Maryland County Laws Regarding Feral Cats

From June 2014 through August 2014 the Maryland Department of Agriculture Spay and Neuter Grants Program queried the County Attorneys throughout Maryland for information on any county laws with regards to feral cats. The following is a compilation of the responses received as of January 1, 2015.

Maryland County Attorneys' Responses to Department Query Regarding County Laws Pertaining to Feral Cats

(Control-click on county name to jump to that page)

ALLEGANY
ANNE ARUNDEL
BALTIMORE
CALVERT
CAROLINE
CARROLL
CECIL
CHARLES
DORCHESTER
FREDERICK
GARRETT
HARFORD
HOWARD
KENT
MONTGOMERY
PRINCE GEORGE'S
QUEEN ANNE'S
ST. MARY'S
SOMERSET
TALBOT
WASHINGTON
WICOMICO
WORCESTER

ALLEGANY COUNTY

Information yet to be provided.

Contact Information:

William M. Rudd, County Attorney
Allegany County Office Building
701 Kelly Road
Cumberland, MD 21502-2803

brudd@allconet.org
301-777-5823

ANNE ARUNDEL COUNTY

"There are no laws or ordinances specific to feral cats or TNR"- Kunle Adeymo, Assistant County Attorney (Telephone communication with Jane Mallory, 06-05-2014)

Contact Information:

David Plymyer, County Attorney
Heritage Office Complex
2660 Riva Road, 4th floor
Annapolis, MD 21401

dplymyer@aacounty.org
410-222-7888

BALTIMORE COUNTY

"The county does not have specific laws against feral cats but I assume you are talking about the Trap, Neuter and Release (or Return) philosophy, which is NOT recognized in Baltimore County.

Here in the county when Animal Services receives a complaint about a person who is feeding and otherwise caring for cats out in the open (feral or not), that person faces the prospect of being cited for any number of violations including licensing, "at large," animal waste, and nuisance. There are not many such cited cases but this is a bone of contention here for some of those involved in the "Reform Baltimore County Animal Services" group.

Accordingly, you should not approve any applications for a TNR-type program in Baltimore County."- Michael E. Field, County Attorney (Email, 06-10-2014)

See next page for response to letter sent on 8-19-2014 by county requesting further clarification.

DOUGLAS F. GANSLER
Attorney General

KATHERINE WINBERG
Chief Deputy Attorney General
JOHN B. HOWARD, JR.
Deputy Attorney General

THE ATTORNEY GENERAL
DEPARTMENT OF AGRICULTURE
50 HARRY S. TRUMAN PARKWAY
ANNAPOLIS, MARYLAND 21401
(410) 841-5883
Facsimile (410) 841-5914

CRAIG A. NIELSEN
Assistant Attorney General
Counsel to the
Department of Agriculture

THOMAS F. FILBERT
Assistant Attorney General

JUDITH F. PLYMYER
Assistant Attorney General

JUSTIN P. HAYES
Assistant Attorney General

August 19, 2014

Michael E. Field, County Attorney
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Field:

I ask for your help in determining whether any local law exists in your county that prohibits certain conduct relating to feral cats.

The reason for this request is that the Department of Agriculture is implementing a recently enacted program to reduce dog and cat overpopulation and is required by State law, under §2-1602(f)(2)(iii)2 of the Agriculture Article, to determine whether any local law exists in Baltimore County that prohibits a person from spaying or neutering feral cats and then releasing them back to their former location. Is there such a law in your county? If so, would you please give me the citation for this local law. We would greatly appreciate your response by completing the following and returning it to me by email or regular mail by September 1.

Please check one of the following:

A. ☐ No local law in Baltimore County prohibits a person or organization from spaying and neutering feral cats and then returning, or releasing them to their former location.

B. ☒ Yes, local law prohibits the spaying and neutering of feral cats in Baltimore County and returning them to their former location, and the citation to that law is There is no local that specifically 'prohibits the spaying, neutering" and return of feral cats but the practice can subject a person to a civil penalty as follows:
Under our animal law, "'Owner' means a person owning, keeping, harboring, or acting as custodian of a domestic animal." § 12-1-101(w) Baltimore County Code, 2003. Under this broad definition of "owner," a person engaged in the behavior described in your question can face a citation for several violations, including:

§ 12-3-110. ANIMAL AT LARGE PROHIBITED.
An owner of an animal may not allow the animal to be an animal at large.
§ 12-3-109. PUBLIC NUISANCE ANIMALS.
(a) "Public nuisance animal" defined. In this section, "public nuisance animal" means an animal that:
(1) Damages the property of a person other than its owner;

(2) Causes unsanitary conditions in or on public property;
(3) Excessively makes disturbing noises;
(4) Chases passing vehicles; or
(5) Is an animal at large that is female dog or cat in heat.

(b) Prohibition. An owner of an animal may not allow it to be a public nuisance animal.

Actual enforcement is rare if not non-existent for any number of reasons, including the difficulty of determining who picked up the cat, had it spayed and then left it "at-large" again in the feral cat colony but the Baltimore County Health Officer has made it very clear that he does not believe that TNR is good public health or good public policy. We ask that the Department of Agriculture keep this in mind when awarding the grants.

Thank you for your help.

Sincerely,

Craig A. Nielsen
Assistant Attorney General

cc: Earl F. Hance, Secretary of Agriculture
Spay/Neuter Fund Advisory Board

Contact Information:

Michael E. Field, County Attorney
Old Court House
400 Washington Avenue
Towson, Maryland, 21204

mefield@baltimorecountymd.gov
410-887-4420

CARROLL COUNTY

"I have forwarded your e-mail to the Carroll County Humane Society, which serves our Animal Care and control authority."-Timothy C. Burke, County Attorney (Email, 06-06-2014)

"Our County Attorney forwarded me your email and I am copying him on my reply. Carroll County does not have any restrictions on the number of cats a person may own or the number of cats a person may feed outside their home…There are several groups that I am aware of that will be applying for Grants to do more TNR (Trap Neuter and Release) in Carroll County and there are no laws prohibiting this practice."- Carol Nicky Ratliff, Director, Humane Society of Carroll County (Email, 06-06-2014)

Contact Information:

Timothy C. Burke, County Attorney
225 North Center St.
Westminster, MD 21157

tburke@ccg.carr.org
410-386-2030

Carol Nicky Ratliff, Director, Humane Society of Carroll County
2517 Littlestown Pike
Westminster, MD 21158

cratliff@ccg.carr.org

CAROLINE COUNTY

"In response to your request for information regarding the feral cat populations, I can inform you that the Caroline County has no local laws addressing the feral cat population.

I've provided sections of our County code that address cats in other terms for your information as follows:

In Caroline, a cat can be considered an animal at large and "[a]ny person who finds and harbors a stray animal shall report the finding to Animal Control. An animal control officer who observes an animal at large may pursue that animal on public or private property." (See § 78-9Animal at large);

And,

A cat may be considered a public nuisance if they are not confined when in season. "Every female dog or cat in season must be humanely confined in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding arranged by the respective animal owners. This does not exclude normal waste elimination while under physical restraint and direct supervision and on the owner/custodian's property" (See § 78-10Public nuisance animal);

And,

If impounded, an unclaimed cat must be not be "released for adoption without being reproductively neutered or without written contract with the adopter guaranteeing that the animal will be neutered within 30 days for adult animals or by a specified future date in the contract for puppies or kittens. Animal Control shall train employees to inform the public of local neutering and health care cost assistance programs available to qualifying persons. A deposit established by Animal Control shall be paid by the adopter at the time of adoption and refunded once proof of neutering is presented to Animal Control." (See § 78-16Impoundment; redemption; adoption.)

Chapter 78: ANIMAL WELFARE AND CONTROL

§ 78-9Animal at large.

http://ecode360.com/8723599

Chapter 78: ANIMAL WELFARE AND CONTROL

§ 78-10Public nuisance animal.

http://ecode360.com/8723609

Chapter 78: ANIMAL WELFARE AND CONTROL

§ 78-16Impoundment; redemption; adoption.

http://ecode360.com/8723676 "- Heather L. Price, County Attorney (Email, 06-10-2014)

Contact Information:

Heather L. Price, County Attorney
315 High St., Suite 202
Chestertown, MD 21620

hprice@carolinemd.org
410-479-4136

CALVERT COUNTY

We do not have any local laws or ordinances pertaining to TNR projects for feral cats. However, unlicensed cats are subject to impound by our Animal Control Ordinance. We do have an organization that has permission to use County–owned property for feral cats with specific requirements for spay or neutering, embedding with radio-transmitter chips and maintaining shots among other things specified in the agreement. If you would like a copy of the agreement, please let me know.-John Norris, III, County Attorney, Calvert County (Email 07-23-2014)

AGREEMENT

This Agreement is dated 9/28, 2004, and is made by and between the Board of County Commissioners of Calvert County, Maryland (the "County"), a body corporate and politic, and the Friends of Felines (the "Friends").

WHEREAS, the Commissioners and the Friends desire to reduce the feral cat population in Calvert County and the needless euthanization of these cats; and,

WHEREAS, the Friends agree that these feral cats would benefit from an environment that would ensure their safety, control reproduction and reduce the stray cat population in Calvert County; and,

WHEREAS, the Friends and the Commissioners agree that the feral cat sanctuary provides these cats with such an environment; and

WHEREAS, the Friends desire to assume the operation of the County's feral cat sanctuary; and

WHEREAS, the Commissioners desire that the Friends assume the operation of the County's feral cat sanctuary.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties agree as follows:

A. The Board of County Commissioners of Calvert County agrees to:

1. Permit the Friends to use a portion of the Hughes Tree Farm (the "property") located on Clay Hammond Road as a feral cat sanctuary. The parties acknowledge that the County has leased the dwelling house on the property. The portion of the property to be used as a sanctuary shall be determined by the County as the sanctuary develops.
2. Ensure that County staff coordinates with the Friends regarding the placement of cat habitats, feeding stations and a shed for the storage of items needed for the sanctuary.

3. Ensure that reasonable and due care is taken in the maintenance and upkeep of the property not occupied by the Friends.

A. The Friends of Felines agree to:

1. Provide the appropriate cat habitats to house the feral cats. These habitats will be approximately 2 W x 2 %' x 2' and will be placed on the property in wooded areas to house individual colonies of cats. Habitats shall not be located within 200 feet of the dwelling house located on the premises.
2. Provide food for these cats and ensure that the feeding stations are placed in a location that can be easily accessed by the cats.
3. Regulate the feral cats placed on the property by ensuring that all cats released on the property by the Friends are:

(a) Spayed/neutered;
(b) Vaccinated against rabies;
(c) Tested for Feline Immunodeficiency Virus {FIV) and Feline Leukemia Virus (FLV) and
(d) Ear-notched and micro chipped for identification purposes.

4. Ensure the staffing of volunteers to access the property for purposes of feeding the cats, inventorying the cats and re-trapping them for annual inoculations. Each volunteer shall be required to sign a waiver holding and saving the County harmless for any injury sustained while on the property engaged in the work of the Friends.
5. Place a shed on the property, at a location and having a style approved by the Commissioners, to use for storage, of food, wheelbarrows, crates, cages and other miscellaneous items for the use of the sanctuary.
6. Ensure that the areas in and around the cat habitats and feeding stations are clean and free from trash and other debris.
7. Ensure that the operations of the Friends shall in no way interfere with the tenant's quiet enjoyment of the leased premises.

B. Insurance and Indemnification.

1. The Friends shall provide general liability insurance in the amount of One Million Dollars ($1,000,000.00) insuring volunteers and the general public against any injury sustained as a result of the Friends activities on the premises. The policy shall name the County as a co-insured.
2. In consideration of being allowed to use the Hughes Tree Farm for the purposes of a feral cat sanctuary, the Friends and its organizational members hereby agree to indemnify, defend and hold harmless the County and its officers and employees from and against all claims, demands, suits, liabilities, damages, losses and expenses resulting from or in any way arising out of the use by the Friends of the property as described in this AGREEMENT, which causes bodily injury, illness, death or other damage to persons or property, including but not limited to the property of the County.

C. Term of Agreement. The term shall begin upon execution of this AGREEMENT, and shall continue until terminated as provided below. Either party may cancel this AGREEMENT upon thirty days written notice to the other party. In the event the AGREEMENT is canceled, the

Friends shall provide for the relocation of all cats on the property. A sufficient amount of time shall be given for relocation efforts commenced after notice of cancellation is received by the non-canceling part.

D. Entire Agreement. This AGREEMENT represents the complete, total and final understanding of the parties and no other understanding or representations, oral or written, regarding the subject matter of this AGREEMENT shall be deemed to exist or to bind the parties hereto at the time of execution. The parties agree that the County's role in participating in the sanctuary is limited to providing space at the Hughes Tree Farm. All staffing and monetary needs of the project are the responsibility of the Friends and its organizational members.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the date first written above.

THE BOARD OF COUNTY COMMISIONERS

OF CALVERT COUNTY, MARYLAND

FRIENDS OF FELINES

(FOR ALL SIGNATURES, click PDF link Friends of Felines agree.pdf)

Contact Information:

John B. Norris, County Attorney
Courthouse
175 Main St.
Prince Frederick, MD 20678

Norrisjb@co.cal.md.us
410-535-1600, ext. 2291

CECIL COUNTY

Information yet to be provided.

Contact Information:

Norman Wilson, County Attorney
109 North Bridge St.
Elkton, MD 21921

hnwilson@verizon.net
410-398-2727

CHARLES COUNTY

"In response to your inquiry regarding feral cats, please be advised that Charles County has no local laws that treat feral cats differently than other stray/at large cats.

If you require further assistance, please do not hesitate to contact me at (301) 645-0555, or Ed Tucker, Chief of Animal Control Services, at (301) 609-3420." - Adam Storch, Associate County Attorney (Email 06-04-2014)

Contact Information:

Barbara Loveless Holtz, Esq., County Attorney
PO Box 2150
La Plata, MD 20646

holtzb@charlescountymd.gov
301-645-0555, 301-870-2260

Adam Storch, Associate County Attorney
301-645-0555

DORCHESTER COUNTY

Dorchester County does not have any local laws relating to feral cats.

Thank you, - E. Thomas Merryweather, County Attorney (Email 07-24-2014)

Contact Information:

E. Thomas Merryweather, County Attorney
202-204 High St.
Cambridge, MD 21613

etmlaw@shorecable.com
410-228-3610

FREDERICK COUNTY

"After review of the Local Government Article of the Maryland Annotated Code, the Frederick County Code, and consultation with Director Harold Domer of the Frederick County Animal Control Division, it appears that there is no law, regulation or formal policy regarding feral cats in effect in Frederick County, Maryland." - Michael J. Chomel, Esq. Senior Assistant County Attorney (Email 06-04-2014)

Contact Information:

John S. Mathis, County Attorney
12 E. Church Street
Frederick, MD 21701

jmathias@frederickcountymd.gov
301-600-1030

GARRETT COUNTY

"Garrett County does not have any provisions of County Law specific to feral cats." - Gorman E. Getty III, County Attorney (Email 06-04-2014)

Contact Information:

Gorman E. Getty III, County Attorney
P. O. Box 1485
23 Washington St., Cumberland, MD 21501-1485

ggetty@garrettcounty.org
301-777-8032

HARFORD COUNTY

"Harford County does not have any laws specific to feral cats. The County does have a law that would be applicable to feral cats (based on the broad definition of animal under the County Code) that provides that the Director of the Department of Inspections, Licenses and Permits, the Sheriff, the Director of the Humane Society of Harford County, Inc., or their designees or a duly licensed veterinarian, may order an animal to be destroyed for humane reasons or because of its vicious and dangerous propensities, and that the animal may be destroyed immediately without regard to any restriction or holding period otherwise established.

The County also has some laws relating to nuisance, abuse, sheltering and care of animals that would include domesticated cats. "- Mary Kate Herbig, Senior Assistant County Attorney (Email 06-04-2014)

Contact Information:

Robert S. McCord, County Attorney
County Office Building
220 South Main St.
Bel Air, MD 21014

rsmccord@harfordcountymd.gov
410-638-3205

HOWARD COUNTY

"I'm not aware of any Howard County law specific to feral cats." - Paul T. Johnson Deputy County Solicitor (Email 06-04-2014)

Contact Information:

Margaret Ann Nolan, County Solicitor
8930 Stanford Blvd.
Columbia MD 21045

MANolan@howardcountymd.gov
410-313-2101

KENT COUNTY

Kent does have provisions governing feral cats. Our code is on line through the County's website. See Chapter 64.You can copy the sections you might deem relevant. Please note that our five municipalities, e.g. Betterton, may have differing provisions. We do not maintain copies of the municipal codes. - Ernest A. Crofoot, Esq. County Attorney (Email-07-23-2014)

(Pertinent sections are highlighted)

Chapter 64. ANIMALS

Article I. Domestic Animals

§ 64-1. Definitions.

As used in this article, the following terms are defined below:

ANIMAL

Every nonhuman species of animal, both domestic and wild.

ANIMAL ABANDONMENT

The act of failing to humanely dispose of an animal or transfer ownership to some responsible person when ownership is no longer desired or leaving an animal without making arrangements for its care.

A. Exception. A feral cat caregiver who provides care to or has temporary custody of a feral cat in accordance with an approved program to trap, alter, vaccinate, ear tip, and return feral cats is not deemed to have deserted or abandoned the feral cat.

ANIMAL AT LARGE

Any animal not under the restraint of a person capable of controlling the animal and off the premises of the owner.

ANIMAL CONTROL OFFICER

Any person designated by the State of Maryland, the County Commissioners of Kent County, a municipal government or humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

ANIMAL SHELTER

Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for dogs or cats under the authority of this article or state law for care, confinement, return to owner, adoption or euthanasia.

CAT

A member of the species felis catus.

DANGEROUS DOG

Any dog that without provocation has killed or inflicted severe injury on a person or any dog determined by the Humane Society of Kent County, Maryland, Inc., to be potentially dangerous and, subsequent to that determination, which engages in one or more of the behaviors which caused the threat of danger. The behaviors are biting a person on public or private real property, or killing or inflicting severe injury to a domestic animal beyond the owner's property, or attacking without provocation.

DOG

A member of the species canis familiaris.

DOMESTIC ANIMAL

Any animal that is accustomed to live in or about the habitation of man, including but not limited to pets, farms animals, livestock or any other animals kept for pleasure or profit.

FERAL CAT

Any cat existing in a wild or untamed state or any cat having returned to an untamed state from domestication.

FERAL CAT CAREGIVER

Any person who provides care, including food, shelter, or medical care, to one or more feral cats or has temporary custody of a feral cat.

FERAL CAT COLONY

A group of two or more free-roaming feral cats, whether managed or unmanaged.

GROOMING SHOP

A commercial establishment where animals are bathed and/or groomed.

GUARD DOG

Any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured and/or will attack an intruder in a secured area or on command of the handler.

HARBOR or KEEP

To feed or shelter for three or more consecutive days.

HUMANE SOCIETY

The Humane Society of Kent County, Maryland, Inc., or an agency appointed by the County Commissioners of Kent County.

KENNEL

Any premises wherein any person keeps a dog or dogs in an enclosure designed or modified for the housing of dogs.

KENNEL, COMMERCIAL

Any premises wherein any person, persons, partnership or corporation buys, sells, breeds, boards, trains for a fee or engages in any other activity involving dogs for the purpose of generating income.

MANAGED FERAL CAT COLONY

A colony of feral cats that is registered with the Humane Society of Kent County, Inc.

OWNER

Any adult person, partnership or corporation owning, keeping, harboring or having custody of (either temporarily or permanently) one or more animals.

PET or COMPANION ANIMAL

Any animal kept for pleasure and/or companionship rather than utility.

PET SHOP

Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that sells two or more species of animals with the intent that they be kept as pets.

PUBLIC NUISANCE

Any animal or conditions resulting there from that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to, any animal that repeatedly:

A. Is found at large.

B. Damages the property of anyone other than its owner.

C. Molests or intimidates pedestrians or passersby.

D. Chases vehicles.

E. Attacks other domestic animals.

F. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, mewling, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; provided, however, that the barking of hunting dogs while in pursuit of game and supervised by owners or trainers is not to be considered a "public nuisance."

G. Creates offensive odors or is kept in such a manner that it causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

H. Is kept in such a manner that it causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

I. Materially interferes with or disrupts an individual in the enjoyment or use of the individual's property.

RESTRAINT

An animal is under restraint when it is secured by a leash or lead and/or under the control of a responsible person and obedient to that person's commands or within the real property limits of its owner.

SECURE ENCLOSURE

A fenced area or building from which an animal cannot escape or be accidentally released and which cannot be entered by animals or unauthorized persons.

STRAY

A domesticated dog or cat for which ownership is not established.

TRAP-NEUTER-RETURN PROGRAM (TNR)

A program approved by the Humane Society, or organization approved by the Kent County Commissioners, to trap, alter, vaccinate for rabies and distemper, ear tip, and return feral cats to their original location.

VETERINARY HOSPITAL

Any establishment maintained and operated by a licensed veterinarian for diagnosis, surgery and treatment of animal diseases and injuries.

§ 64-10. Feral cat colonies.

No person shall maintain a feral cat colony without first registering the colony with the Humane Society of Kent County. Those persons maintaining feral cat colonies on lands actively used in agriculture and zoned either Agricultural Zoning District (AZD) or Resource Conservation District (RCD), or on land constituting a farm as defined by the Land Use Ordinance, shall be exempt from the registration requirement. A registration certificate shall be issued to the colony caretaker responsible for the colony and shall contain the following information:

A.
The name, telephone number, and address of the person to whom the certificate is issued.

B.
The date of issuance.

C.
The number of cats in the colony.

D.
The address (location) of the colony.

§ 64-10.1. Responsibilities of feral cat caregiver; acceptable standards of care.

A.
Feral cat caregivers shall cooperate with any TNR program, making reasonable, good-faith efforts to have all cats in the colony altered, ear-tipped for identification, vaccinated against rabies, and returned to their home site following full recovery from surgery.

B.
Feral cat caregivers shall cooperate with any TNR program and make reasonable, good-faith efforts to have any new cat that comes to the colony altered, ear tipped, and vaccinated against rabies and distemper, as soon as possible.

C.
Feral cat caregivers shall provide food and water to the colony cats on a regular basis, year round, using best practices to minimize, as reasonably as possible, any nuisance and/or unsanitary conditions.

D.
Feral cat caregivers shall provide adequate shelter (in number and quality) for colony cats using best practices to minimize nuisance.

E.
Feral cat caregivers shall make reasonable, good-faith efforts to provide needed veterinary care to colony cats that are visibly ill or injured.

F.
Feral cat caregivers shall keep and maintain records for each colony cat, including each cat's rabies vaccination record/certificate.

G.
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.

H.
Feral cat caregivers shall generally make reasonable efforts to address and resolve complaints regarding colony cats.

I.
Feral cat caregivers shall ensure that a substitute caregiver is in place during the feral cat caregiver's temporary or permanent absence.

§ 64-10.2. Responsibilities of Humane Society and animal control officers.

A.
The Humane Society and authorized Kent County animal control officers will trap and seize those feral cats that pose an imminent health risk to the public or are severely injured or sick.

B.
The Humane Society and authorized Kent County animal control officers will release trapped ear-tipped cats as close to the trap site as possible.

C.
The Humane Society and authorized Kent County animal control officers will transport to an animal shelter only those feral cats that are sick or injured.

D.
The Humane Society shall notify TNR programs of the identity of feral cat caregivers for cats seized under Subsections B and C to enable the programs to assist the caregivers as necessary.

E.
Anyone aware of a feral cat bite must report it to the Kent County Health Department.

F.
A feral cat caregiver has up to 60 days to come into compliance with the standards of care. The Humane Society may reduce the time to come into compliance if the Humane Society concludes that the feral cats' conditions place their welfare or that of human beings in jeopardy.

Contact Information:

Ernest A. Crofoot, Esq. County Attorney
400 High Street
Chestertown, MD 21620

ecrofoot@kentgov.org
410-778-3805

MONTGOMERY COUNTY

"I was forwarded your email by Marc Hansen to respond to because I serve as Counsel to Animal Services Division (the ASD).

§ 5-401 and § 5-402 of the Montgomery County Code requires that all cats over 4 months of age be licensed and wear a license tag whenever outside the owner's home. § 5-203 (a)(i) does exempt altered cats from the at large statute; however the code also states that an owner must not allow their cat to trespass on private property without the property owner's permission (§ 5-203(a)(2)). In addition, the code states that an owner must not allow a cat to defecate on property outside the owner's property (§ 5-203(a)(2)).

§ 5-101 of Montgomery County Code defines an owner as a person who, regardless of whether the person has legal title to the animal:
temporarily or permanently harbors or controls an animal;
has a property right in the animal; or
allows a person under 18 years old to harbor or control an animal.

§ 5-101 of Montgomery County Code defines "harbor" as:
1. to provide food or shelter to an animal.

In consideration of Chapter 5, the ASD has a limited legal ability to release feral/community cats that are brought to the Center back into the community. Because of this, the ASD has developed a Feral/Community Cat Policy. I have attached the policy to this email.

(Document provided below)

Montgomery County Department of Police
Animal Services Division (ASD)
FERAL/COMMUNITY CAT POLICY

Chapter 5 of the Montgomery County Code requires that all cats over 4 months of age be licensed and wear a license tag whenever outside the owner's home. The Code does exempt altered cats from the *at large* statute; however the code also states that an owner must not allow their cat to trespass on private property without the property owner's permission. In addition, the code states that an owner must not allow a cat to defecate on property outside the owner's property.

The Montgomery County Code defines an owner as a person who, regardless of whether the person has legal title to the animal:

1. temporarily or permanently harbors or controls an animal;
2. has a property right in the animal; or
3. allows a person under 18 years old to harbor or control an animal.

The Montgomery County Code defines "harbor" as:

1. to provide food or shelter to an animal.

In consideration of Chapter 5, the ASD has a limited legal ability to release feral/community cats that are brought to the Center back into the community. Therefore, we rely on local community cat groups to claim and monitor such cats.

Should an identifiable feral cat (through microchip or ear tip) come into the shelter, we will attempt to reunite the cat with its caregiver. In the case of a feral cat that is found to be microchipped, we will contact the person (or group) to whom the chip is registered. In the case of an ear-tipped cat, we will contact Alley Cat Allies, Metro Ferals, and Rock Creek Cats by email with a photo and description of the cat. If any of these groups wish to claim the cat, they will have 48 hours from receipt of the email to contact the ASD and/or come claim the cat. All cats will receive a rabies vaccination and license at the time of release from the ASD, as well as a microchip (if not already chipped).

Our officers will continue to respond to citizen complaints about problems with cats and enforce the law as required.

After officer review of the situation, we will loan humane traps to citizens who are seeking help with cats, both for nuisance situations and for individuals who wish to manage a feral/community cat colony.

We will also have a limited number of safe ultrasonic cat deterrent devices available for loan to citizens experiencing nuisance cat situations.

We will evaluate every cat that comes into our shelter and attempt to make the best decision for each individual animal.

We will seek responsible solutions to improve the lives of cats in Montgomery County.

We will support the efforts of local groups such as Alley Cat Allies, Metro Ferals, and Rock Creek Cats to work with citizens in managing feral/community cat colonies."- Jodi Strauss Schulz, Associate County Attorney (Email 06-05-2014)

Contact Information:

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PRINCE GEORGE'S COUNTY

RE: Prince George's County Laws Concerning

Feral Cats

Dear Ms. Mallory:

The Prince George's County Office of Law received your email dated June 4, 2014. The email explained that the Maryland Department of Agriculture will be responsible for administering the new Spay and Neuter Grants Program (the Program), created by Senate Bill 820 of the 2013 Maryland General Assembly. The Program aims to reduce statewide shelter overpopulation and euthanasia rates by awarding competitive grants to local government s and animal welfare organizations for spay and neutering projects. Under the Program, "...a competitive grant proposal...may target feral cat populations if the Department determines that this targeting does not violate local law." Md. Code Ann., Agric. § 2-1602(f) (2) (iii) (2). In the email you asked whether Prince George's County (the County) had any laws specific to "feral cats."

The County enforces laws related to feral cats in Sections 3-122, 3-135, and 3-116 of the Prince George's County Code (the Code). Notably, Section 3-10l (a) (43) defines the term "feral"; however, the term is not used throughout the rest of the Code.

Section 3-122(c) of the Code, detailing the County's impounding procedures, gives the Administrator of Animal Control discretion to euthanize an animal that shows signs of severe behavioral maladjustment. Feral cats usually show signs of "severe behavior al maladjustment," and are euthanized under this Section because they pose an unreasonable threat to the safety of personnel caring for them.

Additionally, Section 3-135 prohibits animals at large, and is relevant to the "trap-neuter- release" method that animal welfare organizations might implement under the Program. Under Section 3-135(a) (l), it is unlawful for a person to confine or secure an animal (including a feral cat) on property other than the premises of its owner. This Section generally prohibits the trap- neuter-release method; however, animal welfare organizations comply with the Section by obtaining permission from the property owner to trap the feral cats on the property owner's premises. Section 3-116(a) (1) imposes civil fines ranging from $50 up to $250 for using a trap- neuter-release method without the permission of the property owner.

Enclosed is a copy of each Code Section mentioned above. A copy of the County's laws related to "ear-tipped cats", Section 3-122(e) through (g), is also enclosed with this letter. I trust this fully answers your inquiry. If you have any questions or need further information, please contact me at (301) 952-4028.

Sincerely,

John M. Gwynn
Associate County Attorney

[***NOTE: THE ITEMS HIGHLIGHTED IN THE FOLLOWING WERE INDICATED BY MR. GWYNN AS THOSE THAT THE COUNTY ATTORNEY'S OFFICE DETERMINED WERE PERTINENT TO FERAL CATS.***]

SUBTITLE 3. ANIMAL CONTROL.

Sec. 3-101. Definitions.

DIVISION 1. DEFINITIONS.

As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:

Abandon shall mean to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of adequate care as defined herein.

Adequate care shall mean the responsible practice of good animal husbandry, handling , production, management, confinement, feeding, watering, protection, shelter, transportation , treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Adequate exercise shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and

pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by natural ly occurring states of hibernation or fasting normal for the species.

Adequate shelter shall mean provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is property lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform , pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition , shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space shall mean sufficient space to allow each animal to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and, interact safely with other animals in the enclosure.

Adequate water shall mean the provision of, and access to, clean , fresh, potable water of a drinkable temperature which is provided in a suitable manner , in sufficient volume, and normally at all times. However, when special circumstances dictate, water must be provided at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Administrator of animal control or Administrator shall mean that person designated by the Director of the Department of Environmental l Resources to administer the operations of the animal control program or his designee.

Adoption shall mean the transfer of ownership of an animal from a releasing agency, to an individual for placement.

Agricultural animal shall mean all livestock and poultry.

Animal shall mean every nonhuman species of animal, both domesticated and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.-SEE SECTION 3-135 (JG)

Animal at large shall mean an animal not under restraint and off the premises of its Owner. (TNR POLICY) (JG)

Animal Control program shall mean that unit within the Department of Environmental Resources designated by the Director and authorized by this Subtitle to administer and enforce the provisions of this Subtitle under the direction of the Administrator of Animal Control.

Animal Control Facility shall mean any facility operated by or under contract with Prince George's County, Maryland, for the care, confinement, detention, or euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.

Animal Control Officer shall mean any person designated as such by the Administrator of Animal Control or his authorized representative for the purpose of enforcing this Subtitle.

Animal exposed to rabies shall mean any animal that is known or is suspected to have had bite or nonbite contact with another animal that is known or suspected to be infected with rabies. The determination whether an animal has been exposed to rabies shall be made by the Health Officer for Prince George's County and the Maryland Department of Health and Mental Hygiene.

Animal Holding Facility shall mean any commercial facility for the care, boarding, training, holding, harboring, or housing of any animal or animals; and shall also include the following:

A kennel, as defined in Section 3-101(51);

A pet shop or pet store as defined in Section 3-101(60);

A cattery as defined in Section 3-101(28);

A petting zoo as defined in Section 3-101(6 1);

A riding school or stable as defined in Section 3-101(70);

A commercial pet distribution facility as defined in Section 3-166(b);

A grooming establishment as defined in Section 3-101(47);

A guard dog facility as described in Section 3-161; or

Anyone or more of the above or a combination thereof.

Animal hospital shall mean any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention, and treatment of diseases and injuries of animals.

Animal shelter shall mean a facility which is used to house or contain animals and which is owned, operated , or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, government operated animal control facility, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animal under restraint shall mean an animal secured by a leash or lead and under the control of a responsible person or confined within a vehicle or within the boundaries of its owner's real property.

Appointing authority shall mean the Director of the Department of Environmental Resources.

Appropriate tethering shall mean a tether that is appropriate to the age and size of the animal ; is attached to the animal by a properly applied collar, halter, or harness confirmed so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animal s, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standard s for the species is deemed appropriate tethering.

Attack dog shall mean a dog trained to attack on command.

Anti-climbers shall mean a device consisting of angled metal braces and heavy gauge wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire shall have at least three strands, separated evenly, the furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards at an angle not less than forty- five (45) degrees nor more than ninety (90) degrees measured from perpendicular.

Bite contact shall mean penetration of the skin by the teeth of an animal.

Cage shall mean any enclosure of limited space, enclosed on the bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed for any purpose, including confinement or display.

Cat shall mean domesticated felines. The term "cat" shall not include wild or exotic felines.

Cattery shall mean an establishment wherein a person engages in the business of boarding, breeding, buying, grooming, or selling cats.

Collar shall mean a well-fitted humane device, appropriate to the age and size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the animal.

Commercial establishment shall mean any trade or business the primary function of which is the sale of any goods or service.

Commission shall mean the Commission for Animal Control established in Division3 of this Subtitle.

Commission administrator shall mean that person designated by the Director of the Department of Environmental Resources (DER) to administer the operations of the Commission for Animal Control (CAC) or the administrator's designee.

Companion animal shall mean any domestic or feral dog, domestic or feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animal s, game species, wild or game species native to Mary land, or any animal regulated under federal law as research animals shall not be considered companion animals.

Confinement for animal quarantine for human bite and nonbite contact shall mean an animal confined to a house, garage, or escape-proof enclosure or building. An animal kept outside on a chain and/or fenced yard is not considered properly conformed. Cruelty shall mean any act of commission or omission whereby unjustifiable physical harm or pain, suffering, or death is caused or permitted, including failure to provide proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutritious food in sufficient quantities, with respect to an animal. In the case of an activity in which physical pain is necessarily caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall mean the failure to employ the most reasonable humane method available under the circumstances.

Director shall mean the Director of the Department of Environmental Resources or the Director's authorized representative.

Disposition shall mean the adoption or placement as a pet in an approved home, humane administration of euthanasia, or, in the case of a wild animal, release into a suitable habitat.

Dog shall mean any member of the domesticated canine species, male or female.

Domesticated animal means an animal of a species that has been bred, raised, and is ft. accustomed to live in or about the habitation of man, and is dependent on man for food or shelter. SEE DEFINITION "Wild Animals (JG)

Ear Tipped Cat shall mean a cat that has had a straight line cutting off of the tip of the left ear while the cat is anesthetized. A cat who has been ear tipped indicates that it has been neutered and vaccinated. SEE SEC 3-122 (e) (f) + (g) (JG)

Euthanasia shall mean the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

Exotic animal shall mean any animal of a species that is not indigenous to the State of Maryland and is not a domesticated animal and shall include any hybrid animal which is part exotic animal.

Farm Animal shall mean any domesticated species of animal commonly kept in proximity to, but not ordinarily housed in the immediate domicile or household of, humans, and used for agricultural or equine activities. Farm animals shall include, but not be limited to, horses, cattle, domesticated fowl, sheep, and swine. Dogs and cats are not farm animals.

Feral shall mean animals existing in the wild or untamed state, i.e., wild.

Foster shall mean the temporary holding, care, and treatment of a companion animal by an authorized group or individual pending adoption to a permanent home, or the temporary custody of an animal not normally placed for adoption authorized by the Administrator of the Animal Control Facility.

Foster home, group, or organization shall mean a group, organization, or individual recognized by the County to be capable of holding animals on a temporary basis.

Fowl shall mean any and all birds, domesticated and wild, which are used for food.

Grooming establishment shall mean any commercial establishment which provides a service of grooming and cleaning animals.

Guard dog shall mean a dog that is continuously maintained at a commercial establishment for the purpose of securing that area.

Humane society shall mean any chartered, nonprofit organization incorporated under the law and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Keeping or harboring shall mean the act of, or the permitting or sufferance by, an owner or occupant of real property either of feeding or sheltering any domesticated animal on the premises of the occupant or owner thereof.

Kennel shall mean an establishment or a private individual engaged in the breeding of dogs or cats, or the boarding, buying, grooming, letting for hire, training for a fee, or selling of dogs or cats. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a commercial kennel , except to the extent that it engages in the boarding of well dogs or cats. The ownership of dogs or cats which are part of a household or are maintained adjoining a

private residence and are kept for hunting, practice tracking, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of no more than one (1) litter per year shall not constitute the operation of a kennel. Obedience training of dogs or cats wherein the dogs or cats are not housed, boarded, or kenneled overnight shall not be considered a kennel if the operation is limited to the hours of8:00 A .M. to 12:00 Midnight. The term "kennel" shall include a facility maintained solely for the keeping of foxhounds used for fox chasing. (See Cattery)

Livestock shall include all domestic or domesticated bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the genus Lama, animals of the family camelid, ratites, poultry, and enclosed domesticated rabbit s or hares raised for human food or fiber. Companion animals are not livestock.

Neglect shall mean failure to provide adequate care.

Nonbite contact shall mean a scratch or contamination of an abrasion, open wound, or mucous membrane with saliva or other potentially infectious material.

Obedience training shall mean the concurrent training of a dog and its owner to prepare the dog as a companion to humankind and to prepare the dog's master for responsible control of the dog.

Owned animal shall mean an animal for which an owner has been identified; or that is surrendered to Prince George's County by a person proving ownership; or one that is impounded by proper authority and held at the Animal Control Facility pending disposition of its case; or, one for which there are indications that the animal has an owner. Such indicators include an animal license tag, tattoo, microchip implant, ear tag, normally acceptable livestock identification, or other condition that would lead a person to reasonably believe that the animal has a current owner and may be lost.

Owner shall mean any person who: Has a right of property in an animal; Keeps or harbors an animal ; Has an animal in hi s or her care; Acts as a temporary or permanent custodian of an animal; Exercises control over a particular animal on a regular basis; or (F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of an animal owned or in the possession and control of the minor child for purposes of this Subtitle and shall be liable for all damages caused by the animal.

Permit shall mean, when used as a verb, human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent, or negligent.

Pet shall mean a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, reptiles, and other animals, which, by habit or training, live in association with man.

Pet shop shall mean an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Petting zoo shall mean any commercial establishment, activity, or facility a substantial purpose of which is to permit persons to come into physical contact with animals maintained within or upon such establishment, activity, or facility.

Pit Bull Terrier shall mean any and all of the following dogs:

Staffordshire bull terrier breed of dogs;

American Staffordshire terrier breed of dogs;

American Pit Bull Terrier breed of dogs;

Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. Predominantly shall mean

that the dog exhibits the physical characteristics of a Pit Bull Terrier more than of any other breed of dog; Dogs which have been registered at any time as a Pit Bull Terrier.

Poultry shall mean all fowl and game birds raised in captivity used for human consumption or other products.

Properly cleaned shall mean that debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animal's contact with the above-mentioned contaminant s, except for carcasses which are subject to immediate removal; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazard s of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted shall mean sufficient illumination to permit routine inspections, maintenance, cleaning, housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facility; and to promote the well-being of the animals.

Public nuisance animal shall mean any animal which unreasonably (1) annoys humans, (2) endanger s the life or health of other animals or persons, or (3) gives offense to human senses; or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal which:

Is repeatedly found at large; or

Damages the property of anyone other than its owner; or

Molests or intimidates pedestrians or passersby; or

Chases vehicles; or

Excessively makes disturbing noises (including, but not limited to, continued and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

Causes fouling of the air by odor and causing thereby unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

By virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety, or welfare; or

Attacks other domestic animals; or

(J) Has been found by the Commission for Animal Control, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

Public nuisance condition shall mean an unsanitary, dangerous, or offensive condition occurring on any premises or animal holding facility caused by the size, number, or types of animals maintained, kept, or harbored, or due to the inadequacy of the facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or training animals. A public nuisance condition shall be deemed to exist on any premises or animal holding facility in which any animal is maintained, kept, or harbored under condition s which constitute cruelty to such animals, or where the animal maintained, kept, or harbored is a public nuisance animal.

Rescue/breed rescue organization community adoption partners shall mean a group or individual, recognized by the County as capable of meeting standards for fostering animals, authorized to receive and place animals from the Animal Control Facility which would otherwise by euthanized or which require special attention.

Research facility shall mean any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

Riding school or stable shall mean any place at which horses are boarded or displayed; or which has horses available for hire or riding instruction or pony rides; or which regularly buys, sells, trains, or trades horses, ponies, donkeys, mules, or burros, including any thoroughbred racetrack , trotting track , or rodeo.

Sanitary shall mean a condition of good order and cleanliness which minimizes the probability of transmission of disease.

Stray shall mean any animal found roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. This includes an animal apprehended by an Animal Control Officer and/or surrendered to the County by a person who attests to, or willingly signs, a document stating that the animal is stray or that its owner is unknown.

Strict isolation shall mean the owner of an animal under an order for strict isolation assures that:

The animal is confined in a double-door, escape-proof enclosure;

The animal is not removed from the enclosure at any time;

Human contact with the animal is restricted to one (1) adult caring for the animal or is not allowed at all; and

The enclosure is constructed in a manner to ensure that contact with other animals is not possible.

Vaccination shall mean an anti-rabies vaccination using a vaccine type approved by the Mary land State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

Veterinarian shall mean a person currently licensed to practice veterinary medicine in the State of Maryland.

Vicious animal shall mean any animal which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. An animal which has on one or more occasions caused significant injury to person or domesticated animals may be deemed to be a vicious animal.

Wild animal means any animal which is not included in the definition of "domesticated animal" and shall include any hybrid animal which is part wild animal. SEE DEFINITION "Domesticated Animal" (JG)

Sec. 3-122. Impounding animals; procedure.

(a) A dog found at large with a license tag, rabies tag, tattoo, microchip, or other indications of ownership shall, except as otherwise provided in this Subtitle, be impounded and taken to the Animal Control Facility and there confined in a humane manner for a period of not less than five (5) workdays, unless sooner claimed and redeemed by its owner.

(b) A dog found at large without a license tag or other indications of ownership shall be impounded as above. However, such stray dogs will be confined in a humane manner for a period of not less than three (3) workdays.

(c) In the event an impounded animal has signs of disease, injury, or severe behavioral maladjustment, the Administrator has discretion to send the animal to be euthanized rather than holding it for three (3) workdays, providing he has checked the records to see if the animal has been reported missing, the animal appears to be unlicensed, and, in the case of disease or injury, he has consulted with a veterinarian. The behavioral maladjustment must be of such a nature as to pose a threat to the animal's welfare while confined at the Animal Control f acility, or pose an unreasonable threat to the safety of personnel caring for the animal. FERAL CAT POLICY (JG)

(d) Domesticated animals other than dogs may be impounded when found at large or abandoned, and disposed of in accordance with procedures established pursuant to regulations promulgated by the Director.

(e) An ear tipped cat SEE DEFINITION 39.1 "Ear tipped cat" (JG) shall be handled according to this subsection, and for ear tipped cats, this subsection shall supersede subsections (c) and (d) of this Section, and Sections 3-132, 3-135, and 3-140 of this Subtitle. An Animal Control Officer who has trapped or responds to a trapped ear tipped cat in the field, shall immediately release the ear tipped cat at the location where it was trapped, unless the ear tipped cat shows signs of disease, or injury, or unless the Animal Control Officer has probable cause that the specific cat is the subject of a pending nuisance complaint. An Animal Control Officer shall not trap an ear tipped cat for being at large or, if the ear tipped cat has no owner, for not being under restraint. An ear tipped cat transported to or deposited at the Animal Control Facility shall be held by the Administrator for at least three (3) working days, unless the cat is suffering from disease or injury. The Administer shall use all due diligence to provide electronic

notification about all ear tipped cats held at the Animal Control Facility to all local animal rescue organizations and all animal care organizations who have notified the Administrator of their experience with ear tipped cats and shall allow three (3) working days from the time of the electronic notification for an organization to rescue the ear tipped cat at no charge to the organization. An animal care or animal rescue organization shall not return an ear tipped cat to the area where it was trapped if that specific ear tipped cat has been impounded three times to the Animal Control Facility. If an ear tipped cat is trapped in or brought to the Animal Control Facility from a municipality located within Prince George's County with a municipal animal control department, the Administrator shall provide the municipality with the same notification and opportunity for rescue. If the Administer has used all due diligence to notify animal rescue organizations, animal care organizations, and where appropriate, a municipality about an ear tipped cat, and if the ear tipped cat is not retrieved by an organization or municipality within the designated time period, the ear tipped cat shall be treated the same as an impounded cat to the processes of Subtitle 3 of the Prince George's County Code.

(f) The Administrator shall make and keep records of individual ear tipped cats handled under this subsection (e), including: the date and location where the ear tipped cat was trapped or captured; the date the ear tipped cat entered the Animal Control Facility; whether the ear tipped cat suffered from a disease or injury, and the nature of any such disease or injury; whether the ear tipped cat was the subject of a nuisance complaint, and the facts and legal basis for any such complaint, all notifications, and notification attempts, to animal rescue or animal care organizations, or to a municipality; and the date and ultimate disposition of the ear tipped cat. The Administrator shall make these records available for public inspection and shall report these records to the Director of Environmental Resources.

(g) The Administrator shall, annually review by December 31st, with consultation with the Director and the County Council, the effectiveness of the ear tipped cat program under Section 3-122 of this Subdivision.

(CB-36-1985; CB-89-1988; CB-26-2001; CB-41-2012)

Sec. 3-135. Animals at large prohibited.

(a) It shall be unlawful for the owner or custodian of any animal (including, but not limited to, any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, dog, cat, or other animal) to)permit the animal to run at large or be at large as defined in Section 3-101(12) within Prince George's County, Maryland. At large shall also include:

(b) (1) The confinement or securing of an animal by any person at a location other than on the premises of its owner, custodian, or authorized agent; SEE SECITON 3-116(a)(1) "Civil Penalties subsequent violations" (JG)

(2) Herding such animal or tying it for grazing in any street or other public place; or

(3) The fastening of any horse or other animal on public property to any hydrant, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.

(b) Any animal found at large or running at large is declared to be a nuisance and dangerous to

the public health, safety, and welfare.

(c) The owner of any animal running at large shall be held strictly liable for a violation of this statute, except as provided in paragraphs (f) and (g) of this Section, and for any damages caused by said animal.

(d) Any person who is aware of an animal running at large within the County shall report the condition by telephone. The identity of an informant under this Section shall not be disclosed except to employees of the Animal Control program and duly authorized law enforcement officers.

(e) Any Animal Control Officer, police officer, or other agent authorized or empowered to perform any duty under this Subtitle may pursue any animal at large or running at large and may go upon any premises for impounding the animal at large or running at large. If the animal returns to the premises of its owner, the Animal Control Officer may pursue the animal upon the unenclosed exterior premises of the owner. If the owner or custodian takes the animal within the enclosed interior portion of his premises, the Animal Control Officer or police officer shall direct the owner or custodian to surrender the animal for impoundment. No person, after having been directed by an Animal Control Officer or law enforcement officer to surrender an animal for impoundment, shall fail to surrender the animal immediately. Failure to surrender an animal for impoundment upon demand by an Animal Control Officer or law enforcement officer is a misdemeanor and, upon conviction thereof, the violator may be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment not to exceed ninety (90) days in the County Detention Center, or both. In addition to the criminal penalty hereby imposed, the Commission may impose civil penalties pursuant to Section 3-110 and Section 3-116 herein.

(f) This Section shall not apply to an animal under the control of its owner, custodian, or an authorized agent of the owner by a leash or lead, or to an animal undergoing obedience training or while actually engaged in the sport of hunting in authorized areas while supervised by a competent person.

(g) No animal running at large by accident with a person in immediate pursuit of it shall be deemed to be at large, running at large or a stray.(CB-36-1985; CB-26-2001)**Sec.**

3-116. Civil penalties; subsequent violations.

(a) Any person found to have violated any provision of this Subtitle shall be subject to the following civil penalties:

(1) For violation of Sections 3-133, 3-134, 3-135, 3-138, 3-139, 3-144, 3-145, 3-148, and

3-184, the fines shall be Fifty Dollars ($50.00) for the first violation, One Hundred Dollars ($100.00)(For the second offense, and Two Hundred Fifty Dollars ($250.00) for each subsequent violation. SEE SECTION 3-135 “Animals at Large prohibited” (JG)

(2)For violation of Sections 3-125, 3-132, 3-148.03, 3-149, 3-158, 3-159, 3-160 through 3-174, 3-177, 3-183, 3-186, 3-188, and 3-190, the civil penalty for each violation shall be One Hundred Dollars ($100.00) for the first violation , Five Hundred Dollars ($500.00) for the second violation, and One Thousand Dollars ($1,000 .00) for each subsequent violation.

(3) For violation of Sections 3-137, 3-175, 3-176, 3-189, 3-191, 3-195 , and 3-196, the civil penalty for the first violation shall be One Hundred Dollars ($100.00), One Thousand Dollars ($1,000.00) for the second offense, and Two Thousand Five Hundred Dollars ($2,500.00) for each subsequent violation.

For violation of Sections 3-141 and 3-142, the civil penalty shall be Five Hundred Dollars ($500.00) for the first violation, One Thousand Dollars ($1,000.00) for the second violation, and Two Thousand Five Hundred Dollars ($2,500.00) for each subsequent violation.

(4) For violation of any other Section of this Subtitle not separately specified in this Section, the civil penalty shall be Twenty-five Dollars ($25.00) for the first violation, Fifty Dollars ($50.00) for the second violation occurring within a twenty-four (24) month period, and One Hundred Dollars ($100.00) for each subsequent violation occurring within a twenty-four (24) month period. (CB-36-1985; CB-119-1987; CB-63 -1994; CB-26-2001)"-John Gwynn, Associate County Attorney-(Emailed and mailed PDF, June 17, 2014)- John Gwynn, Associate County Attorney (Email and mailed copy, 6-19-2014)

Contact Information:

John Gwynn, Associate County Attorney
County Administration Building, Room 5121
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

jmgwynn@co.pg.md.us
301-952-4028.

QUEEN ANNE'S COUNTY

"Queen Anne's County does not, to my knowledge, have any local laws specific to feral cats." – Patrick E. Thompson, County Attorney (Email 06-04-2014)

Contact Information:

Patrick E. Thompson, County Attorney
102 East Main St., Suite 203
Stevensville, MD 21666

pthompson@fbt-lawyers.com
410-643-4000

SOMERSET COUNTY

Information yet to be provided.

Contact Information:

Kirk G. Simpkins, County Attorney
P. O. Box 550
11793 Somerset Ave.
Princess Anne, MD 21853 – 0550

userk2110@aol.com
410-651-1400

ST. MARY'S COUNTY

"St. Mary's County has no local law or ordinance that pertains to feral cats."- George Sparling, County Attorney (email, 06-04-2014)

Contact Information:

George Sparling, County Attorney
P. O. Box 653
Potomac Building
23115 Leonard Hall Drive
Leonardtown, MD 20650 – 0653

George.Sparling@stmarysmd.com
301-475-4200 x1700

TALBOT COUNTY

Good afternoon: Please find attached a copy of our Ordinance. Note § 15-4E.(2)(a) and § 15-13.B. These are the only references to feral cats or a cat at large without a license.- Patricia J. Finneyfrock, Paralegal Talbot County Office of Law (Email 06-24, 2014)

THE FOLLOWING IS A CONVERTED PDF-Pertinent sections are highlighted)

Chapter 15 ANIMALS

ARTICLE I

Animal Control

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§ 15-2. Definitions.

§ 15-3. Licenses.

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§ 15-5. Adoption of stray dogs and cats.

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ARTICLE I

Animal Control

§ 15-1. General.

This chapter is intended to promote the public health, safety, and welfare in connection with the care, custody, and control of animals. State Jaw[2] also establishes certain licensing fees and requirements, and certain criminal acts with regard to the care and treatment of animals. This Chapter is intended to provide supplemental additional regulation. Nothing in this chapter is intended to supersede, modify, or repeal any existing state law, rule, or regulation, except to the extent that state law delegates the power to the County Council to do so and the Council has exercised that authority expressly or by necessary implication.

§ 15-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings defined in this section:

ADEQUATELY VACCINATED- A licensed veterinarian or other person authorized by law has immunized an animal against rabies in accordance with the current year's recommendations as circulated by the Department of Health and Mental Hygiene, and documented the rabies immunization by issuing a valid rabies certificate.

ANIMAL- A living creature except a human being.

ANIMAL CONTROL AUTHORITY- An agency or individual appointed or contracted by the County Council to oversee animal control pursuant to this chapter.

ANIMAL CONTROL OFFICER- An individual employed by the Animal Control Authority to oversee, implement, and enforce animal control pursuant to this chapter.

ANIMAL CONTROL PERSONNEL- Any individual authorized by the Animal Control Authority or Animal Control Officer to implement and enforce the provisions of this chapter.

AT LARGE- An animal which is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining it; provided, however, that dogs will be permitted to run at large when accompanied by the owner, bailee, or authorized agent if the dog is being used or trained for hunting, or is being accompanied by its owner, bailee, or authorized agent on horseback.

DANGEROUS DOG- A dog that without provocation has killed or inflicted severe injury on a person or is determined by the Animal Control Board to be a potentially dangerous dog and, after the determination is made, bites a person; when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or attacks without

provocation.

KEEP or HARBOR- The act or sufferance of either feeding or sheltering an animal on one's premises.

OWNER or OWN- Any person having a right of property in an animal, any person who keeps or harbors it, any person who has it in his care or custody, or permits it to remain on, or about, any premises he occupies or controls.

OWNER'S REAL PROPERTY — Real property owned or leased by the owner of the dog. "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development. (Note: This definition is from § I0-619(A)(3), Criminal Law Article, MD. Ann. Code.)

POTENTIALLY DANGEROUS DOG- A dog that the Animal Control Board has determined to have:

A. Inflicted a bite on a person while on public or private real property;

B. When not on its owner's real property, killed or inflicted severe injury on a domestic animal; or

C. Attacked without provocation.

PUBLIC NUISANCE-

A. Any animal which, on repeated occasions, has been engaging in one or more of the following behaviors:

(I) Making loud or objectionable sounds;
(2) Running at large;
(3) Excreting on private property other than its owner's;
(4) Damaging property;
(5) Molesting passersby;
(6) Chasing vehicles;
(7) Harassing, chasing, tormenting, or injuring livestock, domestic or farm animals; or
(8) Acting in any manner which is injurious to property or to public heallh, safety, and welfare.

B. A public nuisance includes any animal that is known to have bitten or injured one or more persons or animals; but not including:

(I) The first instance of a provoked bite, which means a bite that resulted from human activity, such as an individual attempting to play with, pet, feed, handle, hold, or redirect an animal's actions;
(2) A dog that, while on its owner's real property, kills or inflicts severe injury on

a domestic animal; or,

(3) An animal belonging to a government agency for conduct occurring while the animal is acting in the official performance of its authorized duty.

C. A public nuisance includes a dead animal not properly disposed of that, by reason of its presence, appearance, odor, or other condition poses a threat to the health of any person, animal, or the public generally.

RESTRAINT- Secured by leash and in the custody of a responsible person who is capable of, and does, retain continuous control of the animal. Except for vicious animals and dangerous dogs, it also means an animal that is in the custody of a responsible person and obedient to that person's order.

SEVERE INJURY- Any physical injury that results m broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

VICIOUS ANIMAL- Any animal that poses a physical threat to persons or to domestic or farm animals by virtue of its specific training or demonstrated fierce or dangerous behavior.

With regard to persons, "physical threat" means conduct that places a person in reasonable apprehension of imminent, severe injury and includes any attempt to inflict such injury. No animal belonging to a government agency shall be deemed a vicious animal for conduct occurring while the animal is acting in the official performance of its authorized duties.

§ **15-3.** Licenses.

A. License required. The owner or custodian of any dog or cat over four months of age shall obtain a license for the dog or cat as provided in this chapter.

B. Applications for licenses. Application for licenses shall be made to the Animal Control Authority, or to any license agent, accompanied by the appropriate fee as established by law. Applications made after December 31 in any license year in compliance with
§ 15-30 shall be prorated to 1/2 the regular fee, and the license agent commission shall be prorated accordingly.

C. Rabies vaccination. The applicant for any license shall prove that each animal for

which a license is requested has been adequately vaccinated as a condition of obtaining a license.

D. Residents. New residents shall obtain a license within 30 days following the establishment of residence within the county; existing residents shall obtain a license within 30 days after acquiring a dog or cat.

E. Nonresidents. Nonresidents bringing a dog or cat to the County for less than 30 days need not obtain a license for the animal, provided that:

(I) The animal meets the licensing requirements, if any, in the owner's domicile; and,

(2) The owner or custodian possesses and provides a valid rabies vaccination certificate for the animal while it is in the County.

F. Guide or service dogs. If the dog for which the license is sought is a guide or service dog, professionally trained to aid the blind or visually handicapped, or deaf or hearing-impaired, or mobility impaired, as the case may be, and is actually in use for such purpose, the license therefore shall be issued without the payment of any fee and the licensing agent shall inscribe across the face of the license in red ink the words "guide dog"4.

(I) The application shall be accompanied by an affidavit from the owner or owners stating that the dog for which the license is sought has been professionally trained as a guide or service dog, and stating that the owner or owners are aware that the owner(s) may be liable, under Article 30 § 33, Md. Ann. Code, for damages caused by the guide or service dog to premises or facilities.

1. 15-3 ANIMALS 15-3

(2) The applicant for a guide or service dog license shall be issued an orange license tag in addition to the tag issued pursuant to this chapter. The orange tag shall be labeled "guide dog" and shall indicate that it is issued by the state.5

G. License year. All licenses shall be valid for one year from each July I to June 30 of the following year.

H. Transfer of license prohibited.

(I) The license for an animal may not be transferred between owners;

(2) The license for an animal may not be transferred between animals;

(3) By the first day of the month following any transfer of ownership of any dog or cat, the owner(s) shall submit a County transfer form notifying the Animal Control Authority of the transfer.

I. Display of tags.

(I) Metal license tags shall be securely fastened to each dog's choke chain, collar, or harness and worn by the dog at all times, unless the dog is engaged in supervised hunting or other sport where the chain, collar, or harness would

endanger the dog's safety or adversely affect its use or purpose.

(2) Dogs having implanted microchips are exempt from the requirement in Subsection I(I).

J. Lost license tags. A replacement license tag shall be issued to the animal's owner upon application and payment of a $1 fee.

K. Failure to obtain license. Failure to obtain a license shall constitute a civil infraction punishable by a fine not to exceed $50.

L. License agents. The County Manager is authorized to appoint and remove license agents who, serving as independent contractors, shall be authorized to issue licenses and to collect license fees. License agents shall remit all license fees due, net of commissions, to the Finance Officer according to the requirements of this chapter.

M. License agent compensation. License agents shall receive a commission of 50% of the license fees collected by them in accordance with the procedures established by the Finance Officer. The Finance Officer may require license agents, except the Animal Control Authority, to give bond with a corporate surety conditioned upon the proper performance of their duties, in such amount as the Finance Officer shall prescribe.

N. License agent accounting.

(I) License agents shall keep accurate and complete records of all fees collected by them and shall furnish the Finance Officer a complete and accurate listing of the

Licenses issued and a detailed accounting of all fees collected. Licensing agents shall remit to the Finance Officer, monthly, 50% of the total fees collected.

(2) License agents shall, at least monthly, furnish the Animal Control Authority a complete and accurate listing of the numbered licenses issued, the name address, and telephone number of each person to whom each license has been issued, the name and a complete description of the animal, and each animal's license number.

0. Public records. Records generated by license agents transmitted to the Finance Officer and to the Animal Control Authority are public records available for inspection pursuant to the requirements of law.

P. Appeals. Any person aggrieved by any decision of any license agent may appeal the same to the Animal Control Board within 30 days of the decision in accordance with the procedures set forth in this chapter.

§ 15-4. Impoundment.

A. Generally. Animal Control personnel may impound any domesticated animal

whenever they have reasonable grounds to believe that it is:

(I) Running at large without a license;

(2) Running at large, displaying a current license, in response to a complaint by a landowner or tenant, provided, however, that prior to impoundment an attempt will be made to return the animal to its home;

(3) A public nuisance;

(4) An unconfined vicious animal, either unrestrained or unmuzzled; or

(5) An unconfined dangerous dog, either unrestrained or unmuzzled.

B. State law unaffected. Nothing in this chapter is intended to enlarge or restrict any authority to impound an animal pursuant to state law. Animals impounded pursuant to state law shall nevertheless be subject to the administrative remedies and the jurisdiction of the Animal Control Board as provided in this chapter.

C. Notice to owner. When an animal is impounded, Animal Control personnel shall notify the owner of the date, time, location and reasons for its impoundment. The notice shall include a list of conditions, if any, which the owner must fulfill to reacquire possession of the animal.

D. Waiting period.

(I) Where the animal's owner cannot be identified and it is not claimed within 168 hours after being impounded, the animal may be adopted out or euthanized in accordance with procedures established by the Animal Control Board pursuant to
§ 15-15B.

(2) Exceptions:

(a)

(b) ANIMALS * 15-4

Feral cats may be euthanized immediately;

Animals that are seriously diseased or severely injured may be euthanized immediately;

(c) Animals under three months of age may be euthanized immediately;

(d) Dangerous dogs or vicious animals may be euthanized 72 hours after being impounded;

(e) Animals that are unadoptable, as determined by qualified Animal Control personnel in accordance with written regulations adopted by the Animal Control Board pursuant to § 15-15B may be euthanized 120 hours after being impounded; and

(f) When available space in the animal shelter limits the number of animals that can be accommodated, the length of time that an animal is required to be held before

being adopted out or euthanized may be shortened from 168 to 120 hours if necessary to provide space to accommodate non-impounded adoptable animals.

E. Charges for impoundment. The Animal Control Authority's charges for impoundment shall be reasonably related to the cost of providing the service. No legally impounded animal shall be released to an owner unless all charges incident to the confinement have been paid. Owners of illegally impounded animals, or persons prevailing in an appeal to the Animal Control Board or in any court proceeding, shall obtain release of the animal without charge for impounding service fees, boarding, or veterinary care.

(I) Whenever an animal is legally impounded pursuant to this chapter or state law, the owner thereof shall pay an impounding service fee according to a schedule adopted by the County Council as a condition of release of the animal.

(2) In addition to the impoundment service fee, the owner shall pay the costs of any required veterinary care, boarding fee, and a license fee for any unlicensed animal.

(3) Impoundment service fees shall be payable to and retained by the Animal Control Authority to offset the expenses incurred in impounding the animal. All fees received by the Animal Control Authority shall be reported annually to the County Council by separate line item during the budget process.

F. Stay pending owner identification or appeal. No animal impounded pursuant to the terms of this chapter may be adopted out, neutered, spayed, or euthanized during:

(I) The waiting period pending identification of its owner;

(2) Until any appeal to the Animal Control Board pursuant to § 15-16B is finally concluded; or,

(3) Until any court proceeding is finally concluded.

§ 15-5. Adoption of stray dogs and cats.

A. Procedures for adoption. Any person obtaining possession of a stray unlicensed dog or cat who wishes to adopt the dog or cal shall, within 24 hours, deliver it to the Animal Control Authority or request Animal Control personnel to take physical custody and transport it to the shelter.

B. Procedures to locate owner. The Animal Control Board may establish or amend criteria and procedures to identify or locate the owner, and to determine eligibility for adoption, which shall have the force and effect of law when approved by resolution of the Council. Approval of any such resolution shall occur no later than 90 days prior to the annual renewal of any contract with the Animal Control Authority.

§ 15-6. Vicious animals; additional penalty.

A vicious animal or dangerous dog must be confined at all times while on the premises of the owner or person in possession of the animal. The animal shall not be taken out of such confinement unless securely muzzled and under restraint. Upon a violation of this section, in addition to any criminal prosecution or tine authorized by this chapter, the Animal Control Board may order the animal destroyed and direct the owner to refrain from possessing or owning other animals for a period not to exceed three years.

§ 15-7. Misdemeanor violations.

Any person who violates any provision of* 15-7 shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed $500 or be imprisoned for not to exceed 90 days.

A. No person shall attempt to interfere with the Animal Control Officer or Animal Control personnel in the lawful performance of their duties under this chapter;
B. No person shall attempt to obtain the release, without permission from the Animal Control Authority, of any animal legally impounded or otherwise confined on shelter property pursuant to this chapter; and
C. No person shall fail to confine, restrain, or muzzle a vicious animal or dangerous dog in violation of this chapter.

§ 15-8. Civil violations.

Any person who violates any provision of § 15-8 shall be guilty of a municipal infraction. Adjudication of a violation under this section is not a criminal conviction, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

A. All owners shall care for the grounds where their animals are kept so as to prevent the area from becoming a public nuisance or unhealthy for the animals kept thereon.
B. All owners shall exercise care and control over their animals to prevent them from becoming a public nuisance.
C. No owner shall fail or neglect to properly dispose of a dead animal.
D. No owner shall fail to obtain a license as required by this chapter.
E. A person may not:
   (I) Overdrive or overload an animal;
   (2) Deprive an animal of necessary sustenance;
   (3) Cause, procure, or authorize an act prohibited under Subsection E(I) or (2) of this subsection; or
   (4) If the person has charge or custody of an animal, as owner or otherwise:
      (a) Inflict unnecessary suffering or pain on the animal; or
      (b) Unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.
F. The Animal Control Authority may issue a civil citation for violation of * 15-8E(I) through

(4) only when it elects to forego criminal charges for the identical prohibited acts under* 10-604, Criminal Law Article, Md. Ann. Code, as amended or recodified.

§ **15-9. Civil enforcement procedure.**

A. General.

(I) The County Council may provide a civil fine as a penalty for a violation of this chapter. Except as provided otherwise, a civil fine shall be enforced by the issuance of a citation as provided in this section.

(2) A citation may be served in accordance with Maryland Rule of Procedure 3-121 on a person believed to be committing a violation of this chapter for which a civil fine has been provided. The office or department that issues the citation shall retain a copy of it. The citation shall contain:

(a) The name and address of the person charged;
(b) The nature of the violation;
(c) The place and time that the violation occurred;
(d) The amount of the fine assessed;
(e) The manner, location, and time in which the fine may be paid;
(f) The person's right to elect to stand trial for the violation; and
(g) A certification attesting to the truth of the matters set forth.

B. Fines. Except as otherwise provided, the schedule of fines for a violation prosecuted by the issuance of a citation is:

(I) Fifty dollars for the first violation;
(2) One hundred dollars for the second violation;
(3) One hundred and fifty dollars for the third violation;
(4) Two hundred dollars for the fourth violation; and
(5) Five hundred dollars for the fifth or any subsequent violation.

C. Trial. A person who receives a citation may elect to stand trial for the violation by filing with the Animal Control Authority or other office or department that issued the citation a notice of intention to stand trial. The notice shall be given at least five days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, the Animal Control Authority, office, or department that issued the citation shall forward to the District Court having venue a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date.

D. Fines. All fines, penalties, or forfeitures collected by the District Court for violations enforced by the issuance of citations under this section shall be remitted to the County.

E. Failure to pay. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be mailed by first class mail to the person's last known address. If the citation is not paid within 15 days after the date of

the notice, the person is liable for a fine of twice the amount of the original fine. If the citation is not paid within 35 days after the date of the notice, the office or department that issued the citation may request adjudication of the violation in the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

F. Record of violation. Adjudication of a violation under this section is not a criminal conviction, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

G. Prosecution. The violation shall be prosecuted in the District Court in the same manner and to the same extent as set forth for municipal infractions in Article 23A, § 3(b)(7) through (15) of the State Code. The Talbot County Office of Law may prosecute the violation.

§ 15-10. Abatement orders.

A. General. The Animal Control Officer may issue an administrative abatement order to any person whenever there is probable cause to believe that the person is violating any provision of this chapter. The administrative abatement order shall contain:

(1) The name and address of the person;

(2) The nature of the violation;

(3) The manner, place, and time that the violation occurred;

(4) The action necessary to abate, correct, or discontinue the violation, or to comply with the provisions of this chapter;

(5) A certification attesting to the truth of the matters set forth; and

(6) The person's right to appeal the administrative abatement order to the Animal Control Board.

B. Finality. The administrative abatement order shall become final 30 days after issuance, unless:

(1) An appeal is filed to the Animal Control Board, or,

(2) Under the circumstances, abatement, correction, discontinuance, or compliance cannot reasonably be accomplished within 30 days. In that event, the administrative abatement order shall establish a reasonable time and set forth a date for abatement, correction, discontinuance, or compliance.

C. Appeal. The person may file an appeal to the Animal Control Board within 30 days of the date of the administrative abatement order, or until the last day by which abatement, correction, discontinuance, or compliance is required, whichever is later.

§ 15-11. Administration and enforcement.

The County Council, may, by contract, appoint or engage an Animal Control Authority as the enforcement authority for animal control and the dog and cat licensing provisions of this chapter. The Animal Control Authority shall appoint an Animal Control Officer who shall have supervisory authority with regard to enforcement and administration of this chapter, as an independent contractor, under the general supervision of the County Manager.

§ 15-12. Deputizing animal control personnel.

The Animal Control Authority may appoint or employ Animal Control personnel, who, acting under the supervision of the Animal Control Officer, shall be empowered to implement and enforce the provisions of this chapter.

§ 15-13. Euthanasia.

A. If the owner of an animal found in critical condition from wounds, injuries, or disease cannot be contacted within a reasonable length of time, the animal may be euthanized at the discretion of the Animal Control Officer or a Maryland-licensed veterinarian. The owner shall be contacted as soon as possible and shall make arrangements for the burial, cremation, or other approved removal of the animal. If acting in good faith, any person

Euthanizing any animal under any provision of this chapter shall be immune from liability.

C. Dogs or cats found at large without a license which have bitten or scratched a human or another animal may be euthanized in accordance with procedures established by the Animal Control Board pursuant to § 15-15B.

D. If the animal fails to display a license and does not have an implanted microchip identifying its owner, and if circumstances require that an animal be euthanized or adopted out before identification of and notice to the animal's owner, then the Animal Control Authority, the Animal Control Officer, Animal Control personnel, the County, it's or their officers, agents, and employees, provided they act in good faith, are immune from any liability in any suit or action by an owner or other person for authorizing or administering euthanasia or adopting out the animal without prior notice.

ARTICLE II

Animal Control Board

§ 15-14. Establishment.

A. Members. The Animal Control Board shall consist of five permanent members and two alternate members appointed by the County Council. The Board shall be composed of at least one veterinarian or veterinary technician, one member of the agricultural community, and other persons having specialized knowledge or expertise relevant to the Board's functions. Three members shall constitute a quorum for the transaction of

business. Each member shall be an adult resident of Talbot County. Members shall serve without compensation but shall be entitled to reimbursement for reasonable expenses duly approved by the Finance Officer.

B. Term. Each member shall serve for a term of three years or until a successor is appointed, except that the first term shall be as follows: one member for one year, two members for two years, and two members for three years. Members shall be eligible for reappointment.

C. Officers. The Board shall annually select a Chairman and any other officers deemed necessary.

D. Meetings. The Animal Control Board shall meet upon the call of the Chairman or any two members. [Amended 8-10-2010 by Bill No. 1184]

E. Rules of procedure. The Animal Control Board shall adopt rules of procedure governing its proceedings, which shall have the force and effect of law when approved by resolution of the Council.

§ 15-15. Legislative recommendations; regulations; fees and fines.

A. Legislative recommendations. The Animal Control Board shall make advisory recommendations to the County Council regarding changes, implementation, and administration of the animal control laws of the County.

B.

C. Regulations. The Animal Control Board shall develop, review, and periodically update a comprehensive set of regulations for the Animal Control Authority and the Animal Control Officer for the implementation, administration, and enforcement of the animal control laws of the County, which shall have the force and effect of law when approved by resolution of the Council.

C. Fees. The Animal Control Board shall, as part of the annual budget process, make advisory recommendations to the County Council concerning a schedule of fees under this chapter, including fees for licensing, redemption, adoption, board, and other fees or charges authorized or required by this chapter, which shall have the force and effect of

law when approved by the Council as part of the annual budget.

D. Fines. The Animal Control Board shall, as part of the annual budget process, make advisory recommendations to the County Council concerning a schedule of fines to be imposed for violations of this chapter, which shall have the force and effect of law when approved by the Council.

§ 15-16. Notice, appeals, and complaints.

A. Notice. The Animal Control Authority shall provide written notice to an owner or person claiming to be an owner of an animal of any decision, order, action, or determination concerning the animal by the Animal Control Authority, Animal Control Officer, or Animal Control personnel. The notice shall be sent by first class mail, postage prepaid, and shall advise the individual of their rights to file an appeal under this chapter.

B. Appeals. Any person aggrieved by any decision, order, action, or determination of the Animal Control Authority, Animal Control Officer, or Animal Control personnel arising either under this chapter or under state law, may file an appeal to the Animal Control Board. Appeals shall be filed within 30 days of the date of the decision, order, action, or determination of which review is sought.

C. Complaints. On the written, verified, complaint of the Animal Control Authority, the Animal Control Officer, Animal Control personnel, a law enforcement officer, or a private citizen, the Animal Control Board shall conduct hearings to determine:

(I) Whether an animal is a vicious animal as provided in this chapter;

(2) Whether an animal is a public nuisance as provided in this chapter;

(3) Whether there has been a violation of the provisions of this chapter;

(4) Whether there has been a violation of any order issued by the Animal Control Board; or

(5) Whether a dog is a dangerous dog or a potentially dangerous dog as provided in this chapter.

D. Procedure.

(I) The appellant or complainant shall file a written statement setting forth the basis of the appeal or complaint in specific detail.

§ 15-16 TALBOT COUNTY CODE § 15-17

(2) The Animal Control Board shall schedule a hearing within I0 days after the appeal is filed.

(3) The Animal Control Board shall give written notice to all parties of a hearing on an appeal or complaint by either personal delivery or certified mail, restricted delivery, return receipt requested. The notice shall be mailed to all parties at least five days prior to the hearing. The notice shall specify the nature of the appeal or complaint and the time, date, and place of the hearing.

(4) Subpoena power. The Animal Control Board may issue a subpoena for the attendance of a witness or the production of documents at any hearing of the Animal Control Board.

E. Decisions. Within three days after a hearing the Animal Control Board shall issue a written decision setting forth its findings of fact and stating the reasons for its decision. If the Animal Control Board finds that a violation did not occur, the Board shall dismiss the complaint.

F. Enforcement. The Animal Control Board may prescribe conditions consistent with this chapter and any applicable rules or regulations to correct any violation and may order the violator to abide by those conditions within a prescribed time limit. The Board may provide for any disposition of any animal, including euthanasia.

§ 15-17. Judicial review.

Any person aggrieved by a final decision of the Animal Control Board under this chapter may file an appeal to the Circuit Court for Talbot County in accordance with the Maryland Rules of Procedure.

Contact Information:

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WASHINGTON COUNTY

DOUGLAS F. GANSLER
Attorney General

KATHERINE WINFREE
Chief Deputy Attorney General
JOHN B. HOWARD, JR.
Deputy Attorney General

THE ATTORNEY GENERAL
DEPARTMENT OF AGRICULTURE
50 HARRY S. TRUMAN PARKWAY
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JUSTIN P. HAYES
Assistant Attorney General

August 19, 2014

John M. Martirano, County Attorney
County Administration Building, Room 213
100 West Washington Street
Hagerstown, Maryland 21740

Dear Mr. Martirano:

I ask for your help in determining whether any local law exists in your county that prohibits certain conduct relating to feral cats.

The reason for this request is that the Department of Agriculture is implementing a recently enacted program to reduce dog and cat overpopulation and is required by State law, under §2-1602(f)(2)(ii)2 of the Agriculture Article, to determine whether any local law exists in Washington County that prohibits a person from spaying or neutering feral cats and then releasing them back to their former location. Is there such a law in your county? If so, would you please give me the citation for this local law. We would greatly appreciate your response by completing the following and returning it to me by email or regular mail by September 1.

Please check one of the following:

A. ☑ No local law in Washington County prohibits a person or organization from spaying and neutering feral cats and then returning, or releasing them to their former location.

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B. ☐ Yes, local law prohibits the spaying and neutering of feral cats in Washington County and returning them to their former location, and the citation to that law is _____.

Thank you for your help.

Sincerely,

Craig A. Nielsen
Assistant Attorney General

cc: Earl F. Hance, Secretary of Agriculture
Spay/Neuter Fund Advisory Board

Contact Information:

John M. Martirano, County Attorney
County Administration Building, Room 213
100 West Washington St.
Hagerstown, MD 21740

jmartirano@washco-md.net
410-770-8092

WICOMICO COUNTY

"We do not have local legislation which would address the targeting of feral cat populations for spay and neutering. Our Dogs and Other Animals Chapter (133) of the County Code can be found at http://ecode360.com/WI0638?needHash=true.

A copy of this email is being forwarded to the local Health Department and the Humane Society who have had inquiries involving feral cat colonies in the past as well." - Edgar A. Baker, Jr., County Attorney (Email 06-04-2014)

Contact Information:

Edgar A. Baker, Jr., County Attorney
110 North Division St.
Salisbury, MD 21801

ebaker@wicomicocounty.org
410-548-3792

WORCESTER COUNTY

"I have forwarded your email to our Animal Control Department for them to give you a reply to your specific questions. Please be advised that our County does not support or endorse the existence of feral cat colonies."- John E. (Sonny) Bloxom, County Attorney (Email 06-18-2014)

"Worcester County does not allow free roaming cats. They are considered to be at large and issued citations the same as canines. Due to public health and public safety we do not support feral cat colonies."-Sue Rantz, Worcester County Animal Control Department (Email 06-18-2014)

See next page for response to letter sent on 8-19-2014 by county requesting further clarification.

DOUGLAS F. GANSLER
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August 19, 2014

John E. Bloxom, County Attorney
Government Center, Room 1103
One West Market Street
Snow Hill, MD 21863

Dear Mr. Bloxom:

I ask for your help in determining whether any local law exists in your county that prohibits certain conduct relating to feral cats.

The reason for this request is that the Department of Agriculture is implementing a recently enacted program to reduce dog and cat overpopulation and is required by State law, under §2-1602(f)(2)(iii)2 of the Agriculture Article, to determine whether any local law exists in Worcester County that prohibits a person from spaying or neutering feral cats and then releasing them back to their former location. Is there such a law in your county? If so, would you please give me the citation for this local law. We would greatly appreciate your response by completing the following and returning it to me by email or regular mail by September 1.

Please check one of the following:

A. ☒ No local law in Worcester County prohibits a person or organization from spaying and neutering feral cats and then returning, or releasing them to their former location.

B. ☐ Yes, local law prohibits the spaying and neutering of feral cats in Worcester County and returning them to their former location, and the citation to that law is _____.

Thank you for your help.

Sincerely,

Craig A. Nielsen
Assistant Attorney General

cc: Earl F. Hance, Secretary of Agriculture
Spay/Neuter Fund Advisory Board

Contact Information:

John E. (Sonny) Bloxom, County Attorney
Government Center, Room 1103
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Snow Hill, MD 21863

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Sue Rantz
Worcester County Animal Control
6207 Timmons Rd.,
Snow Hill MD. 21863

srantz@co.worchester.md.us
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