

**CODE OF BALTIMORE REGULATIONS ANNOTATED**

*Regulations Effective as of January 15, 2021*

**Title 13 DEPARTMENT OF HEALTH**

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## **Title 13 DEPARTMENT OF HEALTH**

### **SUBTITLE 01 ANIMAL CONTROL**

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**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 01 ACCEPTABLE STANDARDS FOR ISSUING FACILITY LICENSES (ANIMAL CLINIC, ANIMAL SHELTER, COMMERCIAL ESTABLISHMENT, OR ANIMAL FANCIER)**

Administrative History

Effective Date: February 21, 2012

**BALTIMORE CITY HEALTH DEPARTMENT**

**OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230  
410-396-4688; FAX: 410-396-7332**

**REGULATIONS  
OF  
ACCEPTABLE STANDARDS FOR ISSUING FACILITY LICENSES  
(ANIMAL CLINIC, ANIMAL SHELTER, COMMERCIAL  
ESTABLISHMENT, OR ANIMAL FANCIER)**

**FEBRUARY 2012**

## **I. AUTHORITY**

**§ 2-106; § 10-104; and § 10-210 et seq. of the Baltimore City Health Code**

## **II. DEFINITIONS**

***A. Animal clinic is defined at § 10-101(E) of the Baltimore City Health Code.***

***B. Animal fancier is defined at § 10-101(G) of the Baltimore City Health Code.***

***C. Animal shelter is defined at § 10-101(H) of the Baltimore City Health Code.***

***D. Animal show is defined at § 10-101(I) of the Baltimore City Health Code.***

***E. Commercial establishment is defined at § 10-101(L) of the Baltimore City Health Code.***

***F. Commercial kennel is defined at § 10-101(M) of the Baltimore City Health Code.***

***G. Pet shop is defined at § 10-101(CC) of the Baltimore City Health Code.***

***H. Zoological Park is defined at § 10-101(GG) of the Baltimore City Health Code.***

### **III. FACILITY LICENSES**

***A. No person may operate any of the following facilities without a license to do so from the Health Commissioner:***

- 1. Animal Clinic;***
- 2. Animal Shelter;***
- 3. Commercial Establishment; or***
- 4. Animal Fancier.***

***B. Each facility above is considered a separate enterprise and requires a separate license.***

### **IV. GENERAL REQUIREMENTS FOR LICENSES**

***A. Applicant must have a conference with a representative of the Office of Animal Control to discuss the process and sign forms. Call the Office of Animal Control at 410-396-4694 to schedule a conference.***

***B. Applicant must provide an affidavit certifying that neither the applicant or any operator, employee, or agent of the applicant has ever been convicted of animal abuse, cruelty, or neglect.***

***C. Applicant must obtain all pertinent Maryland licenses, Baltimore City zoning permits, variances, building permits, trade permits and all other necessary documentation. The Applicant shall bring these documents to the conference.***

***D. An application provided to the Office of Animal Control must be completed and submitted with cash or a non-refundable check or money order made payable to The Director of Finance in the amount for the license.***

## **V. SPECIFIC REQUIREMENTS FOR LICENSES**

### **A. ANIMAL CLINIC LICENSE**

None. See "General Requirements", Section IV above.

### **B. ANIMAL SHELTER LICENSE**

None. See "General Requirements", Section IV above.

### **C. COMMERCIAL ESTABLISHMENT LICENSE**

None. See "General Requirements", Section IV above.

### **D. ANIMAL FANCIER LICENSE**

1. Applicant must obtain a "Use and Occupancy Permit Form" for the residence from 417 E. Fayette Street, Room 147. This must be brought to the conference.

2. Each residence of Applicant must have a separate room for each animal that includes living room, bedroom, basement, etc. (excluded are dining room, kitchen and bathrooms) or have sufficient proper kennel runs and shelter to house the animals humanely outside.

3. Applicant must provide proof of current rabies vaccination if applicable, animal license or permit, and a photo of each animal currently at the residence.

4. The applicant need not own or have the animals at the residence while applying for a license.

5. In the application provided by the Office of Animal Control, the applicant shall provide his/her name and address, and designate the number of animals, their breed, and their gender.

6. Renters must submit written permission from the property owner to have multiple animals at the residence.

7. Applicant shall post the residence for ten (10) days before a license is granted. If within the ten (10) day posting period, written objections are not received and the application is complete, the Office of Animal Control shall issue the license. If

written objections are submitted to the Office of Animal Control, a public hearing shall be held in relation to the issuance of the license at which interested parties shall have an opportunity to be heard.

8. The posting sign shall not be less than four (4) feet long and three (3) feet high with black lettering not less than two (2) inches high on white background. The sign shall be posted on the front of the residence in a conspicuous manner, not over ten (10) feet above the ground level and where it will be clearly visible and legible to the public. This sign shall be posted not later than ten (10) days after the conference.

## VI. DENIAL OF LICENSE

A. *Applicant's failure to follow the instructions of the Office of Animal Control may result in denial of the license.*

B. *Prior to denial of a license, the Office of Animal Control shall notify the Applicant against whom the denial of the license is contemplated according to § 10-1004(A) of the Baltimore City Health Code and offer the Applicant a hearing on the matter.*

C. *The Office of Animal Control shall deny a license in writing with specific reasons for the denial.*

The above Regulations of Acceptable Standards for Issuing Facility Licenses (Animal Clinic, Animal Shelter, Commercial Establishment, or Animal Fancier) are hereby adopted:

Approved:

Oxiris Barbot, M.D.  
Health Commissioner

2/21/12  
Date

Effective date when filed with the Department of Legislative Reference: 3/2/12

LEGISLATIVE REFERENCE

MAR 02 2012



**Subtitle 01 ANIMAL CONTROL**

CHAPTER 02 ACCEPTABLE STANDARDS FOR PROPER ANIMAL CARE

Administrative History

Effective Date: March 2, 2012

**BALTIMORE CITY HEALTH DEPARTMENT**

**OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230  
410-396-4688; FAX 410-396-7332**

**REGULATIONS  
OF  
ACCEPTABLE STANDARDS FOR PROPER ANIMAL CARE**

**February 2012**

## **REGULATIONS OF ACCEPTABLE STANDARDS FOR PROPER ANIMAL CARE**

### **1. AUTHORITY**

§ 2-106; § 10-104; § 10-303; § 10-308; § 10-402; § 10-404; § 10-409 of the Baltimore City Health Code

### **2. GENERAL PROPER ANIMAL CARE**

Every owner or custodian of an animal must provide the animal with humane care and treatment. No person may neglect to provide humane care and treatment for any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose. No person may act cruelly to or abuse animals, which includes subjecting an animal to conditions detrimental to its health and general welfare or inflicting unnecessary suffering or pain on an animal or causing unnecessary injury, suffering, or death of an animal under the individual's charge or custody.

### **3. PROPER FOOD**

- a. Food should be wholesome, palatable, and free from contamination. Food shall be provided in sufficient quantity and be of adequate nutritive value to maintain all animals in good health.
- b. The diet shall be prepared with due consideration for the age, species, condition, size and breed type of the animals.
- c. Animals should be fed at least once a day, except as dictated by veterinary advice or other professionally accepted practices, for the safety and well-being of the animals.
- d. All food receptacles shall be kept clean and sanitary. Receptacles used to store food shall be kept covered.
- e. If more than one animal is fed at one time or in one place, it shall be the responsibility of the owner/custodian to ensure that each animal receives enough food.

### **4. PROPER DRINK**

- a. Proper drink shall mean clean, drinkable water available at all times to all animals. Animals that are being worked or are in transport shall be provided water as often as necessary for the health and comfort of the animal. Age, species, condition, size, and breed type of animal shall be considered when determining frequency of watering. Activity levels and climatic conditions must also be considered.

- b. Exceptions shall be determined by veterinary consultation or professionally accepted practices for the safety and well-being of the animal.
- c. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal, and be positioned or affixed to prevent spills.

**5. PROPER AIR**

Holding areas shall be constructed to allow a free flow of fresh air.

**6. PROPER SPACE**

**a. In General**

- i. All animals shall be able to stand to their full heights, stretch out, turn around, lie down, and make normal postural adjustments comfortably.
- ii. Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Space and provisions for exercise must be appropriate for the species and sufficient to meet the needs of the animal.
- iii. Space available to the animal must be useable, i.e., maintained in a safe and healthful manner, and free of standing water, accumulated waste, and debris.
- iv. The space standards below may not be sufficient for certain animals and should be increased if necessary. Indicators of improper space and confinement include poor physical condition, abnormal behavior patterns such as pacing or circling within the area of confinement, or other signs of stress.

**b. Caging of Dogs and Cats**

- i. Cage confinement of dogs and cats is abnormally restrictive and stressful and is only acceptable for temporary confinement. Dogs and cats should not be caged except upon veterinary advice, or for transport or other professionally accepted practices.
- ii. Dogs kept in cages shall be removed from them and exercised at least twice daily – once in the morning and once in the afternoon – for a minimum of half an hour each time, or once a day for a minimum of two hours. More frequent exercise periods (three – four daily) are recommended to allow an animal to regularly eliminate out of the cage.

- iii. Dogs in cages shall be monitored as necessary to keep the cage free of urine and fecal matter.
- iv. Cats confined in cages must be provided with litter pans and litter material. Litter pans shall be cleaned and litter material changed as necessary to prevent odor and accumulation of urine and fecal matter.

**c. Small Mammals in Cages:**

Caging for small mammals such as guinea pigs, rabbits, and hamsters, shall be of a size sufficient to permit foraging activities and exercise and contain a place to burrow or nest.

**d. Dogs in Pens:**

The size of a pen is determined by the size and number of dogs housed therein. Dogs housed together must be socially compatible. It is recommended that no more than two compatible dogs be housed in a single pen.

Minimum space for dogs in pen (not including shelter space) shall be as follows:

<b>NUMBER OF DOGS</b>	<b>SMALL (to 25 lbs)</b>	<b>MEDIUM (25 – 50 lbs)</b>	<b>LARGE (over 50 lbs)</b>
<b>1</b>	<b>3 x 7 (21 sq ft)</b>	<b>6 x 10 (60 sq ft)</b>	<b>8 x 10 (80 sq ft)</b>
<b>2</b>	<b>4 x 8 (32 sq ft)</b>	<b>8 x 10 (80 sq ft)</b>	<b>8 x 12 (100 sq ft)</b>

**e. Dogs on Tethers: Improper Confinement**

The continuous maintenance of a dog on a chain, rope or other kind of tether is abnormally restrictive and stressful and often results in health and temperament problems. In some cases such confinement will cause the dog to suffer unnecessarily.

- i. No person may tether a dog:
  - a. Under unsafe conditions, including harsh or extreme weather conditions that endanger its health, safety, or welfare;
  - b. By any means other than a fitted collar or harness;
  - c. With a choke collar, training collar, collar with metal spikes, or chain;
 or

- d. With a tether that:
  - i. does not have swivels at both ends to prevent kinking and knotting;
  - ii. weighs more than 1/8th 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. 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. in unsafe or unsanitary conditions; or
  - ix. confines the dog causes injury, stress, or demonstrable socialization problems.

## **7. PROPER LIGHT**

- a. Animals shall have at least ten hours of light a day, except as directed by hibernation, veterinarian advice or professionally accepted practices for the safety and well-being of the animal.
- b. Lighting of primary enclosures shall be designed to protect animals from excessive illumination. The duration of illumination shall be appropriate for the species involved.

## **8. PROPER SHELTER/PROTECTION FROM THE WEATHER**

### **a. Indoor Shelter:**

- i. Facilities shall be sufficiently heated and cooled, if necessary, to protect animals from extremes of temperature and to provide for their health and well-being.
- ii. The ambient temperature shall not be allowed to fall below or rise above temperatures compatible with the health and well-being of the animal.
- iii. Facilities shall be adequately ventilated by natural or mechanical means to provide for the health and well-being of the animal at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans or air conditioning, and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

**b. Outdoor Shelter:**

- i. All animals kept outdoors shall have access to shelter that provides protection from the weather, i.e., wind, precipitation, or other inclement weather conditions. All domestic animals shall be brought into a heated enclosure at 10 degrees Fahrenheit, real and effective temperature. All domesticated animals shall be brought into appropriate shelter for extreme weather conditions, i.e. tornadoes, hurricanes, ice storms, etc.
- ii. Shelter shall be well constructed and appropriate for the species. Consideration shall be given to the animal's age, physical condition, and hair coat when determining whether available shelter is proper.
- iii. All animals shall have access to shade from the sun during hot weather. A dog house itself is not considered shade. Shade can be provided by any structure as long as adequate air flow.

**c. Dog House As Primary Shelter:**

- i. The house for a dog shall have a roof, enclosed sides, a doorway, and a solid, level floor raised at least two (2) inches from the ground. The dog house shall be shaded during months when the weather is hot.
- ii. Between November 1 and March 31 and whenever the real or effective temperature (i.e., accounting for wind chill and rain) is 40 degrees Fahrenheit or lower, the following shall be provided.
  - a. The entryway shall be protected by a self-closing door, an offset outer door, or a flexible flap made of windproof material.
  - b. Bedding such as cedar shavings, straw, or other non-absorbent material shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry, clean and parasite free.
- iii. If there is no artificial heat source, structures shall be small enough to allow the animal to warm the interior of the structure and maintain his or her body heat, but large enough to permit normal postural adjustments.

**d. Transporting Animal:**

- i. 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 animals due to

- temperature, lack of food or drink, or other conditions that might reasonably be expected to cause death, disability, or suffering.
- ii. 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.

## **9. NECESSARY VETERINARY CARE**

### **a. Emergency Treatment:**

- i. Animals shall be afforded immediate veterinary care if they are known or suspected to have suffered an accidental or deliberate injury and they exhibit such signs as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, irrational behavior, orificial discharge or bleeding, or other such sign.
- ii. Animals shall be afforded immediate veterinary care if they are debilitated and weakened, or exhibit symptoms of bloat or other life-threatening illness such as persistent vomiting or diarrhea.

### **b. Treatment within 48 hours:**

An animal who has exhibited signs of disease or severe parasitic infection such as infection, orificial discharge, loss of appetite, weight loss, abnormal skin condition or hair loss, tremors, temperature fluctuation, inability to bear weight on a limb or lameness, or any other such sign over a period of forty-eight hours or more shall be afforded veterinary care within the next forty-eight (48) hours.

### **c. Incidental:**

- i. If an animal has an abnormal growth of a size or weight or in such a position as to impede the animal in any way, such condition shall be brought to the attention of a veterinarian.
- ii. Internal and external parasites shall be controlled.

## **10. OTHER CARE**

### **a. Socialization for Dogs:**

Dogs shall not be maintained in isolation or deprived of daily social interaction. Hyperactivity, aggression towards humans, or withdrawal and depression may be evidence of inadequate socialization.



**b. Sanitation:**

Both indoor and outdoor enclosures shall receive cleaning as necessary to remove excreta, dirt, and debris so as to minimize disease hazards, odor, and danger to the animal.

**c. Grooming, hoof care, etc.:**

Animals shall be groomed in accordance with normal and recognized grooming practices for their species or breed type. Animals shall be provided with hoof, claw, nail, tooth, and beak care as appropriate and necessary to maintain health and comfort.

**d. Collars, etc.:**

Collars, harnesses, halters, and the like shall be monitored so as to assure proper fit and prevent discomfort or injury. Chains of appropriate weight and length shall be attached to a proper fitting collar and cannot be attached directly around dog's neck. Dogs cannot be locked to a chain. Also refer to the regulations entitled, Acceptable Standards for Proper Restraint of Animals.

**11. NEGLECT AND CRUELTY OR ABUSE OF ANIMALS**

**a. In General:**

- i. No animal shall be subjected to neglect or cruelty.
- ii. Neglect or cruelty may be caused by deficiencies in the categories of acceptable standards for proper animal care listed above. Neglect or cruelty may be caused by situations which expose an animal to prolonged fear, injury and pain, physical abuse, or lack of proper sanitation and care. The absence of interaction with humans or other animals also may cause an animal unnecessary suffering if it results in health and/or temperament problems.
- iii. Excessively timid behavior, or cowering or flinching when approached may be indications of physical abuse or unreasonable intimidation.

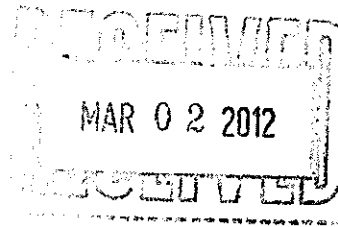
The above Regulations of Acceptable Standards for Proper Animal Care are hereby adopted:

Approved:

*Oxiris Barbot*  
Oxiris Barbot, M.D.  
Health Commissioner

2/21/12  
Date

Effective date when filed with the Department of Legislative Reference: 3/2/12



*[Handwritten signature]*

**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 03 ACCEPTABLE STANDARDS FOR WILD, EXOTIC AND HYBRID ANIMALS**

Administrative History

Effective Date: September 26, 2013



BALTIMORE CITY HEALTH DEPARTMENT

REGULATIONS  
FOR  
WILD, EXOTIC AND HYBRID ANIMALS

September 26, 2013

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Supersedes earlier versions dated October 6, 2007 and March 2, 2012

OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230

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## I. AUTHORITY.

Baltimore City Health Code § 2-106; § 10-104; § 10-601; § 10-603 of the Baltimore City Health Code

## II. PROHIBITED WILD, EXOTIC, OR HYBRID ANIMALS.

A. No person may keep or allow to be kept on that person's premises the following wild, exotic, or hybrid animals:

1. any wild, exotic, or hybrid animal whose possession or sale is prohibited by any Federal, Maryland, or City law, rule, or regulation;
2. all dogs, other than domesticated dogs (*Canis familiaris*);
3. all cats, other than domesticated cats (*Felis catus*);
4. all bears;
5. all bats;
6. all squirrels;
7. all fur-bearing mammals of the family Mustelidae, other than domesticated ferrets;
8. all venomous insects, other than honey bees;
9. all spiders including:
  - a) Black Widows,
  - b) Brown Recluses,
  - c) Mouse Spiders,
  - d) Hobo Spiders;
10. all scorpions including:
  - a) Arizona Bark Scorpions,
  - b) scorpions native to the Mediterranean and North Africa named *Buthus*, *Leiurus*, and *Androctonus*,

- c) scorpions native to Western and Southern Africa named Parabuthus,
  - d) scorpions native to the area from Southern Africa to Southeast Asia named Buthus, also known as Hottentotta,
  - e) scorpions native to Asia named Mesobuthus and Buthus, also known as Hottentotta,
  - f) scorpions native to South America named Tityus;
11. all centipedes;
12. all large rodents (Rodentia);
13. all even-toed ungulates (Artiodactyla) other than domesticated goats in the Miniature, Dwarf or Pygmy breeds. Excluded even-toed ungulates include:
- a) deer,
  - b) goat,
  - c) sheep
14. all odd-toed ungulates (Perissodactyla), other than domesticated horses (Equus caballus) used in the Arabber trade, carriage trade or used by Federal, State or local law enforcement police units.
15. all marsupials including:
- a) opossum,
  - b) kangaroo,
  - c) sugar glider;
16. all Procyonidae including:
- a) raccoons,
  - b) kinkajou;
17. all carnivorous mammals of the family Viverridae including:
- a) civit,
  - b) mongoose;

18. all non-human primates including:
  - a) apes,
  - b) monkeys;
19. all Bovine (cattle);
20. all porcine (pigs), boars, and swine, other than domesticated Vietnamese pot bellied pigs;
21. all rabbits of the family Leporidae, other than domesticated rabbits that have been bred and supervised in a properly maintained rabbitry;
22. all Crocodylia, including:
  - a) alligators,
  - b) caiman,
  - c) crocodiles;
23. all venomous reptiles that are harmful to people, even if de venomized;
24. all snakes capable of growing to more than 5 feet when fully grown;
25. all lizards capable of growing to more than 4 feet when fully grown;
26. all green iguanas (*Iguana iguana*) less than 30 inches long or more than 6 feet long when fully grown; and
27. all fowl (other than domesticated chickens and pigeons) including:
  - a) roosters,
  - b) ducks,
  - c) geese,
  - d) turkeys,
  - e) guinea fowl,
  - f) emus,
  - g) rheas,



h) ostriches.

### III. CONDITIONS FOR KEEPING ALLOWED WILD, EXOTIC OR HYBRID ANIMALS.

#### A. VIETNAMESE POTBELLIED PIGS.

1. A permit from the Office of Animal Control is required to own, keep, or harbor in the City a Vietnamese pot bellied pig that is 6 months old or older.
2. Proof must be presented to show that the Vietnamese pot bellied pig is altered.
3. Boars are to be neutered prior to 9 weeks.
4. Gilts are to be spayed prior to 6 months.
5. No Vietnamese pot bellied pig may be kept if it is greater than 22 inches in height at the shoulder or weighs more than 150 pounds.
6. Tusks must be properly filed by an experienced handler such that the tusks do not show outside of the mouth when the mouth is closed.
7. Tusk removal, unless deemed medically necessary for the health of the animal shall be prohibited in Baltimore City. Rescue animals that have undergone this procedure are permitted. Paperwork indicating medical necessity or that the animal is a bona fide rescue animal must be made available to the Office of Animal Control upon request.
8. All pot bellied pigs must be kept in a clean and sanitary environment that will prevent disease, odor, and insect and rodent breeding.

#### B. PIGEONS.

1. No person may own, keep, or harbor any racing pigeons, any show pigeons, or any other pigeons without obtaining a permit from the Office of Animal Control.
2. No person may own, keep, or harbor more than 125 pigeons.
3. No person may build or use a pigeon coop or loft without first obtaining all applicable zoning and building permits or authorizations.
4. Every coop or loft must provide at least 1 square foot of floor space for each pigeon over the age of 1 month. It must be constructed so that the interior is dry, airy, and bright, with adequate ventilation.
5. Each coop or loft must be well maintained and kept in a clean and sanitary manner so as to prevent disease, odor, and insect and rodent breeding.

6. Feed must be stored and used in a way that prevents the attraction of rodents.
7. No person may permit her or his pigeons to be outside the coop or loft except for the purpose of supervised exercise. This exercise is limited to a maximum of 3 hours a day.
8. The owner or keeper may not allow pigeons to perch or linger on the property or buildings of others.

#### C. GOATS.

1. This Regulation shall apply only to the keeping of Miniature, Dwarf or Pygmy breeds of goats.
2. No person may own, keep, or harbor any goat without obtaining a permit from the Office of Animal Control.
3. Goats must be dehorned, and male goats over the age of 6 months must be neutered.
4. No more than two female or neutered male goats may be kept, plus any of their offspring up to 6 months of age, on lots less than 20,000 sq. ft. On lots greater than 20,000 sq. ft., one additional goat is permitted for every 5,000 sq. ft. of lot area over 20,000 sq. ft. up to a maximum of six goats over the age of 6 months.
5. The yard in which goats are kept must be fenced so as to prevent the goats from roaming.
6. The yard must be properly graded, drained, and kept clean.
7. At least 150 sq. ft. of permeable space must be available per goat.
8. Goats shall be provided with fresh water at all times and adequate amounts of feed.

#### D. FERRETS.

Ferrets are permitted if:

1. A permit is obtained from the Office of Animal Control,
2. Evidence of a current rabies vaccination is provided,
3. Adequate food that is highly concentrated with fat as the main source of calories and highly digestible meat-based protein are readily available,
4. Adequate water is provided

5. Adequate exercise is provided in an appropriate enclosed area, and
6. Routine veterinary care is provided and readily available.

E. SNAKES UP TO 5 FEET LONG.

Snakes capable of growing to a length of no more than 5 feet when fully grown are permitted if:

1. A permit is obtained from the Office of Animal Control,
2. Adequate food and water appropriate for the species is readily available,
3. An adequate enclosure with sufficient space for the animal is provided, so as not to be inhumane,
4. Adequate heating and lighting, as required for the species, is readily provided at all times, and
5. Veterinary care for the species is accessible and provided as needed for the animal.

F. LIZARDS UP TO 4 FEET LONG.

Lizards capable of growing to a length of no more than 4 feet when fully grown are permitted if:

1. A permit is obtained from the Office of Animal Control,
2. Adequate food and water appropriate for the species is readily available,
3. An adequate enclosure with sufficient space for the animal is provided, so as not to be inhumane,
4. Adequate heating and lighting, as required for the species, is readily provided at all times, and
5. Veterinary care for the species is accessible and provided as needed for the animal.

G. GREEN IGUANAS (IGUANA IGUANA) 30 INCHES TO 6 FEET LONG.

Green Iguanas from 30 inches up to no more than 6 feet long when fully grown are permitted if:

1. A permit is obtained from the Office of Animal Control,
2. Adequate food and water appropriate for the species is readily available,

3. An adequate enclosure with sufficient space for the animal is provided, so as not to be inhumane,
4. Adequate heating and lighting, as required for the species, is readily provided at all times, and
5. Veterinary care for the species is accessible and provided as needed for the animal.

#### H. CHICKENS.

1. No person may own, keep, or harbor any chickens without:
  - a) obtaining a permit from the Office of Animal Control;
  - b) registering with the Maryland Department of Agriculture, Domestic Poultry and Exotic Bird Registration Division; and
  - c) obtaining all applicable zoning and building permits or authorizations prior to building or using a chicken coop or loft.
2. Numbers permitted:
  - a) No more than four (4) chickens over the age of 1 month may be kept on lots less than 2,000 sq. ft.
  - b) On lots greater than 2,000 sq. ft., four (4) chickens over the age of 1 month may be kept and one (1) additional chicken over the age of 1 month may be kept for every additional 1,000 sq. ft. of lot area, not to exceed a total of ten (10) chickens, except in the case of community gardens and urban agricultural enterprises approved by the Commissioner as described in (c) below.
  - c) On lots greater than 5,000 sq. ft. community gardens and urban agricultural enterprises may submit permit applications for keeping chickens in numbers greater than ten (10), which will be approved solely at the discretion of the Commissioner as follows:
    - i. One (1) additional chicken over the age of one month may be kept for every additional 1,000 sq. ft. of lot, not to exceed a total of fifty (50) chickens;
    - ii. The application must include a written management plan that includes, how the chickens will be housed, how waste will be managed, how the chickens and their feed will be protected from predators and other pests, and how impacts to surrounding property owners will be avoided.
3. All chickens must be provided with a sanitary and adequately sized covered coop or loft:
4. No coop or loft may be closer than 15 feet to any residence.

5. Each coop or loft must be kept clean, free of all odors and materials that may attract rodents.
6. Each coop or loft must be moved frequently to minimize turf destruction and the build-up of manure borne pathogens such as coccidiosis and roundworms.
7. Coops and/or lofts must allow a minimum of 2 square feet per hen.
8. All chickens must be provided with access to a well-constructed shelter that provides suitable protection from inclement weather.
9. The chickens must be provided with shade during warm weather.
10. Potable water and proper feed must be made available.
11. All chickens must be afforded veterinary care if they are known or suspected to be sick or injured.

#### I. HONEY BEES.

1. Beekeeping of honey bees is permitted in the City only if:
  - a) The activity is registered with the Maryland Department of Agriculture;
  - b) A beekeeper permit is acquired from the Office of Animal Control; and
  - c) No more than two (2) colonies and one (1) nucleus colony shall be allowed for lots up to 2,500 square feet of lot area;
  - d) On lots greater than 2,500 sq. ft., one (1) additional colony and one (1) nucleus colony may be kept for every 2,500 ft. of lot area over 2,500 ft.; and
  - e) Hives housing colonies are kept so that:
    - i. Except where a solid wall or solid fencing measuring at least 5 ft. in height and at least 5 ft. in width is located at a lot line to provide a barrier, they are not located within 5 feet of any lot line;
    - ii. they are inaccessible to the general public; and
    - iii. honey bee movement to and from the hive does not unreasonably interfere with the reasonable enjoyment of the property of others, with the comfort of the public or domestic animals, or with the use of any public right-of-way

## J. RABBITS.

1. This section applies only to rabbits bred or supervised in a properly maintained rabbitry, This section shall not apply to wild rabbits or hares, .
2. No person may own, keep, or harbor any rabbits without obtaining a permit from the Office of Animal Control.
3. On lots less than 1,000 sq. ft., no more than one (1) breeding pair of rabbits may be kept and the total number of rabbits kept may not exceed twelve (12).
4. On lots greater than 1,000 sq. ft., no more than two (2) breeding pairs of rabbits may be kept and the total number of rabbits may not exceed twenty-four (24).
5. The keeping of rabbits shall be permitted if:
  - a) Adequate fresh water and adequate amounts of feed are accessible at all times.
  - b) All rabbits must be provided with access to a well-constructed shelter that provides suitable protection from inclement weather.
  - c) All rabbits must be provided with a sanitary and adequately-sized covered enclosure, or pen:
    - a. No pen may be closer than 15 feet to any residence.
    - b. Each pen must be kept clean, free of all odors and materials that may attract rodents.
    - c. Each pen must be moved frequently to minimize turf destruction and the buildup of manure borne pathogens.
    - d. Pens must allow a minimum of 3 square feet per rabbit. The rabbits must be provided with shade during warm weather.
    - e. All rabbits must be afforded veterinary care if they are known or suspected to be sick or injured.

## IV. QUALIFICATION FOR, APPLICATION FOR, AND TERM OF BALTIMORE CITY PERMIT OF ALLOWED EXOTIC, WILD, OR HYBRID ANIMALS.

- A. Applicant must submit a permit application that has been completed in accordance with this section to the Office of Animal Control within ten (10) days of acquiring the animal(s).

- B. Applicant must provide an affidavit certifying that neither the applicant or any operator, employee, or agent of the applicant has ever been convicted of animal abuse, cruelty, or neglect.
- C. Except in the case of beekeeping, applicant must provide a photo of the animal and proof of current vaccinations and health examination (as applicable to the type of animal). These records must be available for inspection by the Office of Animal Control on request.
- D. In the application provided by the Office of Animal Control, the applicant shall provide his/her name and address, and designate the type, breed, age, and the gender of the animal (as applicable).
- E. With the exception of beekeeping permits, a permit shall be valid only at the location where the animals are normally housed. A beekeeping permit shall be valid for each host site that is properly registered and approved under the permit with the Office of Animal Control.
- F. Renters must submit written permission from the property owner to have the animal(s) at the premises. This includes renters who are providing a premises as a host site for beekeeping.

G. Permit fees shall be as follows:

- 1. There shall be a permit application fee of \$80.00 for an individual animal or group of animals, of the same type except as noted below:
  - a) Snakes, lizards and green iguanas may together be considered a collection and as such, may pay one application fee for the collection.
  - b) Recognizing the unique role honey bees play in contributing to public welfare as pollinators sustaining a diverse variety of food crops, the need to increase honeybee populations generally, as well as the need to protect honeybees from disease, beekeepers shall not be required to pay a permit application fee. Beekeepers are nonetheless required to obtain a permit.

H. An application provided to the Office of Animal Control must be completed and submitted with cash or a certified check, bank check, or money order made payable to The Director of Finance for the total cost of the permit.

I. A permit shall remain valid unless it be suspended or revoked by the Commissioner.

V. KEEPING ANIMALS FOR PURPOSES OF URBAN AGRICULTURE..


A. In addition to the above requirements, applicant's wishing to keep animals for purposes of urban agriculture must adhere to all zoning requirements and all requirements of the Maryland Department of Agriculture as applicable.

- B. In cases where contiguous lots are being used cooperatively as part of a single farm or agricultural enterprise, they may be considered a single lot for the purposes of calculating minimum space requirements and contiguous open space.
- C. If lots used cooperatively under part V., item B. above are titled under different owners, written permission must be obtained from each property owner to have the animal(s) at the property.
- D. The slaughtering of animals for food, fur or other products is prohibited in Baltimore City.

VI. GROUND FOR DENYING, AMENDING, SUSPENDING, REVOKING, OR REFUSING TO RENEW THE BALTIMORE CITY PERMIT OF A WILD, EXOTIC, OR HYBRID ANIMAL.

- A. Subject to the provisions of § 10-219 and § 10-220 of the Baltimore City Health Code, the Health Commissioner may deny, amend, suspend, revoke, or refuse any permit issued under these Regulations.
- B. Further, the provisions of §§ 10-222, 10-223, 10-224 of the Baltimore City Health Code shall apply to a permit issued under these Regulations.

The above Regulations for Wild, Exotic and Hybrid Animals are hereby adopted:

Approved:  9-26-13  
 Oxiris Barbot, M.D. Date  
 Health Commissioner

Effective date when filed with the Department of Legislative Reference: 9/26/13

*Received on behalf of the  
 Department of Legislative Reference -  
 Nancy Boyd Kay*

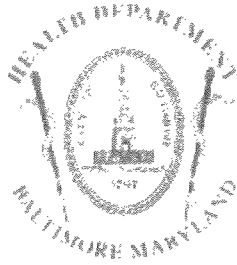


**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 04 REGULATIONS FOR TRAP-NEUTER-RETURN PROGRAMS**

Administrative History

Effective Date: December 5, 2013



BALTIMORE CITY HEALTH DEPARTMENT

REGULATIONS  
FOR  
TRAP-NEUTER-RETURN PROGRAMS

December 5, 2013

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Supersedes all prior versions

OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230

## I. Summary

The Commissioner of Health of Baltimore City is amending the Department's Trap-Neuter-Return Program Regulations to include all free roaming cats.

## II. Background

### A. Legal Authority

In 2009, pursuant to Sections 10-104 and 10-308 of the City Health Code, the Commissioner of Health adopted regulations governing approval of programs to trap, neuter and return (TNR) feral cats. At the time, the Commissioner recognized that some feral cats have become accustomed to human interaction, and noted that these cats would continue to be recognized as a feral cats as long as they were not adopted, which means taken into a home for the purpose of being kept and maintained as a pet.

Under Title 10, Animal Control and Protection, of the City Health Code, the Commissioner is responsible for adopting regulations that, among other things, may govern the general care and control of animals, and define or further define terms used in the Title. Section 2-104 of the City Health Code provides that the Health Commissioner is responsible for preventing disease and nuisances affecting public health; the Health Commissioner has the duty to "to remove and abate nuisances" and to require "the removal of all nuisances ..." Health Code §§ 2-105(5) and 5-102. Section 5-101(b) of the Code inclusively defines nuisances as "any other health or safety hazard." Finally, under§2-106 of the Baltimore City Health Code, the Health Commissioner may adopt and enforce regulations to carry out her duties described above. All of these provisions support the Commissioner's effort to regulate the number, health, and reproduction of cats roaming free in the City.

### B. Need for Regulation

Since 2009, the problem of feral cats has been recognized as involving not just cats extremely afraid of humans but also cats that are free roaming but not fearful of humans. These free roaming cats pose the same animal control, nuisance, and health issues as feral cats and similarly need to be neutered or spayed and vaccinated to limit their population.

REGULATIONS  
FOR  
TRAP-NEUTER-RETURN PROGRAMS

A. Definitions

1. "Abandoned/Lost Cat" means a customarily indoor cat who is found outside, due to being abandoned or lost, but is not acclimated to living outdoors as evidenced by its overall poor condition or anecdotal evidence provided by a person with credible knowledge of the cat's current or former owned status."Cat" means a member of the species *Felis Catus*.
2. "Community cat" means a cat that is either a feral cat or a free-roaming cat. Free-roaming cats may be considered feral for purposes of a TNR program unless identified otherwise but excludes an Abandoned/Lost Cat.
3. "Community cat colony" means a group of cats that congregate together. Although not every cat in a colony may be a community cat, any cats owned by individuals that congregate with a colony are considered part of it.
4. "Feral Cat" means a cat that is un-socialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
5. "Feral Cat Caregiver" means any person who, in accordance with a Trap-Neuter-Return program approved by the Commissioner:
  - a. provides care, including food, shelter, or medical care, to Community Cats;  
or
  - b. has temporary custody of Community Cats.
6. "Free-roaming cat" means a cat without discernible signs of ownership or microchip or owner identification of any kind, that has its claws and is homeless, either due to being abandoned or lost, and that is presumed cared for because it is healthy and in overall good condition and is acclimated to outdoor living. All free-roaming cats may be considered feral for purposes of a TNR program. "Office" means the Baltimore City Health Department, Office of Animal Control
7. "Trap-Neuter-Return Program" (TNR) means a program approved by the Baltimore City Health Department to trap, alter, vaccinate for rabies and distemper, ear tip, and return Community Cats to their original location.

B. Approval Trap-Neuter-Return Programs.

1. An organization that wishes to operate a TNR Program in the City shall submit an application in the form and with the information required by the Health Commissioner.

2. The Commissioner will approve the organization's application to operate a TNR Program in the City if the organization demonstrates that it will:
  - a. only use humane trapping techniques
  - b. temporarily board and feed trapped Community Cats humanely in compliance with City and State law
  - c. use a person authorized under the Maryland Agriculture Code to alter, tip ears (in the style directed by the Commissioner)
  - d. vaccinate Community Cats
  - e. return the trapped Community Cats to their original location or in cases where a willing adoptive family is present, surrender the Community Cat to the animal shelter responsible for arranging the adoption and
  - f. any Community Cats not suitable for return to their original locations will be surrendered to an animal shelter for adoption, fostering, or euthanasia. An organization authorized to operate a TNR Program shall operate in accordance with its approval by the Commissioner.
3. Each TNR Program will not knowingly include an unacclimated Abandoned/Lost Cat in their TNR Program.
4. Each TNR Program will return Community Cats to their original locations unless Animal Control deems it inadvisable because conditions in the original location pose a direct threat to the cats' lives.
5. Each TNR Program will use reasonable effort to identify feral cat caregivers and others who will feed the returned cats at their original locations.
6. Each TNR Program will check each trapped cat to see if it has visibly discernible signs of ownership or microchip or owner identification of any kind.
7. Each TNR Program will use reasonable efforts to contact the owner of cats with such signs of ownership or will surrender the cat(s) to an animal shelter that will make such contact efforts. If the TNR program cannot contact the owner, it will surrender the cat to an animal shelter.

#### C. Surrendered Cats

1. Before accepting a surrendered cat, the Office of Animal Control or its contracted animal shelter shall tell the person directly surrendering the cat that the cat may be included in a TNR Program. The TNR Program parameters must be explained to the person surrendering the cat and written materials about the program provided.
2. Presumed Owners surrendering a cat that they can no longer care for may opt out of a TNR program.

#### D. Responsibilities of the Feral Cat Caregiver and Acceptable Standards of Care


1. Feral Cat Caregivers will make reasonable, good faith efforts to have all cats in a Community cat colony altered, ear-tipped for identification, vaccinated against rabies and distemper, and returned to their home site following full recovery from surgery.
2. Feral Cat Caregivers will make reasonable, good faith efforts to have any new cat(s) that comes to the Community cat colony altered, ear tipped, and vaccinated against rabies and distemper as soon as possible.
3. Feral Cat Caregivers shall provide food and water to the Community cat colony on a regular basis, year round, using best practices to minimize, as reasonably as possible, any nuisance and/or unsanitary conditions.
4. Feral Cat Caregivers will provide adequate shelter (in number and quality) for the Community cat colony using best practices to minimize nuisance.
5. Feral Cat Caregivers will make reasonable, good faith efforts to provide needed veterinary care to cats in the Community cat colony that are visibly ill or injured.
6. Feral Cat Caregivers shall keep and maintain records for each cat in a Community cat colony, including each cat's rabies vaccination record/certificate.
7. Feral Cat Caregivers shall make reasonable, good faith efforts, using best practices, to exclude cats from yards, gardens or similar property upon request of the property owner.
8. Feral Cat Caregivers will generally make reasonable efforts to address and resolve complaints regarding Community cat colony cats.
9. Feral Cat Caregivers will ensure that a substitute caregiver is in place during the Feral Cat Caregiver's temporary or permanent absence.

#### E. Responsibilities of the Office of Animal Control

1. The Office will continue to trap and seize those Community or other cats that pose an imminent health risk to the public, or are severely injured or sick.
2. A citizen aware of Community Cats without ear tips may call the 311 Call Center for assistance in locating a TNR Program's phone number, e-mail, or address for further assistance or questions,
3. The Office will enforce the standards of care applicable to Feral Cat caregivers. The Office may refer violations of the standards of care to the appropriate TNR Program for assistance in correcting the violations. A caregiver has up to 60 days to come into compliance with the standards of care. The Office may reduce the time to come into compliance if the Office or the assisting TNR Program concludes that the Feral Cats' conditions place their welfare or that of human beings in jeopardy.

4. The Office may recommend to the Health Commissioner the revocation of approval and the Health Commissioner may revoke approval of a TNR Program if that TNR Program fails to meet the standards set forth in this regulation, in addition to any other applicable penalties under the Baltimore City Health Code.
5. Anyone aware of a Community Cat (with an unknown owner) bite must report it to the Office.

The above Regulations for Trap-Neuter-Return Programs are hereby adopted:

Approved:  12/4/13  
Oxiris Barbot, M.D. Date  
Health Commissioner

Effective date when filed with the Department of Legislative Reference: 12-5-13

*Received on behalf of the Department of  
Legislative Reference  
Nancy Boyd Kay*


**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 05 ANIMAL IMPOUNDMENT AND REDEMPTION — POLICY ON OWNER  
RECLAIMING ANIMALS WITHIN 72 HOURS OF IMPOUNDMENT**

Administrative History

Effective Date: October 5, 2016



<b>F R O M</b>	Name & Title	Sharon Miller Director, Animal Services	<b>Health Department</b>  <b>MEMO</b>	
	Agency Name & Address	Baltimore City Health Department, Baltimore, Maryland 21202		
	Subject	Animal Impoundment and Redemption		

October 5, 2016

TO: Baltimore Animal Rescue and Care Shelter

Under the legal authority of the Baltimore City Health Code (HE) §10-801 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) reasonably believed to be 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 for this City or State.

Baltimore Animal Rescue and Care Shelter is the contracting shelter organization for Baltimore City (BARCS) and as such, BARCS staff may impound any animal brought in by a member of the public that is found at large (stray), abandoned or that meets any of the other criteria listed in HE § 10-801 (above).

Pursuant to HE § 10-805 (b) if the owner seeks to reclaim the animal within 72 hours of impoundment the Office may require the owner or custodian to:

- (1) provide proof of legal title or custodianship of the animal or provide an affidavit of legal title or custodianship;
- (2) demonstrate that the animal has 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.

BARCS is authorized to carry out the Office of Animal Control's current 'Policy on Owner Reclaiming of Animals within 72 Hours of Impoundment.' (see attached).

ATTACHMENT:

# Baltimore City Health Department

## Office of Animal Control

### Policy on Owner Reclaiming Animals within 72 Hours of Impoundment

Version 1, October 5, 2016

If the owner of an impounded animal seeks to reclaim the animal within 72 hours of impoundment, all of the requisites (1-5) of HE 10-805(b) listed below shall be fulfilled prior to redemption of the animal **with the exception of altering the animal if the animal is at risk due to its age or medical condition.**

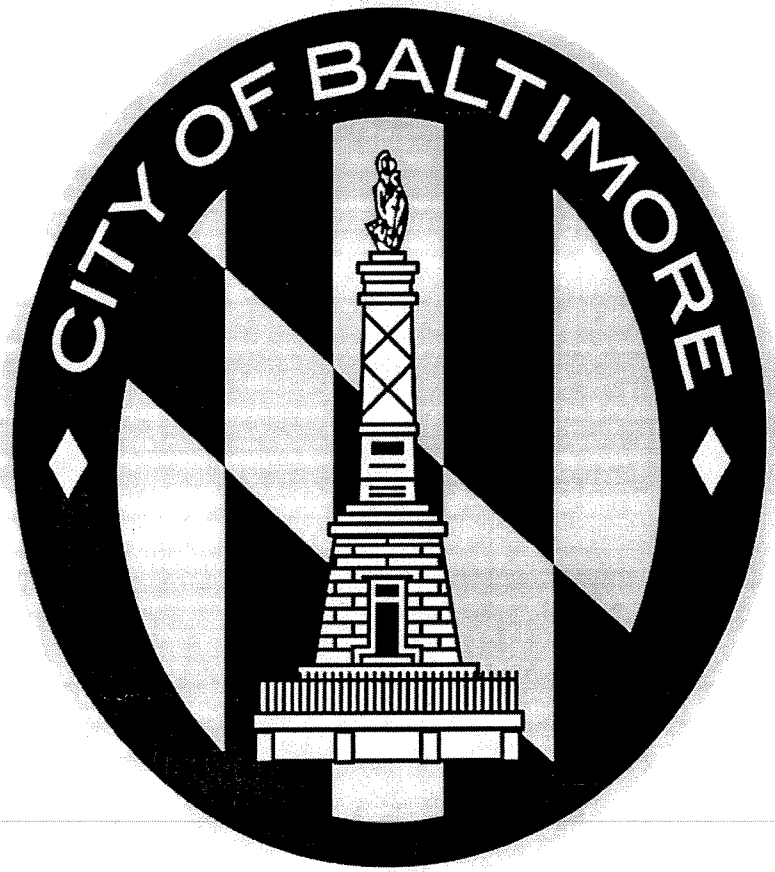
- (1) provide proof of legal title or custodianship of the animal or provide an affidavit of legal title or custodianship;
- (2) demonstrate that the animal has required license or permit;
- (3) pay any fees or expenses required by the Office for the care, feeding, housing, and veterinary care of the 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.

**Subtitle 01 ANIMAL CONTROL**

CHAPTER 06 RULES AND REGULATIONS RELATIVE TO HORSE STABLES AND GENERAL  
CARE OF HORSES

Administrative History

Effective Date: June 11, 2003



**BALTIMORE CITY HEALTH DEPARTMENT  
BUREAU OF ANIMAL CONTROL  
RULES AND REGULATIONS RELATIVE TO HORSE STABLES  
AND GENERAL CARE OF HORSES**

# BUREAU OF ANIMAL CONTROL

## Rules and Regulations Relative to Horse Stables and General Care of Horses

**Authority: Baltimore City Health Code, Sections 2-106, Title 10, Subtitles 1, 4 and 9, Edition 2000 as amended; Maryland Code Annotated, Criminal Law, Section 10-601 et. seq.; Transportation Article, Section 21-104; and Agriculture Article, Sections 2-701 et. seq.**

### A. Responsibilities:

1. Bureau of Ecology and Institutional Services: Prior to issuing a commercial license, the Bureau shall annually conduct a full inspection of stables located in Baltimore City.
2. Establishment Owners/Horse, Owners/Drivers/Riders, where applicable, shall be responsible for compliance with this or any other regulation or law governing the care and treatment of horses within Baltimore City.
3. Bureau of Animal Control: The Bureau shall enforce all codes, rules and regulations. In doing so, its agents/employees may enter the property during normal business hours.

### B. Definitions:

1. *Animal* – means any non-human vertebrate.
2. *Attend* – means that a horse being used for riding purposes only shall be securely tied, not by the bit, to an immovable object or held, led or mounted by an individual person who is physically able to maintain full control of the horse; and that a horse being used for any other driving purpose shall be within the sight and within 75 feet of its custodian.
3. *Bureau of Animal Control* – a bureau of the Baltimore City Health Department for the protection/control of animals within the City of Baltimore.
4. *Bureau of Ecology & Institutional Services*- a bureau of the Baltimore City Health Department for the issuing of commercial licenses.
5. *Commercial Establishment* – means any animal auction, animal show, commercial kennel, grooming shop or similar facility where animals are bathed, clipped, plucked, or otherwise groomed for a fee. Pet shop, stable or other riding, boarding, sales, or breeding facility for horses, ponies, donkeys, mules, or burros, or zoological park.
6. *Commissioner* – refers to the Commissioner of Health or his designee.
7. *Corral* – An enclosure used to confine horses and other livestock.
8. *Custodian* – any person who has the immediate possession, bailment, custody, use or control of any horse (not including an individual who is peaceably sitting upon horse while such horse is being continuously held in place or restrained while being slowly walked on a lead by an owner, operator, or renter who is on foot.)

9. *Department of Health* – one of the charter departments of the Mayor and City Council.
10. *Director of Bureau of Animal Control* – means the head of the Bureau of Animal Control of the Baltimore City Health Department.
11. *Driver's License* – A license issued by the Commissioner of Health to an operator of a horse-drawn wagon, cart, carriage, or similar vehicles.
12. *Driving* – the process of operating a horse-drawn vehicle.
13. *Equipment* - any device or furnishing used in the general care, control or operation of horses.
14. *Establishment* – a permanent or temporary structure or dwelling that houses horses and equipment.
15. *Health Certificate* – a document issued to an owner or custodian after an examination by a veterinarian licensed in the State of Maryland. Such certificate shall include a description of the horse including sex, age, height, color, markings, and other information for health or identification purposes.
16. *Horse* – any of the various equine mammals such as mule, donkey, pony that are owned, used, operated or quartered, either permanently or temporarily, in the City of Baltimore for work purposes, for the performance of some work or labor which includes showing, performing in any exhibition, show, circus, rodeo, or similar use. The terms refer to and include any said animals used for riding, driving, or propagation, but shall not include animals owned by the Mayor and City Council of Baltimore or used by the Baltimore Zoo or its duly appointed agents or contractors, nor animals regulated by the Maryland Racing Commission.
17. *Horse Identification* – a driver or custodian of a horse shall carry a Health Certificate during the time this animal is used.
18. *Impaired Person* – a person who is under the influence of any intoxicating beverages or substances.
19. *License Plate* – a tag that is obtained by owners or operators for horse-drawn vehicles and is good for one year only.
20. *Licensee* – the person to whom a driver's license is issued by the Commissioner of Health of Baltimore City.
21. *Microchip* – a glass-encased, passive electronic devise that emits a radio frequency that shows a unique number when activated by a scanner.
22. *Operator* – the proprietor of, or the person who is in charge of an establishment (i.e. horse stable).
23. *Owner* – the person who is vested with the ownership, dominion, or title of a horse, equipment or establishment.

24. *Permit* – an animal establishment permit issued by the Baltimore City Health Department to owners or operators of stables; this permit is good for one year.
25. *Person* – an individual, firm, association, company, partnership, corporation, or other legal entity.
26. *Stable* – a barn or facility that houses horses.
27. *Stall* – compartments located within a stable to separate the horses from one another.
28. *Veterinarian* – means an individual authorized by law to practice veterinary medicine in the State of Maryland.

**C. Standards and Guidelines Relating to the Issuance of a Driver's License**

1. The applicant must be 18 years or older.
2. The applicant must produce proof of age and residency.
3. The Commissioner may require information to determine whether an applicant is capable of humanely handling a horse and whether a license may be issued.
4. The Commissioner may waive the requirements for a driver's license for persons participating in incorporated circuses, horse shows, rodeos, organized competitions and special events.
5. Any person convicted of cruelty to animals may not apply for a driver's license and/or stable license for a period of two years.
6. Any person, whose license has been denied or revoked for reasons other than animal cruelty, may not re-apply for a driver's license and/or stable license for a period of one year.

**D. Procedure for Applying for a Driver's License**

1. Prior to driving a horse-drawn carriage or cart in the City, individuals must have applied for and obtained a driver's license from the Commissioner of Health.
2. The application for a license shall be completed on forms provided by the Bureau of Animal Control of the Baltimore City Health Department.
3. Application forms are available Tuesday through Friday, 11:00 a.m. to 4:00 p.m. at the Municipal Animal Shelter, 301 Stockholm Street, Baltimore, Maryland 21230.
4. Applications processing is available Tuesday through Friday 11:00 a.m. through 3:00 p.m. at the Municipal Animal Shelter, 301 Stockholm Street, Baltimore, Maryland 21230. Appointments may be accepted at other times and days. Call 410-396-4688 to request special times.
5. Upon approval of an application, a fee of \$10.00 a year (Health Code 10-907) must be paid. Certified checks or money orders should be made payable to the Director of Finance.

6. Upon issuance of a driver's license, the driver shall carry the license when driving any horse-drawn vehicle, riding any horse, treating, caring or handling of any horse in the City of Baltimore.
7. A driver's license is not transferable.
8. Any license issued by the Commissioner of Health shall be subject to suspension or revocation.
9. The license expires on the annual anniversary of its issuance, unless sooner suspended or revoked.
10. Licenses renewed 30 days or more after the due date will be subject to a \$5.00 late penalty.

**E. Denial, Suspension or Revocation of the Driver's License**

1. Suspension/Revocation of Driver's License
  - a) Any permit authorizing a horse-drawn carriage or cart service may be either suspended for a period not to exceed two years or revoked by the Commissioner of Health.
  - b) The Commissioner of Health shall suspend or revoke a license of convenience and necessity if it is determined that the licensee has:
    - i. Failed to comply with a Correction Order issued to the holder of a driver's license by the Commissioner of Health or his designee, within the time specified in the Order.
    - ii. Intentionally or knowingly impeded the Commissioner of Health or a law enforcement agency in the performance of their duties.
    - iii. Failed to comply with the requirements established in the Baltimore City Code and Annotated Code of Maryland.
    - iv. Been convicted for violation in another city, state, or federal law, of which violation reflects unfavorably on the fitness of the licensee to perform a public transportation service, or humanely handle animals.
    - v. Substantially breached the terms of the license.
    - vi. Failed to pay the license fee at the time it is due.
    - vii. Been found to be intoxicated or under the influence of any intoxicating beverages or substances while operating a horse, horse and wagon or horse and carriage.
2. Written notice will be given, suspending or revoking of the license, authorizing the driving of horse-drawn carriage or cart service and stating the reasons for such suspension or revocation. Such notice shall be sent immediately to the licensee by certified mail or hand delivered. Such order or suspension or revocation shall be effective as of the date the notice is received. A person whose license has been suspended may appeal to the Commissioner of Health for reinstatement of the license by requesting a hearing. A request for hearing shall be hand delivered or mailed by first class mail to the Commissioner, in care of the Bureau of Animal Control, within ten (10) working days after the date of the notice of suspension or revocation.



A hearing shall be scheduled by the Commissioner of Health or his designee within a reasonable time after the request for a hearing is received. Every effort shall be made to schedule a hearing within ten (10) days of receipt of the request for the hearing and to hold a hearing within thirty (30) calendar days.

3. A suspension of a license shall not affect the expiration date of the license.
4. In the event the Commissioner of Health denies, suspends, or revokes the license, the driver shall surrender the license within ten (10) days of such order to the Bureau of Animal Control.

#### **F. Owner and Driver Regulations**

1. Owner's and Driver's Duty to Comply:
  - a) Owner – In the operation of a horse-drawn carriage or cart service, an owner shall comply with these regulations established by the Commissioner of Health and other laws applicable to the operation of these services.
  - b) Driver/Rider – While on duty, a driver/rider will comply with these regulations and other laws applicable to the operation of a horse drawn vehicle in this state. A driver/rider shall also comply with orders issued by the owner employing the driver in connection with the owner's discharging of its operation authority and this chapter.
  - c) The owner and custodian shall at all times maintain a copy of the Certificate of Health of the horse where the horse is stabled and shall make such certificate available for inspection by police, animal control officers, and stable owners.
  - d) Owners, custodians, or drivers shall ensure that a copy of the horse's health certificate is carried whenever the horse is off the immediate stable area.
2. Owner's Duty to Enforce Compliance by Drivers:
  - a) Owners shall establish and implement policies in conformity with the regulations to discourage, prevent, or correct violations by drivers/riders who are employed or have custody of their horses.
  - b) An owner shall not permit a driver under his employment to operate a carriage or cart if the owner knows or has reasonable cause to suspect that the driver has failed to comply with the rules and regulations established by the Commissioner of Health.
3. Owner's Responsibility for Horses and Equipment:
  - a) The owner shall have each horse (which the owner has dominion or title) examined by a veterinarian licensed in the State of Maryland and issued a health certificate annually to verify that the animal is in good health before said animal is placed in service. The name of the veterinarian, phone number and address shall be provided in the event of an emergency. In addition, the Bureau of Animal Control is to be informed first before any horse is to be used in anyway on the streets of Baltimore City.
  - b) Each horse used in Baltimore City shall have a microchip implanted between the shoulder blades and the unique number registered with the Bureau of Animal Control and on the horse's health certificate.

- c) Any cost associated with any horse in the enforcement of this regulation or any law shall be the responsibility of the owner, custodian, or establishment owner.
- d) A copy of the Health Certificate of an examined horse duly signed by the examining veterinarian must be in the custody of any establishment owner. This certificate must include the following and be maintained on record by the establishment owner:
  - i. Name of Horse
  - ii. Owner of Horse
  - iii. Address of Stable
  - iv. Date of Examination
  - v. Results of Examination and Treatment
  - vi. Signature of Veterinarian, Date & Telephone Number
  - vii. Physical description of horse to include:
    - 1. Breed
    - 2. Sex
    - 3. Color
    - 4. Markings
    - 5. Age
    - 6. Other identifying marks, such as: brands/tattoos
    - 7. Microchip number
- e) Veterinarian care shall be provided as necessary any time animals show indications of illness or injury, etc.
- f) A horse shall be deemed unfit for work when:
  - i. Sick, diseased, injured or lame
  - ii. There are open sores caused by tack or equipment
  - iii. There are obvious signs of emaciation, dehydration or exhaustion
  - iv. There are loose shoes (if provided)
  - v. There are behavior problems such as rearing or acting defensively
- g) Horses not routinely worked shall be exercised for a period of not less than one (1) hour, 2 days per week.
- h) Hooves shall be trimmed and shoes re-set (if provided) every 6 to 8 weeks or as directed by a farrier.
- i) Disposition of horses:
  - i. If a horse dies, the Bureau of Animal Control must be notified immediately. Remains should not be removed from the city nor disposed of for a minimum of 12 hours after such notice unless the Bureau gives prior approval. The Bureau may order the delivery of the remains to the State Animal Health Lab or other veterinary facility for the purpose of performing a necropsy.
  - ii. The Bureau shall be notified of the transfer of ownership or other disposition of a horse within five (5) days. Such notice shall include date of disposition and, if sold in Baltimore City, the name, address and telephone number of the buyer or other transferee. A horse covered by these regulations shall not be sold or disposed of

except in a humane manner and in accordance with all State and local laws and regulations.

j) **Inspection and Review of Record Keeping:**

- i. Stables in which horses are housed shall be accessible for inspections during normal hours of operation by authorized officers, veterinarians and employees of the Department of Health, and other persons designated by the Commissioner to enforce the provisions of this subtitle.
  - ii. Immediately on request by authorized officers, veterinarians, employees of the Department of Health, and/or other person (s) designated by the Commissioner, the applicant or licensed stable shall permit above said person (s) to inspect the establishment during normal hours of operation.
  - iii. The Commissioner may designate any person (s) to act as its agent and perform investigations, routine annual inspections and/or additional inspections.
  - iv. An owner of a horse business or stable establishment shall keep records, not limited to, drivers' names and drivers' licenses, horse identification numbers, horse health certificates and vehicle license plate numbers. Such records shall be available for inspection.
- k) Carriages, carts and equipment must be inspected immediately upon request. Vehicles and equipment must be maintained and stored in a safe manner. When operating before sunrise or after dusk, horse-drawn vehicles shall be provided with reflective devices visible from 100 ft.
- l) Each vehicle shall be equipped with thermometers measuring in two (2) degree increments on the left side of the cart.

**G. Requirements for Drivers and Owners**

1. The owner shall ensure that all drivers of their horses are properly trained. This training shall include: Handling of horses, recognizing the symptoms of stress in the horse and the operation of carriages or carts. Drivers shall be physically and mentally fit and able to operate such carriages or carts. It shall be the responsibility of the owner to insure that drivers are familiar with streets within the city where horse-drawn carriage and cart services are allowed.
2. The owner and drivers shall insure that saddles, shoes, bridles, and other equipment used with respect to any horse shall be in good condition; and sharp spurs, bucking straps, and similar devices may not be used. All equipment shall fit properly and shall be inspected regularly by the owner, driver, or custodian to insure that it is maintained in good condition.
3. The driver of any vehicle shall insure that:
  - a) The horse is fit and sound for work.
  - b) Any wagon, carriage or equipment is in good condition.
  - c) Axles are well greased.
  - d) Brakes or other operating mechanisms are in good working order.
  - e) That the towing weight does not exceed the weight of the horse.
  - f) Clean water is provided to the horse for drinking after each two hours of working.

4. All drivers shall:
    - a) Not permit other persons to operate carriages or carts under his control at any time under any circumstances.
    - b) Not leave a horse untethered or unattended except when confined to a stable or other enclosure.
    - c) Maintain the horse at a speed no faster than a walk. A slow trot is permitted when traveling through intersections or for exigent circumstances.
    - d) Not operate on streets within the central business district (bounded on the north by North Avenue, on the east by the Jones Falls Expressway, on the south by Key Highway, and on the west by Martin Luther King, Jr. Boulevard) during the morning peak traffic hours of 6:00 a.m. and 9:00 a.m. and during the evening peak hours of 3:00 p.m. and 6:30 p.m. Monday through Friday. Vehicles may not operate on arterial streets outside the central business districts during morning/evening peak traffic periods.
    - e) Take care of and control the horse at all time.
    - f) Not overdrive or overload any horse as evidenced by physical stress or exhaustion of the horse.
    - g) Obey all orders issued by the Commissioner.
    - h) From the last Sunday in October through the first Sunday in April ensure that horses are returned to the stable by dusk; during the summer season ensure that horses are returned by nine o'clock.
- 

#### **H. Responsibility of Stable Establishment Owner**

1. Shall maintain a copy of the Health Certificate of each horse stabled in his or her establishment.
2. Shall ensure that any new horse receive a Health Certificate within 10 days of its arrival.
3. Animal Control shall be notified of the arrival of any new horse and provided with a copy of the Health Certificate within 5 days of its issuance.
4. If a horse is transferred to another stable, the Health Certificate goes with the horse and the new stable notifies Animal Control within 5 days.
5. Maintain a record of all vehicle license numbers at that establishment and provide to Animal Control any new licenses obtained.
6. Insure that any employee, owner, driver, or custodian of any horse in the stable is in compliance with these regulations and the laws of Maryland.

7. Vehicle Licenses and Health Certificates shall be available on demand at the establishment subject to inspection by the Commissioner or designee, the Bureau of Animal Control, or any such authorized individual.

**I. Weather Conditions:**

1. The official Baltimore temperature shall be determined by the National Weather Service (410) 936-1212. Any owner, operator, renter or custodian of a horse shall not permit its use or work on the public streets or byways during periods when:
  - a) The temperature exceeds 92 degrees Fahrenheit.
  - b) When the real and effective temperature falls below 20 degrees Fahrenheit.
  - c) Snow, ice or excessive rain (the intent is to have horses off streets during hazardous driving conditions when accidents are most likely to occur).
  - d) The Commissioner of Health or Director of Transportation designates as being dangerous.
  - e) Any horse already in use at a time a condition as described in a, b, c or d occurs shall be returned immediately by its custodian, renter or owner by the safest direct route to the stable from which it was obtained.

**STRUCTURAL AND OPERATIONAL REQUIREMENTS FOR STABLES**

**A. Water for Horses**

1. Public water service must be available on site.
2. Water must be accessible to horses at all times at the stable.
3. Watering devices should be durable, in good repair and free of sharp edges.
4. Water must be clean and free of algae or dirt.

**B. Buildings/Structures/Grounds**

1. Stable and stalls shall be in good repair.
2. The stable roof shall be sturdy, provide adequate drainage and be in good repair.
3. Lighting shall be provided in the horse stable area.
4. Stable and turn out shall be free of hazards and debris.
5. Stables must be well ventilated.

**C. Hay and Grain Storage**

1. Hay shall be stored at least 6 inches above the ground.
2. Hay storage area must be kept clean.
3. Grain must be stored in covered metal containers.
4. Adequate rodent control measures must be used.

D. Manure Handling, Storage, Removal and Fly Control

1. Manure and soiled bedding must be contained in such a manner so as not to become odorous, rodent or insect nuisance to the community.
2. Manure shall be removed from the premises as needed, but at least once per week.
3. Adequate measures should be taken to control flies and odors.

E. Maintenance and Sanitation of Horse Stalls

1. Stalls must be cleaned daily or more often as needed.
2. Stalls shall be provided with bedding of shavings, sawdust, straw or other suitable material sufficient to maintain the horse in a clean and dry environment.
3. Minimum depth of bedding shall be at least 4 inches of bedding over rubber mats or at least 6 inches of sawdust/shavings or 1 foot of straw over concrete and other hard surfaces.
4. Stalls must be large enough for horses to lie down.
5. Damage to stalls should be repaired immediately.
6. Each stall shall have posted the name of the horse and owner.
7. Tethering of horses in stalls shall not encumber a horse from lying down.

F. Health Care

1. The horse shall receive regular routine care including but not limited to inoculations, worming, dental and foot care.
2. Proper food must be provided in order to maintain a body condition score of 4 on the Henneke scale.
3. Horses may not be worked if lame or unsound.
4. Hooves must be shod or trimmed regularly in a manner that provides traction and maintains soundness.
5. If significant wounds or open harness sores are present, the horse must not be worked and must be provided with appropriate veterinary care.

ADOPTED/APPROVED \_\_\_\_\_

  
\_\_\_\_\_  
PETER BEILENSON, M.D., M.P.H.  
COMMISSIONER OF HEALTH

6/11/03  
\_\_\_\_\_  
DATE

**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 07 REGULATORY ACTION ON ELECTRONIC FENCES  
AS ANIMAL RESTRAINTS**

Administrative History

Effective Date: January 9, 2009

## Regulatory Action on Electronic Fences as Animal Restraints

Baltimore City Health Department  
December 2008

In October, 2008, the Baltimore City Health Commissioner requested comments for a proposed amendment to the restrictions on electronic fences. Comments were accepted until December 1, 2008.

The Health Department (Department) received four comments, all supportive of the proposal. Clark Distributors, Inc. (Clark) a distributor of the Invisible Fence Brand Pet Containment product, offered strong support with a detailed explanation of the benefits of the invisible fence and its effectiveness as a proper restraint. Clark's explanation revealed that the invisible fence has a "99.5% success rating of keeping dogs safe at home in their yard." Clark also noted the company has received a "Seal of Approval" by the American Society for the Prevention of Cruelty and has partnered with American Kennel Club's promotion of the club's "Responsible Dog Ownership Initiative."

While strongly supportive of the proposal, Clark has put forth suggestions to amend the proposal.

Section D(2) – Clark suggests that the signs required for posting "not be quite so large" since they "will be for residential properties..." The Department objects to changing the requirements for the size for the signs as these dimensions are already a standard set for other permits in residential neighborhoods, such as multi-pet and dog fancier permits.

Section D(4) – Clark suggests that the language should be changed from "shall not be installed closer than ten (10) feet from any public footpaths, walkways, allies or streets" to "can be installed within ten feet..." Clark explains that the barrier for the animal extends anywhere from 5 to 8 feet from the point of the buried electronic wire. The company illustrated that a wire buried 2 feet from a property line equates to the dog stopping 10 feet from the property line due to the fact that the radio signal field is transmitted beyond the wire. "The dog is trained to stop prior to the start of this signal field" according to Clark.

The Department's intent on setting the 10 feet measurement was indeed to keep the animal from coming any closer than 10 feet to the public area. The language in the proposal will be revised to mandate that the device must be installed in such a way that it will not allow the animal to come closer than 10 feet from any public area.

Additional comments received from three citizens revealed strong support for the electronic fencing as each identified themselves as having used such a system for 8 years or more. In addition, one commenter recommended the identical suggestions raised by Clark, which were addressed above.

Based on the comments received, the Department puts forth the following revised and final amendment to the Acceptable Standards for Proper Restraints of Animals.




Exemptions to the previous prohibition of electronic fences will be granted to those who conform to the amended regulations.

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

  
\_\_\_\_\_  
Joshua M. Sharfstein, M.D.  
Commissioner  
Baltimore City Health Department

Date Adopted 1-9-09  
Date Effective 1-9-09

**Subtitle 01 ANIMAL CONTROL**

CHAPTER 08 PROCEDURAL RULES AND REGULATIONS OF  
THE ANIMAL HEARING PANEL

Administrative History

Effective Date: April 28, 2016



BALTIMORE CITY HEALTH DEPARTMENT

PROCEDURAL RULES AND REGULATIONS  
OF THE  
ANIMAL HEARING PANEL

APRIL 2016

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This Regulation supersedes Baltimore City Health Department Animal Hearing Panel  
Hearing Procedure Regulations adopted February 2012

ANIMAL HEARING PANEL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230

I. AUTHORITY

§ 2-106; § 2-301 et seq.; § 10-1001 et seq. of the Baltimore City Health Code

II. DEFINITIONS

- A. Aggrieved Party – The party aggrieved by a notice, order, decision, or other action of the Office of Animal Control. This may include the owner or custodian of an animal and/or the complainant.
- B. Chairperson – The person who administratively presides over the Panel who is appointed by the Health Commissioner from the Panel members.
- C. Department – This is the Baltimore City Health Department.
- D. Hearing Record – All objects, documents, attendance records and recorded testimony admitted into evidence at the hearing and the attendance roll taken at the hearing.
- E. Interested Party – This is a person who is personally or specifically affected by the outcome of the hearing.
- F. Office of Animal Control – This is the Office of Animal Control in the Department.
- G. Panel – The member(s) of the Animal Hearing Panel who act as hearing officer(s) designated by the Health Commissioner.
- H. Party – The Office of Animal Control, Aggrieved Party, or an Interested Party.

III. NOTICE OF HEARING

- A. A hearing shall be scheduled by the Panel within a reasonable time after a proper request for a hearing is received from the Aggrieved Party according to § 10-1004 of the Baltimore City Health Code.
- B. At least 5 days before the hearing, the Panel must provide notice of the hearing to the Aggrieved Party and any Interested Party. The Panel shall notify the Aggrieved Party and any Interested Party according to the service of notice requirements of § 10-111 of the Baltimore City Health Code.
- C. The written notice must state:
  - 1. The date, time, place, and nature of the hearing;

2. The right of a Party to be represented, at the Party's own expense, by an attorney or, if permitted by law, other representative;
3. The right of a Party to call witnesses and submit documents or other evidence under § 2-305 of the Baltimore City Health Code; and
4. That failure to appear for the scheduled hearing may result in an adverse action against the Party.

#### IV. HEARING OBJECTIVES

- A. The objectives of the hearing are to make written:
  1. Proposed or final findings of fact;
  2. Proposed or final conclusions of law;
  3. Proposed or final findings of fact and conclusions of law;
  4. Proposed or final orders; or
  5. The final administrative decision of the Department.
- B. On the question of whether an animal is a vicious animal, the Panel must determine, based on the facts presented:
  1. Whether the animal is:
    - 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*
  2. What, if any, corrective action is appropriate.
- C. On the question of whether an animal is a dangerous animal, the Panel must determine, based on the facts presented:
  1. Whether the animal is:
    - a) *Is a dangerous animal; or*
    - b) *Is not a dangerous animal; and*
  2. What, if any, corrective action is appropriate.

D. On the question of any other violation of the animal control and protection laws, rules, and regulations of this City and State, the Panel must determine:

1. A violation has or has not occurred; and
2. What, if any, corrective action is appropriate.

## V. HEARING GENERALLY

A. Any hearing pertaining to the determination of whether an animal is a dangerous or vicious animal requires the presence of 3 members of the Panel. All other hearings under Title 10 of the Baltimore City Health Code require the presence of at least 1 member of the Panel. The Chairperson shall administer the activities of the Panel.

B. The hearing shall be open to the public unless the Panel votes to conduct a closed hearing or to seal portions of the Hearing Record for any reason that a public court hearing, trial or other processing may be closed or sealed.

C. A Panel may determine who shall be deemed an Interested Party at the hearing.

D. The Panel shall make an audio recording of the hearing which shall be considered the official recording and will compile and label the Hearing Record. Unless permitted by the Panel, no additional audio, video or other recording shall be made of the hearing.

E. Any time during the proceedings, but prior to the issuance of a final decision and/or order, the Panel may inspect any relevant premises. All Parties present at the hearing shall have reasonable notice of the inspection, and shall be given the opportunity to be present, and/or to have their attorney present during the inspection.

## VI. PANEL MEMBER'S RESPONSIBILITIES

A Panel Member is responsible:

A. to conduct the hearing in an orderly manner.

B. to obtain relevant evidence from all Parties.

C. to provide the Parties with the opportunity to present their case in an orderly manner, to call witnesses on their behalf, to cross-examine all other witnesses, and to establish any pertinent facts.

D. to admit all relevant testimony, objects and documents, and to compile the Hearing Record. Any Party may examine any object or document prior to its introduction into evidence.

E. to make written findings and render a decision and/or order based upon the Hearing Record and any inspection.

## VII. ORDER OF HEARING

A. The Panel shall begin the hearing with a statement concerning the purpose of the hearing and the procedure that it will follow.

B. The Panel shall give all persons (and their attorneys) present at the hearing the opportunity to register their full name and address on a sign-in sheet, regardless of whether the person wishes to testify or be considered a Party.

C. A Party may represent himself/herself at the hearing or may designate his/her attorney to represent him/her.

D. A Party may make an opening statement.

E. The Panel may question any witness at any time, and may call any individual as a witness.

F. A Party may testify on his/her own behalf, and is subject to cross-examination by other parties.

G. A Party may make a closing argument.

H. Opening statements and closing arguments are not considered evidence.

I. Notwithstanding the procedures herein, the Panel may, in its discretion, decide the order in which testimony and evidence shall be presented.

J. In the discretion of the Panel, the hearing may be postponed or continued.

## VIII. RULES OF EVIDENCE

A. The Panel may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

B. Formal rules of evidence and formal trial procedures shall not apply to the hearing, except as provided in these procedures. The Panel may not exclude evidence solely on the basis that it is hearsay.

C. The Panel shall give effect to the rules of privilege recognized by law.



D. Documentary evidence may be admitted in the form of copies or excerpts, or by incorporation by reference.

E. The Panel may take administrative notice of facts of a general, technical or scientific nature.

F. The Panel may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

IX. DECISIONS AND ORDERS

A. The Panel shall make written final decision that contains separate statements of the findings of fact, conclusions of law, the decision and/or order within thirty (30) calendar days of the termination of the hearing.

B. The Panel shall mail or deliver a copy of the written decision to each Party or that Party's attorney of record.

X. APPEAL TO HEALTH COMMISSIONER

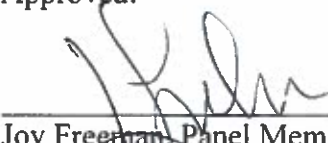
A. If a Party is aggrieved by the decision of the Panel, the Party may appeal the Panel's decision to the Health Commissioner in writing within 10 days of the Panel's decision.

B. The Health Commissioner may modify the Panel's decision within 10 days of the appeal, in which case the decision of the Health Commissioner is the final decision of the Department.

C. If the Health Commissioner does not modify the Panel's decision within 10 days of the appeal, the decision of the Panel becomes the final decision of the Department.

The above Animal Hearing Panel Hearing Procedure Regulations are hereby adopted:

Approved:

  
\_\_\_\_\_  
Joy Freeman, Panel Member

4/18/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Ruth Canan, Panel Member

3/14/16  
\_\_\_\_\_  
Date

*Orbie Shively*

Orbie Shively, Panel Member

3/9/16  
Date

*Pauline Houliaras*

Pauline Houliaras, Panel Member

3/14/16  
Date

Effective date when filed with Department of Legislative Reference: 4/28/16

Received by: Nancy B. Kay on behalf of the Department of  
Legislative Reference.

**Subtitle 01 ANIMAL CONTROL**

**CHAPTER 09 REGULATIONS OF ACCEPTABLE STANDARDS  
FOR PROPER RESTRAINT OF ANIMALS**

Administrative History

Effective Date: March 2, 2012

BALTIMORE CITY HEALTH DEPARTMENT

OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230  
410-396-4688; FAX: 410-396-7332

REGULATIONS  
OF  
ACCEPTABLE STANDARDS  
FOR  
PROPER RESTRAINT OF ANIMALS

FEBRUARY 2012

## REGULATIONS OF ACCEPTABLE STANDARDS FOR PROPER RESTRAINT OF ANIMALS

I. Authority: § 2-106; § 10-104; § 10-307; § 10-308; § 10-402; § 10-404; § 10-409 of the Baltimore City Health Code

II. General Restraints Required for Animals.

A. Animals Generally.

1. All animals must be kept:

- a) confined in a building or secure enclosure; or
- b) secured by a leash or otherwise.

2. The above requirements do not apply while the animal is:

- a) Participating in an off-leash activity approved by the Health Commissioner; or
- b) Is in an area and during the hours approved by the Director of Recreation and Parks for off-leash recreation.

B. Female Animals in Heat.

1. 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 license.

C. Transportation of Animals.

1. See § 10-308 of the Baltimore City Health Code for improper restraints used when transporting animals.

D. General Restraints for Dogs and Cats.

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

2. Unacceptable restraints for dogs and cats include:

- a) Shock collars
- b) Voice and audible commands
- c) Visual commands.

III. Proper restraints for dogs.

A. Fences in General.

1. Fences shall:

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

B. 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. Filing of Application for Exemption.

a) An application for an exemption must be filed with the Office of Animal Control by the dog owner/custodian (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) The application must be filed in the form the Health Commissioner requires.

3. Contents.

a) The application must:

(1) Be accompanied by the site plan for the electronic fence, including the property lines, dimensions and existing structures.

(2) Include a written statement by the applicant, with adequate supporting evidence, showing how the applicant will conform to the following 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.

(3) Provide proof that the animal is neutered or spayed.

(4) Include a statement by the applicant that the applicant:

(a) 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

(b) 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.

4. 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.

(1) 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

(2) 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.

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

5. Approval or Denial of Application for Exemption.

(1) The Office of Animal Control shall approve or deny a completed application within 30 days after the submission of the application.

(2) The Office of Animal Control will provide a written explanation of the reason(s) for denial of an application.

(3) Should the applicant be aggrieved by the denial of the application, an administrative hearing may be requested pursuant to § 10-1004(B) of the Baltimore City Health Code.

6. Requirements after Approval of Electric Fence.

a) Should the application be approved:

(1) The applicant is responsible for ensuring that the fence effectively contains the animal on the property.

(2) The applicant 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.

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

7. Leashes.

a) Leashes shall:

(1) be no longer than 8 feet in overall length.

(2) be well constructed and of appropriate weight with sufficient strength to restrain the animal

(3) be attached to a properly fitted harness or collar.

8. Tethers.

a) Tethers shall:

(1) have swivels at both ends to prevent kinking and knotting;



- (2) weigh less than 1/8th of the dog's body weight;
- (3) be properly positioned to prevent the tether from becoming entangled in or around objects;
- (4) not unreasonably limit a dog's movement;
- (5) not restrict the dog's access to suitable and sufficient food, clean water, and appropriate shelter;
- (6) be properly positioned to prevent the dog from reaching or climbing a fence to avoid strangulation;
- (7) permit the dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down;
- (8) be in a safe and sanitary condition; and
- (9) not cause injury, stress, or demonstrable socialization problems

9. Pens and Cages are as adopted under the regulations entitled, Acceptable Standards For Proper Animal Care.

IV. Proper restraints for cats.

A. Fences.

1. Fences shall:

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

B. Leashes.

1. Leashes shall:

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

C. Pens.


1. Pens shall:

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

D. Cages are as adopted under section four (4) of Acceptable Standards For Animal Care.

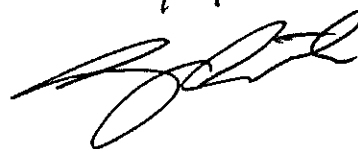
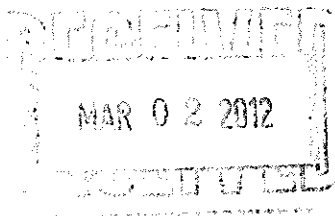
E. Tethers are not acceptable for cats.

The above Regulations of Acceptable Standards for Proper Restraint of Animals are hereby adopted:

Approved:   
Oxiris Barbot, M.D.  
Health Commissioner

3/1/12  
Date

Effective date when filed with the Department of Legislative Reference: 3/2/12



**Subtitle 01 ANIMAL CONTROL**

CHAPTER 10 ANIMAL CONTROL AND PROTECTION FEE SCHEDULE

Administrative History

Effective Date: April 4, 2012

**BALTIMORE CITY HEALTH DEPARTMENT**

**OFFICE OF ANIMAL CONTROL  
301 STOCKHOLM STREET  
BALTIMORE, MARYLAND 21230  
410-396-4688; FAX: 410-396-7332**

**TITLE 10: ANIMAL CONTROL AND PROTECTION  
FEE SCHEDULE**

**FEBRUARY 2012**

**I. Authority: § 10-106 of the Baltimore City Health Code**

**II. Fees:**

**A. License fees for dogs and cats (Subtitle 2, Part I).**

1. Class A = \$10
2. Class B = \$0 (disability service animals)
3. Class C = \$100
4. Class D = \$30.

**B. Facility licenses (Subtitle 2, Part II)**

1. \$250 for a facility license

**C. Fees for rabies vaccination and anti-rabies clinic (§ 10-301); Expenses for rabies exposure (isolation and examination) (§ 10-302).**

1. The Baltimore Animal and Rescue Care Shelter, Inc. ("BARCS"), under the authority and approval of the Health Commissioner, shall set the fees and expenses to be charged based on actual costs of the service (e.g., rabies vaccination fee, anti-rabies clinic fee, initial deposit for rabies isolation and examination, expenses for rabies exposure, etc.).

**D. Removal or disposal of dead domesticated animals (§ 10-309)**

1. \$25 per animal

**E. Fees for permit of wild, exotic or hybrid animals (§ 10-601)**

1. One-time fee of \$80 for a permit

**F. Fees for reclaiming impounded animals (§ 10-805); Other fees (§ 10-808)**

1. BARCS, under the authority and approval of the Health Commissioner, shall set the fees and expenses to be charged based on actual costs of the service (e.g., impoundment fee, boarding fee, veterinary fee, microchip fee, alteration fee, etc.).

**G. Horse driving license fee (§ 10-907)**

1. Fee of \$10

- H. Fees imposed by Animal Hearing Panel (§ 10-1007)**
  - 1. See above fees for reclaiming impounded animals (§ 10-805); Other fees (§ 10-808).**
- I. Expenses for holding animal pending appeals (§ 10-1010)**
  - 1. See above fees for reclaiming impounded animals (§ 10-805); Other fees (§ 10-808).**
- J. Costs of care pending judicial review (§ 10-1011)**
  - 1. See above fees for reclaiming impounded animals (§ 10-805); Other fees (§ 10-808).**

**III. With the approval of the Health Commissioner and the Board of Estimates, the Health Department may enter into a contract with others to provide services under Title 10, except for non-delegable government functions. See § 10-107 of the Baltimore City Health Code. Such a contractor would charge the above fees/expenses.**

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**Subtitle 02 CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

CHAPTER 01 LEAD HAZARD ABATEMENT REGULATIONS

Administrative History

Effective Date: June 15, 2009





BALTIMORE CITY HEALTH DEPARTMENT

LEAD HAZARD ABATEMENT  
REGULATIONS

2009

**Title 1.**  
**General Provisions**

**§ 1-101. Definitions.**

(a) *In general.* - In this regulation, the following words, terms and phrases, and their derivatives shall be construed and given their meaning as specified below.

(b) *Abate/abatement.* - means the elimination of exposure to lead hazards by the appropriate reduction of, removal of, or encapsulation of lead containing substances in conformance with this regulation.

(c) *Accessible surface.* - any protruding interior or exterior surface, such as an interior window sill that a child can mouth or chew.

(d) *Child/children.* - a person or persons under the age of six (6).

(e) *Commissioner.* - the Commissioner of the Baltimore City Health Department or his/her designee.

(f) *Department.* - the Baltimore City Health Department.

(g) *EBL child.* - child who has a blood lead level greater than or equal to 10 ug/dl, or higher.

(h) *Elevated blood lead level (EBL)* -excessive absorption of lead in the blood in concentrations equal to 10 ug/dl, or higher.

(i) *Environmental investigation.* - a targeted survey of an EBL child's present and/or past environment, conducted by the Commissioner or Department to determine the sources and conditions that cause or have caused lead exposure. It includes the administration of a questionnaire, environmental sampling and other measures.

(j) *Encapsulate or encapsulation.* - to cover surfaces with durable material and to seal or caulk seams with durable material so as to control and prevent exposure to lead hazards.

(k) *Friction surface.* - any interior or exterior surface, such as a window or stair tread, subject to abrasion or friction.

(l) *Impact surface.* - any interior or exterior surface, such as surfaces on doors, subject to damage, repeated impact or contact.

(m) *Lead-based paint action levels.* - paint surfaces tested by XRF Analyzer which contains more than .07 mg/cm<sup>2</sup> lead or paint chip samples analyzed by Flame Atomic Absorption (FAA) method that contain more than 0.5% or 5000 ppm lead.

(n) *Lead hazard.* - any condition that causes exposure to lead from lead contaminated dust; bare lead contaminated soil; other environmental sources; or lead based paint that is deteriorated or intact lead-based paint present on accessible surfaces, friction surfaces or impact surfaces that would result in adverse human health effects.

(o) *Lead dust.* - dust containing lead generated by the deterioration of lead-based paint or by other environmental factors.

(p) *Lead dust clearance test.* - a lead dust test conducted by the Department to confirm that levels of lead dust fall within the range of levels permitted by federal laws and regulations as those laws and regulations may be revised in the future.

(q) *Occupant.* - any person who uses or who has the right of possession of all or any part of a property.

(r) *Operator.* - any person who has charge, care, or control of all or any part of a property.

(s) *Owner.* - any person who has a legal or equitable interest in a property, is recorded in the land records as holding title to the property, or otherwise has control of the property, with or without accompanying possession of a property, including: a guardian of the person or estate or an owner, a trustee, including a trustee in bankruptcy of an owner, or the personal representative of the estate of an owner. In the case of a toy, appliance, item of furniture or other household item which is the property of a tenant, the term "owner" shall mean tenant for the sole purpose of the abatement of a lead-based paint violation existing thereon.

(t) *Person.* - any individual, sole proprietorship, corporation, limited liability company, firm, partnership, association, organization, joint venture, or other entity or group acting as a unit, executor, administrator, trustee, receiver, guardian, or other representative appointed by law.

(u) *Person responsible for compliance.* - an owner and/or operator of a property.

(v) *Relocation expenses* – all expenses necessitated by the relocation of a tenant's household to lead-safe housing, including moving and hauling expenses, the HEPA-vacuuming of all upholstered furniture, payment of a security deposit for the lead-safe housing, and installation and connection of utilities and appliances.

(w) *Secondary residence.* - a caretaker's home, daycare center or other dwelling, institution or property frequented by an EBL child.

(x) *Ug.* - standard abbreviation for micrograms.

(y) *XRF analyzer.* - a portable instrument that determines lead concentration using the principles of X-ray fluorescence.

#### **§ 1-102. Undefined terms.**

If a term is not defined in this regulation and is defined in the Building, Fire and Related Codes of Baltimore City, the term has the meaning given it therein.

**§ 1-103. Successors in interest.**

Unless otherwise expressly provided, any obligation imposed on any person automatically is binding on his assigns, successors, heirs, legatees, and personal representatives.

**Title 2  
Investigations**

**§ 2-101. Environmental Investigation**

(a) When a child is identified as having an elevated blood lead (EBL) level, the Commissioner shall request the Department to conduct an environmental investigation. The environmental investigation shall be of the child's current residence and may include any secondary residence; any residence in which the child was living at the time of the blood test which identified an EBL level and/or any residence the child resided in the past year prior to any blood test which identified an EBL level.

(b) If the child's residence is part of a multi family dwelling, then all units, common areas and the premises of the multi family dwelling may be inspected for lead hazards.

**§ 2-102. Determination that lead hazard exists.**

(a) A determination that lead hazards exist in a property shall be based upon one or more of the following:

(1) readings of the X-RF analyzer taken during the Department environmental inspection which indicate a lead content greater than 0.7 mg/cm<sup>2</sup>;

(2) Analysis of paint samples taken during the Department environmental inspection indicating more than 0.5% lead;

(3) Analysis of dust samples taken during the Department environmental inspection indicating levels higher than acceptable federally established laws and regulations as those laws and regulations may be revised in the future.

**Title 3  
Violation Notice**

**§ 3-101. Issuance of a “Violation Notice and Order to Abate Lead Hazards.”**

(a) If the Commissioner determines the existence of lead hazards, the Commissioner shall find the person responsible for compliance to be in violation of the law and this regulation and the Commissioner shall issue a "Violation Notice & Order to Abate Lead Hazards" to that person notifying that person of the existence of lead hazards and ordering the abatement of said hazards within a time period not to exceed 30 days, unless otherwise ordered by the Commissioner. Such lead hazards shall be abated in conformance with this regulation.

(b) Every owner and operator of any property is obligated, jointly and severally with all other owners and operators of that property to comply with all notices and orders issued by the Commissioner with regard to the abatement of lead hazards from the property.

(c) Violation notices must be in the form provided by Section 123 of the Baltimore City Building Code, and Title 5, Subtitle 2 of the Baltimore City Health Code

(d) Violation notices must be served on the owner or operator, or other person responsible for compliance as provided by Section 123 of the Baltimore City Building Code, Building Fire and Related Codes of Baltimore City.

**Title 4  
Abatement Work Procedures**

**§ 4-101. Standards, methods and requirements for abatement.**

(a) The minimum mandatory standards, methods and requirements for every abatement of lead hazards, whether or not that abatement is being carried out in response to a notice issued by the Commissioner, an agency of government, a court, or voluntarily are as follows:

(1) Posting of dwelling or secondary residence under abatement.

(i) A person engaged in the abatement of a lead-based paint violation shall post 20-inch by 14-inch caution signs immediately inside the entrances and exits of the property under abatement. Such signs shall be conspicuously placed and shall inform persons entering or exiting the property that an abatement of a lead hazard violation will be or is being performed.

(ii) Except in emergency situations, signs shall be posted at least three days in advance of commencing the abatement project.

(iii) Such signs shall remain posted until the Department issues a written notice in conformance with Section 7-102 below to the person responsible for compliance.

(2) If the surface requiring abatement is subject to a violation or is found to be in violation of the Baltimore City Building, Fire, and Related Codes, and that code violation is likely to cause deterioration of surfaces, the code violation must be corrected prior to the abatement of the lead hazard violation unless the Commissioner determines that the correction of the violation is more appropriate after the abatement process. Examples of such code violations include but are not limited to: plumbing leaks which affect painted or plastered surfaces and structural defects which cause plaster to crack or break.

(3) Work shall be done in progression through the dwelling or secondary residence beginning with the area farthest from the entrance. In a multi-story dwelling or secondary residence, work shall begin on the uppermost floor in the area farthest from the stairway.

(4) Furnishings, including wall-to-wall carpeting, must be removed from each room or area as it is prepared for abatement. Those furnishings that cannot be moved (e.g., built-in furniture) must be covered with plastic at least 6 mils. thick and sealed with tape. Furnishings should be thoroughly cleaned to remove lead dust before returning them to a room that has undergone abatement.

(5) Each area that is to be abated shall be sealed with plastic at least 6 mils. thick and taped prior to abatement in order to contain the lead dust and abatement residue.

(6) All cabinets, closets and drawers must be sealed with tape so as to prevent contamination by lead dust and/or lead particles.

(7) In the case of a rental property, the tenant is responsible for the removal of all ingestible items from any room or area under abatement prior to the commencement of the abatement.

(8) The entire floor of the work area shall be covered with plastic at least 6 mils. thick, and all seams and edges shall be secured with tape or staples.

#### **§ 4-102. Prohibited Methods of Abatement**

(a) Persons performing abatement of lead-containing substances may not use the following methods: open flame burning; dry sanding - except as allowed in Section 4-104 below; open abrasive blasting- except as allowed in Section 4-104 below; uncontained hydro-blasting; methylene chloride for interior use except that methylene chloride may be used in interior work areas for localized touch-up; dry scraping; heat gun operating at or above 1,100°F.

(b) A person performing abatement containing-containing substances shall only use the following methods: replacement with a part free of lead containing-containing substances; removal of lead based paint using an approved removal method; reversal of component parts; or encapsulation of the surface. Not all of these options are permitted or suitable for all surfaces. Please see specific surface descriptions below for limitations as to allowable abatement method.

**§ 4-103. Windows.**

(a) Acceptable abatement methods are replacement and/or removal of lead-based paint.

(b) Windows must be completely abated, including inside, outside, and sides of sashes; window frames must be abated to the outside edge of the frame, including slides, sash guides and window wells.

**§ 4-104. Walls/ceilings.**

(a) Unless replaced or encapsulated, walls or ceilings may only be abated by using the following techniques: heat gun operating below 1,100°F; non-flammable chemical strippers which do not contain methylene chloride, except that chemical strippers containing methylene chloride may be used for localized touch-up; sander equipped with HEP A vacuum; vacuum-blasting in exterior work areas only; or contained hydro-blasting in exterior work areas only; wet-scraping of loose material if scraping is followed by encapsulation.

(b) If abating walls and ceilings by encapsulation, only the following materials may be used: gypsum board; fiberglass mats; canvas backed vinyl wall coverings; Formica; tile; paneling; or other durable material that does not readily tear, chip, or peel.

**§ 4-105. Woodwork and wood trim.**

(a) In addition to removal, replacement, or encapsulation, a woodwork surface may be abated by reversal of its component parts so long as no lead-containing surface remains exposed at the completion of the process, and all seams are caulked and sealed.

(b) A woodwork surface may be abated by encapsulation using only the following materials: plastic; metal; or wood.

**§ 4-106. Floors.**

(a) Floors coated with lead-based paint must be encapsulated using tile, vinyl flooring, wood, or stone.

**§ 4-107. Soil.**

- (a) If the soil is tested and found to contain lead the owner shall:
- (i) enclose soil with cement or grass, or sod to eliminate bare soil exposure to children, or:
  - (ii) remove 6 inches of topsoil from the contaminated area, place water –permeable textile fabric over the exposed subsurface, and cover fabric with 8 inches of clean soil and ground cover.
  - (iii) Keep children & animals out of contaminated soil. Do not grow vegetables in contaminated soil.

**§ 4-108. Clean-up.**

(a) At the end of each workday, rooms or areas in which abatement is incomplete shall be thoroughly cleaned in conformance with this subsection, or properly sealed from the remainder of the dwelling or secondary residence.

(b) Before unsealing each room or area, it should be thoroughly cleaned, surfaces re-coated, and then cleaned again. Once a room or area has received clean-up, it should not be reentered by workmen.

(c) At a minimum, the first clean-up should consist of a thorough High Efficiency Particle Accumulator (HEPA) vacuuming of all surfaces, including woodwork and wood trim, walls, ceilings, windows and window wells, and floors, followed by a high phosphate wash and a second HEPA vacuuming. After repainting or coating walls, woodwork and wood trim, ceilings, windows, and floors the clean-up process should be repeated.

(d) In the absence of a HEPA vacuum, two thorough wet washings with a high phosphate wash, with frequent changes of water, each followed by a wet vacuuming while surfaces are still wet followed by two additional such treatments after repainting or coating will be considered satisfactory.

(e) Use of an ordinary household vacuum for clean-up of abatement debris is prohibited. Sweeping should be limited to preliminary cleanings only.

(f) All sponges, rags, mop heads and other materials used in clean-up must be properly disposed of along with other abatement debris.

**Title 5  
Safety**

**§ 5-101. Presence of persons and pets during abatement.**

(a) The Commissioner shall inform the occupants of the property of the health hazards to persons and pets associated with the abatement procedures.



(b) Persons and pets may not enter or remain in the work area at any time during the abatement process or until such time as the Commissioner determines that abatement has been completed in a satisfactory manner unless that person is: the person responsible for compliance; a federal, State or City official; an inspector or contractor or their employee hired for the abatement project.

(c) In the case of rental properties, the owner shall immediately secure a temporary lead-safe residence for the tenants and pay all relocation expenses for the tenants as directed by the Department Sanitarian assigned to the Property. These persons shall not return to the residence until such time as the Department determines that abatement has been completed.

(d) Under State and City law, owners may not eject, lock out, raise the rent, or decrease services to tenants in response to being issued a "DEPARTMENT Violation Notice and Order to Abate," a "Notice of Elevated Blood Lead Level," or a "Notice of Defect. "

#### **§ 5-102. Safety of workers.**

Persons carrying out abatement activities must comply with all applicable federal, state, and City laws and/or regulations related to safety in the workplace.

#### **§ 5-103. Disposal of abatement waste.**

(a) Disposal of waste generated in the course of the abatement process shall be in compliance with Hazardous Waste Small Quantity Generators regulations as required by the Code of Maryland Regulations (COMAR). Lead waste subject to COMAR shall be removed from the site not later than seven days after completing the abatement. Lead waste not subject to COMAR shall be removed from the site not later than twenty-four hours after completing the abatement.

(b) Lead abatement waste shall be transported and disposed of in a manner to prevent lead from becoming airborne.

(c) If disposal of lead waste is within the State of Maryland, disposal facilities authorized for that purpose shall be used.

(d) In no event shall such waste be disposed of through regular residential or commercial trash collection.

#### **§ 5-104. Inspection by the Department during the abatement process.**

The Commissioner may inspect any dwelling or secondary residence at any time during the abatement to determine compliance with abatement standards.

**§ 5-105. Stop work order.**

(a) If the Health Commissioner finds any work involving potential lead hazards being performed in a manner contrary to the provisions of State or City law or regulation, or in a dangerous or unsafe manner, the Commissioner will issue a notice of violation/stop work order.

(b) The order shall be in writing, describe the nature of the dangerous or unsafe condition, the law or regulation being violated, the manner of correction, that the correction must be made immediately, and the conditions under which work can be resumed.

(c) The order shall be sent by first class and certified mail to the owner of the property. A copy of the stop work order must be posted and remain posted on the property until the dangerous and unsafe conditions are eliminated and any required permits obtained.

(d) Upon posting of the order, all work shall immediately cease until there has been compliance with the terms of the order.

(e) No person may remove, deface damage or change any notice, poster, or sign placed under this section on any land, structure or other object.

**Title 6  
Clearance Inspections**

**§ 6-101. Clearance Inspection.**

(a) Upon request from the person responsible for compliance to the Department, and within a reasonable timeframe thereafter, the Commissioner shall perform a clearance inspection to determine if the abatement has been completed in conformance with this regulation. This determination shall be made based on a visual inspection and one or more of the following:

- (i) reading of the X-RF analyzer;
- (ii) results of a lead dust clearance test when three samples are taken from each room;
- (iii) analysis of paint samples.

(b) Lead levels detected through the use of a lead dust clearance test shall fall within the range of levels permitted by federal laws and regulations currently in effect and as those laws and regulations may be revised in the future in order for the Department to find that the abatement has been completed in conformance with this regulation.

(c) In the case of rental property, no clearance inspection may be conducted until such time as the owner of that property has registered, if so required, with the Maryland Department of the Environment ("MDE") Lead Poisoning Prevention Program and provided the Department with verification of such registration.

(d) If during the clearance inspection the visual inspection of the property by the Department discloses that the abatement was not carried out in conformance with this regulation, the Department is not required to conduct further analysis under Section 7-101 and the clearance inspection shall be halted pending further abatement action as the Department may direct.

**§ 6-102. Written statement abatement completed successfully.**

(a) If the clearance inspection is concluded successfully and the Department has confirmed that results from any tests conducted pursuant to the clearance inspection are within the limits established by federal laws and regulations as those laws and regulations may be revised in the future, the abatement will be determined to have been conducted in conformance with this regulation.

(b) The Commissioner shall, without delay, issue a written statement to the owner that the lead hazard violation notice has been abated.

(c) No abatement shall be deemed completed until this written statement is issued.

(d) Such statement shall not preclude the Commissioner from issuing future notices of lead hazard violations against the same property. The owner and/or operator have a continuing obligation to maintain the property in accordance with this regulation.

**Title 7**  
**Exceptions to Standard Abatement Procedures**

**§ 7-101. Alternative abatement.**

The Commissioner may on a case-by-case basis, approve an alternative procedure for abatement of a lead hazard violation, provided that the owner submits a written description of the alternative procedure to the Commissioner and demonstrates to the satisfaction of the Commissioner that compliance with this regulation is not practical or feasible, or that the proposed alternative procedure provides the equivalent control and removal of lead hazards. The Commissioner, following his/her review, may approve an alternative procedure if he/she determines that it will minimize the emissions of lead into the environment.

**§ 7-102. Requests for extensions.**

(a) Abatement is expected to be completed within 30 days of notice to the person responsible for abatement of the lead hazard violation. Any request for an extension of this deadline must be submitted in writing to the Department prior to the expiration of the 30 days. The request should fully demonstrate that compliance within the time frame previously allotted is not practical or feasible, and will not cause undue harm.

(b) The Commissioner, following his/her review, may grant an extension if he/she determines that additional time is appropriate under the particulars of the case. The time period of the extension shall be within the discretion of the Commissioner.

(c) In the case of rental property, the granting of an extension of time in which to complete the abatement on a Baltimore City Health Department "Violation Notice and Order to Abate Lead Hazards" in no way diminishes or satisfies the obligation of the person responsible for compliance to complete modified lead risk reduction treatments described in §6-819( a) of file Environment Article of the Annotated Code of Maryland which have been triggered by the receipt of a "Notice of EBL" or a "Notice of Defect."

**Title 8  
Penalties and Fines**

**§ 8-101. Penalties.**

Violations of this regulation are subject to civil and criminal penalties as provided in the Health Code and the Building, Fire, and Related Codes of Baltimore City.

**§ 8-102. Abatement by Commissioner.**

If the abatement is not conducted within the time specified in the notice, or at the end of any extension period that may have been granted, the Commissioner may proceed to remove or abate the condition at the expense of the person responsible for compliance.

**Title 10  
Liability and Severability**

**§ 10-101. Liability of the Department.**

Any liability claim related to the Commissioner's enforcement of this regulation, including a finding of satisfactory abatement, is subject to the Local Tort Claims Act.

**§ 10-102. Severability.**

The provisions of this regulation are severable. If any word, phrase clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Approved:



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Olivia D. Farrow, Esq., R.S.  
Interim Commissioner  
Baltimore City Health Department

Date adopted: June 1, 2009  
Date effective: June 15, 2009

**Subtitle 03 ENVIRONMENTAL INSPECTION SERVICES**

CHAPTER 01 REGULATIONS FOR THE CERTIFICATION OF FOOD MANAGERS

Administrative History

Effective Date: April 28, 2016



## BALTIMORE CITY HEALTH DEPARTMENT

### REGULATIONS FOR THE CERTIFICATION OF FOOD SERVICE MANAGERS

April 2016

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**Supersedes all prior versions**

BUREAU OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL INSPECTION SERVICES  
1001 EAST FAYETTE STREET  
BALTIMORE, MARYLAND 21202

## I. AUTHORITY.

Baltimore City Health Code (HE) § 2-106, § 6-301, and § 6-303.

## II. SCOPE

This regulation applies to high priority and moderate priority food service facilities that are required to employ a certified food service manager (FSM) under HE § 6-301.

## III. CERTIFICATION CATEGORIES AND MINIMUM REQUIREMENTS FOR INSTRUCTION AND EXAMINATION

(a) There are 3 certification categories: new, renewal and reciprocal

(1) New certification is for those who have never before been certified or for those whose previous certification expired more than one year prior to the date of the current application.

(2) Renewal certification (or re-certification) is for those whose certification expired within 1 year of the date of the renewal application.

(3) Reciprocal certification is available for those who are already certified by a political subdivision of the State of Maryland that has an established food service manager certification program approved by the Commissioner.

(b) The minimum requirements to be considered eligible for certification are:

(1) Successful completion of training conducted by a training provider approved by the American National Standards Institute (ANSI); and

(2) Satisfactory passage of an approved standardized examination proctored by the training provider or approved third party proctor.

(c) All Environmental Health Specialists registered in good standing with the State Board of Environmental Health Specialists are automatically eligible for certification as FSMs without the necessity for completing the instructional and examination requirements in Section III (b).

(d) Environmental Health Specialists employed by the City of Baltimore shall not be required to pay a fee for certification as an FSM where certification of the employee is in the interests of Baltimore City Health Department (BCHD).

## IV. CERTIFICATION PROCESS

(a) Except for those eligible for automatic qualification under Section III (c) above, applicants seeking new certification or renewal certification must meet the requirements in Section III (b) and provide to BCHD:



- (1) Government or employer issued photo identification;
- (2) A completed application form;
- (3) Original training certificate/examination results issued by an ANSI approved training provider or sufficient information to allow for online look-up to verify training completion and successful examination results; and
- (4) A check or money order drafted payable to the “Director of Finance” in the correct fee amount.

(b) Applicants seeking reciprocity must meet the requirements in Section III (b) and provide to BCHD:

- (1) Government or employer issued photo identification;
- (2) A completed application form;
- (3) Original training certificate/examination results issued by an ANSI approved training provider or sufficient information to allow for online look-up to verify training completion and successful examination results; and
- (4) A current, valid certification card or other verification acceptable to the Commissioner for the State of Maryland political subdivision they wish to rely upon for reciprocal certification.

## V. TERM

- (a) Unless sooner suspended or revoked, a new or renewal certification will be valid for a term of 3 years and will expire on the 3<sup>rd</sup> anniversary of its effective date.
- (b) Unless sooner suspended or revoked, a reciprocal certification will be valid for a term not exceeding the term of the County certification upon which the reciprocity is based.
- (c) All Environmental Health Specialists actively registered with the State Board of Environmental Health Specialists (Board) are automatically certified as FSMs, said certification remaining valid so long as they are in good standing with the Board.
- (d) BCHD reserves the right to deny, suspend or revoke reciprocal certification in the same manner and to the same extent as new or renewal certification.

## VI. DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATION

- (a) If an FSM is found to be negligent in his/her operational duties, the sanitarian will recommend that the FSM attend a conference for review of the certification. Depending on the outcome of the review, the FSM may be required to attend additional training. In this case,

certification may be suspended pending completion of additional training, certification may be continued during training or certification may be revoked altogether.

(b) Any Certified Food Service Manager Identification Card may be suspended or revoked by the approving authority when the certified food service manager or a person under the certified food service manager's supervision repeatedly fails to comply with applicable laws and regulations.

(c) Prior to suspension or revocation of the certification, a Certified Food Service Manager shall be given the opportunity to request an administrative hearing pursuant to HE §2-301.

(d) The certified food service manager shall surrender their Certified Food Service Manager Identification Card to the Commissioner when the certification has been suspended or revoked.

#### V. FEES

(a) The fee imposed for new or renewal certification of food service managers is \$30 for the term of the certification.

(b) There shall be no fee for a reciprocal certification.

#### V. DUTIES OF THE CERTIFIED FOOD SERVICES MANAGER

(a) Whenever food is received, prepared, and/or served on the premises it shall be directly supervised by a certified food service manager or by an employee who has been trained by a certified food manager.

(b) Records relating to a facility's manager certifications and training must be made available for inspection upon request of the Department.

The above Regulations for the Certification of Food Service Managers are hereby adopted:

Approved: Leana Wen 4/27/16  
Leana S. Wen, M.D., M.Sc. Date  
Commissioner of Health

Effective date when filed with the Department of Legislative Reference: 4-28-16

Received on behalf of the Department of Legislative Reference by: Amy B. Ray

**Subtitle 03 ENVIRONMENTAL INSPECTION SERVICES**

**CHAPTER 02 REGULATIONS FOR SWIMMING POOLS**

Administrative History

Effective Date: April 30, 2014



**BALTIMORE CITY HEALTH DEPARTMENT**

**REGULATIONS  
FOR  
SWIMMING POOLS**

**April 30, 2014**

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**This Regulation supersedes Baltimore City Health Department  
Public Swimming Pools Design Criteria, Standards and Regulations adopted December 20, 1976**

**BUREAU OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL INSPECTION SERVICES  
1001 EAST FAYETTE STREET  
BALTIMORE, MARYLAND 21202**

I. AUTHORITY.

Baltimore City Health Code § 2-106 and § 11-303 of the Baltimore City Health Code

II. SCOPE

This regulation supplements the requirements of COMAR 10.17.01, Public Swimming Pools and Spas, as amended from time to time.

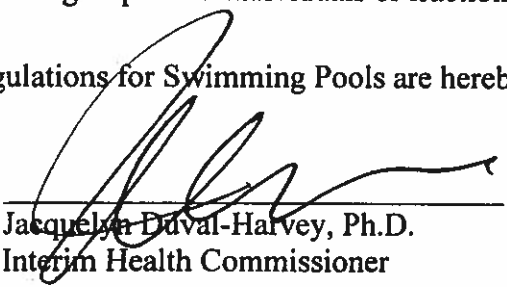
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III. LIFEGUARDS.

Lifeguards shall be required as in COMAR 10.17.01(D), except that an owner of a recreational pool shall ensure a sufficient number of lifeguards so that one lifeguard is on duty within the pool enclosure for an initial group of 1 to 30 individuals, and an additional lifeguard is on duty for each additional group of 50 individuals or fraction thereof.

The above Regulations for Swimming Pools are hereby adopted:

Approved:

  
Jacquelyn Duval-Harvey, Ph.D.  
Interim Health Commissioner

Date

4/30/14

Effective date when filed with the Department of Legislative Reference: 4/30/14

Received on behalf of the Department of Legislative Reference by: 

**Subtitle 03 ENVIRONMENTAL INSPECTION SERVICES**

**CHAPTER 03 RULES AND REGULATIONS GOVERNING TATTOOING**

Administrative History

Effective Date: June 16, 1987

BALTIMORE CITY HEALTH DEPARTMENT

RULES AND REGULATIONS GOVERNING TATTOOING

Adopted: 15 June 1953

Revised: 1 January 1984

Revised: 16 June 1987

Preamble

Pursuant to Article 11, Section 216, of the Baltimore City Code (1983 Replacement Volume, as amended), the Commissioner of Health does hereby adopt the following Rules and Regulations governing tattooing for the better protection of the health of the City and for the enforcement of the City Code provisions concerning tattooing.

BALTIMORE CITY HEALTH DEPARTMENT  
RULES AND REGULATIONS GOVERNING TATTCOING

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A. Definitions

- (1) Apprentice: A person, 18 years of age or older, who is learning the art and practice of tattooing under the supervision of a permitted tattoo artist; Tattoo apprentice.
- (2) Commissioner: The Commissioner of Health for Baltimore City or his designee.
- (3) Customer: Any person who is present on the premises of a tattooing establishment for the purpose of being tattooed.
- (4) Operating Room: That portion of a tattooing establishment that is used for tattooing.
- (5) Operator: Any person 18 years of age or older holding a current tattoo artist permit who administers a tattoo to any customer of a tattooing establishment; Tattoo Artist.
- (6) Permits: Certificates issued by the Commissioner of Health authorizing the operation of a tattooing establishment or temporary tattooing establishment, or authorizing the practice of a tattoo artist or the practice of a tattoo apprentice.

- (7) Person: An individual, firm, company, partnership, corporation or any other entity.
- (8) Proprietor: Any person eighteen years of age or older having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises.
- (9) Tattoo, Tattooed, Tattooing: Any method of placing an indelible mark or figure upon a person by insertion of pigment under the skin or by production of scars.
- (10) Tattoo Artist: Operator
- (11) Tattooing Establishment: Premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein and incidental to such use.
- (12) Temporary Tattooing Establishment: A tattooing establishment which is operated at the site of a specific fair, carnival, or other temporary event in Baltimore City, and is operated by a permitted tattooing establishment and a permitted tattoo artist, for a period specified by the Commissioner.

B. Requirements for Operating a Tattooing Establishment or Temporary Tattooing Establishment

- (1) Permits required. No person or persons shall operate a tattooing establishment or engage in the practice or business of tattooing without having first obtained a permit therefor from the Commissioner authorizing such an establishment. No establishment or location shall be used for the practice of tattooing without having first obtained a permit therefor from the Commissioner and approvals from other appropriate City agencies as required by law. The tattooing establishment permit shall be valid for one year from the date of issuance. Application for permits or renewal of permits shall be made in writing on forms provided by the Commissioner. A permit is not transferable.
- (2) Prior to the issuance or renewal of a tattooing establishment permit, the Commissioner may inspect and approve the facility to be permitted for a tattooing establishment.
- (3) The annual permit fee for each tattooing establishment shall be one hundred dollars (\$100.00). This permit fee is non-refundable.

- (4) It shall be unlawful to practice as an operator or apprentice except in a permitted tattooing establishment.
- (5) The tattooing establishment permit shall be posted at all times in a conspicuous place in the tattooing establishment. A copy of the tattoo regulations shall be kept on the premises and be made available upon request to the public.
- (6) The Health Department shall be notified within ten (10) days of any changes of personnel.
- (7) The tattooing establishment permit application shall include the following information:
  - (a) Trade name, address, and business phone number of the tattooing establishment;
  - (b) Name, home address, home phone number of proprietor(s);
  - (c) In the event the permit is to be held by a corporation, the name, address and phone number of the resident agent, and the name, address and phone number of each officer of the corporation shall be provided.
- (8) In the event a tattooing establishment is moved to another permanent location within Baltimore City, the proprietor must notify the Commissioner thirty (30) days prior to the move and apply for a new Tattooing

Establishment Permit. Tattooing at the new establishment shall not be practiced until a permit has been issued for said location.

- (9) Records: Permanent records for each customer shall be maintained by the proprietor of the establishment. Before the tattooing operation begins, the customer shall be required personally to enter, on a bound ledger book with pre-numbered pages, the date, his or her name, address, date of birth, serial number (if a member of the armed services) and his or her signature. For tattoos requiring more than one visit for completion, a separate entry must be made in the ledger book for each visit made by the customer. Such records shall be maintained in the tattooing establishment and shall be available for examination by the Commissioner. Records shall be maintained by the proprietor of the establishment for a period of not less than three (3) years. In the event of change of ownership or the closing of the tattooing establishment, all such records shall be made available to the Commissioner by the former proprietor of the establishment. The contents of such records shall be considered confidential and are not available to the public.

(10) The Commissioner may conduct periodic inspections of any tattooing establishment or temporary tattooing establishment during normal business hours for the purpose of determining whether said establishments and persons performing the tattooing are in compliance with all applicable provisions of these regulations and other pertinent laws.

(11) Temporary Tattooing Establishment Permit for regulation of tattooing at fairs, carnivals, and other temporary events in Baltimore City.

(a) Only proprietors who possess current Tattooing Permits may apply for temporary tattooing establishment permits in Baltimore City.

(b) Only those operators who possess a current annual tattooing permit in Baltimore City may engage in tattooing at fairs, carnivals, and other temporary events in Baltimore City.

(c) Proprietors wishing to provide tattooing at such events must apply to the Commissioner for a Temporary Tattooing Establishment Permit at least ten (10) days prior to the start of the event, on a form provided by the Commissioner.

(d) The proprietor shall maintain records in his/her tattooing establishment ledger book and comply with all other requirements of the Ordinance, these Regulations and all other applicable laws.

(e) Upon approval of the application by the Commissioner and the payment of a twenty dollar (\$20.00) Temporary Tattooing Establishment Permit fee, tattooing may be conducted at the designated event for the time period and under the conditions set by the Commissioner. This fee is non-refundable.

(12) All persons applying for a permit to operate a tattooing establishment (proprietor) shall be at least eighteen (18) years of age, and if also intending to be an operator shall have completed an apprenticeship program approved by the Commissioner, and shall present proof of experience as defined in these regulations.

C. Requirements for Tattoo Operator.

(1) Permit required. No person or persons shall engage in the practice of tattooing as an operator without having first obtained a permit therefor from the Commissioner authorizing him/her to do so. Each permit is valid for one (1) year from the date of issuance. Application

for permits or renewal of permits shall be made in writing on forms provided by the Commissioner.

(2) The annual permit fee for each operator shall be fifty dollars (\$50.00). This permit fee is non-refundable.

(3) Each operator's permit shall be posted at all times in a conspicuous place in the tattooing establishment.

(4) The operator permit application shall include the following information:

(a) Trade name, current permit number, address, and business phone number of permitted tattooing establishment where applicant is to practice.

(b) Name, home address, home phone number and date of birth of applicant.

(c) Proof of experience and training of applicant (new applicants only) - History of training and experience, notarized letters of reference from other tattoo artists, if available.

(5) New applicants for an operator permit may be required to appear before the Commissioner who shall review his/her qualifications.

(6) New applicants for an operator permit shall be eighteen (18) years of age or older.



D. Requirements of Apprenticeship

- (1) Permit required. No person shall engage in the learning and practice of tattooing as a tattoo apprentice without having first obtained a permit therefor from the Commissioner authorizing him/her to do so. Each permit is valid for one (1) year from the date of issuance. Application for permits or renewal of permits shall be made in writing on forms provided by the Commissioner.
- (2) The annual permit fee for a tattoo apprentice shall be twenty-five dollars (\$25.00). This permit fee is non-refundable.
- (3) The tattoo apprentice permit application shall include the following information:
  - (a) Trade name, address, current permit number, and business phone number of permitted tattooing establishment where applicant will be training.
  - (b) Name, home address, home phone number, and date of birth of applicant.
- (4) Each tattoo apprentice permit shall be posted at all times in a conspicuous place in the tattooing establishment.
- (5) An apprenticeship period shall be for two years and shall include a minimum of 1000 hours training and practice. The apprenticeship program shall include but not be limited to the following:

- (a) Thorough knowledge of the Baltimore City Tattoo law and regulations.
  - (b) Proper use, care, cleaning, and sterilization of instruments and equipment.
  - (c) Knowledge of diseases which may be transmitted through insanitary tattooing practices.
  - (d) Knowledge of reliable sources for obtaining dyes, inks, pigments, stencils, equipment, and supplies.
  - (e) Knowledge of sanitary and safe tattooing procedures.
  - (f) Knowledge of record keeping.
  - (g) Knowledge of maintaining the business and premises in a clean and sanitary manner in accordance with federal, state and local codes and regulations.
  - (h) At least 500 hours of actual tattooing experience.
- (6) Proof of completion of apprenticeship shall be by -  
presenting a notarized written record to the  
Commissioner showing dates and hours of training  
signed by the tattoo instructor(s) (including  
their addresses and telephone numbers), or a  
notarized letter(s) from the tattoo instructor(s)  
certifying under oath that the apprenticeship  
requirements have been met.

- (7) An apprentice shall not perform tattooing except under the direct supervision of a permitted tattoo artist.

#### E. Physical Facilities

- (1) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair. Floors, walls and ceilings shall be easily cleanable.
- (2) Every tattooing establishment shall be provided with adequate light, adequate ventilation, and be of sufficient size to accommodate the required equipment and business done therein.
- (3) Every tattooing establishment shall have an operating room that is separate from the waiting room or any other room.
- (4) Every operating room in a tattooing establishment shall be provided with a sink with hot and cold running water and shall be supplied with soap and single service sanitary towels.
- (5) All tables that hold the equipment used for tattooing and all tables used as operating tables shall be made of stainless steel, metal with white enamel, metal with porcelain finish, or other impervious materials that are approved by the Commissioner.

- (6) A toilet and hand washing basin shall be conveniently located in an adjacent room in the tattooing establishment and be available to customers and operators, and be provided with toilet tissue, soap and single service sanitary towels.
- (7) Mobile facilities (such as vans or trailers) shall not be permitted as a tattooing establishment.
- (8) Sufficient cabinets or covered containers shall be provided for the storage of supplies and materials, and the same shall be maintained in a clean and sanitary condition.
- (9) No tattooing establishment shall be used as a sleeping room or dormitory.
- (10) Waste receptacles must be provided and maintained in a clean and sanitary condition. Waste must be disposed of in accordance with the Baltimore City Health and Sanitation Codes. Needles to be disposed of shall be autoclaved and placed in a puncture-proof container prior to disposal.

**F. Dyes, Inks, Pigments, and Stencils**

- (1) All pigments, dyes, inks, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles, and other noxious agents and substances. The pigments, dyes, inks and colors used from stock solutions for each

customer shall be placed in a sanitary single-service receptacle; and such receptacle and remaining solution shall be discarded after use on each customer.

- (2) Single-service receptacles shall be kept in dust-free containers.
- (3) Operators and proprietors, upon request of the Commissioner, shall submit in writing to the Commissioner the source of all dyes, inks, pigments, colors or tracing materials used or to be used in tattooing operations.
- (4) Stencils: After each use reusable stencil shall be cleaned of all tracing materials and other substances, then disinfected, dried, and stored in a clean folder or envelope.

#### G. Care of Instruments and Equipment

- (1) All equipment shall be thoroughly cleaned before using. All needles, tubes, and needle bars shall be thoroughly cleaned by brushing with soap or detergent and water before sterilizing. The interior of tubes shall be thoroughly cleaned with a brush. After cleaning, equipment shall be thoroughly rinsed with running tap water. An ultrasonic cleaner may be used for additional cleaning of equipment following the soap and brush cleaning.

(2) An autoclave shall be provided for sterilization of tubes, needle bars, and needles. Alternate sterilizing procedures may only be used when specifically approved in writing by the Commissioner. Sterilization shall follow manufacturer's instructions with special reference to the killing of resistant viruses such as hepatitis B. At a minimum, sterilization of equipment shall be accomplished by either a) exposure to live steam for at least 20 minutes at a pressure of at least 15 pounds per square inch, at a temperature of 251 degrees Fahrenheit or 121 degrees Celsius; or b) exposure to dry heat for at least sixty minutes at a temperature of at least 338 degrees Fahrenheit or 170 Celsius.

(3) Equipment to be sterilized shall be wrapped in autoclave paper or autoclave bags, sealed with autoclave tape, and the package marked with a temperature recording tape or label. The package shall not be opened until ready to use. The package shall be dated with the date of autoclaving. Sterilized equipment shall be stored in a manner to keep them sterile and free from rust. Equipment which is not used within thirty (30) days after autoclaving shall be re-sterilized.

- (4) All gauze bandages, wiping cloths, spreading instruments (such as spatulas or tongue depressors) and razors that come in contact with the tattooed area shall be sterilized (unless purchased in individual sterile packages that bear a label affixed by the manufacturer stating the contents thereof are sterilized).
- (5) Only silver or tin solders shall be used to solder the needles. Lead solder shall not be used.
- (6) All packages of sterilized needles and other equipment shall be stored in a closed glass or metal case or storage cabinet. Such cabinet shall be maintained in a sanitary condition at all times.
- (7) Needles that have a tendency to cut or mutilate the skin shall be discarded. Operators shall use an eye-loop magnifier to determine the condition of the needles.
- (8) Operators shall have a sufficient supply of sterilized equipment available at the beginning of each work day to allow the completion of the work day without requiring the re-sterilization of the equipment.

## H. Tattooing Procedures

- (1) It shall be unlawful to tattoo any person under eighteen (18) years of age.
- (2) No operator or apprentice shall remove or attempt to remove any tattoo by cutting, abrasing or scarring, or by injecting any caustic or acidic materials, or by any other means.  
Tattooing over an existing tattoo is permitted.
- (3) No tattooing shall be done on any skin surface areas containing any rash, pimples, boils, infections, or which manifests any evidence of unhealthy conditions. No tattooing shall be done on any person showing jaundice or who has hepatitis or AIDS (Acquired Immune Deficiency Syndrome).
- (4) Operators and apprentices shall be free of communicable diseases while tattooing, and shall keep any boil, sore, or skin infection on an exposed part of his or her body effectively covered by a suitable waterproof dressing which shall be replaced as often as necessary.
- (5) Tattooing shall be performed only in the operating room. Only the customer being tattooed, the operator, and the tattoo operator's assistant or apprentice shall be permitted in the operating room during tattooing operations.



- (6) The operator and apprentice shall wear a clean, light colored, washable or disposable smock while tattooing.
- (7) All operators and apprentices shall wash their hands thoroughly with hot water and soap before beginning each tattooing operation. The hands shall be dried with individual, single-use towels.
- (8) Safety razors with a new single-service blade for each customer shall be used for skin preparation. Should a non-disposable straight razor be used, the razor shall be clean and sterile before being used on any customer.
- (9) The area to be tattooed shall first be thoroughly washed with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of 70% ethyl or isopropyl alcohol shall be applied to the area with a sprayer or single-use sponge.
- (10) Any antibacterial ointment shall be applied with a single-use tongue depressor or equivalent as approved by the Commissioner.
- (11) Excess dye shall be removed from the skin with an individual sterile gauze, sterile cotton, or sterile napkin. The tattooed area shall be

washed with a solution of tincture of green soap, or equivalent, rinsed, and patted dry with a single use clean towel. A non-stick sterile dressing shall be applied to the tattooed area, and fastened with an appropriate adhesive tape.

- (12) Printed instructions on the care of the tattooed skin shall be given to each customer as a precaution against infection after tattooing. The printed instructions shall also contain the name, address and telephone number of the tattooing establishment, and the date the tattooing was performed.

I. Licensed Practitioners: These regulations are not applicable to any licensed medical doctor engaged in the performance of his or her profession.

J. Responsibilities of Person Being Tattooed: It shall be unlawful for any person in Baltimore City to be tattooed by any person who is not a permitted operator or apprentice, or to be tattooed at any location other than a permitted tattooing establishment, or to provide false information in order to obtain a tattoo.

K. Penalties and Revocation of Permits

- (1) Persons who violate any provision(s) of these regulations may be served either with a written notice to correct violations within the time specified therein, or, for persons tattooing

without a permit or tattooing in a non-permitted establishment, with a summons to appear in court.

- (2) The Commissioner may order permitted operators or apprentices who violate any provision(s) of these regulations to immediately cease tattooing pending correction of violations. The Commissioner shall order any person tattooing without a permit or tattooing in a non-permitted establishment to immediately cease tattooing.
- (3) Failure to comply with an order or written notice of the Commissioner may result in a summons being issued to the violator to appear in court.
- (4) The Commissioner may deny, suspend, or revoke the tattooing establishment permit or the permit of any operator or apprentice who has violated or is violating the provisions of these regulations or any other applicable law. In addition, the Commissioner may deny, suspend or revoke a permit if he finds that an applicant or permittee:
  - (a) Has falsified records submitted to the Health Department;
  - (b) Engages in a habitual pattern of drunkenness or drug use;

- (c) Demonstrates incompetence;
  - (d) Fails to use proper sanitary methods in the practice of tattooing;
  - (e) Has been epidemiologically linked to disease transmission among persons tattooed at the establishment; or
  - (f) Fails to obey applicable laws and regulations.
- (5) The Commissioner may suspend or revoke a permit only after a hearing, except as noted below, under "Exception". The Commissioner shall notify the appropriate party or parties in writing at least ten (10) working days prior to the date set for the hearing. The written notice shall be served to the party(s) by certified mail. Exception - The Commissioner may issue an immediate order to suspend or revoke a permit when the Commissioner deems it necessary to prevent the spread of Hepatitis B virus or other disease associated with tattooing.
- (6) Any person aggrieved by the decision or order of the Commissioner shall be informed that he/she has a right to appeal the decision or order to an appropriate court pursuant to, and in accordance with, the Maryland Rules of Procedure and/or the Baltimore City Code.

(7) Any notice required by law or by these regulations shall be served by certified mail at the address provided by the permittee or person on the application. The permittee or person has an obligation to notify the Commissioner of any change in his/her/its mailing address.

(3) Violation of or failure to comply with the provisions of these regulations may, upon conviction, subject the offender to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed Ninety (90) days, or both, and confiscation of tattooing equipment. If a violation is continuing, each day's violation shall constitute a separate violation.

Note: If the conviction is for illegal tattooing, the violator may be required to pay the cost of removal or other compensation to the person illegally tattooed.

L. Severability: If any provision of these rules or regulations promulgated hereunder or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these rules and regulations promulgated hereunder. The Commissioner hereby declares that in these regards the provisions of these rules and regulations are severable.

M. Variance: The purpose and intent of these rules and regulations are to protect and promote the health and safety of the persons using the services of tattooing establishments in Baltimore City. Therefore, deviations from these rules and regulations may be approved, when, in the opinion of the Commissioner, such deviations will not adversely affect the public's health and safety. If such deviations are permitted, they shall be made in strict compliance with the restrictions, limitations, or conditions which the Commissioner may establish.

**Subtitle 03 ENVIRONMENTAL INSPECTION SERVICES**

**CHAPTER 04 RULES AND REGULATIONS GOVERNING THE OPERATION OF SPECIAL  
FOOD SERVICE FACILITIES**

Administrative History

Effective Date: November 1, 2005

**Baltimore City Health Department  
Rules and Regulations Governing the Operation of  
Special Food Service Facilities**

**Authority:** Baltimore City Code, Health Article §§ 2-106, 6-102 and 6-103, as amended from time to time.

**A. Definitions**

1. In these rules and regulations, the following terms have the meanings indicated.

2. *Employee*

“Employee” means a license holder, an individual having supervisory or management duties, a person on the payroll, a volunteer, a person performing work under contractual agreement, or any other person working in a food service facility.

3. *Food*

a. *In general.* “Food” means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

b. *Inclusions.* “Food” includes: ice; beverages; and chewing gum or any substance used as a component of chewing gum.

c. *Exclusions.* “Food” does not include: an alcoholic beverage, as defined in § 1-102(a)(2) of State Code Article 2B; or a drug, as defined in § 21-101(g) of the State Health-General Article.

4. *Food service facility*

a. *In general.* “Food service facility” means any place in which, with or without charge: food is prepared for sale or service on the premises or elsewhere; or food is manufactured, processed, stored, packaged, handled, distributed, or sold.

b. *Inclusions.* “Food service facility” includes any place at which a tax-exempt organization distributes food to the public.

c. *Exclusions.* “Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.



5. *Hand-washing Facility*

“Hand-washing facility” means a combination of running water, hand-cleaning soap or detergent, and individual towels or hand-drying devices.

6. *License*

“License” means a license issued under Title 6 of the Baltimore City Health Code to operate a food service facility.

7. *Mobile food service facility*

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“Mobile food service facility” means a food service facility operating from a mobile unit.

8. *Mobile unit*

“Mobile unit” means a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.

9. *Person*

a. *In general.* “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity of any kind.

b. *Inclusions.* “Person” includes a tax-exempt organization. Except as used in Rule H {“Enforcement and Penalties”} of these rules and regulations, “person” includes a governmental entity or an instrumentality or unit of a governmental entity.

10. *Special food service facility*

a. “Special food service facility” means:

i. any food service facility that operates for no more than 30 consecutive days from a fixed location; or

ii. any mobile food service facility.

b. Each special food service facility belongs to one of the following four classes:

- i. "Class I" means a facility operating from a fixed location or a mobile unit, which handles or sells only sealed, prewrapped or prepackaged food or drink in the original sealed container or wrapping, and does not prepare, wrap, or package any food or drink on location or within a mobile unit.
- ii. "Class II" means a facility operating from a fixed location for a temporary period, which handles or sells any food or drink other than in a sealed package, or which prepares, packages, or wraps any food or drink on location.
- iii. "Class III" means a facility operating from a mobile unit, which handles or sells any food or drink other than in a package, or which prepares, packages, or wraps any food or drink within the mobile unit.
- iv. "Class IV" means a facility operating from a mobile unit, which handles or sells sealed, rewrapped or prepackaged food or drink in the original sealed package, and does not prepare, wrap, or package any food or drink within the mobile unit except for preparing and dispensing of coffee or tea.

11. *Tax-exempt organization*

- a. "Tax-exempt organization" means an entity that has tax-exempt status under §501(c)(3) of the federal Internal Revenue Code.
- b. "Tax-exempt organization" includes any tax-exempt charity that provides food to the public with or without charge.

**B. Compliance with Health Laws Required**

Each special food service facility must comply with all applicable health laws, rules, and regulations of the federal government, the State of Maryland, and the City of Baltimore.

**C. License Required**

No person may operate a special food service facility without a license.

**D. Litter and Rubbish Prohibited**

The entire location of a special food service facility, including any mobile unit and all abutting sidewalks, alleys, footpaths, gutters, and other public rights-of-way, must be kept free of litter and rubbish.

**E. Hand-washing Facilities Required**

A Class II or Class III special food service facility must have, and may not be operated without, hand-washing facilities that are:

1. accessible to employees at all times; and
2. located no more than 25 feet from any food-handling, preparation, or distribution area.

**F. Toilet Facilities Required**

A Class II special food service facility must have, and may not be operated without, permanent or temporary toilet facilities that are:

1. accessible to employees at all times; and
2. maintained in a sanitary manner.

**G. Enforcement and Penalties**


1. These rules and regulations may be enforced pursuant to Baltimore City Health Code § 6-506 {"Litter and rubbish prohibited"}, Subtitle 6 {"Suspensions and Revocations"}, and Subtitle 8 {"Penalties"}.
2. In addition to any other remedy or enforcement procedure, these rules and regulations may be enforced by issuance of environmental citations as authorized by City Code Article I, Subtitle 40 {"Environmental Control Board"}.
3. The issuance of an environmental citation to enforce these rules and regulations does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
4. Any person who violates any provision of these rules and regulations is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in Baltimore City Health Code § 6-802 {"Basic Penalty: \$1,000"; "Operating without or in violation of license: \$1,000 and 12 months"}.

5. In addition to any other remedy or enforcement procedure, the Commissioner of Health may apply to a court of competent jurisdiction for an injunction, abatement, or other appropriate relief to compel compliance with these rules and regulations.

**H. Effective Date**

These rules and regulations take effect on November 1, 2005.

Approved and Adopted:

  
Francine J. Childs  
Acting Commissioner of Health

10/31/05  
Date

**Subtitle 04 MISCELLANEOUS**

**CHAPTER 01 REGULATIONS FOR YOUTH BASEBALL PROTECTIVE GEAR**

Administrative History

Effective Date: March 15, 2002



**BALTIMORE CITY HEALTH DEPARTMENT REGULATIONS FOR YOUTH BASEBALL  
PROTECTIVE GEAR**

*Authority:* §18-102 (c) of the Baltimore City Health Code, as enacted by Ordinance 01-273.

On deck batters, batters and base runners are required to wear a batting helmet with protective faceguard that meets Standard F910 of the American Society of Testing and Measurements ("ASTM").

Players who wear eyeglasses during play and functionally one-eyed youth (best corrected vision in the poor seeing eye 20/40) are required to wear sports goggles with polycarbonate lenses meeting ASTM Standard F803.

Catchers are required to wear a catcher's helmet with faceguard and dangling throat guard certified by the National Operating Committee on Standards for Athletic Equipment (NOCSAE), shin guards, and a long-model chest protector.

*Effective Date:* March 15, 2002

A handwritten signature in black ink, appearing to read "Peter Beilenson", written over a horizontal line.

Peter L. Beilenson, MD, MPH  
Commissioner of Health

