

**CITY OF BALTIMORE
COUNCIL BILL 07-0753
(First Reader)**

Introduced by: The Council President, Councilmembers Curran, Reisinger

At the request of: The Administration (Health Department)

Introduced and read first time: August 13, 2007

Assigned to: Housing, Health, and Human Services Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Health Department, Bureau of Animal Control,
B.A.R.C.S. (Baltimore Animal Rescue and Care Shelter, Inc.)

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Animal Control and Protection – Feral Cats**

3 FOR the purpose of enabling the Health Commissioner to approve of programs to trap, alter,
4 vaccinate, ear tip, and return feral cats; enabling the Health Commissioner to regulate the
5 circumstances and procedures under which feral cats are seized, impounded, and reclaimed;
6 modifying the presumption that unlicensed feral cats are unvaccinated for rabies; providing
7 that feral cat caregivers who act in accordance with an approved program to trap, alter,
8 vaccinate, ear tip, and return feral cats are not deemed to have abandoned the cats; defining
9 and redefining certain terms; and generally relating the regulation of feral cats.

10 BY adding

11 Article - Health
12 Section(s) 10-101(f-1), (i-1), (i-2), and (l-1)
13 Baltimore City Revised Code
14 (Edition 2000)

15 BY repealing and reordaining, with amendments

16 Article - Health
17 Section(s) 10-101(k) and (l), 10-104, 10-301(c),
18 10-308(a), (b), and (c), and 10-402
19 Baltimore City Revised Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

23 **Baltimore City Revised Code**

24 **Article – Health**

25 **Title 10. Animal Control and Protection**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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§ 10-101. Definitions.

(F-1) *CAT*.

“CAT” MEANS A MEMBER OF THE SPECIES FELIS CATUS.

(I-1) *FERAL CAT*.

“FERAL CAT” MEANS A CAT THAT IS UNSOCIALIZED TO HUMANS AND HAS A TEMPERAMENT OF EXTREME FEAR OF AND RESISTANCE TO CONTACT WITH HUMANS.

(I-2) *FERAL CAT CAREGIVER*.

“FERAL CAT CAREGIVER” MEANS ANY PERSON WHO, IN ACCORDANCE WITH A PROGRAM APPROVED BY THE COMMISSIONER TO TRAP, ALTER, VACCINATE FOR RABIES AND DISTEMPER, EAR TIP, AND RETURN FERAL CATS:

(1) PROVIDES CARE, INCLUDING FOOD, SHELTER, OR MEDICAL CARE, TO THE CAT; OR

(2) HAS TEMPORARY CUSTODY OF THE CAT.

(k) *Keeper*.

(1) *IN GENERAL*.

“Keeper” means any person:

(I) [(1)] who has legal title to, a property interest in, or permanent custody of any animal regulated by this subtitle; or

(II) [(2)] who, for 3 days or more, has temporary custody of, keeps, possesses, regularly feeds, or exercises control over any animal.

(2) *EXCEPTION*.

“KEEPER” DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT CAREGIVER.

(l) *Kennel*.

(1) *IN GENERAL*.

“Kennel” means any premises or part of any premises where 3 or more dogs or cats over 6 months old are boarded or maintained.

(2) *EXCEPTION*.

“KENNEL” DOES NOT INCLUDE THE PREMISES OF A FERAL CAT CAREGIVER, UNLESS 3 OR MORE DOGS OR NON-FERAL CATS OVER 6 MONTHS OLD ARE BOARDED OR MAINTAINED ON THE PREMISES.

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1 (L-1) *OWNER*.

2 "OWNER" DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT
3 CAREGIVER.

4 **§ 10-104. Rules and regulations**

5 The rules and regulations that the Commissioner adopts under § 2-106 of this article may
6 include provisions:

7 (1) for the issuance of permits and licenses under this title;

8 (2) requiring the humane care of all animals;

9 (3) governing the general care and control of animals; [and]

10 (4) governing the operation of facilities subject to this title;

11 (5) PROVIDING FOR THE APPROVAL OF PROGRAMS TO TRAP, ALTER, VACCINATE FOR
12 RABIES AND DISTEMPER, EAR TIP, AND RETURN FERAL CATS; AND

13 (6) GOVERNING THE CIRCUMSTANCES AND PROCEDURES UNDER WHICH FERAL CATS ARE
14 SEIZED, IMPOUNDED, AND RECLAIMED.

15 **§ 10-301. Rabies — vaccinations.**

16 (c) *Unlicensed dog or cat presumed unvaccinated.*

17 (1) *IN GENERAL.*

18 Any unlicensed dog or cat that is older than 4 months is presumed to be unvaccinated.
19 This presumption can be rebutted only by a current rabies vaccination certificate
20 signed by a veterinarian or issued by an approved government agency.

21 (2) *EXCEPTION FOR EAR-TIPPED FERAL CATS.*

22 A FERAL CAT THAT HAS BEEN EAR TIPPED IS PRESUMED TO HAVE BEEN VACCINATED AT
23 LEAST ONCE.

24 **§ 10-308. Impounding animals – In general.**

25 (a) *Scope of section.*

26 This section applies to:

27 (1) any dog or cat that is unlicensed, not wearing a valid identification tag while
28 outdoors, or otherwise in violation of § 10-207 {"Prohibited conduct"} of this
29 subtitle; and

30 (2) any animal that is not restrained as required by § 10-307 {"Restraints required"}
31 of this subtitle or otherwise by law.

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1 (b) *Seizure of animal.*

2 (1) An animal described in subsection (a) of this section may be seized by the Bureau or
3 by any police officer, humane officer, designated employee of the Department, or
4 other person contracting with the City to do so.

5 (2) For this purpose, these persons may pursue the animal onto any public or private
6 property.

7 (3) THE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO GOVERN THE
8 CIRCUMSTANCES AND PROCEDURES UNDER WHICH FERAL CATS ARE SEIZED.

9 (c) *Impoundment.*

10 (1) An animal seized under this section must be taken to an animal shelter and
11 impounded there in a humane manner.

12 (2) If the owner or keeper of the animal can be identified, the animal shelter must
13 immediately notify the owner or keeper by telephone or mail.

14 (3) An impounded animal, OTHER THAN A FERAL CAT, must be kept for at least 3 working
15 days, unless sooner reclaimed by its owner or keeper.

16 (4) AN IMPOUNDED FERAL CAT MUST BE KEPT FOR AT LEAST 3 WORKING DAYS, UNLESS
17 SOONER RECLAIMED IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED BY
18 THE COMMISSIONER.

19 **§ 10-402. Abandonment of animal.**

20 (A) *IN GENERAL.*

21 No person may desert or abandon any animal that the person owns, keeps, restrains, or
22 confines, whether as a pet or for any other purpose.

23 (B) *EXCEPTION.*

24 A FERAL CAT CAREGIVER WHO PROVIDES CARE TO OR HAS TEMPORARY CUSTODY OF A
25 FERAL CAT IN ACCORDANCE WITH AN APPROVED PROGRAM TO TRAP, ALTER, VACCINATE,
26 EAR TIP, AND RETURN FERAL CATS IS NOT DEEMED TO HAVE DESERTED OR ABANDONED
27 THE FERAL CAT.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
29 are not law and may not be considered to have been enacted as a part of this or any prior
30 Ordinance.

31 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
32 after the date it is enacted.