

Proposal on Electronic Fences as Animal Restraints
Baltimore City Health Department
October 2008

A member of the public requested a reevaluation of the Baltimore City Health Department's position on electronic fences as an animal restraint. Pursuant to the Department's *Acceptable Standards for Proper Restraints for Animals, Part II(C)*, promulgated in July 2003, electronic fences are unacceptable restraints for dogs and cats.

The following reasons justified this decision:

1. A stimulus that is outside the fence may be so attractive that the dog will run through the electronic fence regardless of the shock, e.g. a squirrel, another dog, etc. This is more common with more aggressive dogs, poorly-trained dogs, long-haired dogs or unaltered dogs that are in heat.
2. Once a dog has run through the electronic fence, the dog is reluctant to return home for fear of another shock.
3. Other dogs or wild animals can enter the yard and attack the animal confined in the fence.
4. Batteries in the collar can die or the electricity maintaining the fence turns off making the electronic fence ineffective.

Recent arguments, however, have been introduced to support a modification to the regulation. The following arguments have been presented:

1. Some neighborhoods have restrictions on the types of physical fences that can be erected. An electronic fence is hidden or buried.
2. Many physical fences offer inadequate security. They are often too short; a golden retriever can leap over the standard 4-foot chain-link fence.
3. Dogs cannot dig under an electronic fence like they can with a physical barrier.

The Health Department is proposing an exemption procedure, which will allow certain animal owners to install electronic fences.

For the purpose of this regulation, electronic fence will be defined as: a fence that controls the movement of a dog by emitting an electrical shock through an electric collar, which the animal wears, when the animal nears the boundary of the owner or keeper of the property.

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

D. Electronic Fence Exemption

- 1) Applications - For Department/Board Approval

- a. Who may apply
 - i. An application for an exemption must be filed by the property owner or with the written consent of the property owner.
 - b. Filing with Health Commissioner
 - i. 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 owner or keeper of the animal will conform to the standards set forth in Part II(D)(4) of this regulation.
 - iv. Provide proof that the animal is neutered or spayed.
 - v. Include a statement by the applicant that the applicant:
 - 1. understands that approval of the fence in no way relieves the applicant of responsibility for control of his dog and any damages caused by his 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.
- 2) 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
 - i. The sign must state the owner has requested an exemption from the Health Commissioner for an exemption to install and maintain an electronic fence and specify the species of animal the fence is to confine.
- 3) Public Hearing
- A public hearing will be held only if the Health Commissioner receives written objection(s) to the application.
- a. Denial of Application
 - b. Appeal
- 4) Electronic Fence Standards
- a. The fence shall not be installed closer than ten (10) feet from any public footpaths, walkways, allies or streets.
 - b. The fence shall not be installed closer than two (2) feet from an adjacent property.

5) Exemption Approval

- a. Should the application be approved:
- b. The owner or keeper is responsible for ensuring that the fence effectively contains the animal on the property.
- c. The owner 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.

Please provide comments to this proposal in writing by December 1, 2008. Comments should be sent to: Division of Environmental Health, Baltimore City Health Department, 1001 E. Fayette Street, Baltimore MD 21202.