

FINAL

AMENDED  
December 18, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 41

Bill No. 96-17

Introduced by Mr. Grasso

By the County Council, November 20, 2017

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Introduced and first read on November 20, 2017  
Public Hearing set for and held on December 18, 2017  
Public Hearing on AMENDED bill set for and held on January 2, 2018  
Bill Expires February 23, 2018

By Order: JoAnne Gray, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Animal Control – Community Cats

2  
3 FOR the purpose of defining “community cat” and other related terms; establishing a  
4 community cat program; amending provisions related to the authority to impound to  
5 include community cats; adding standards for the redemption of community cats;  
6 amending provisions related to animals running at large and surrendering stray  
7 animals to exempt community cats; and generally relating to animal control.

8  
9 BY renumbering: § 12-4-101(17) through (41) to be § 12-4-101(19) through (46),  
10 respectively  
11 Anne Arundel County Code (2005, as amended)

12  
13 BY renumbering and repealing and reenacting, with amendments: § 12-4-101(29); and  
14 (34); ~~and (38)~~ to be § 12-4-101(33); and (38), ~~and (42)~~, respectively  
15 Anne Arundel County Code (2005, as amended)

16  
17 BY adding: §§ 12-4-101(17), (18), (24), (28), and (44); and 12-4-504(c)  
18 Anne Arundel County Code (2005, as amended)

19  
20 BY repealing and reenacting, with amendments: §§ 12-4-501; 12-4-503; 12-4-905(a) and  
21 (b); and 12-4-907  
22 Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
2 *Maryland,* That § 12-4-101(17) through (41) of the Anne Arundel County Code (2005, as  
3 amended) is hereby renumbered to be § 12-4-101(19) through (46), respectively.

4  
5 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
6 Code (2005, as amended) read as follows:

7  
8 **ARTICLE 12. PUBLIC SAFETY**

9  
10 **TITLE 4. ANIMAL CONTROL**

11 **12-4-101. Definitions.**

12  
13 In this title, the following words have the meanings indicated:

14  
15 (17) "COMMUNITY CAT" MEANS AN UNOWNED, FREE-ROAMING CAT, 12 WEEKS OF  
16 AGE OR OLDER WHO IS CARED FOR BY ONE OR MORE PERSONS RESIDING OR WORKING IN  
17 THE IMMEDIATE AREA WHO ARE KNOWN OR UNKNOWN. A COMMUNITY CAT MAY OR  
18 MAY NOT BE FERAL.

19  
20 (18) "COMMUNITY CAT CAREGIVER" MEANS A PERSON OR GROUP WHO THAT, IN  
21 ACCORDANCE WITH A GOOD FAITH EFFORT TO CONDUCT TRAP-NEUTER-RETURN,  
22 PROVIDES ~~CARE THAT INCLUDES PROVIDING~~ FOOD, SHELTER, ~~OR AND~~ MEDICAL CARE TO  
23 A COMMUNITY CAT. A COMMUNITY CAT CAREGIVER IS NOT THE OWNER, ~~HARBORER,~~  
24 ~~CONTROLLER, OR KEEPER~~ OF A COMMUNITY CAT.

25  
26 (24) "EARTIPPING" MEANS THE DELIBERATE REMOVAL OF NO MORE THAN ONE-  
27 QUARTER OF AN INCH FROM THE TIP OF A COMMUNITY CAT'S LEFT EAR, PERFORMED BY  
28 A LICENSED VETERINARIAN WHILE THE CAT IS UNDER ANESTHESIA. EARTIPS ~~MAY~~  
29 SHALL BE USED TO IDENTIFY A COMMUNITY CAT AS BEING STERILIZED AND LAWFULLY  
30 VACCINATED FOR RABIES ~~AND AT LEAST ONCE, BUT~~ DOES NOT SERVE AS PROOF OF A  
31 CURRENT RABIES VACCINATION.

32  
33 (28) "FERAL CAT" MEANS A CAT THAT SHOWS NO EVIDENCE OF BEING OWNED, SUCH  
34 AS WEARING A COLLAR OR TAG OR APPEARING GROOMED; ~~LIVES OUTDOORS; AND HAS~~  
35 ~~LITTLE OR NO DIRECT HUMAN CONTACT OR SOCIALIZATION AND MAY EXHIBIT WILD~~  
36 BEHAVIOR AND EXHIBITS SAVAGE OR WILD BEHAVIOR OR IS LIVING IN THE WILD.

37  
38 [(29)] (33) "Owner" means a person who keeps, has temporary or permanent custody  
39 of, possesses, exercises control over, or has a property right in any animal, livestock, or  
40 fowl, except that animal hospitals, commercial kennels, COMMUNITY CAT CAREGIVERS,  
41 and pet shops and their employees are not owners.

42  
43 ~~[(34)] (38) "Public nuisance" means an act by an animal that substantially interferes~~  
44 ~~with the rights of citizens to enjoyment of life or property and that unreasonably annoys~~  
45 ~~humans, endangers the life or health of other animals or human beings, or offends human~~  
46 ~~senses, including the molesting of pedestrians, the chasing of vehicles, the damaging of~~  
47 ~~property of someone other than the owner of the animal, and continually and repeatedly~~  
48 ~~howling, barking, whining, or otherwise making noise that causes unreasonable~~  
49 ~~annoyance, disturbance, or discomfort to neighbors or others in close proximity to the~~  
50 ~~premises where a person keeps an animal BUT DOES NOT INCLUDE A COMMUNITY CAT~~  
51 ~~THAT IS NOT A DANGER TO THE LIFE OR HEALTH OF OTHER ANIMALS OR HUMANS.~~

1        [(38)] (42) "Stray" means [an] A DOMESTICATED animal off the property of its owner  
2 and not under the control of the owner or the authorized agent of the owner.

3  
4        (44) "TRAP-NEUTER-RETURN" MEANS THE PROCESS OF HUMANELY TRAPPING,  
5 STERILIZING, VACCINATING FOR RABIES, EARTIPPING, AND RETURNING A COMMUNITY  
6 CAT TO THEIR ORIGINAL LOCATION, AND INCLUDES A PLAN FOR REVACCINATION OF  
7 THE COMMUNITY CAT IN ACCORDANCE WITH STATE LAW.

8  
9        **12-4-501. Authority to impound.**

10  
11        The Agency may impound:

12  
13        (1) a domesticated animal found at large, EXCLUDING AN EARTIPPED COMMUNITY  
14 CAT;

15  
16        (2) a dog or a cat found without a license tag affixed to its collar, EXCLUDING AN  
17 EARTIPPED COMMUNITY CAT;

18  
19        (3) an animal whose owner fails to respond to notice that the animal is in violation  
20 of this article;

21  
22        (4) an animal whose health constitutes an immediate and substantial danger to  
23 persons or property or that poses a threat to public safety, as provided in § 12-4-402;

24  
25        (5) an animal determined to be dangerous or vicious;

26  
27        (6) an animal placed at risk by its health or environment;

28  
29        (7) an abandoned or unwanted animal, EXCLUDING AN EARTIPPED COMMUNITY  
30 CAT;

31  
32        (8) an animal involved in an incident that constitutes a public safety threat; [or]

33  
34        (9) an animal whose owner violates any condition of an administrative order  
35 pertaining to that animal[.]; OR

36  
37        (10) A COMMUNITY CAT, INCLUDING AN EARTIPPED COMMUNITY CAT, ABOUT  
38 WHICH REPEATED COMPLAINTS TO THE AGENCY FROM RESIDENTS OR BUSINESS  
39 OWNERS REMAIN UNRESOLVED.

40  
41        **12-4-503. Notice; holding period.**

42  
43        When [an] A DOMESTICATED animal is impounded, the Agency shall make a  
44 reasonable attempt to notify the owner OR KNOWN COMMUNITY CAT CAREGIVER of the  
45 animal. Unless extremely aggressive, seriously injured, or suffering, an animal that is  
46 impounded or brought to the animal control facility for placement or destruction shall be  
47 held at the facility for at least five days unless sooner redeemed or adopted.

48  
49        **12-4-504. Redemption of impounded animals.**

50  
51        (C) **Community Cats.**

1 (1) COMMUNITY CAT CAREGIVERS ~~AND ANIMAL WELFARE GROUPS~~ MAY  
2 RECLAIM IMPOUNDED EARTIPPED COMMUNITY CATS WITHOUT THE PROOF OF  
3 OWNERSHIP OR THE PAYMENT OF SHELTER FEES AND IMPOUNDMENT CHARGES  
4 REQUIRED UNDER § 12-4-504 AND WITHOUT COMPLYING WITH THE LICENSING  
5 REQUIREMENTS UNDER § 12-4-702, IF THE COMMUNITY CAT CAREGIVER ~~OR ANIMAL~~  
6 ~~WELFARE GROUP~~ AGREES, IN WRITING AND ON A FORM PROVIDED BY THE AGENCY, TO  
7 ABIDE BY THE TRAP-NEUTER-RETURN STANDARDS DESCRIBED UNDER THIS TITLE AND  
8 TO RETURN THE COMMUNITY CAT TO ITS ORIGINAL LOCATION OR PROVIDE FOR  
9 REHOMING.

10  
11 (2) IF AN IMPOUNDED COMMUNITY CAT HAS NOT BEEN STERILIZED, VACCINATED  
12 FOR RABIES, AND UNDERGONE EARTIPPING, THE COMMUNITY CAT MAY ONLY BE  
13 REDEEMED BY ~~AN ANIMAL WELFARE GROUP OR~~ A COMMUNITY CAT CAREGIVER AFTER  
14 RECEIVING A RABIES VACCINATION ADMINISTERED BY THE AGENCY. RELEASE FROM  
15 IMPOUNDMENT SHALL BE CONDITIONED ON REFERRAL TO A TRAP-NEUTER-RETURN  
16 PROGRAM AND A WRITTEN AGREEMENT WITH THE COUNTY. DOCUMENTATION OF  
17 STERILIZATION AND EARTIPPING SHALL BE FORWARDED TO THE AGENCY WITHIN 60  
18 DAYS OF RELEASE FROM IMPOUNDMENT.

19  
20 **12-4-905. Animals running at large prohibited.**

21  
22 (a) **Scope.** This section does not apply to AN EARTIPPED COMMUNITY CAT OR an  
23 animal under control of its owner or an authorized agent of the owner by leash, cord, or  
24 chain, or to an animal while actually engaged in the sport of hunting in authorized areas  
25 while supervised by a competent individual, or while undergoing training to heel on or  
26 off a leash, obey on command to come to its owner, or to sit, lie, or stand until further  
27 command.

28  
29 (b) **Prohibition.** [An] A DOMESTICATED animal may not be at large. An owner of an  
30 animal at large is in violation of this section.

31  
32 **12-4-907. Stray dogs and cats to be surrendered to County.**

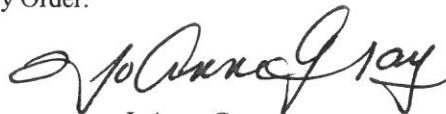
33  
34 An individual who finds a stray dog or cat shall deliver the dog or cat to an animal  
35 control facility or to an animal control officer or an authorized representative of an  
36 animal control officer within 24 hours after finding the dog or cat. THIS SECTION DOES  
37 NOT APPLY TO AN INDIVIDUAL WHO TRAPS A COMMUNITY CAT AS PART OF A TRAP-  
38 NEUTER-RETURN.

39  
40 SECTION 3. *And be it further enacted,* that this Ordinance shall take effect 45 days  
41 from the date it becomes law.

AMENDMENTS ADOPTED: December 18, 2017

READ AND PASSED this 2<sup>nd</sup> day of January, 2018

By Order:




JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 3<sup>rd</sup> day of January, 2018

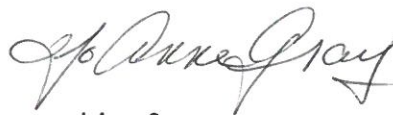
  
JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 5<sup>th</sup> day of January, 2018

  
Steven R. Schuh  
County Executive

EFFECTIVE DATE: February 19, 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
96-17. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
JoAnne Gray  
Administrative Officer