



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 12-0106, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Animal Control and Protection - Companion Animal Protection

FOR the purpose of requiring animal shelters to take steps to reduce the number of animals they kill; repealing the requirement that cats be licensed; prohibiting the immediate killing of animals when their owner's license is revoked; regulating the use of live animal traps to catch cats; establishing standards for the operations of animal shelters; establishing standards for the killing of animals in shelters; prohibiting the use of animals from shelters for medical research; requiring that certain information about shelter operations be made available to the public; defining and redefining certain terms; clarifying and conforming related provisions; providing for certain penalties; and generally relating to the treatment of animals commonly kept as companions.

BY repealing and reordaining, with amendments

Article - Health

Section(s) 10-101(h), (m), (s), and (t), 10-201 through 10-205,
10-207, 10-219, 10-223, and 10-302

Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Health

Section(s) 10-101(w-1), (cc-1), (cc-2), and (cc-3), and 10-315

Baltimore City Revised Code
(Edition 2000)

BY repealing

Article - Health

Section(s) 10-801 through 10-808, and the subtitle designation,
"Subtitle 8. Impoundment"

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Health

Section(s) 10-801 through 10-822, to be under the new subtitle designation,

“Subtitle 8. Animal Sheltering Agencies”

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7)(Title 10, Subtitle 3 and 8) and 41-14(6)(Title 10, Subtitle 3 and 8)

Baltimore City Code

(Edition 2000)

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

Baltimore City Revised Code

Article - Health

Title 10. Animal Control and Protection

Subtitle 1. Definitions; General Provisions

§ 10I01. Definitions.

(h) Animal shelter.

(1) IN GENERAL.

“Animal shelter” means any facility that is owned or operated by or under contract with the City or a humane society for the care or detention of animals under authority of State or City law.

(2) INCLUSIONS.

“ANIMAL SHELTER” INCLUDES A PUBLIC SHELTERING AGENCY.

(m) Commercial kennel.

(1) In general.

“Commercial kennel” means, except as specified in paragraph (2) of this subsection, any facility IN WHICH 3 OR MORE DOGS OR CATS OVER 6 MONTHS OLD ARE:

(i) BOARDED OR MAINTAINED for [the] commercial breeding [of dogs or cats]; or

(ii) [where dogs or cats are] boarded, groomed, sold, bought, or trained for a fee.

(2) Exclusions.

“Commercial kennel” does not include any:

- (i) animal clinic, unless it engages in the boarding of healthy animals not currently being treated by the clinic;
 - (ii) animal shelter; or
 - (iii) animal fancier.
- (s) Feral cat.

“Feral cat” means a cat that is FREE ROAMING, unsocialized to humans, and [has a temperament of extreme fear of and resistance to contact with humans] UNOWNED.

(t) 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] CARES FOR ONE OR MORE FERAL CATS AND HAS AN INTEREST IN PROTECTING FERAL CATS, BUT DOES NOT OWN THE FERAL CAT OR CATS.

(W-1) IRREMEDIABLY SUFFERING ANIMAL.

“IRREMEDIABLY SUFFERING ANIMAL” MEANS AN ANIMAL WITH A MEDICAL CONDITION WHO HAS A POOR OR GRAVE PROGNOSIS FOR BEING ABLE TO LIVE WITHOUT SEVERE, UNREMITTING PAIN, AS DETERMINED BY A LICENSED VETERINARIAN.

(CC-1) PRIVATE SHELTERING AGENCY.

“PRIVATE SHELTERING AGENCY” MEANS A SHELTER, A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, A HUMANE SOCIETY, OR AN ANIMAL ADOPTION GROUP THAT:

- (1) IS DESIGNATED AS A NON-PROFIT ENTITY UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;
- (2) DOES NOT RECEIVE CITY FUNDING OR HAVE A CONTRACT WITH THE CITY UNDER WHICH IT ACCEPTS STRAY OR OWNER-RELINQUISHED ANIMALS;
- (3) ACCEPTS ANIMALS INTO A PHYSICAL FACILITY OTHER THAN A PRIVATE RESIDENCE; AND
- (4) PLACES INTO NEW HOMES:
 - (I) STRAY OR OWNER-RELINQUISHED ANIMALS; OR
 - (II) ANIMALS THAT HAVE BEEN REMOVED FROM PUBLIC OR PRIVATE SHELTERING AGENCIES.

(CC-2) RESCUE GROUP.

“RESCUE GROUP” MEANS A NON-PROFIT COLLABORATION OF INDIVIDUALS:

- (1) WHOSE PRIMARY STATED PURPOSE IS ANIMAL PROTECTION; AND
- (2) THAT PLACES INTO NEW HOMES:
 - (I) STRAY OR OWNER-RELINQUISHED ANIMALS; OR
 - (II) ANIMALS THAT HAVE BEEN REMOVED FROM PUBLIC OR PRIVATE SHELTERING AGENCIES.

(CC-3) STRAY ANIMAL.

“STRAY ANIMAL” MEANS ANY ANIMAL THAT IS IMPOUNDED WITHOUT A KNOWN OWNER PRESENT AT IMPOUND WHO IS VOLUNTARILY RELINQUISHING CUSTODY.

Subtitle 2. Licensing

Part I. Dog [and Cat] Licenses

§ 10201. License required.

(a) In general.

The owner of any dog [or cat] must obtain and PERIODICALLY renew a license for that dog [or cat], as provided in this Part I.

(b) When to be obtained.

The license must be obtained within 10 days of the following, whichever is later:

- (1) when the dog [or cat] becomes 4 months old; or
- (2) when the dog [or cat was] IS acquired by the owner, whether or not the previous owner had a license for the animal.

§ 10202. License fees.

(a) Classes.

The Commissioner must provide for the following classes of licenses:

- (1) Class A Licenses, for:
 - (i) dogs [and cats] that have been altered; and
 - (ii) dogs [and cats] that have not been altered, but for which a licensed veterinarian certifies in writing that, because of age or bad health, the animal should not be altered.

(2) Class B Licenses, for disability service animals, whether or not altered, on the applicant's submission of an affidavit claiming the [person] APPLICANT has a disability.

(3) Class C Licenses, for the lifetime of dogs [and cats] that are altered and microchipped.

(4) Class D Licenses, for all other dogs [and cats].

(b) Fees.

(1) The license fee for each class is as set under § 10-106 of this title.

(2) For owners 65 years old or older, the annual fee for each license class is 50% of the annual fee otherwise set for that class.

§ 10203. Applications.

The application for a license must:

(1) be in the form that the Commissioner requires;

(2) be accompanied by the required fee;

(3) be accompanied by an affidavit certifying that neither the applicant nor anyone residing on the applicant's household has ever been convicted of animal abuse, cruelty, or neglect; and

(4) contain:

(i) the name and address of the owner;

(ii) a description of the dog [or cat];

(iii) proof of a stillcurrent rabies vaccination, unless this requirement is waived by the Public Health Veterinarian; and

(iv) any other information that the Commissioner requires.

§ 10204. Issuance of licenses and tags.

(a) In general.

(1) On approval of the application and receipt of the required fee, the Office must issue the license.

(2) Together with the license, the Office must issue an identification tag that is:

(i) durably constructed;

(ii) designed so that it can be conveniently fastened or riveted to a well-fitted collar or harness; and

(iii) stamped with the year of its issuance and an identifying number.

(b) Animal from animal shelter.

For an unlicensed dog [or cat] that is reclaimed or adopted from an animal shelter, the animal shelter must:

- (1) require a license application and the required fee to be submitted to it; and
- (2) on receipt of the application and receipt of the required fee, issue the license and identification tag for that dog [or cat].

§ 10205. Term.

Unless sooner suspended or revoked, a dog [or cat] license (except for a Class C License) expires annually on the anniversary of its issuance.

§ 10207. Prohibited conduct.

No person may:

- (1) fail to obtain a license as required by this Part I;
- (2) permit any [cat or] dog for which the person is required to obtain a license to be outdoors at any time unless it is wearing a valid identification tag issued under this subtitle;
- (3) use any license or identification tag for any dog [or cat] other than the one for which it was issued;
- (4) use any license or identification tag that was issued to a previous owner of the dog [or cat];
- (5) remove any identification tag from any dog [or cat] without the consent of its owner;
- (6) use any microchip required by this subtitle for any dog [or cat] other than the one to which the microchip applies; or
- (7) except as authorized by the Commissioner, remove from any dog [or cat] any microchip required by this subtitle.

Part III. Denials, Suspensions, and Revocations

§ 10219. Grounds for denial, etc.

(a) Required denial or revocation.

Subject to the hearing procedures of Subtitle 10 {“HEARINGS AND JUDICIAL REVIEW”} of this title, the Commissioner must deny or revoke any dog [or cat] license issued under this subtitle if the applicant or licensee, at any time, has been convicted of animal abuse, cruelty, or neglect.

(b) Permissive denial, suspension, or revocation.

Subject to the hearing procedures of Subtitle 10 {“HEARINGS AND JUDICIAL REVIEW”} of this title, the Commissioner may deny, amend, suspend, revoke, or refuse to renew any license or permit issued under this title if the applicant, licensee, or permittee:

- (1) has withheld or falsified any information on an application;
- (2) during the preceding year, has failed to reclaim an impounded animal within the time required by Subtitle 8 {“Impoundment”} of this title;
- (3) during the preceding year, has surrendered an animal after receiving a violation notice or citation; or
- (4) within any 12-month period, has committed 3 or more violations of this title for which the applicant, licensee, or permittee:
 - (i) has been convicted; or
 - (ii) received environmental or civil citations that have been disposed of other than by a decision of “not guilty”.

§ 10223. Surrender or removal of animal on denial, etc.

A person whose license or permit for an animal is denied, suspended, or revoked must, within 10 days of the denial, suspension, or revocation:

- (1) surrender the animal to the Office; or
- (2) remove the animal from the City and provide the Office with an affidavit stating that the animal has been removed from the City, the name of the animals’ new owner, and the new address where the animal is located.

Subtitle 3. General Care and Control

§ 10302. Rabies - Possible exposure.

- (a) Required reporting.

In addition to complying with State Health-General Article, § 18-316, a person must immediately, by telephone or in person, report to the Commissioner and the Baltimore City Police Department whenever that person has knowledge of:

- (1) any animal susceptible to rabies that:
 - (i) has bitten or scratched and broken the skin of any human being; or
 - (ii) otherwise has exposed any human being to a possible rabies infection;
 - (2) any animal that has been bitten by another animal suspected of having rabies; or
 - (3) any other animal that is suspected of having rabies.
- (b) Isolation and examination.

In addition to the requirements of State Health-General Article, § 18316, the following apply to a quarantined animal:

- (1) the animal must be isolated in the manner and for the period that the Commissioner directs; [and]
- (2) at any time during the isolation, IF THE ANIMAL HAS BITTEN OR SCRATCHED ANY HUMAN BEING OR OTHERWISE HAS EXPOSED ANY HUMAN BEING TO A POSSIBLE RABIES INFECTION, the Commissioner or the owner or custodian of the animal may direct that the animal be humanely killed for the purpose of rabies testing; AND
- (3) IF THE OWNER OR CUSTODIAN DIRECTS THAT BE ANIMAL BE KILLED, THE PROVISIONS OF § 10815 {"KILLING ANIMALS - PRECONDITIONS"} AND § 10802(B) {"HOLDING PERIOD: ANIMALS SURRENDERED TO BE KILLED"} OF THIS TITLE DO NOT APPLY.

(c) Expenses.

- (1) [The] IF THE ANIMAL HAS BITTEN OR SCRATCHED ANY HUMAN BEING OR OTHERWISE HAS EXPOSED ANY HUMAN BEING TO A POSSIBLE RABIES INFECTION, THE isolation and examination of [an] THE animal under this section is at the expense of the animal's owner or custodian.
- (2) When the animal is impounded, the animal's owner or custodian must pay to the Office an initial deposit, as set under § 10-106 of this title, toward expenses related to isolation and examination.

(d) Release of animal.

An animal isolated under this section may be released only:

- (1) with the consent of the Commissioner; and
- (2) on payment of:
 - (i) the fee set for each day or part of a day that the animal was held; and
 - (ii) all costs incurred during the isolation.

§ 10315. TRAPPING CATS.

(A) PROVIDING TRAPS.

- (1) NO PUBLIC OR PRIVATE SHELTERING AGENCY OR RESCUE GROUP MAY LEND, RENT, OR OTHERWISE PROVIDE TO THE PUBLIC TRAPS TO CAPTURE CATS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.
- (2) TRAPS TO CAPTURE CATS MAY BE PROVIDED:
 - (I) TO A PERSON FOR THE PURPOSE OF CATCHING AND RECLAIMING THAT PERSON'S WAYWARD CAT;

(II) TO CAPTURE AN INJURED OR SICK CAT;

(III) TO CAPTURE A CAT IN DANGER FOR A REASON BEYOND ITS MERE LOCATION;

(IV) TO CAPTURE A FERAL KITTEN FOR PURPOSES OF TAMING AND ADOPTION; OR

(V) IN THE CASE OF A FERAL CAT, FOR PURPOSES OF SPAYING OR NEUTERING AND SUBSEQUENT RELEASE.

(B) MISUSE OF CAT TRAPS.

(1) A PERSON MAY NOT USE A TRAP FROM A PUBLIC OR PRIVATE SHELTERING AGENCY OR RESCUE GROUP FOR ANY PURPOSE OTHER THAN AS ENUMERATED IN SUBSECTION (A)(2) OF THIS SECTION.

(2) AN ACTION FOR A VIOLATION OF THIS SUBSECTION MAY BE COMMENCED IN A COURT OF COMPETENT JURISDICTION BY THE ADMINISTRATOR OF THE PUBLIC OR PRIVATE ANIMAL SHELTERING AGENCY OR RESCUE GROUP FROM WHICH A PERSON OBTAINED THE TRAP USED IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION .

(3) ALL PENALTIES COLLECTED UNDER PARAGRAPH (2) OF THIS SUBSECTION MUST BE RETAINED BY THE AGENCY OR RESCUE GROUP BRINGING THE ACTION TO BE USED SOLELY FOR PROGRAMS TO SPAY OR NEUTER ANIMALS.

SECTION 2. AND BE IT FURTHER ORDAINED, That City Health Article §§ 10-801 through 10-808, and the subtitle designation “Subtitle 8. Impoundment” are repealed.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Health

Title 10. Animal Control and Protection

SUBTITLE 8. ANIMAL SHELTERING AGENCIES

§ 10801. IMPOUNDING ANIMALS - IN GENERAL.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO:

(1) any dog that is unlicensed, not wearing a valid identification tag while outdoors, or otherwise in violation of § 10207 {“Prohibited conduct”} of this subtitle; and

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

(b) Seizure of animal.

- (1) An animal described in subsection (a) of this section may be seized by the Bureau or by any police officer, humane officer, designated employee of the Department, or other person contracting with the City to do so.
- (2) For this purpose, these persons may pursue the animal onto any public or private property.
- (3) The Commissioner may adopt rules and regulations to govern the circumstances and procedures under which feral cats are seized.

(c) Impoundment.

- (1) An animal seized under this section must be taken to an animal shelter and impounded there in a humane manner.
- (2) If the owner or keeper of the animal can be identified, the animal shelter must immediately notify the owner or keeper by telephone or mail.
- (3) An impounded animal, other than a feral cat, unweaned animal, or nursing mother, must be kept for at least 5 working days, unless sooner reclaimed by its owner or keeper.
- (4) An impounded feral cat must be kept for at least 5 working days, unless sooner reclaimed in accordance with rules and regulations adopted by the Commissioner.
- (5) An impounded unweaned animal or a nursing mother impounded with an unweaned animal may be transferred to a private sheltering agency or rescue group for the purpose of adoption immediately after impoundment.

(d) Owner responsible for charges.

- (1) The owner or keeper of an impounded animal must pay:
 - (i) the fee set for each day the animal has been impounded; and
 - (ii) all other costs incurred in maintaining the animal, including boarding and inoculations.
- (2) The owner or keeper must pay these fees and costs:
 - (i) when reclaiming the animal; or
 - (ii) if the animal is not reclaimed, within 10 days of receiving a bill for them.

(e) Unclaimed animals.

Any animal that is not reclaimed within the time specified in subsection (c) of this section:

- (1) becomes the property of the Mayor and City Council of Baltimore; and

- (2) must be:
 - (i) placed for adoption in a suitable home; or
 - (ii) subject to the requirements of this subtitle, humanely killed.

§ 10-802. IMPOUNDING ANIMALS - DOGS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ANY DOG THAT HAS BEEN IMPOUNDED UNDER § 10801 OF THIS SUBTITLE OR UNDER ANY OTHER PROVISION OF LAW.

(B) ASSESSMENT OF DOG.

- (1) DURING THE IMPOUNDMENT OF ANY DOG, THE BUREAU MUST ASSESS THE DOG TO DETERMINE WHETHER IT IS A VICIOUS DOG.
- (2) IF THE BUREAU REASONABLY BELIEVES THAT THE DOG IS A VICIOUS DOG, THE BUREAU MUST:
 - (I) SUBMIT A WRITTEN INVESTIGATION REPORT TO THE ANIMAL HEARING PANEL; AND
 - (II) RETAIN THE DOG PENDING A HEARING UNDER SUBTITLE 7 {"ATTACK DOGS; DANGEROUS AND VICIOUS ANIMALS"} OF THIS TITLE.

(C) CONDITIONS FOR RETURN TO OWNER.

(2) On a first or subsequent impoundment of a dog, the Commissioner may require that, as a condition for the animal's return to its owner or custodian:

- (i) a microchip, containing the information the Commissioner specifies, be surgically implanted in the animal; and
- (ii) the owner or custodian agree to keep the information current, as directed by the Commissioner.

On a second or subsequent impoundment, the Commissioner may require that, as a condition of the animal's return to its owner or custodian, the animal be altered.

The costs incurred in these procedures must be paid by the owner or custodian when reclaiming the animal.

§ 10803. {RESERVED}

§ 10804. HOLDING PERIOD FOR OWNER- RELINQUISHED ANIMALS.

(A) IN GENERAL.

(1) THE REQUIRED HOLDING PERIOD FOR AN OWNER-RELINQUISHED ANIMAL IMPOUNDED BY PUBLIC OR PRIVATE SHELTERING AGENCIES IS THE SAME AS THAT SET BY § 10801 {"IMPOUNDING ANIMALS - IN GENERAL"} OF THIS TITLE.

(2) ANY OWNER-RELINQUISHED ANIMAL THAT IS IMPOUNDED MUST BE HELD FOR ADOPTION OR FOR TRANSFER TO A PRIVATE SHELTERING AGENCY OR RESCUE GROUP FOR THE PURPOSE OF ADOPTION FOR THE ENTIRETY OF THE HOLDING PERIOD UNLESS THEY ARE ADOPTED OR TRANSFERRED.

(3) OWNER-RELINQUISHED ANIMALS MAY BE ADOPTED INTO NEW HOMES OR TRANSFERRED TO A PRIVATE SHELTERING AGENCY OR RESCUE GROUP FOR THE PURPOSE OF ADOPTION AT ANY TIME AFTER IMPOUNDMENT.

(B) ANIMALS SURRENDERED TO BE KILLED.

WHEN AN ANIMAL IS SURRENDERED OR BROUGHT TO A SHELTER TO BE KILLED AT THE OWNER'S REQUEST, THE ANIMAL IS SUBJECT TO THE SAME HOLDING PERIODS AND THE SAME REQUIREMENTS OF ALL OWNER-RELINQUISHED ANIMALS, NOTWITHSTANDING THE REQUEST.

§ 10805. ANIMAL CARE STANDARDS.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, PUBLIC AND PRIVATE SHELTERING AGENCIES MUST PROVIDE ALL ANIMALS, DURING THE ENTIRETY OF THEIR SHELTER STAY, WITH:

(1) FRESH FOOD;

(2) FRESH WATER;

(3) ENVIRONMENTAL ENRICHMENT TO PROMOTE THEIR PSYCHOLOGICAL WELL-BEING, SUCH AS SOCIALIZATION, TOYS, AND TREATS;

(4) PROMPT AND NECESSARY CLEANING OF THEIR CAGES, KENNELS, OR OTHER LIVING ENVIRONMENTS NO LESS THAN TWICE A DAY, TO ENSURE ENVIRONMENTS THAT ARE WELCOMING TO THE PUBLIC, HYGIENIC FOR BOTH THE PUBLIC AND ANIMALS, AND DISEASE FREE;

(5) PROMPT AND NECESSARY VETERINARY CARE (INCLUDING PREVENTATIVE VACCINATIONS, CAGE REST, FLUID THERAPY, PAIN MANAGEMENT, AND ANTIBIOTICS) SUFFICIENT TO ALLEVIATE ANY PAIN CAUSED BY DISEASE OR INJURY, TO PREVENT A CONDITION FROM WORSENING, AND TO ALLOW ANIMALS TO LEAVE THE SHELTER IN REASONABLE CONDITION, EVEN IF THEY ARE NOT CANDIDATES FOR REDEMPTION, TRANSFER, OR ADOPTION; AND

(6) FOR ALL ANIMALS OTHER THAN VICIOUS OR DANGEROUS DOGS, EXERCISE AS NEEDED AND AT LEAST ONCE A DAY.

(B) ANIMALS WITH SPECIAL NEEDS.

- (1) PUBLIC AND PRIVATE SHELTERING AGENCIES MUST WORK WITH A LICENSED VETERINARIAN TO DEVELOP AND FOLLOW A CARE PROTOCOL FOR ANIMALS WITH SPECIAL NEEDS SUCH AS, BUT NOT LIMITED TO, NURSING MOTHERS, UNWEANED ANIMALS, SICK OR INJURED ANIMALS, GERIATRIC ANIMALS, OR ANIMALS NEEDING THERAPEUTIC EXERCISE.
- (2) THIS CARE PROTOCOL MUST SPECIFY ANY DEVIATION FROM THE STANDARD REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND THE REASONS FOR THE DEVIATION.
- (C) CLEANING PROTOCOL.
 - (1) THE CLEANINGS REQUIRED BY SUBSECTION (A)(4) OF THIS SECTION MUST BE CONDUCTED IN ACCORDANCE WITH A PROTOCOL DEVELOPED IN COORDINATION WITH A LICENSED VETERINARIAN.
 - (2) THIS PROTOCOL MUST, AT A MINIMUM, REQUIRE THAT DURING THE CLEANING PROCESS ANIMALS BE TEMPORARILY REMOVED FROM THEIR CAGES, KENNELS, OR OTHER LIVING ENVIRONMENTS TO PREVENT THEM FROM BEING EXPOSED TO WATER FROM HOSES OR SPRAYS, CLEANING SOLUTIONS, DETERGENTS, SOLVENTS, OR CHEMICALS.
- (D) EFFORTS TO PREVENT THE SPREAD OF DISEASE.
 - (1) PUBLIC AND PRIVATE SHELTERING AGENCIES MUST WORK WITH A LICENSED VETERINARIAN TO DEVELOP AND FOLLOW A PROTOCOL TO PREVENT THE SPREAD OF DISEASE.
 - (2) THIS PROTOCOL MUST, AT A MINIMUM, INCLUDE:
 - (1) APPROPRIATE EVALUATION AND TESTING OF NEWLY IMPOUNDED ANIMALS;
 - (2) ADMINISTRATION OF VACCINES;
 - (3) PROPER ISOLATION AND HANDLING OF SICK ANIMALS; AND
 - (4) MEASURES TO PROTECT THOSE ANIMALS THAT ARE MOST VULNERABLE TO INFECTION.

§ 10806. {RESERVED}

§ 10807. LOCATING OWNERS OF STRAY ANIMALS.

- (A) ANIMALS TO BE CHECKED FOR IDENTIFICATION.

ALL PUBLIC AND PRIVATE SHELTERING AGENCIES MUST TAKE APPROPRIATE ACTION TO ENSURE THAT ALL ANIMALS ARE CHECKED FOR ALL CURRENTLY ACCEPTABLE METHODS OF IDENTIFICATION, INCLUDING MICROCHIPS, IDENTIFICATION TAGS, AND LICENSES.

- (B) LOST ANIMAL REPORTS TO BE CHECKED AND POSTED.
 - (1) ALL PUBLIC AND PRIVATE SHELTERING AGENCIES MUST:

- (I) MAINTAIN CONTINUOUSLY UPDATED LISTS OF ANIMALS REPORTED LOST; AND
- (II) CHECK THOSE LOST REPORTS WITH ANIMALS REPORTED FOUND AND ANIMALS IN THE SHELTER.
- (2) ALL PUBLIC AND PRIVATE SHELTERING AGENCIES MUST POST PHOTOGRAPHS AND DESCRIPTIONS OF ALL STRAY ANIMALS ON THE INTERNET, WITH SUFFICIENT DETAIL TO ALLOW THE ANIMALS TO BE RECOGNIZED AND CLAIMED BY THEIR OWNERS.
- (C) EFFORTS TO NOTIFY POSSIBLE OWNERS.
- (1) IF A POSSIBLE OWNER OR CARETAKER OF A STRAY ANIMAL IS IDENTIFIED, AN AGENCY MUST UNDERTAKE REASONABLE EFFORTS TO NOTIFY THE OWNER OR CARETAKER OF THE ANIMAL'S WHEREABOUTS AND ANY PROCEDURES AVAILABLE FOR THE LAWFUL RECOVERY OF THE ANIMAL.
- (2) THESE EFFORTS MUST INCLUDE NOTIFYING THE POSSIBLE OWNER OR CARETAKER BY TELEPHONE, MAIL, AND PERSONAL SERVICE TO THE POSSIBLE OWNER'S LAST KNOWN ADDRESS.
- (D) RETENTION OF ANIMALS TO ALLOW FOR OWNER RECOVERY.

IF THE OWNER OR CARETAKER INITIATES RECOVERY PROCEDURES, THE AGENCY MUST RETAIN CUSTODY OF THE ANIMAL FOR A REASONABLE PERIOD OF TIME TO ALLOW FOR COMPLETION OF THE RECOVERY PROCESS.

- (E) RECORDS OF EFFORTS TO LOCATE OWNER.

EFFORTS TO LOCATE OR CONTACT AN OWNER OR CARETAKER, AND COMMUNICATIONS WITH PERSONS CLAIMING TO BE OWNERS OR CARETAKERS, MUST BE RECORDED AND BE MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN 3 YEARS.

§ 10808. REQUIRED ADOPTION PROGRAMS AND OPERATING TIMES.

- (A) REQUIRED PROGRAMS.

EVERY PUBLIC OR PRIVATE SHELTERING AGENCY MUST HAVE ADOPTION PROGRAMS THAT INCLUDE:

- (1) ADOPTION PROGRAMS TO PLACE ANIMALS INTO HOMES AND TO TRANSFER ANIMALS TO OTHER PRIVATE SHELTERING AGENCIES OR RESCUE GROUPS FOR ADOPTION;
- (2) PROMOTION OF ANIMALS TO THE COMMUNITY THROUGH MEANS SUCH AS THE LOCAL MEDIA AND THE INTERNET;
- (3) EVENING AND WEEKEND ADOPTION HOURS; AND
- (4) COMMUNITY-BASED ADOPTION EVENTS OR VENUES AT LOCATIONS OTHER THAN THE SHELTER.

(B) REQUIRED ADOPTION TIMES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL PUBLIC SHELTERING AGENCIES MUST BE OPEN FOR PUBLIC ADOPTION 7 DAYS A WEEK FOR A MINIMUM OF 6 HOURS EACH DAY.

(2) PUBLIC SHELTERING AGENCIES MAY, BUT ARE NOT REQUIRED TO, BE OPEN EXCEPT ON THE FOLLOWING FEDERALLY RECOGNIZED HOLIDAYS: THANKSGIVING DAY AND CHRISTMAS DAY.

§ 10809. EQUAL OPPORTUNITY FOR ADOPTION.

NO PUBLIC OR PRIVATE SHELTERING AGENCY MAY BAN, BAR, LIMIT, OR OTHERWISE OBSTRUCT THE ADOPTION OF ANY ANIMAL BASED ON ARBITRARY CRITERIA, SUCH AS BREED, AGE, COLOR, OR ANY OTHER CRITERIA EXCEPT AS TO THE INDIVIDUAL ANIMAL'S MEDICAL CONDITION AND AGGRESSION OR THE ADOPTER'S FITNESS TO ADOPT.

§ 10810. REQUIRED PUBLIC SERVICE PROGRAMS.

(A) REQUIRED PROGRAMS.

EVERY PUBLIC SHELTERING AGENCY MUST PROVIDE THE FOLLOWING PUBLIC SERVICES:

(1) LOW-COST SPAY AND NEUTER SERVICES FOR ANIMALS;

(2) VOLUNTEER OPPORTUNITIES FOR PEOPLE TO ASSIST THE SHELTER, INCLUDING FOSTERING ANIMALS, SOCIALIZING ANIMALS, ASSISTING WITH ADOPTIONS, AND OTHERWISE HELPING IN THE OPERATIONS OF THE SHELTER; AND

(3) PROGRAMS TO ASSIST PEOPLE IN OVERCOMING SITUATIONS THAT MAY CAUSE THEM TO RELINQUISH OR ABANDON THEIR ANIMALS, INCLUDING, BUT NOT LIMITED TO, PROGRAMS THAT ADDRESS ANIMAL BEHAVIOR PROBLEMS, MEDICAL CONDITIONS, AND ENVIRONMENTAL CONDITIONS.

(B) AGENCIES MAY ESTABLISH RULES.

NOTHING IN THIS SECTION SHOULD BE INTERPRETED TO PROHIBIT AN AGENCY FROM ENACTING REASONABLE RULES TO FACILITATE THE ORDERLY OPERATION OF THESE PROGRAMS.

§ 10811. STERILIZATION REQUIREMENTS.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PUBLIC OR PRIVATE SHELTERING AGENCY OR RESCUE GROUP MAY TRANSFER TO A NEW OWNER ANY DOG, CAT, RABBIT, OR OTHER ANIMAL THAT HAS NOT BEEN SPAYED OR NEUTERED.

(B) CERTAIN ANIMALS EXCEPTED.

THIS SECTION DOES NOT APPLY TO ANIMALS FOR WHICH THE ANESTHESIA OR STERILIZATION PROCEDURE IS LIKELY TO RESULT IN THE ANIMAL'S DEATH, SUCH AS:

- (1) REPTILES;
- (2) AMPHIBIANS;
- (3) BIRDS;
- (4) FISH;
- (5) INSECTS; AND
- (5) SMALL MAMMALS SUCH AS MICE, GERBILS, AND HAMTERS.
- (C) EXCEPTION FOR UNWELL ANIMALS.

(1) AN ORGANIZATION OFFERING ANIMALS FOR ADOPTION MAY ALLOW AN ADOPTER TO TAKE POSSESSION OF THE ANIMAL WITHOUT THE ANIMAL BEING SPAYED OR NEUTERED IF:

(I) A LICENSED VETERINARIAN CERTIFIES THAT, BECAUSE OF INJURY, SICKNESS, OR OTHER CAUSE, IT WOULD BE DETRIMENTAL TO THE HEALTH OF THE ANIMAL TO BE SPAYED OR NEUTERED; AND

(II) A REFUNDABLE DEPOSIT OF \$75 DOLLARS IS LEFT WITH THE ORGANIZATION OFFERING THE ANIMAL FOR ADOPTION .

(2) THE ADOPTER OF AN ANIMAL ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST SPAY OR NEUTER THAT ANIMAL WITHIN 60 DAYS OF ADOPTION, UNLESS A LICENSED VETERINARIAN CERTIFIES THAT IT WOULD BE DETRIMENTAL TO THE HEALTH OF THE ANIMAL TO BE SPAYED OR NEUTERED WITHIN THAT TIME PERIOD. ANY ANIMAL NOT SPAYED OR NEUTERED WITHIN 60 DAYS OF ADOPTION UNDER THIS PARAGRAPH MUST BE SPAYED OR NEUTERED WITHIN 30 DAYS OF A VETERINARIAN CERTIFYING THAT THE ANIMAL MAY SAFELY BE SPAYED OR NEUTERED.

(3) THE DEPOSIT REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION MUST BE RETURNED TO THE ADOPTER IF THE ADOPTER PRESENTS ANY OF THE FOLLOWING TO THE ORGANIZATION FROM WHICH THE ANIMAL WAS OBTAINED:

(I) PROOF THAT THE ANIMAL HAS BEEN SPAYED OR NEUTERED WITHIN 60 DAYS OF ITS RECEIPT;

(II) A SIGNED LETTER FROM A LICENSED VETERINARIAN CERTIFYING THAT THE ANIMAL HAS DIED, INCLUDING A DESCRIPTION OF THE ANIMAL AND THE MOST LIKELY CAUSE OF DEATH; OR

(III) A SIGNED LETTER FROM A LICENSED VETERINARIAN CERTIFYING THAT, AFTER THE EXPIRATION OF A 60-DAY PERIOD, THE ANIMAL REMAINS TOO SICK OR INJURED, OR THAT IT WOULD OTHERWISE BE DETRIMENTAL TO THE HEALTH OF THE ANIMAL, TO BE SPAYED OR NEUTERED.

(4) THE DEPOSIT REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION MAY BE WAIVED IF A LICENSED VETERINARIAN CERTIFIES THAT AN ANIMAL IS NOT LIKELY TO EVER BE HEALTHY ENOUGH TO BE SPAYED OR NEUTERED.

(5) FOR PURPOSES OF THIS SUBSECTION (C), A DETERMINATION THAT A DOG OR CAT IS TOO SICK OR INJURED TO BE SPAYED OR NEUTERED, OR THAT IT WOULD OTHERWISE BE DETRIMENTAL TO ITS HEALTH, MAY NOT BE BASED SOLELY ON THE YOUTH OF THE DOG OR CAT, SO LONG AS THE DOG OR CAT IS AT LEAST 8 OLD.

(D) EXCEPTION FOR TRANSFERS TO OTHER RESCUE ORGANIZATIONS.

ANIMALS MAY BE TRANSFERRED TO ORGANIZATIONS LISTED ON THE REGISTRY REQUIRED BY § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"} OF THIS SUBTITLE BEFORE THEY HAVE BEEN SPAYED OR NEUTERED AND WITHOUT A DEPOSIT, AS LONG AS THE RECEIVING ORGANIZATION REPRESENTS THAT IT WILL SPAY OR NEUTER ALL ANIMALS BEFORE PLACING THEM INTO HOMES.

(E) USE OF UNCLAIMED DEPOSITS.

ANY FUNDS FROM UNCLAIMED DEPOSITS MADE SUBSECTION (C)(1)(II) OF THIS SECTION MUST BE USED FOR PROGRAMS TO SPAY OR NEUTER ANIMALS.

(F) FALSIFICATION OF DOCUMENTS.

(1) A PERSON MAY NOT SUBMIT A FALSE DOCUMENT REQUIRED BY ANY PROVISION SECTION TO AN ORGANIZATION OFFERING ANIMALS FOR ADOPTION.

(2) AN ACTION FOR A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION MAY BE COMMENCED IN A COURT OF COMPETENT JURISDICTION BY THE ADMINISTRATOR OF THE ORGANIZATION OFFERING ANIMALS FOR ADOPTION TO WHICH A FALSE DOCUMENT WAS SUBMITTED.

(3) ALL PENALTIES COLLECTED UNDER PARAGRAPH (2) OF THIS SUBSECTION MUST BE RETAINED BY THE AGENCY BRINGING THE ACTION AND USED SOLELY FOR PROGRAMS TO SPAY OR NEUTER ANIMALS.

§ 10812. REGISTRY OF ADOPTION ORGANIZATIONS.

(A) REGISTRY REQUIRED.

ALL PUBLIC AND PRIVATE SHELTERING AGENCIES THAT KILL ANIMALS MUST MAINTAIN A REGISTRY OF ORGANIZATIONS WILLING TO ACCEPT ANIMALS FOR THE PURPOSES OF ADOPTION.

(B) COMPOSITION OF REGISTRY.

(1) ALL PUBLIC OR PRIVATE SHELTERING AGENCIES, AND RESCUE GROUPS DESIGNATED AS NONPROFITS UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE MUST BE IMMEDIATELY PLACED ON A REGISTRY ON THEIR REQUEST, REGARDLESS OF THE ORGANIZATIONS'

GEOGRAPHICAL LOCATION OR ANY OTHER FACTOR EXCEPT AS DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION.

(2) A RESCUE GROUP THAT IS NOT DESIGNATED AS A NON-PROFIT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE MAY, BUT NEED NOT, BE INCLUDED ON A REGISTRY.

(C) DUTY TO SEEK OUT ORGANIZATIONS FOR REGISTRY.

ALL PUBLIC AND PRIVATE SHELTERING AGENCIES THAT KILL ANIMALS MUST ACTIVELY SEEK ORGANIZATIONS TO INCLUDE ON THE REGISTRY REQUIRED BY THIS SECTION.

(D) REGISTRY CONTENTS.

THE REGISTRY MUST INCLUDE THE FOLLOWING INFORMATION, AS PROVIDED BY THE REGISTERED ORGANIZATION:

(1) ORGANIZATION NAME;

(2) MAILING ADDRESS;

(3) TELEPHONE NUMBER;

(4) WEBSITE AND E-MAIL ADDRESS, IF ANY;

(5) EMERGENCY CONTACT INFORMATION FOR THE ORGANIZATION;

(6) THE TYPES OF ANIMALS ABOUT WHOM THE ORGANIZATION WISHES TO BE CONTACTED, INCLUDING SPECIES-TYPE AND BREED; AND

(7) WHETHER OR NOT THE ORGANIZATION IS WILLING AND ABLE TO CARE FOR UNWEANED ANIMALS, SICK OR INJURED ANIMALS, OR FERAL OR AGGRESSIVE ANIMALS.

(E) PERMITTED EXCLUSIONS FROM REGISTRY.

(1) A PUBLIC OR PRIVATE SHELTERING AGENCY MAY REFUSE TO INCLUDE AN ORGANIZATION ON A REGISTRY, OR MAY DELETE IT FROM A REGISTRY, UNTIL SUCH TIME AS THIS IS NO LONGER THE CASE, IF:

(I) ANY OF THE ORGANIZATION'S CURRENT DIRECTORS OR OFFICERS HAVE BEEN CONVICTED IN A COURT OF COMPETENT JURISDICTION OF A CRIME CONSISTING OF CRUELTY TO ANIMALS OR NEGLECT OF ANIMALS;

(II) ANY OF THE ORGANIZATION'S CURRENT DIRECTORS OR OFFICERS HAVE A CURRENTLY PENDING CHARGE OF A CRIME CONSISTING OF CRUELTY TO ANIMALS OR NEGLECT OF ANIMALS; OR

(III) THE ORGANIZATION, OR ITS CURRENT DIRECTORS OR OFFICERS, ARE CONSTRAINED BY A COURT ORDER OR LEGALLY BINDING AGREEMENT THAT PREVENTS THE ORGANIZATION FROM TAKING IN OR KEEPING ANIMALS.

(2) AN AGENCY MAY REQUIRE AN ORGANIZATION TO DISCLOSE ANY OR ALL CONVICTIONS, CHARGES, AND LEGAL IMPEDIMENTS DESCRIBED IN THIS SUBSECTION.

(F) ORGANIZATION REPORTS.

(1) ON REQUEST, UP TO ONCE A MONTH, REGISTERED ORGANIZATIONS MUST PROVIDE A SUMMARY OF HOW MANY ANIMALS THE ORGANIZATION HAS TAKEN FROM THE AGENCY THAT:

(I) HAVE BEEN ADOPTED;

(II) HAVE DIED;

(III) WERE TRANSFERRED TO ANOTHER ORGANIZATION;

(IV) WERE KILLED; AND

(V) ARE STILL UNDER THE ORGANIZATION'S CARE.

(2) NO ADDITIONAL INFORMATION, OTHER THAN THAT DESCRIBED IN THIS SECTION, MAY BE DEMANDED AS A PREREQUISITE FOR INCLUDING AN ORGANIZATION ON A REGISTRY OR FOR CONTINUING TO MAINTAIN THAT ORGANIZATION ON A REGISTRY.

§ 10813. REQUIRED PLACEMENT ATTEMPTS BEFORE ANIMALS CAN BE KILLED.

(A) PLACEMENT FROM REGISTRY.

(1) NO PUBLIC OR PRIVATE SHELTERING AGENCY MAY KILL AN ANIMAL UNLESS THE AGENCY HAS NOTIFIED, OR MADE A REASONABLE ATTEMPT TO NOTIFY, ALL ORGANIZATIONS ON THE REGISTRY DESCRIBED IN § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"} THAT HAVE INDICATED A WILLINGNESS TO TAKE AN ANIMAL OF THAT TYPE.

(2) THE NOTIFICATION REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION MUST TAKE PLACE AT LEAST 2 BUSINESS DAYS BEFORE THE ANIMAL IS TO BE KILLED.

(3) NOTIFICATION OF AN ORGANIZATION IS NOT CONSIDERED COMPLETE UNTIL ITS REGULAR AND EMERGENCY CONTACT NUMBERS HAVE BEEN CALLED AND AN EMAIL HAS BEEN SENT TO ITS EMAIL ADDRESS, IF ANY.

(4) NO ANIMAL MAY BE KILLED IF AN ORGANIZATION ON THE REGISTRY IS WILLING AND ABLE TO TAKE THE ANIMAL WITHIN 2 BUSINESS DAYS AFTER BEING NOTIFIED.

(5) NO FEE MAY BE ASSESSED FOR AN ANIMAL RELEASED TO AN ORGANIZATION LISTED ON THE REGISTRY AFTER IT HAS RECEIVED A NOTIFICATION OF AN INTENT TO KILL THAT ANIMAL.

(B) PUBLIC NOTIFICATION.

(1) NO PUBLIC OR PRIVATE SHELTERING AGENCY MAY KILL AN ANIMAL UNLESS THE AGENCY HAS NOTIFIED, OR MADE A REASONABLE ATTEMPT TO NOTIFY, INDIVIDUAL RESCUERS, RESCUE GROUPS WHO ARE NOT DESIGNATED AS A NON-PROFIT UNDER § 501(C)(3) OF THE INTERNAL

REVENUE SERVICE, AND THE PUBLIC AT LARGE SO THAT THEY MAY CONSIDER ADOPTING OR RESCUING THE ANIMAL, CONSISTENT WITH THE AGENCY'S NORMAL ADOPTION OR TRANSFER PROTOCOLS.

(2) THE NOTIFICATION REQUIRED BY THIS SUBSECTION MUST TAKE PLACE AT LEAST 2 BUSINESS DAYS BEFORE THE ANIMAL IS TO BE KILLED.

(3) THE NOTIFICATION REQUIRED BY THIS SUBSECTION CAN BE ACCOMPLISHED IN ANY MANNER REASONABLY LIKELY TO LEAD TO LIFESAVING, BUT MUST, AT A MINIMUM, INCLUDE POSTING A NOTICE ON THE PARTICULAR ANIMAL'S CAGE OR KENNEL, AND ON THE AGENCY'S WEBSITE, THAT STATES "THIS ANIMAL IS TO BE KILLED" AND PROVIDES THE DATE AND TIME THAT THE ANIMAL IS SCHEDULED TO BE KILLED.

(C) EXCEPTIONS.

(1) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO THE FOLLOWING SITUATIONS.

(2) ALL IRREMEADIABLY SUFFERING ANIMALS MUST BE EUTHANIZED WITHOUT DELAY. THE DETERMINATION THAT AN ANIMAL IS IRREMEADIABLY SUFFERING MUST BE MADE IN WRITING, SIGNED BY A LICENSED VETERINARIAN, AND MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN 3 YEARS.

(3) SYMPTOMATIC DOGS WITH CONFIRMED CASES OF PARVOVIRUS OR CATS WITH CONFIRMED CASES OF PANLEUKOPENIA MAY BE EUTHANIZED WITHOUT DELAY, ON CERTIFICATION SIGNED BY A LICENSED VETERINARIAN THAT THE PROGNOSIS IS POOR EVEN WITH SUPPORTIVE CARE. THIS CERTIFICATION MUST BE MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN 3 YEARS.

(3) DANGEROUS DOGS MAY, BUT ARE NOT REQUIRED TO BE, RELEASED TO ORGANIZATIONS LISTED ON THE REGISTRY REQUIRED BY § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"} OF THIS SUBTITLE.

(4) ON THE IMPOUNDMENT OF UNWEANED ANIMALS WITHOUT THEIR MOTHER, ALL PUBLIC AND PRIVATE SHELTERING AGENCIES THAT HAVE NOT PLACED THE ANIMALS INTO FOSTER CARE OR ARE NOT ABLE TO PROVIDE SUPPLEMENTAL FEEDING MUST IMMEDIATELY MAKE AN EMERGENCY APPEAL TO THE ORGANIZATIONS ON THE REGISTRY REQUIRED BY § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"} THAT HAVE INDICATED THAT THEY ARE WILLING AND ABLE TO CARE FOR UNWEANED ANIMALS, AND GIVE THOSE ORGANIZATIONS A REASONABLE AMOUNT OF TIME TO RESPOND TO THE APPEAL. UNWEANED ANIMALS IMPOUNDED WITHOUT THEIR MOTHER MAY THEN BE KILLED BEFORE THE EXPIRATION OF THE 2 BUSINESS-DAY NOTIFICATION PERIOD, IF THE REQUIREMENTS OF § 10-816 {"EUTHANIZATION OF UNSAVABLE ANIMALS"} OF THIS SUBTITLE ARE MET.

(D) REQUIRED CONTRACTS.

EVERY PUBLIC AND PRIVATE SHELTERING AGENCY MUST REQUIRE ORGANIZATIONS TAKING ANIMALS UNDER THIS SECTION TO SIGN A CONTRACT PROVIDING THAT:

(1) THE ANIMALS ARE BEING TAKEN FOR THE PURPOSES OF ADOPTION; AND

(2) ALL ANIMALS TAKEN FROM THE AGENCY WILL BE SPAYED OR NEUTERED BEFORE ADOPTION, UNLESS A LICENSED VETERINARIAN CERTIFIES THAT AN ANIMAL IS TOO SICK TO BE SPAYED OR NEUTERED OR THAT IT WOULD OTHERWISE BE DETRIMENTAL TO THE HEALTH OF THE ANIMAL TO BE SPAYED OR NEUTERED AS REQUIRED UNDER § 10-811 {"STERILIZATION REQUIREMENTS"} OF THIS SUBTITLE.

§§ 10814 TO 10-815. {RESERVED}

§ 10816. EUTHANIZATION OF UNSAVABLE ANIMALS.

(A) IRREMEDIABLY SUFFERING ANIMALS.

IRREMEDIABLY SUFFERING ANIMALS IN THE CUSTODY OF A SHELTER MUST BE EUTHANIZED WITHOUT DELAY, ON A DETERMINATION SIGNED BY A LICENSED VETERINARIAN.

(B) PARVOVIRUS AND PANLEUKOPENIA.

SYMPTOMATIC DOGS WITH CONFIRMED CASES OF PARVOVIRUS, OR CATS WITH CONFIRMED CASES OF PANLEUKOPENIA, MAY BE EUTHANIZED WITHOUT DELAY, ON A CERTIFICATION SIGNED BY A LICENSED VETERINARIAN THAT THE PROGNOSIS IS POOR EVEN WITH SUPPORTIVE CARE.

(C) UNWEANED ANIMALS IMPOUNDED WITHOUT THEIR MOTHER.

UNWEANED ANIMALS IMPOUNDED WITHOUT THEIR MOTHER MAY BE KILLED IF THE SHELTER HAS:

(1) EXHAUSTED ALL EFFORTS TO PLACE THE ANIMALS IN FOSTER CARE;

(2) MADE AN EMERGENCY APPEAL UNDER § 10-813(C)(4) OF THIS SUBTITLE; AND

(3) CERTIFIED THAT IT IS UNABLE TO PROVIDE THE NEEDED CARE AND FEEDING IN ITS FACILITY.

(D) ANIMALS SUSPECTED OF BEING RABID.

ANIMALS SUSPECTED OF BEING RABID WHO HAVE BITTEN OR SCRATCHED ANY HUMAN BEING OR OTHERWISE HAVE EXPOSED ANY HUMAN BEING TO A POSSIBLE RABIES INFECTION MAY BE KILLED FOR TESTING AT THE DIRECTION OF THE COMMISSIONER OR THE ANIMAL'S OWNER IN ACCORDANCE WITH § 10302(B)(2) OF THIS TITLE.

(E) REQUIRED CERTIFICATIONS.

(1) THE CERTIFICATION REQUIRED BY PARAGRAPH (C)(3) OF THIS SECTION MUST STATE IN CLEAR AND DEFINITIVE TERMS:

(I) WHY THE AGENCY IS UNABLE TO PLACE THE ANIMALS IN FOSTER CARE;

- (II) WHICH PRIVATE SHELTERING AGENCIES AND RESCUE GROUPS IT APPEALED TO; AND
- (III) WHAT WOULD BE REQUIRED IN THE FUTURE TO PROVIDE THE NEEDED CARE AND FEEDING IN FOSTER CARE OR ITS FACILITY, TOGETHER WITH THE BEING TAKEN TO DO SO.

(2) ALL CERTIFICATIONS REQUIRED BY THIS SECTION MUST BE:

- (I) MADE IN WRITING;
- (II) SIGNED BY THE DIRECTOR OF THE AGENCY OR BY A VETERINARIAN; AND
- (III) MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN 3 YEARS.

§ 10817. KILLING ANIMALS - PRECONDITIONS.

(A) CONDITIONS TO BE MET BEFORE ANIMALS CAN BE KILLED.

(1) NO HEALTHY OR TREATABLE ANIMAL IN A PUBLIC OR PRIVATE SHELTERING AGENCY MAY BE KILLED SIMPLY BECAUSE THE HOLDING PERIOD HAS EXPIRED.

(2) BEFORE AN ANIMAL IS KILLED, ALL OF THE FOLLOWING CONDITIONS MUST BE MET:

(I) NO EMPTY CAGE, KENNEL, OR OTHER LIVING ENVIRONMENT IS AVAILABLE IN THE SHELTER;

(II) THE ANIMAL CANNOT SHARE A CAGE OR KENNEL WITH ANOTHER ANIMAL;

(III) A FOSTER HOME IS NOT AVAILABLE;

(IV) NO ORGANIZATION LISTED ON THE REGISTRY DESCRIBED IN § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"} IS WILLING TO ACCEPT THE ANIMAL;

(V) THE ANIMAL IS NOT A FERAL CAT SUBJECT TO STERILIZATION AND RELEASE;

(VI) ALL MANDATES, PROGRAMS, AND SERVICES REQUIRED BY THIS SUBTITLE HAVE BEEN MET; AND

(VII) THE DIRECTOR OF THE AGENCY CERTIFIES THAT HE OR SHE HAS NO OTHER ALTERNATIVE.

(B) WRITTEN CERTIFICATION REQUIRED.

THE DETERMINATION THAT ALL CONDITIONS OF SUBSECTION (A) OF THIS SECTION HAVE BEEN MET MUST BE MADE IN A WRITING. SIGNED BY THE DIRECTOR OF THE AGENCY, AND BE MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN 3 YEARS.

§ 10818. KILLING ANIMALS - METHODS.

(A) KILLING TO BE BY LETHAL INJECTION.

WHEN IT IS NECESSARY TO KILL AN ANIMAL AT A PUBLIC OR PRIVATE SHELTERING AGENCY, AND ALL OTHER REQUIREMENTS OF THIS SUBTITLE HAVE BEEN MET, THE ANIMAL MAY ONLY BE KILLED BY LETHAL INTRAVENOUS INJECTION OF SODIUM PENTOBARBITAL, EXCEPT AS FOLLOWS:

(1) INTRAPERITONEAL INJECTIONS MAY BE USED ONLY UNDER THE DIRECTION OF A LICENSED VETERINARIAN, AND ONLY WHEN INTRAVENOUS INJECTION IS NOT POSSIBLE FOR INFANT ANIMALS, COMPANION ANIMALS OTHER THAN CATS AND DOGS, FERAL CATS, OR IN COMATOSE ANIMALS WITH DEPRESSED VASCULAR FUNCTION; AND

(2) INTRACARDIAC INJECTIONS MAY BE USED ONLY WHEN INTRAVENOUS INJECTION IS NOT POSSIBLE FOR ANIMALS WHO ARE COMPLETELY UNCONSCIOUS OR COMATOSE, AND THEN ONLY UNDER THE DIRECTION OF A LICENSED VETERINARIAN.

(B) ANIMALS NOT TO WITNESS KILLINGS.

NO ANIMAL MAY BE ALLOWED TO WITNESS:

(1) ANY OTHER ANIMAL BEING KILLED;

(2) ANY OTHER ANIMAL BEING TRANQUILIZED OR SEDATED FOR THE PURPOSE OF BEING KILLED; OR

(3) THE BODIES OF ANIMALS THAT HAVE ALREADY BEEN KILLED.

(C) SEDATING ANIMALS.

(1) ANIMALS MAY BE SEDATED OR TRANQUILIZED AS NECESSARY:

(I) TO MINIMIZE THEIR STRESS OR DISCOMFORT; OR

(II) IN THE CASE OF VICIOUS ANIMALS, TO ENSURE STAFF SAFETY.

(2) NEUROMUSCULAR BLOCKING AGENTS MAY NOT BE USED.

(D) TREATMENT OF ANIMALS AFTER INJECTION.

(1) FOLLOWING THEIR INJECTION, ANIMALS MUST BE LOWERED TO THE SURFACE ON WHICH THEY ARE BEING HELD AND MAY NOT BE PERMITTED TO DROP OR OTHERWISE COLLAPSE WITHOUT SUPPORT.

(2) AN ANIMAL MAY NOT BE LEFT UNATTENDED BETWEEN THE TIME PROCEDURES TO KILL THE ANIMAL ARE COMMENCED AND THE TIME DEATH OCCURS, NOR MAY THE BODY BE DISPOSED OF UNTIL DEATH IS VERIFIED.

(E) VERIFICATION OF DEATH.

VERIFICATION OF DEATH MUST BE CONFIRMED FOR EACH ANIMAL IN ALL OF THE FOLLOWING WAYS:

(1) BY LACK OF HEARTBEAT, VERIFIED BY A STETHOSCOPE;

- (2) BY LACK OF RESPIRATION, VERIFIED BY OBSERVATION;
- (3) BY PALE, BLUISH GUMS AND TONGUE, VERIFIED BY OBSERVATION; AND
- (4) BY LACK OF EYE RESPONSE, VERIFIED IF LID DOES NOT BLINK WHEN EYE IS TOUCHED AND PUPIL REMAINS DILATED WHEN A LIGHT IS SHINED ON IT.
- (F) CARE OF ROOM WHERE ANIMALS ARE KILLED.
- (1) THE ROOM IN WHICH ANIMALS ARE KILLED MUST BE CLEANED AND REGULARLY DISINFECTED AS NECESSARY, BUT NO LESS THAN ONCE A DAY ON DAYS THE ROOM IS USED.
- (2) THE AREA WHERE THE PROCEDURE IS PERFORMED MUST BE CLEANED AND DISINFECTED BETWEEN EACH PROCEDURE.
- (3) THE ROOM IN WHICH ANIMALS ARE KILLED MUST HAVE ADEQUATE VENTILATION THAT PREVENTS THE ACCUMULATION OF ODORS.
- (G) PERSONNEL AUTHORIZED TO PERFORM PROCEDURE.

THESE PROCEDURES MUST BE PERFORMED BY:

- (1) A LICENSED VETERINARIAN; OR
- (2) A TRAINED EUTHANASIA TECHNICIAN WORKING UNDER THE DIRECTION OF A LICENSED VETERINARIAN.

§ 10819. {RESERVED}

§ 10820. NO TRANSFER TO RESEARCH INSTITUTIONS.

- (A) RESEARCH INSTITUTIONS NOT TO PROCURE ANIMALS FROM SHELTERS.

NO HOSPITAL, EDUCATIONAL OR COMMERCIAL INSTITUTION, LABORATORY, DEALER IN ANIMALS, OR OTHER PERSON MAY PROCURE OR USE ANY LIVING ANIMAL FROM A PUBLIC OR PRIVATE SHELTERING AGENCY OR RESCUE GROUP FOR MEDICAL OR BIOLOGICAL TEACHING, RESEARCH, OR STUDY.

- (B) SHELTERS NOT TO TRANSFER ANIMALS TO RESEARCH INSTITUTIONS.

NO PUBLIC OR PRIVATE SHELTERING AGENCY, RESCUE GROUP, POLICE OFFICER, OR ANIMAL ENFORCEMENT OFFICER MAY TRANSFER ANY LIVING ANIMAL TO A HOSPITAL, EDUCATIONAL OR COMMERCIAL INSTITUTION, LABORATORY, DEALER IN ANIMALS, OR OTHER PERSON, IF THE ANIMAL IS TO BE USED FOR MEDICAL OR BIOLOGICAL TEACHING, RESEARCH, OR STUDY.

§ 10821. PUBLIC ACCOUNTABILITY.

- (A) INFORMATION TO BE POSTED.

(1) EVERY PUBLIC AND PRIVATE SHELTERING AGENCY MUST POST, IN A CONSPICUOUS PLACE WHERE ANIMALS ARE BEING RELINQUISHED BY OWNERS, A SIGN THAT CONTAINS THE INFORMATION REQUIRED BY THIS SUBSECTION.

(2) THE SIGN MUST BE:

(I) CLEARLY VISIBLE AND READABLE FROM ANY VANTAGE POINT IN THE AREA; AND

(II) AT LEAST 17 INCHES BY 22 INCHES.

(3) THE SIGN MUST CONTAIN ALL OF THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR, IDENTIFIED BY SPECIES-TYPE:

(I) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR;

(II) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR THAT WERE ADOPTED;

(III) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR THAT WERE TRANSFERRED TO OTHER AGENCIES FOR ADOPTION;

(IV) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR THAT WERE RECLAIMED BY THEIR OWNERS;

(V) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR THAT DIED, WERE LOST, OR WERE STOLEN WHILE UNDER THE DIRECT OR CONSTRUCTIVE CARE OF THE AGENCY; AND

(VI) THE NUMBER OF ANIMALS IMPOUNDED DURING THAT YEAR THAT WERE KILLED BY THE AGENCY, AT THE AGENCY'S DIRECTION, WITH THE AGENCY'S PERMISSION, OR BY A REPRESENTATIVE OF THE AGENCY.

(B) DISCLOSURES TO OWNERS RELINQUISHING ANIMALS.

(1) EACH PUBLIC OR PRIVATE SHELTERING AGENCY MUST PROVIDE EVERY OWNER WHO IS RELINQUISHING AN ANIMAL WITH ACCURATE INFORMATION, IN WRITING, ABOUT THE LIKELY DISPOSITION OF THEIR ANIMAL.

(2) THIS INFORMATION MUST INCLUDE:

(I) WHETHER THE ANIMAL IS OF A BREED OR TYPE THAT IS NORMALLY KILLED;

(II) WHETHER THE ANIMAL IS LIKELY TO BE KILLED BECAUSE OF SOME CURRENT, USUAL, OR UNUSUAL CIRCUMSTANCES; AND

(III) THE INFORMATION REQUIRED TO BE POSTED BY SUBSECTION (A) OF THIS SECTION.

(C) OWNER ACKNOWLEDGMENT REQUIRED.

(1) ANY OWNER SURRENDERING AN ANIMAL TO A PUBLIC OR PRIVATE SHELTERING AGENCY MUST SIGN A STATEMENT, ON A FORM PROVIDED BY THE AGENCY, THAT INCLUDES THE SPECIFIC

LANGUAGE: "I UNDERSTAND THAT THE SHELTER MAY KILL MY PET." IF THIS STATEMENT IS PROVIDED ON A FORM THAT HAS ADDITIONAL INFORMATION, THE OWNER MUST INITIAL THE STATEMENT WHERE THESE WORDS APPEAR.

(2) IF THE PERSON REFUSES TO SIGN THE STATEMENT REQUIRED BY THIS SUBSECTION, THE SHELTER, OR ITS AGENTS, MUST RECITE THE STATEMENT ALOUD TO THE OWNER AND THEN WRITE ON THE STATEMENT: "REFUSED TO SIGN".

(3) THE FORMS REQUIRED BY THIS SUBSECTION MUST BE KEPT ON FILE FOR A PERIOD OF NO LESS THAN 3 YEARS.

(D) PROTOCOLS TO BE AVAILABLE FOR PUBLIC INSPECTION.

EACH PUBLIC OR PRIVATE SHELTERING AGENCY MUST MAKE AVAILABLE, FOR FREE PUBLIC INSPECTION:

(1) THE CARE PROTOCOL REQUIRED BY § 10-805(B) {"ANIMALS WITH SPECIAL NEEDS"};

(2) THE CLEANING PROTOCOL REQUIRED BY § 10-805(C) {"CLEANING PROTOCOL"}; AND

(3) THE DISEASE-PREVENTION PROTOCOL REQUIRED BY § 10-805(D) {"EFFORTS TO PREVENT THE SPREAD OF DISEASE"}.

(E) REGISTRY INFORMATION TO BE DISCLOSED.

(1) EACH PUBLIC OR PRIVATE SHELTERING AGENCY MUST INCLUDE ON ITS WEBSITE AND POST IN A CONSPICUOUS PLACE NEAR THE ENTRANCE OF THE SHELTER:

(I) A LIST OF ORGANIZATIONS INCLUDED ON THE REGISTRY DESCRIBED IN § 10-812 {"REGISTRY OF ADOPTION ORGANIZATIONS"}; AND

(II) AN INVITATION FOR ALL PUBLIC OR PRIVATE SHELTERING AGENCIES AND RESCUE GROUPS TO INQUIRE ABOUT BEING LISTED ON THE REGISTRY, SO THAT THEY MAY BE NOTIFIED BEFORE ANY ANIMAL IS KILLED.

(2) THE LIST REQUIRED TO BE POSTED BY THIS SUBSECTION MAY NOT INCLUDE ANY CONTACT INFORMATION THAT A REGISTERED ORGANIZATION DOES NOT WISH TO MAKE PUBLIC.

§ 10822. CITY COUNCIL REPORTS.

(A) MONTHLY REPORTS.

(1) BY THE 10TH DAY OF EACH MONTH, EACH PUBLIC OR PRIVATE SHELTERING AGENCY MUST PROVIDE TO THE CITY COUNCIL AND, ON REQUEST, MAKE AVAILABLE FOR FREE PUBLIC INSPECTION, A MONTHLY SUMMARY OF ITS OPERATIONS.

(2) THE SUMMARY MUST INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS MONTH, BY SPECIES-TYPE:

- (I) THE NUMBER OF ANIMALS IMPOUNDED DURING THE PREVIOUS MONTH;
- (II) THE NUMBER OF IMPOUNDED ANIMALS STERILIZED BY THE AGENCY OR STERILIZED BY CONTRACT WITH PARTICIPATING OUTSIDE PRIVATE VETERINARIANS DURING THE PREVIOUS MONTH;
- (III) THE NUMBER OF ANIMALS WHO WERE KILLED BY THE AGENCY, AT THE AGENCY'S DIRECTION, WITH THE AGENCY'S PERMISSION, OR BY A REPRESENTATIVE OF THE AGENCY DURING THE PREVIOUS MONTH;
- (IV) THE NUMBER OF ANIMALS WHO DIED, WERE LOST, OR WERE STOLEN WHILE IN THE DIRECT OR CONSTRUCTIVE CARE OF THE AGENCY DURING THE PREVIOUS MONTH;
- (V) THE NUMBER OF ANIMALS WHO WERE RETURNED TO THEIR OWNERS DURING THE PREVIOUS MONTH;
- (VI) THE NUMBER OF ANIMALS WHO WERE ADOPTED DURING THE PREVIOUS MONTH;
- (VII) THE NUMBER OF ANIMALS WHO WERE TRANSFERRED TO OTHER ORGANIZATIONS FOR ADOPTION DURING THE PREVIOUS MONTH; AND
- (VIII) THE NUMBER OF ANIMALS IMPOUNDED INTO THE AGENCY FROM OUTSIDE THE CITY DURING THE PREVIOUS MONTH.

(B) ANNUAL REPORT.

- (1) BY JANUARY 31 OF EACH YEAR, EACH PUBLIC OR PRIVATE SHELTERING AGENCY MUST PROVIDE TO THE CITY COUNCIL AND, ON REQUEST, MAKE AVAILABLE FOR FREE PUBLIC INSPECTION, AN ANNUAL SUMMARY OF ITS OPERATIONS.
- (2) THE SUMMARY MUST INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR, BY SPECIES-TYPE:
 - (I) THE NUMBER OF ANIMALS IMPOUNDED DURING THE PREVIOUS CALENDAR YEAR;
 - (II) THE NUMBER OF IMPOUNDED ANIMALS STERILIZED BY THE AGENCY OR STERILIZED BY CONTRACT WITH PARTICIPATING OUTSIDE PRIVATE VETERINARIANS DURING THE PREVIOUS CALENDAR YEAR;
 - (III) THE NUMBER OF ANIMALS WHO WERE KILLED BY THE AGENCY, AT THE AGENCY'S DIRECTION, WITH THE AGENCY'S PERMISSION, OR BY A REPRESENTATIVE OF THE AGENCY DURING THE PREVIOUS CALENDAR YEAR;
 - (IV) THE NUMBER OF ANIMALS WHO DIED, WERE LOST, OR WERE STOLEN WHILE IN THE DIRECT OR CONSTRUCTIVE CARE OF THE AGENCY DURING THE PREVIOUS CALENDAR YEAR;
 - (V) THE NUMBER OF ANIMALS WHO WERE RETURNED TO THEIR OWNERS DURING THE PREVIOUS CALENDAR YEAR;

(VI) THE NUMBER OF ANIMALS WHO WERE ADOPTED DURING THE PREVIOUS CALENDAR YEAR;

(VII) THE NUMBER OF ANIMALS WHO WERE TRANSFERRED TO OTHER ORGANIZATIONS FOR ADOPTION DURING THE PREVIOUS CALENDAR YEAR; AND

(VIII) THE NUMBER OF ANIMALS IMPOUNDED INTO THE AGENCY FROM OUTSIDE THE CITY DURING THE PREVIOUS CALENDAR YEAR.

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 4014. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

Title 10: Animal Control and Protection

Subtitle 3: General Care and Control

§ 10301. Rabies - Vaccinations		\$250
§ 10302. Rabies - Possible exposure	\$250	
§ 10303. Humane care required		\$500
§ 10307. Restraints required		
1st offense		\$200
2nd offense within 12 months of 1st	\$400	
3rd offense within 12 months of 1st	\$600	
§ 10313. Animal waste		\$200
§ 10315. TRAPPING CATS		\$500
All other provisions		\$1,000

SUBTITLE 8: ANIMAL SHELTERING AGENCIES

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(6) Health Code

Title 10: Animal Control and Protection

Subtitle 3: General Care and Control

§ 10301. Rabies - Vaccinations		\$250
§ 10302. Rabies - Possible exposure	\$250	
§ 10303. Humane care required		\$500
§ 10307. Restraints required		
1st offense		\$200
2nd offense within 12 months of 1st	\$400	
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§ 10313. Animal waste		\$200
§ 10315. TRAPPING CATS		\$500
All other provisions		\$1,000
....		
SUBTITLE 8: ANIMAL SHELTERING AGENCIES	\$500	
....		

SECTION 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

dlr12-0134(2)~intro/20Jun12
He/No-Kill/aa:me

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He/No-Kill/aa:me