

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.



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Commissioner
Baltimore City Health Department

Date Adopted 1-9-09
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