRUEL TO THE HORSE;

- (2) MAY NOT USE, WORK, DRIVE, RIDE, OR REQUIRE LABOR FROM THE HORSE FOR MORE THAN 10 HOURS IN ANY 24HOUR PERIOD, WITH ADEQUATE REST PERIODS DURING THOSE 10 HOURS;

- (3) AT REASONABLE INTERVALS, MUST PERMIT THE HORSE TO HAVE FOOD AND DRINKING WATER FROM A CLEAN CONTAINER THAT IS OF SUFFICIENT SIZE AND IN GOOD CONDITION;

- (4) DURING TIMES OF COLD OR INCLEMENT WEATHER, MUST DRAPE THE BODY OF THE HORSE, FROM FORELEGS TO HIND LEGS, WITH A WARM COVERING THAT IS IN GOOD CONDITION;

- (5) MUST ATTEND THE HORSE AT ALL TIMES, AS FOLLOWS:

- (1) IF THE HORSE IS ONLY BEING USED FOR RIDING PURPOSES, IT MUST BE SECURELY TIED TO

AN IMMOVABLE OBJECT OR HELD, LED, OR MOUNTED BY AN INDIVIDUAL WHO IS PHYSICALLY ABLE TO MAINTAIN FULL CONTROL OF THE HORSE; AND

(II) IF THE HORSE IS BEING USED FOR ANY OTHER DRIVING PURPOSE, IT MUST BE WITHIN 75 FEET OF ITS CUSTODIAN AND WITHIN THE CUSTODIAN'S SIGHT;

(6) MAY NOT OVERDRIVE OR OVERLOAD THE HORSE, AS EVIDENCED BY PHYSICAL STRESS, STRAIN, OR EXHAUSTION OF THE HORSE; AND

(7) MUST OBEY ANY ORDER ISSUED BY THE COMMISSIONER THAT RELATES TO THE CARE AND TREATMENT OF THE HORSE.

§ 10914. LIMITATIONS ON DRIVING - GENERAL.

WHENEVER A HORSE IS BEING USED FOR DRIVING PURPOSES ON THE STREETS OF THE CITY, THE CUSTODIAN OF THE HORSE:

(1) MUST ASSURE THAT ANY WAGON, CART, CARRIAGE, VEHICLE, OR SIMILAR DEVICE BEING USED IS IN GOOD CONDITION, THAT ITS AXLES ARE WELLGREASED, AND THAT ITS OPERATING MECHANISMS ARE IN GOOD WORKING ORDER;

(2) DURING WARM WEATHER, MUST PARK THE HORSE IN THE SHADE WHEN PRACTICABLE;

(3) IF THE WAGON, CART, CARRIAGE, VEHICLE, OR SIMILAR DEVICE IS EQUIPPED WITH BRAKES, MUST PUT THE BRAKES INTO A LOCKED POSITION AT ALL TIMES WHEN NOT MOVING; AND

(4) MAY NOT CAUSE OR PERMIT THE HORSE TO GALLOP.

§ 10915. LIMITATIONS ON DRIVING - WEATHER.

(A) IN GENERAL.

NO CUSTODIAN OF A HORSE MAY PERMIT ITS USE OR WORK ON THE PUBLIC STREETS WHENEVER:

(1) THE TEMPERATURE EXCEEDS 92° F. OR FALLS BELOW 20° F., AS ANNOUNCED BY THE LOCAL RADIO SERVICE;

(2) AN OFFICIAL "SNOW EMERGENCY" IS IN EFFECT; OR

(3) BECAUSE OF ADVERSE WEATHER CONDITIONS, THE COMMISSIONER OF HEALTH OR SOME OTHER AUTHORIZED OFFICIAL OF THE CITY ISSUES A DETERMINATION, BY RADIO OR OTHER MEANS, THAT IT WOULD BE DANGEROUS OR UNSUITABLE FOR A HORSE TO BE ON THE STREETS.

(B) RETURN TO STABLE.

IF A HORSE IS ALREADY IN USE WHEN A CONDITION DESCRIBED IN SUBSECTION (A) OF THIS SECTION BEGINS, THE CUSTODIAN MUST IMMEDIATELY RETURN THE HORSE, BY THE MOST

DIRECT ROUTE, TO THE STABLE FROM WHICH IT WAS OBTAINED.

§ 10916. EQUIPMENT.

THE CUSTODIAN OF EVERY HORSE:

(1) MUST ASSURE THAT THE SADDLE, HARNESS, SHOES, BRIDLE, AND ALL OTHER EQUIPMENT REQUIRED OR IN USE:

(I) ARE IN GOOD WORKING ORDER;

(II) FIT PROPERLY; AND

(III) WILL NOT CAUSE PHYSICAL PAIN OR INJURY TO THE HORSE;

(2) MAY NOT USE CURB BITS, TWISTED WIRE, TWISTED WIRE SNAFFLES, SPURS, BUCKING STRAPS, FLANK STRAPS, OR SIMILAR DEVICES; AND

(3) MUST INSPECT THE HORSE AND ALL ITS EQUIPMENT AND OTHER ATTACHMENTS:

(I) WHENEVER IT DEPARTS FROM THE STABLE;

(II) WHENEVER IT RETURNS TO THE STABLE; AND

(III) IF NOT BEING USED, AT LEAST ONCE DAILY.

§ 10917. QUARTERS.

(A) PROPER QUARTERS REQUIRED.

(1) EVERY CUSTODIAN MUST ASSURE THAT EVERY HORSE IS QUARTERED IN A LIGHTED, CLEAN, DRY, AND PROPERLY VENTILATED STABLE OR BARN AND THAT ALL OTHER REQUIREMENTS OF THIS SECTION ARE MET.

(2) IF THE QUARTERS FOR THE HORSE MEET THE DEFINITION OF “HORSE RIDING AND RENTAL STABLES” IN STATE AGRICULTURE ARTICLE, TITLE 2, SUBTITLE 7, THE CUSTODIAN AND OWNER MUST ALSO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THAT LAW.

(B) STALLS.

EVERY HORSE’S STALL MUST BE:

(1) LARGE ENOUGH TO PERMIT THE HORSE TO TURN AROUND EASILY;

(2) CLEANED DAILY; AND

(3) SUPPLIED WITH ADEQUATE BEDDING OF STRAW, SHAVINGS, OR OTHER SUITABLE HYGIENIC MATERIAL, WHICH MUST BE CHANGED AS OFTEN AS NECESSARY TO MAINTAIN A CLEAN AND DRY CONDITION.

(C) BLANKETS.

BLANKETS MUST BE AVAILABLE AND USED AS NECESSARY DURING COLD WINTER PERIODS.

(D) IDENTIFICATION.

FOR EMERGENCY PURPOSES, THE EXTERIOR OF THE STABLE OR BARN ENTRANCE MUST CONSPICUOUSLY DISPLAY, IN AT LEAST 2 INCH LETTERING, THE CUSTODIAN'S FULL NAME, BUSINESS ADDRESS, AND BUSINESS AND HOME TELEPHONE NUMBERS.

§ 10918. SICK OR INJURED HORSES.

(A) TREATMENT REQUIRED; UNNECESSARY MOVING PROHIBITED.

IF A HORSE IS SICK, DISEASED, LAME, INJURED, OR IN PAIN:

(1) THE CUSTODIAN OF THE HORSE MUST TAKE ACTION TO OBTAIN IMMEDIATE VETERINARY TREATMENT, CARE, AND ATTENTION; AND

(2) THE HORSE MAY NOT BE MOVED OR DRIVEN, EXCEPT:

(I) TO OBTAIN REQUIRED VETERINARY TREATMENT, CARE, AND ATTENTION; OR

(II) TO OBTAIN IMMEDIATE HUMANE KEEPING OR PASTURE.

(B) USE DURING RECOVERY PERIOD.

DURING THE RECOVERY OR CONVALESCENT PERIOD, THE HORSE MAY NOT BE USED OR WORKED UNLESS THE CUSTODIAN HAS A SIGNED, DATED CERTIFICATE FROM THE TREATING VETERINARIAN STATING THAT THE HORSE'S CONDITION WILL NOT BE IMPAIRED OR AGGRAVATED BY THE ACTIVITY.

(C) DISPOSAL.

A SICK, DISEASED, LAME, OR INJURED HORSE MAY NOT BE DISPOSED OF EXCEPT IN A HUMANE MANNER.

§§ 10919 TO 10920. {RESERVED}

PART IV. MISCELLANEOUS REQUIREMENTS

§ 10921. IDENTIFICATION CARDS.

(A) POSSESSION ON STREETS REQUIRED.

WHENEVER ANY HORSE IS ON A STREET, THE CUSTODIAN MUST HAVE AVAILABLE, FOR IMMEDIATE INSPECTION BY THE COMMISSIONER OR BY AN ANIMAL ENFORCEMENT OFFICER, POLICE OFFICER, OR HUMANE OFFICER, THE HORSE IDENTIFICATION CARD REQUIRED BY THIS

SECTION.

(B) FORM AND CONTENTS.

THE HORSE IDENTIFICATION CARD MUST:

- (1) BE ON THE FORM THAT THE COMMISSIONER PROVIDES;
- (2) BE SIGNED AND DATED BY A VETERINARIAN WITHIN THE PRECEDING 12 MONTHS;
- (3) DESCRIBE THE HORSE, INCLUDING ITS SEX, AGE, HEIGHT, COLOR, MARKINGS, AND OTHER IDENTIFYING INFORMATION;
- (4) DESCRIBE THE STAMINA AND PHYSICAL CONDITION OF THE HORSE;
- (5) DESCRIBE ANY CONDITIONS THAT MIGHT RESTRICT OR AFFECT THE USE, MOVEMENT, OR DRIVING OF THE HORSE; AND
- (6) CONTAIN THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:
  - (I) THE STABLE WHERE THE HORSE IS QUARTERED; AND
  - (II) THE OWNER OF THE HORSE.

(C) OWNER TO PROVIDE CARD TO CUSTODIAN.

WHENEVER THE OWNER OF A HORSE RENTS OR OTHERWISE PLACES IT IN THE CARE OR CUSTODY OF ANY PERSON, THE OWNER MUST PROVIDE THAT PERSON WITH THE HORSE IDENTIFICATION CARD REQUIRED BY THIS SECTION.

§ 10922. DRIVING UNDER THE INFLUENCE.

NO ONE MAY RIDE, LEAD, CONTROL, DRIVE, WORK, EXHIBIT, HANDLE, CARE FOR, MAINTAIN, OR SUPERVISE ANY HORSE WHILE:

- (1) INTOXICATED;
- (2) UNDER THE INFLUENCE OF ANY INTOXICATING BEVERAGE OR SUBSTANCE; OR
- (3) UNDER THE INFLUENCE OF ANY DRUGS.

§ 10923. REGISTRY OF RENTALS.

(A) SCOPE.

THIS SECTION DOES NOT APPLY TO THE TRANSPORTATION OF PEOPLE IN A CARRIAGE OR SLEIGH THAT IS DRIVEN BY A LICENSED DRIVER.

(B) REGISTRY REQUIRED; CONTENTS.

THE OPERATOR OF ANY STABLE THAT RENTS HORSES MUST MAINTAIN A WRITTEN REGISTRY THAT CONTAINS:

- (1) THE FULL NAME AND ADDRESS OF EVERY PERSON WHO RENTS A HORSE;
  - (2) THE IDENTITY OF THE HORSE; AND
  - (3) THE EXACT PERIOD DURING WHICH THE HORSE WAS RENTED.
- (C) MAINTENANCE AND INSPECTION.

THE REGISTRY RECORD MUST BE:

- (1) KEPT FOR AT LEAST 3 YEARS AFTER THE RENTING; AND
- (2) AVAILABLE FOR INSPECTION BY THE COMMISSIONER OR BY AN ANIMAL ENFORCEMENT OFFICER, A POLICE OFFICER, OR A HUMANE OFFICER DURING NORMAL BUSINESS HOURS.

§ 10924. DISPLAY OF VEHICLE LICENSE.

THE OWNER OR OPERATOR OF ANY HORSEDRAWN VEHICLE MUST ASSURE THAT THE CITY LICENSE ISSUED FOR THE VEHICLE IS KEPT CLEAN, SECURELY FASTENED, AND PROMINENTLY DISPLAYED ON THE VEHICLE.

## SUBTITLE 10. HEARINGS AND JUDICIAL REVIEW

### PART I. ANIMAL HEARING BOARD

§ 10I001. BOARD ESTABLISHED.

THERE IS AN ANIMAL HEARING BOARD IN THE DEPARTMENT.

§ 10I002. APPOINTMENT AND ORGANIZATION.

- (A) APPOINTMENT; QUALIFICATIONS.
- (1) THE BOARD COMPRISES OF AT LEAST 3 MEMBERS APPOINTED BY THE COMMISSIONER.
  - (2) THE MEMBERS OF THE BOARD MUST HAVE EXPERTISE IN ANIMAL BEHAVIOR.
- (C) TERM.

THE TERM OF A MEMBER OF THE BOARD IS AT THE DISCRETION OF THE COMMISSIONER.

(D) COMPENSATION.

BOARD MEMBERS ARE COMPENSATED AS PROVIDED IN THE ORDINANCE OF ESTIMATES, BUT

RECEIVE NO BENEFITS FROM THE CITY.

§ 10I003. RULES AND REGULATIONS.

(A) BOARD MAY ADOPT.

THE BOARD MAY ADOPT RULES AND REGULATIONS TO GOVERN ITS PROCEDURES AND HEARINGS.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 10I004. {RESERVED}

PART II. HEARINGS AND DECISION

§ 10I005. OPPORTUNITY FOR HEARING.

(A) LICENSES AND PERMITS.

(1) BEFORE THE OFFICE TAKES ANY FINAL ACTION TO DENY, AMEND, SUSPEND, REVOKE, OR REFUSE TO RENEW A LICENSE OR PERMIT, THE OFFICE MUST NOTIFY THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED OF THE PROPOSED ACTION.

(2) THE NOTICE MUST STATE THAT A HEARING WILL BE PROVIDED IF, WITHIN 10 DAYS OF THE NOTICE (OR ANY LONGER PERIOD SPECIFIED IN THE NOTICE), THE PERSON FILES WITH THE BOARD A WRITTEN REQUEST FOR A HEARING.

(B) OTHER SITUATIONS.

(1) IN ALL OTHER SITUATIONS, ANY PERSON AGGRIEVED BY A NOTICE, ORDER, DECISION, OR OTHER ACTION OF THE OFFICE MAY REQUEST A HEARING ON THE MATTER.

(2) THE REQUEST MUST:

(I) BE IN WRITING;

(II) STATE THE GROUNDS ON WHICH THE PERSON IS CONTESTING THE NOTICE, DECISION, ORDER, OR OTHER ACTION; AND

(III) UNLESS A DIFFERENT TIME IS SPECIFIED IN THIS ARTICLE, BE FILED WITH THE BOARD WITHIN 10 DAYS OF THE NOTICE, DECISION, ORDER, OR OTHER ACTION.

§ 10I006. CONDUCT OF HEARING.

(A) QUORUM FOR HEARINGS.

(1) ANY HEARING PERTAINING TO THE DETERMINATION OF WHETHER AN ANIMAL IS A DANGEROUS OR VICIOUS ANIMAL REQUIRES THE PRESENCE OF 3 MEMBERS OF THE BOARD.

(2) ALL OTHER HEARINGS UNDER THIS TITLE ONLY REQUIRE THE PRESENCE OF AT LEAST 1 MEMBER OF THE BOARD.

(B) SCHEDULING HEARING.

ONCE A TIMELY REQUEST FOR A HEARING IS FILED, THE BOARD MUST PROMPTLY SCHEDULE THE HEARING.

(C) NOTICE.

(1) AT LEAST 5 DAYS BEFORE THE HEARING, THE BOARD MUST PROVIDE NOTICE OF THE HEARING TO THE OWNER OR CUSTODIAN OF THE ANIMAL, ANY COMPLAINANT, AND ANY OTHER INTERESTED PARTIES.

(2) EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE BOARD, THE NOTICE MUST CONTAIN THE SAME INFORMATION AS THAT REQUIRED BY TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE.

(D) CONDUCT OF HEARING.

EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE BOARD, THE HEARING MUST BE CONDUCTED IN AN INFORMAL MANNER, SUBJECT TO THE SAME PROCEDURES AND STANDARDS FOR THE SUBMISSION AND CONSIDERATION OF EVIDENCE AS THAT PROVIDED IN TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE.

§ 10I005. DECISION OF BOARD.

(A) IN GENERAL.

THE DECISION OF THE BOARD MUST COMPLY WITH THE SAME REQUIREMENTS AS THOSE IMPOSED BY TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE.

(B) SPECIFIC CONSIDERATIONS.

(1) ON THE QUESTION OF WHETHER AN ANIMAL IS A VICIOUS ANIMAL, THE BOARD MUST DETERMINE, BASED ON THE FACTS PRESENTED:

(I) WHETHER THE ANIMAL:

A. IS A VICIOUS ANIMAL;

B. IS NOT A VICIOUS ANIMAL, BUT IS A DANGEROUS ANIMAL; OR

C. IS NEITHER A VICIOUS NOR A DANGEROUS ANIMAL; AND

(II) WHAT, IF ANY, CORRECTIVE ACTION IS APPROPRIATE.

(2) ON THE QUESTION OF WHETHER AN ANIMAL IS A DANGEROUS ANIMAL, THE BOARD MUST DETERMINE, BASED ON THE FACTS PRESENTED:

(I) WHETHER THE ANIMAL:

A. IS A DANGEROUS ANIMAL; OR

B. IS NOT A DANGEROUS ANIMAL; AND

(II) WHAT, IF ANY, CORRECTIVE ACTION IS APPROPRIATE.

(3) ON THE QUESTION OF ANY OTHER VIOLATION OF THE ANIMAL CONTROL AND PROTECTION LAWS, RULES, AND REGULATIONS OF THIS CITY AND STATE, THE BOARD MUST DETERMINE:

(I) A VIOLATION HAS OR HAS NOT OCCURRED; AND

(II) WHAT, IF ANY, CORRECTIVE ACTION IS APPROPRIATE.

§ 10-1006. CORRECTIVE ACTIONS.

(A) ANIMAL FOUND TO BE VICIOUS.

IF THE BOARD DETERMINES THAT AN ANIMAL IS A VICIOUS ANIMAL, THE BOARD:

(1) MUST DIRECT THE COMMISSIONER TO IMMEDIATELY EUTHANIZE THE ANIMAL IN THE MOST HUMANE WAY POSSIBLE; AND

(2) MAY:

(I) REQUIRE THE OWNER OR CUSTODIAN TO PAY ALL COSTS OF IMPOUNDMENT; AND

(II) REFER THE MATTER TO THE STATE'S ATTORNEY FOR PROSECUTION.

(B) ANIMAL FOUND TO BE DANGEROUS.

IF THE BOARD DETERMINES THAT THE ANIMAL IS A DANGEROUS ANIMAL, THE BOARD:

(1) MUST REQUIRE THE OWNER OR CUSTODIAN TO TAKE WHATEVER CORRECTIVE ACTIONS THE BOARD FINDS NECESSARY OR APPROPRIATE; AND

(2) MAY REQUIRE THE OWNER OR CUSTODIAN TO PAY ALL COSTS OF IMPOUNDMENT.

(C) ALL OTHER VIOLATIONS.

IF THE BOARD DETERMINES THAT THE OWNER OR CUSTODIAN IS IN VIOLATION OF AN ANIMAL CONTROL OR PROTECTION LAW, RULE, OR REGULATION OF THIS CITY OR STATE, THE BOARD:

(1) MUST REQUIRE THE OWNER OR CUSTODIAN TO TAKE WHATEVER CORRECTIVE ACTIONS

THE BOARD FINDS NECESSARY OR APPROPRIATE; AND

(2) MAY REQUIRE THE OWNER OR CUSTODIAN TO PAY ALL COSTS OF IMPOUNDMENT OR RELATED TO THE VIOLATION.

PART III. ADMINISTRATIVE APPEAL; JUDICIAL REVIEW AND APPEAL

§ 10I007. APPEAL TO COMMISSIONER.

(A) RIGHT TO SEEK.

(1) IF A PARTY IS AGGRIEVED BY THE DECISION OF THE BOARD, THE PARTY MAY APPEAL THE DECISION TO THE COMMISSIONER AS PROVIDED IN THIS SECTION.

(2) TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE DOES NOT APPLY TO THIS APPEAL.

(B) TIME AND MANNER OF REQUEST.

THE APPEAL MUST BE IN WRITING AND SUBMITTED TO THE COMMISSIONER WITHIN 10 DAYS OF THE BOARD'S DECISION.

(C) FINAL DECISION.

(1) THE COMMISSIONER MAY MODIFY THE BOARD'S DECISION WITHIN 10 DAYS OF THE APPEAL, IN WHICH CASE THE DECISION OF THE COMMISSIONER IS THE FINAL DECISION OF THE DEPARTMENT.

(2) IF THE COMMISSIONER DOES NOT MODIFY THE BOARD'S DECISION WITHIN 10 DAYS OF THE APPEAL, THE DECISION OF THE BOARD BECOMES THE FINAL DECISION OF THE DEPARTMENT.

§ 10I008. JUDICIAL AND APPELLATE REVIEW OF DECISION.

(A) JUDICIAL REVIEW.

A PARTY AGGRIEVED BY A FINAL DECISION UNDER THIS TITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE CIRCUIT COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

§ 10I009. HOLDING ANIMAL PENDING APPEALS.

(A) OFFICE TO HOLD ANIMAL.

THE OFFICE MAY CONTINUE TO HOLD AND CARE FOR AN ANIMAL IMPOUNDED UNDER THIS TITLE

UNTIL ALL APPEALS ARE COMPLETED.

(B) EXPENSES OF HOLDING ANIMAL.

ALL COSTS FOR CARE OR OTHER EXPENSES OF THE ANIMAL INCURRED BY THE OFFICE FROM THE TIME OF THE IMPOUNDMENT TO THAT FINAL DECISION OF THE COURT ARE A PERSONAL DEBT DUE TO THE CITY OR ITS AGENT BY THE OWNER OR CUSTODIAN OF THE ANIMAL.

§ 10I009. COSTS OF CARE PENDING JUDICIAL REVIEW.

(A) PREPAYMENT OF ESTIMATED COSTS REQUIRED.

IF AN ANIMAL'S OWNER OR CUSTODIAN PETITIONS FOR JUDICIAL REVIEW OF THE FINAL DECISION OF THE DEPARTMENT, THE ANIMAL'S OWNER OR CUSTODIAN MUST PREPAY TO THE CITY OR ITS AGENT THE ESTIMATED COST OF CARING FOR THE ANIMAL FOR EACH 30-DAY PERIOD DURING THE REVIEW, BEGINNING ON THE DATE OF THE PETITION FOR REVIEW.

(B) OFFICE TO ESTIMATE.

THE OFFICE OR ITS AGENT MUST ESTIMATE THE COST, WHICH MAY INCLUDE:

(1) FOOD, VETERINARY CARE, AND OTHER NECESSITIES THAT A RESPONSIBLE OWNER OR CUSTODIAN WOULD PROVIDE FOR THE ANIMAL; AND

(2) OTHER COSTS, SUCH AS STAFFING AND ADMINISTRATIVE EXPENSES, ALLOWED BY RULE OR REGULATION OF THE COMMISSIONER.

(C) TIME . METHOD OF PAYMENT.

(1) THE OWNER OR CUSTODIAN MUST PREPAY THE ESTIMATED COSTS WITHIN 10 DAYS OF RECEIVING NOTICE FROM THE OFFICE OR ITS AGENT OF THE AMOUNT.

(2) THE PREPAYMENT MUST BE MADE IN CASH OR BY BOND OR OTHER METHOD ACCEPTABLE TO THE DIRECTOR OF FINANCE.

(D) JUDICIAL REVERSAL.

IF THE FINAL DECISION OF THE COURT OVERTURNS THE IMPOUNDMENT, THE CITY MUST REIMBURSE THE OWNER OR CUSTODIAN FOR ALL PAYMENTS MADE BY THE OWNER OR CUSTODIAN FOR THE CARE OF THE ANIMAL DURING IMPOUNDMENT.

SUBTITLE 11. PENALTIES

§ 10I101. 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.

§ 101105. 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.

(C) MISREPRESENTATION: \$1,000 AND 30 DAYS.

FOR A VIOLATION OF § 10315 {"MISREPRESENTATION TO OBTAIN CUSTODY"} OF THIS TITLE, THE PENALTY IS A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(D) ANIMAL PROTECTION: \$1,000 AND 90 DAYS.

FOR A VIOLATION OF SUBTITLE 4 {"ANIMAL PROTECTION"} OR SUBTITLE 9 {"HORSE RIDING AND DRIVING"} OF THIS TITLE, THE PENALTY IS A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(E) ATTACK DOGS AND VICIOUS DOGS: \$1,000 AND 6 MONTHS.

FOR A VIOLATION OF § 10701 {"ATTACK DOGS"} OR § 10705 {"KEEPING VICIOUS ANIMAL PROHIBITED"} OF THIS TITLE, THE PENALTY IS A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

Article - Zoning

Title 1. Definitions; General provisions

### Subtitle 1. Definitions

[§ 1134. Dog or cat kennel: private.

(a) In general.

“Dog or cat kennel: private” means any premises where 3 or more dogs or cats over 6 months old are boarded or maintained for noncommercial purposes.

(b) Commercial establishments excluded.

“Dog or cat kennel: private” does not include any establishment:

- (1) for the commercial breeding of dogs or cats; or
- (2) where dogs or cats are boarded, groomed, sold, or trained for a fee.]

## Title 4. Residence Districts

### Subtitle 2. R SingleFamily Residence District

§ 4202. Accessory uses.

In an R District, accessory uses and structures include the following:

(3) Animal facilities AND ANIMAL FANCIERS [, as follows: (i) Dog or cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City. (ii) Facilities] that house [pets and wild] animals, as permitted under the Health Code of Baltimore City, FOR NONCOMMERCIAL PURPOSES.

## Title 6. Business Districts

### Subtitle 2. B Neighborhood Business District

§ 6207. Accessory uses.

In a B District, accessory uses and structures include the following:

(3) Animal facilities AND ANIMAL FANCIERS [, as follows: (i) Dog or cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City. (ii) Facilities] that house [pets and wild] animals, as permitted under the Health Code of Baltimore City, FOR NONCOMMERCIAL PURPOSES.

## Title 7. Industrial Districts

### Subtitle 2. M Industrial District

§ 7209. Accessory uses.

In an M District, accessory uses and structures include, but are not limited to, the following, subject to compliance

with the performance standards set forth in Title 12 {"Performance Standards"} of this article:

(2) Animal facilities AND ANIMAL FANCIERS [, as follows: (i) Dog or cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City. (ii) Facilities] that house [pets and wild] animals, as permitted under the Health Code of Baltimore City, FOR NONCOMMERCIAL PURPOSES.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 4014. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

....

Title 10: Animal Control and Protection

SUBTITLE 1: GENERAL PROVISIONS

§ 10-112. OBSTRUCTING, ETC., OFFICER;  
FALSE STATEMENTS \$500

Subtitle 2: Licensing

Part I. Dog and Cat Licenses \$100

Part II. Facility Licenses

[Private kennels] ANIMAL FANCIERS \$100  
All other facilities \$250

Subtitle 3: General Care and Control

§ 10301. Rabies - [vaccinations] VACCINATIONS \$250

§ 10302. [Reporting possible rabies] RABIES -  
POSSIBLE exposure \$250

§ 10303. Humane care required \$200

[§ 10306. Owner to prevent nuisance \$200]

§ 10307. Restraints required

1st offense \$200  
2nd offense within 12 months of 1st \$400  
3rd offense within 12 months of 1st \$600

§ 10313. Animal waste \$200

All other provisions \$1,000

Subtitle 4: Animal Protection

§ 10-404. [§ 10403. Abuse of animal] CRUELTY TO OR ABUSE OF ANIMALS \$500

§ 10405. Animal fights  
Generally \$500  
Dogfights \$1,000

All other provisions \$1,000

Subtitle 5: [Animal Disturbing Peace] PUBLIC NUISANCE ANIMALS \$200

Subtitle 6: Wild [and Dangerous] Animals, ETC.; PROHIBITED ANIMALS \$250

[§ 10601. Attack dogs \$500]

[All other provisions \$250]

Subtitle 7: ATTACK DOGS; DANGEROUS AND Vicious [Dogs] ANIMALS

§ 10-701. ATTACK DOGS \$500

§ 10-702. DANGEROUS ANIMALS \$250

§ 10-706. VICIOUS ANIMALS - KEEPING PROHIBITED \$1,000

Subtitle 9: Horse Riding and Driving \$200

.....

Subtitle 41. Civil Citations

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

(6) Health Code

.....

Title 10: Animal Control and Protection

SUBTITLE 1: GENERAL PROVISIONS

§ 10-112. OBSTRUCTING, ETC., OFFICER; FALSE STATEMENTS \$500

Subtitle 2: Licensing

Part I. Dog and Cat Licenses		\$100
Part II. Facility Licenses		
[Private kennels] ANIMAL FANCIERS	\$100	
All other facilities		\$250
Subtitle 3: General Care and Control		
§ 10301. Rabies - [vaccinations] VACCINATIONS	\$250	
§ 10302. [Reporting possible rabies] RABIES - POSSIBLE exposure		\$250
§ 10303. Humane care required		\$200
[§ 10306. Owner to prevent nuisance	\$200]	
§ 10307. Restraints required		
1st offense		\$200
2nd offense within 12 months of 1st	\$400	
3rd offense within 12 months of 1st	\$600	
§ 10313. Animal waste		\$200
All other provisions		\$1,000
Subtitle 4: Animal Protection		
§ 10-404. [§ 10403. Abuse of animal] CRUELTY TO OR ABUSE OF ANIMALS		\$500
§ 10405. Animal fights		
Generally		\$500
Dogfights		\$1,000
All other provisions		\$1,000
Subtitle 5: [Animal Disturbing Peace] PUBLIC NUISANCE ANIMALS		\$200
Subtitle 6: Wild [and Dangerous] Animals, ETC.; PROHIBITED ANIMALS		\$250
[§ 10601. Attack dogs	\$500]	
[All other provisions		\$250]
Subtitle 7: ATTACK DOGS; DANGEROUS AND Vicious [Dogs] ANIMALS		

§ 10-701. ATTACK DOGS		\$500
§ 10-702. DANGEROUS ANIMALS		\$250
§ 10-706. VICIOUS ANIMALS - KEEPING PROHIBITED	\$1,000	
SUBTITLE 9: HORSE RIDING AND DRIVING		\$200

....

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-3. "Board".

(a) In general.

"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) Inclusions.

"Board" also includes:

- (1) ANIMAL HEARING BOARD;
- (2) [(1)] Board of Commissioners of the Housing Authority of Baltimore City;
- (3) [(2)] Board of Directors of the Baltimore City Parking Authority;
- (4) [(3)] Board of Directors of the Baltimore Development Corporation;
- (5) [(4)] Board of Liquor License Commissioners for Baltimore City;
- (6) [(5)] Civilian Review Board of Baltimore City;
- (7) [(6)] Local Development Council, South Baltimore Video Lottery Terminal;
- (8) [(7)] Pimlico Community Development Authority.

SECTION 3. AND BE IT FURTHER ORDAINED, That on enactment of Ordinance 11-xxx (Council Bill 11-657), the laws of Baltimore City read as follows:

Article 8. Ethics

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file - Agency officials and staff.

Except as provided in § 7-10 {"Person filing with State"} of this subtitle, the following officials and employees must file the financial disclosure statements required by this subtitle:

....

(16) Health Department.

(i) Commissioner of Health.

(ii) All Deputy Commissioners of Health.

(iii) All Assistant Commissioners.

(iv) All Directors,

(v) All Chiefs.

(vi) All Inspectors.

(VII) ALL MEMBERS OF THE ANIMAL HEARING BOARD.

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

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He/Title10/aa:me

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He/Title10/aa:me