

ACCEPTABLE STANDARDS FOR PROPER RESTRAINT OF ANIMALS

Authority: Baltimore City Health Code, Sections 2-106, Title 10, Subtitles 1 and 3, Edition 2008 as amended.

I. Owner to prevent nuisance (10-306)

Every owner or keeper of an animal must exercise proper care and control to prevent the animal from becoming a public nuisance.

II. Restraints Required (10-307)

(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 10-602 of this title.

(b) Dogs.

All dogs must be kept:

- (1) Confined in a building or secure enclosure; or
- (2) Secured by a leash or otherwise.

(c) Female dogs and cats in heat.

Every female dog or cat in heat must be confined in a building or secure enclosure so that it cannot come into contact with a male dog or cat, except for planned breeding.

A. Proper restraint for dogs.

1. Fences

- (a) Shall be of sufficient height that the dog cannot put its muzzle over the top and the dog cannot jump over.
- (b) Shall be constructed as to effectively contain the dog on the real property.
- (c) Shall be in compliance with state and local laws, ordinances, rules, and regulations now in effect and hereafter adopted.
- (d) Shall be free from defect, decay, or damage and kept in good condition and repair.
- (e) Shall be free from protruding nails or other sharp edges that might cause injury.

2. Leashes

- (a) Shall be no longer than 8 feet in overall length.
- (b) Shall be well constructed and of appropriate weight with sufficient strength to restrain the animal.
- (c) Shall be attached to a properly fitted harness or collar.

3. Pens and cages: as adopted under paragraph four (4) of Acceptable Standards for Proper Animal Care, January 12, 1999.

4. Tethers: as adopted under paragraph four (4) of Acceptable Standards for Proper Animal Care, January 12, 1999.

B. Proper restraints for cats.

1. Fences

- (a) Shall be constructed as to effectively contain the cat on the real property.
- (b) Shall be in compliance with all state and local laws, ordinances, rules, and regulations now in effect and hereafter adopted.
- (c) Shall be free from all defect, decay, or damage and kept in good condition and repair.
- (d) Shall be kept free of nails and other sharp edges that might cause injury.

2. Leashes

- (a) Shall be no longer than 8 feet in overall length.
- (b) Shall be well constructed and of appropriate weight with sufficient strength to restrain the animal.
- (c) Shall be attached to a well fitted body harness or collar.

3. Pens

- (a) Shall be constructed to allow a minimum of 3 feet long by 3 feet wide by 3 feet depth per cat.
- (b) Shall only contain socially compatible cats if housed together.

4. Cages: as adopted under paragraph four (4) of Acceptable Standards for Proper Animal Care, January 12, 1999.

C. Unacceptable restraints for dogs and cats:

- 1. Electronic fences, unless an exemption for a fence to contain a dog has been approved by the Health Commissioner/Board as described in II(D) of this regulation;
 - (a) Definition: For the purpose of this regulation, electronic fence will be defined as a fence that controls the movement of a dog by emitting an electrical shock through an electric collar, which the animal wears, when the animal nears the boundary of the owner or keeper of the property.
- 2. Shock collars;
- 3. Voice and audible commands; and
- 4. Visual commands

D. Electronic Fence Exemption

- 1) Definition of "electronic fence": An electronic fence is a fence that controls the movement of a dog by emitting an electrical shock through an electric collar worn by the dog when the dog nears the boundary of the property around which the fence is located.
- 2) Applications - For Health Commissioner/Board Approval
 - a. Who may apply
An application for an exemption must be filed by the dog owner/keeper (applicant) and, if the applicant is not the owner of the property, the property owner or with the written consent of the property owner.

b. Filing with Health Commissioner

The application must be filed with the Health Commissioner in the form the Health Commissioner requires.

c. Contents

- i. The application must:
- ii. Be accompanied by the site plan for the electronic fence, including the property lines, dimensions and existing structures.
- iii. Include a written statement by the applicant, with adequate supporting evidence, showing how the applicant will conform to the standards set forth in (5) below.
- iv. Provide proof that the animal is neutered or spayed.
- v. Include a statement by the applicant that the applicant:
 1. understands that approval of the fence in no way relieves the applicant of responsibility for control of his/her dog and any damages caused by his/her dog; and
 2. continues to accept responsibility for the dog and its actions, including any damages to the dog, the applicant, and third parties resulting from the applicant's dog, and the use of an electronic fence to contain the dog.

3) Posting of Property

a. Applicant's property must be posted for ten (10) consecutive days immediately upon the filing of the application for an exemption.

b. Sign Placement

- i. The posted sign must be placed in a conspicuous area, not over ten (10) feet above the ground and clearly visible and legible to the public
- ii. The posted sign shall not be less than four (4) feet long and three (3) feet high with black block lettering not less than two (2) inches high on a white background.

c. Content

The sign must state the applicant has requested the Health Commissioner for an exemption to install and maintain an electronic fence and specify the species of dog the fence is to confine.

4) Public Hearing

a. A public hearing will be held only if the Health Commissioner receives written objection(s) to the application.

b. Denial of Application

The Health Commissioner/Board will provide a written explanation of the reason(s) for denial within 30 days after the submission of the application.

c. Appeal

Should the applicant be aggrieved by the denial of the application, an administrative hearing may be requested pursuant to Health Code § 2-302.

5) Electronic Fence Standards

- a. The fence shall be installed in such a way that the dog confined shall not come within ten (10) feet of any public footpaths, walkways, allies or streets.
- b. The fence shall not be installed closer than two (2) feet from an adjacent property.

6) Requirements after Approval of Electric Fence

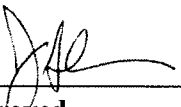
Should the application be approved:

- a. The applicant or keeper is responsible for ensuring that the fence effectively contains the animal on the property.
- b. The applicant or keeper of the animal shall clearly post his/her property to indicate to the public that an animal is confined to the property by an electronic fence or electronic collar.

An applicant's failure to comply with this regulation may lead to a revocation of the exemption granted and citations for improper dog restraints.

III. All dogs or cats shall be leashed when off the premises of its owner or keeper and under the control of a custodian capable of handling the animal.

PROMULGATED:



Approved

1/9/9

Date

Joshua M. Sharfstein, MD
Health Commissioner