

COUNTY ORDINANCE NO. 21-11

A BILL ENTITLED

AN ACT CONCERNING Community Cats in Queen Anne's County;

FOR THE PURPOSE of establishing a Community Cat Program in Queen Anne's County, adopting a Trap-Neuter-Return Policy for Community Cats; defining certain terms; exempting Community Cats from the provisions on stray and unwanted animals, animal registration, animals at large, public nuisance animals, and abandonment; providing for impounding, redemption and seizure of community cats; providing for Trap-Neuter-Return of community cats; and generally dealing with and addressing Community Cats in Queen Anne's County;

BY AMENDING Sections 9-1, 9-11, 9-12, 9-17, 9-19, 9-21 and 9-23 of Chapter 9 of the Code of Public Local Laws of Queen Anne's County and ADDING Section 9-29 to Chapter 9 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 9 of the Code of Public Local Laws be and is hereby AMENDED and ADDED to, to read as follows:

§ 9-1. Terms defined.

In general, in this chapter, the following words have the meanings indicated.

ANIMAL — Any nonhuman species, whether domestic or wild, excluding insects and plants.

ANIMAL/VETERINARY HOSPITAL — An establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, diagnosis, prevention, and treatment of diseases and injuries to animals.

COMMERCIAL ANIMAL ESTABLISHMENT — See § 9-13 of this chapter.

COMMUNITY CAT- A free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a

community cat may or may not be feral.

COMMUNITY CAT CAREGIVER- A person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter, or medical care a community cat. However, community cat caregivers are not the owner, custodian, harbinger, controller, or keeper of a community cat.

COMPLAINANT — A person who makes a complaint in a legal or administrative action or proceeding under this Chapter.

CRUELTY or NEGLECTFUL ACT — Any act that would constitute a violation of § 9-21 of this chapter.

CUSTODIAN — A person who provides food, shelter, and care for an animal in the absence of the owner.

DANGEROUS ANIMAL — See § 9-20 of this chapter.

DOMESTIC ANIMAL — An animal of a species that has been bred and raised to live in or about the habitation of humans, is dependent on humans for food and shelter, is kept for pleasure rather than utility, and includes a bird, cat, dog, fish, hamster, ferret, mouse, reptile, and any other animals associated with human environment.

DOMESTICATED LIVESTOCK — Livestock kept as a companion animal, as opposed to those kept for their production value as food or fiber.

EARTIPPING- The removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

EUTHANIZE — To put an animal to death humanely.

FERAL ANIMAL — Domesticated animal returned to the wild and descendants of such animals.

GUARD DOG — A dog that is trained specifically and/or used lawfully to protect a person, place or property.

HUMANE SOCIETY, ANIMAL RESCUE, or SIMILAR ORGANIZATION — A chartered organization that is operating as a tax-exempt organization in good standing pursuant to the provisions of § 501(c)(3) of the United States Internal Revenue Code.

IMPOUND — To confine and secure at a location determined by an Animal Control Officer.

INADVERTENT — Unintentional or happening by chance.

LIVESTOCK — An animal kept, raised, used, or intended for use as food or fiber, or used solely as a work or pack animal.

MALICIOUS — Having or showing intent to cause harm.

OWNER — A person or legal entity that has a superior possessory property right in an animal. A community cat caregiver shall not be considered the owner of a community cat.

RESPONDENT — A person against whom a complaint is filed under this chapter, including the owner or custodian of an animal that is the subject of a complaint.

SEIZURE — An exercise of control that results in substantial interference with an individual's possessory interest in the property seized.

SERIOUS PHYSICAL INJURY — An injury that creates a substantial risk of or that causes death, significant disfigurement, impairment of health or serious loss and/or impairment of the function of any bodily organ. Under the provisions of § 9-20A(1) of this chapter, such injury includes a wound that punctures the skin.

STRAY — A domestic animal, domesticated livestock, or livestock for which ownership has not been established by duly authorized Animal Control personnel.

TRAP-NEUTER-RETURN- The nonlethal process of humanely trapping, sterilizing vaccinating for rabies, eartipping, and returning community cats to their original location.

WILD ANIMAL — An animal that is not included in the definition of "domesticated livestock," "domestic animal," or "livestock," and includes any offspring of wild animals crossbred with domestic animals.

§ 9-11. Animal Services Center.

- A. An Animal Services Center may be operated by the County Commissioners of Queen Anne's County or by a qualified organization operating under and in accordance with the terms of a contract with the County Commissioners.
- B. Scope of duties.

(1) Stray and unwanted animals.

- (a) The Animal Services Center shall receive stray and unwanted domestic animals regardless of their medical condition.
- (b) Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the center may be immediately euthanized.
- (c) The Animal Services Center shall make a prompt and reasonable effort to locate and notify owners of stray animals.

(d) This Section shall not apply to community cats. Community cats may be accepted by Animal Services Center if the feral cat is:

- Under four months of age

- Severely injured and requires medical intervention

- Part of a TNR Program

- (2) Return of identified animals. The Animal Services Center shall ascertain the identity of the owner of an impounded animal and, as a precondition of release, require the payment of all charges for the care, board, veterinary treatment, and any unpaid license fees from the animal's owner or custodian.
- (3) Animal adoption. The Animal Services Center shall place for adoption unredeemed or unwanted animals in accordance with the regulations established under this chapter and Maryland State Law.
- (4) Humane treatment. The Animal Services Center shall provide humane treatment for all animals under its care.
- (5) Standards of care. The Animal Services Center shall maintain and adhere to comprehensive procedures, as provided in regulations duly promulgated by the Commission, prescribing standards for the humane operation of the center, including standards for the housing, feeding, care, veterinary treatment,

adoption, quarantine, and euthanasia of animals in the facility pursuant to this chapter and Maryland State Law.

(6) Veterinary care.

- (a) The Animal Services Center shall provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the Animal Services Center.
- (b) Veterinary care of injured or sick animals may be rendered without the consent of the owner or custodian.
- (c) Animal Control Officers and the Animal Services Center staff and its agents are not liable for acts committed or omitted in rendering care under this subsection.

(7) Posting of charges. The Animal Services Center shall post, in a conspicuous place, a schedule of charges for the housing, care, treatment, adoption, and redemption of animals that are in the custody of the center.

(8) Records.

- (a) The Animal Services Center shall keep records of impoundments, veterinary treatment, disposition of animals, and other activities for a period of three years after such records are initiated.
- (b) Animal records shall be complete and accurate as to the breed, sex, color, condition, how, when, and where the animal was obtained, and any identification the animal may have been wearing.

(9) Unwanted animals. The Animal Services Center may humanely euthanize unredeemed and unwanted animals in accordance with the provisions of this chapter and Maryland State Law.

§ 9-12. Animal registration.

A. Registration required.

- (1) A person may not own, keep, or harbor a dog, cat, or ferret four

months old or older without a current Queen Anne's County registration.

- (2) Registration is permanent and remains with the animal for life.
 - (3) Registration may not be transferred from one animal to another animal.
 - (4) A person found in violation of civil or criminal animal cruelty charges may not register an animal in Queen Anne's County for three years from the date of violation. On conviction of subsequent offenses, registration must be approved by the Commission.
 - (5) Community Cats shall be exempt from this Section.
- B. Place of registration. Registrations shall be sold through the Animal Services Center, the Office of Animal Control, or any location designated by the Commission.
- C. Rabies certificate. Before a registration shall be issued, the owner or custodian shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog, cat, or ferret is currently vaccinated against rabies.
- D. Registration. A registration shall include the following:
- (1) Date of issuance;
 - (2) Owner's name, address, and home and work telephone numbers;
 - (3) Name, breed, color, and sex of the animal;
 - (4) Rabies vaccination and expiration date;
 - (5) Rabies tag number;
 - (6) Microchip number; and
 - (7) Name of the issuing party.
- E. Tag. A registration tag shall be issued with the registration

certificate. Tags shall be worn by dogs at all times, except when participating in a competition where such displays are prohibited, when hunting, or while undergoing organized training. Tags shall be worn on a collar or harness around the dog's neck or body and be easily visible. Owners and custodians of dogs, cats, and ferrets must retain possession of tags and certificates of registration for the life of the registered animals or until such animals are transferred to another owner or custodian.

- F. Inspections. The registration certificate shall be made available for inspection, upon request, by an Animal Control Officer, Environmental Health Officer, or any law enforcement officer.
- G. Registration replacement. If a registration certificate and/or tag is lost, the owner or custodian may obtain a duplicate registration certificate and/or tag.
- H. Change in dog, cat, or ferret ownership. If the ownership of a dog, cat, or ferret changes, the new owner may obtain a transfer registration if the dog, cat, or ferret has a valid Queen Anne's County animal registration and a current rabies vaccination at the time of transfer of ownership.
- I. Registration information. The Animal Services Center shall provide all registration information generated under this section to the Director and to any Animal Control Officer as may be required.

§ 9-17. Animals at large; stray animals. [Amended 5-26-2015 by Ord. No. 15-01]

A. In general.

- (1) No animal may be off the property of the owner or custodian without being under restraint, unless it is in a permitted or appropriate area. This shall not apply to community cats.

(a) "Under restraint" defined:

- [1] Secured by a leash/lead or under the effective control of its owner or other responsible person. "Under the effective control," as defined in this chapter, shall mean an animal must be at heel and

directly beside its owner or custodian if not secured by a leash or lead; or

- [2] Within a vehicle being driven, or that is standing or parked in a manner that does not endanger the animal's health and safety.

- (b) Pertaining to unattended livestock or domesticated livestock, an animal is under restraint when confined within a fence or enclosure of suitable material if the fence or enclosure is capable of holding the animal within its confines.

- (2) An animal accidentally at large with a person in immediate physical pursuit shall not be deemed at large. "Immediate pursuit" is defined as physically pursuing the animal at large.

B. School and County property.

- (1) An animal may not be on school grounds on a day when school is in session without the permission of the proper authority.
- (2) If in a public recreation area, the animal must be controlled by a leash or other similar restraining device.
- (3) An animal may not be on any County property that is properly posted against such animals.

C. Discovery of stray; duty to report. A person who finds a stray animal shall report the finding to the Department of Animal Control.

D. Pursuit of stray. An Animal Control Officer who observes an animal at large may pursue that animal on public or private property.

E. Training and hunting activities. This section may not be construed to prevent supervised obedience training or hunting activities in an authorized area with animals supervised by a competent person.

F. Animal pursuing livestock, domesticated livestock, domestic animals or human beings. A person may kill any animal which he or she sees in the act of pursuing, attacking, wounding, or killing any poultry, livestock, domesticated livestock, any domestic animal, or a human

being.

§ 9-19. Public nuisance animal. [Amended 5-26-2015 by Ord. No. 15-01]

A. Defined terms.

- (1) In this section, the following words have the meanings indicated.

PUBLIC NUISANCE —

(a) An animal who:

- [1] Is repeatedly at large, except if the animal is a community cat;
- [2] Molests pedestrians or passersby; Chases
- [3] vehicles or bicycles;
- [4] Barks or makes other harsh noise as to disturb the quiet, comfort, or repose of members of the community as reflected by a reasonable person with normal sensitivities to noise;
- [5] Defecates on private property without permission from the property owner;
- [6] Molests, defaces or destroys the property of another;
- [7] Does or performs any other acts which are determined by the Commission, after notice to the owner or custodian and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.

(b) “Public nuisance” does not include any activity resulting from a farm operation, including, but not limited to:

- [1] Production of livestock; Pasturing;
- [2] Raising of poultry and fowl; Production
- [3] of eggs; Production of milk; or
- [4] Production of bees and honey.

- (c) Regulation of public nuisance animal. A person who keeps any animal which is a public nuisance under this chapter is subject to the regulations and orders set forth by the Commission.
- (d) Seizure and impoundment of a public nuisance animal not covered under § 9-20 of this chapter.

[1] Animal Control Officers are not authorized to seize and impound an animal that has engaged in the conduct defined in Subsections A(1)(a)(4) and (5) of this section.

- (e) Animal Control Officers are authorized to seize and impound an animal if;
- (f) The Animal Control Officer has witnessed that the animal has engaged in conduct defined in Subsection A(1)(a)(1) through (3) and (6) and (7) of this section. Animal Control Officers are not authorized to seize and impound community cats merely for being at large.
 - (a) The owner or custodian has been charged twice within the past 24 consecutive months for the same offense.

(2) The seized animal shall be held at the designated sheltering facility pending the outcome of a hearing. Upon conviction, and in addition to any fines or penalties assessed, the owner or custodian shall be required to pay all expenses incurred for sheltering the animal to abate the activity.

(3) The Animal Control Commission shall promptly meet and adjudicate all matters involving seized animals.

§ 9-21. Cruelty.

A. Prohibited. [Amended 2-9-2016 by Ord. No. 15-17]

(1) No individual shall:

- (a) Abandon an animal. A ear tipped community cat returned to their original location as part of a Trap-Neuter-Return shall not be considered abandoned;
 - (b) Tease, torture, torment, deliberately incite, cruelly beat or kill, intentionally injure, mutilate, intentionally run down with a vehicle, overdrive, overload, or otherwise abuse an animal;
 - (c) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with the intent to injure or kill any animal other than vermin;
 - (d) Use or permit any animal to be used for the purpose of fighting, raise for the purpose of fighting, or organize or participate in any type of animal fighting.
 - (e) Inflict suffering or pain upon an animal under the individual's charge or custody.
 - (f) Fail to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements;
 - (g) Leave any domestic animal unattended in a manner that endangers the health or safety of the animal;
 - (h) Shoot any domestic animal, except as provided under § 9-17F of this chapter or to humanely destroy such animal because of sickness, disease, or injury.
- (2) Penalty. Notwithstanding § 9-27 of this chapter, violation of this section shall be a misdemeanor and, upon conviction, a person shall be subject to incarceration for a period of up to 90 days and a fine of up to \$1,000 or both such fine and incarceration. In

determining whether a violation of this section has occurred, consideration shall be given to the standards of care and regulations adopted pursuant thereto in § 9-15 of this chapter.

B. Seizure.

- (1) If an Animal Control Officer determines that the health or safety of an animal is in immediate danger because of a cruel or neglectful act, the Animal Control Officer may remove the animal from any place, except the interior of a private residence, and seize the animal.
- (2) For the purposes of this subsection, an Animal Control Officer may enter upon private property without the consent of the property owner.
- (3) After seizing an animal under this subsection, the Animal Control Officer shall make a prompt and reasonable effort to notify the owner or custodian that the animal has been seized and give the reasons for the seizure. Notice shall also be given to the owner or custodian indicating the conditions for the release of the animal and a schedule for implementation.

C. Removal from vehicle.

- (1) If an Animal Control Officer or any public safety officer finds an animal unattended as described in Subsection A(1)(g) of this section, the Animal Control Officer or public safety officer may use reasonable force to remove the animal from the vehicle.
- (2) Any Officer who uses force under this subsection may not be held liable for any damages resulting from the use of that force.

D. Construction of section.

- (1) Legitimate medical and scientific activities, food processing, customary and normal veterinary and

agricultural husbandry practices, and hunting and trapping activities may not be construed as prohibited by any provision of this section if such activities employ the most humane method reasonably available.

- (2) Training of any animal for police work by the state or any political subdivision shall not be considered as teasing, tormenting, or deliberately inciting an animal.

§ 9-23. Impoundment, redemption and seizure.

A. Animal in violation of law.

- (1) An animal observed in violation of this chapter or Maryland State Law may be impounded/seized and housed at the Animal Services Center or its designated facility.
- (2) In addition to, or in lieu of, impounding and or seizing animal, an Animal Control Officer shall provide notice within 24 hours after observing the animal in violation to its owner or custodian, and may issue to the owner or custodian of the animal a citation for the violation or apply for criminal charges in reference to the violation.

B. Impoundment.

- (1) Subject to Subsection B(2) of this section, an impounded domestic animal shall be kept for not fewer than seven days, unless an owner or custodian redeems the impounded domestic animal, pursuant to § 9-23D of this chapter, within seven days. The holding period does not apply to animals under the age of 3 months.
- (2) If the animal is contagiously ill or severely injured, it may be immediately humanely euthanized.
- (3) Any impounded community cat may immediately be sterilized, vaccinated, eartipped and returned to the location where they were trapped or may immediately be

directed to a Trap-Neuter-Return program.

C. Seizure.

- (1) The owner or custodian has the right to file a replevin at the Queen Anne's County District Court within 10 days.
- (2) If the animal is contagiously ill or severely injured, it may be immediately humanely euthanized.

D. Redemption. Before an owner or custodian can reclaim an impounded or seized animal, the owner or custodian shall:

- (1) Pay all applicable fees;
- (2) Provide evidence of a current rabies vaccination and possess or purchase a valid County animal registration;
- (3) Pay any and all costs, including veterinary fees, incurred by the Animal Services Center or designated facility in connection with housing and care of the animal;
- (4) Correct all violations of this chapter which resulted in the impoundment or seizure of the animal.

(5) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership and without paying any fees and/or charges solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.

E. Abandoned animal. Except as otherwise provided in this chapter, an animal impounded and not redeemed by its owner or custodian within seven days shall be deemed abandoned and become the property of the Animal Services Center.

F. Cruelty. [Added 1-12-2016 by Ord. No. 15-15]

- (1) Notwithstanding any other provisions of this chapter, any animal seized or impounded as a result of an alleged violation of § 9-21 (Cruelty) shall not be redeemed unless approval is granted by the Animal Control Commission.
- (2) In such cases, the owner or custodian shall be notified by the person taking possession of the animal of the seizure and impoundment and of the administrative remedies available under this subsection.
- (3) The owner or custodian may file, within 10 days of receiving notice, a petition in writing with the Animal Control Commission for the return of the animal.
- (4) The Animal Control Commission shall conduct a hearing and following such hearing, may allow return of the animal upon such conditions as the Commission may determine to be proper or make other appropriate disposition of the animal.
- (5) If the owner or custodian is notified and fails to file a petition within the prescribed time period, or if the owner and custodian is unknown and cannot with reasonable effort be ascertained for a period of 20 days, the animal shall be deemed abandoned and become the property of the Animal Service Center.

§ 9-29. Trap Neuter Return.

A. Trap-Neuter-Return shall be permitted to be practiced by community cat caregivers, organizations, and animal control, in compliance with any applicable federal or state law. Animal Services or its designee and any contracted rescue organizations shall prioritize Trap-Neuter-Return as the preferred disposition for impounded community cats.

B. As a part of Trap-Neuter-Return, spay or neuter and

vaccination for rabies shall take place under the supervision of a licensed veterinarian.

C. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership and without paying any fees and/or charges solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.

D. A community cat caregiver who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Corchiarino

DATE: December 14, 2021

PUBLIC HEARING HELD: January 25, 2022 5:40 pm

VOTE: __ Yea __ Nay

DATE OF ADOPTION: _____

EFFECTIVE DATE: _____