

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 3

Bill No. 13 -2024

Introduced by: Deb Jung

SHORT TITLE: Trap-Neuter-Return Program – Establishment

AN ACT establishing the Trap-Neuter-Return program for community cats, specifying the purpose and administration of the program, defining certain terms; and generally relating to the Trap-Neuter-Return program.

Introduced and read first time _____, 2024. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2024.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2024 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2024 at ____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2024

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is amended as follows:

3 By amending:

4 Title 17 - Public Protection Services

5 Subtitle 3. Animals

6 Section 17.300. Definitions.

7
8 By adding:

9 Title 17 - Public Protection Services

10 Subtitle 3. Animals

11 Sec. 17.323. Trap-Neuter-Return Program.

12
13 **Title 17 - Public Protection Services**

14 **SUBTITLE 3. ANIMALS**

15
16 **Sec. 17.300. Definitions.**

17 Terms in this subtitle have the meanings indicated:

- 18 (a) *Alter* means a surgical procedure or chemical treatment that renders an animal incapable of
19 reproducing.
- 20 (b) *Animal* means every nonhuman vertebrate species, including but not limited to dogs, cats, livestock,
21 and fowl. *Animal* includes every living creature sold or exchanged as a commercial item.
- 22 (c) *ANIMAL CARE ORGANIZATION* MEANS A PERSON, GROUP, OR ORGANIZATION THAT, IN ACCORDANCE
23 WITH A GOOD FAITH EFFORT TO CONDUCT TRAP-NEUTER-RETURN, PROVIDES FOOD, SHELTER, AND
24 MEDICAL CARE TO A COMMUNITY CAT. A COMMUNITY CAT CAREGIVER IS NOT THE OWNER OF A
25 COMMUNITY CAT.
- 26 (([c])D) *Animal Control Administrator—Administrator* means the appointed Manager of the Animal
27 Control Division or the Manager's designee.
- 28 (([d])E) *Animal control facility* means a facility owned or operated by Howard County or under contract
29 with Howard County for the care, confinement, disposition, and detention of animals.
- 30 (([e])F) *Animal Control Officer* means any Howard County employee enforcing this subtitle and
31 supervised by the Animal Control Administrator.
- 32 (([f])G) *Animal exposed to rabies* means an animal which:
- 33 (1) Has been bitten by an animal which has rabies;
- 34 (2) Has been bitten by an animal which has been in proximity to an animal which has rabies; or
- 35 (3) Has been exposed to an animal which has rabies.
- 36 (([g])H) *Animal sanctuary* means a facility that performs at least one of the following functions:

- 1 (1) Rescues, rehabilitates, and releases, when possible, native wildlife; or
- 2 (2) Provides permanent housing to the following categories of nonreleasable animals, as defined in
- 3 this subtitle:
- 4 (i) Wild animals; or
- 5 (ii) Exotic animals.
- 6 ([[h]]I) *At large* means:
- 7 (1) Except as provided in paragraph (2) of this subsection, a domesticated animal is at large when
- 8 it is:
- 9 (i) Off the property of its owner (property of the owner does not include any public right-of-
- 10 way or easement, common area of condominiums or apartments, common access road or
- 11 walkway, or any area open to the public); and
- 12 (ii) Not in a container, carrier, or cage or secured by a leash or lead and under the control of a
- 13 responsible person capable of immediate and effective restraint of the animal.
- 14 (2) A domesticated animal is not at large when it is:
- 15 (i) Under the control of a responsible person capable of immediate and effective restraint of
- 16 the animal and being trained or used in herding, hunting, or tracking;
- 17 (ii) Being trained in obedience;
- 18 (iii) On park property, as defined in section 19.201 of the County Code, which has been
- 19 designated by the Director of Recreation and Parks as a facility for animals, provided the
- 20 owner of the animal complies with the rules of the facility; [[or]]
- 21 (iv) On private property that is enclosed and posted as a dog park[.]; OR
- 22 (v) A COMMUNITY CAT.
- 23 ([[i]]J) *Board* means the Animal Matters Hearing Board.
- 24 ([[j]]K) *Cat fancier* means a household, consisting of one or more persons, which owns or keeps three or
- 25 more cats which are registered with a National Breed Registration Association, and:
- 26 (1) Breeds the cats to produce not more than a total of two litters per year per household (a litter
- 27 being two or more kittens living to the age of four weeks); or
- 28 (2) Exhibits the cats in shows.
- 29 (L) *COMMUNITY CAT* MEANS A FREE-ROAMING CAT THAT IS STERILIZED, VACCINATED, AND EAR-TIPPED.
- 30 ([[k]]M) *Cruelty* means an act of commission or omission whereby unjustified physical pain, suffering, or
- 31 death is caused or permitted, including failure to provide proper drink, air, space, shelter, shade,
- 32 protection from the elements, sanitary conditions, veterinary care, or nutritious food in sufficient
- 33 quantity. Customary and normal veterinary and agricultural husbandry practices, including but not
- 34 limited to dehorning, castration, docking tails and limit feeding, are not considered to be acts of
- 35 cruelty. During an activity in which physical pain is necessarily caused, such as food processing,
- 36 animal training, hunting, trapping, experimentation, or pest elimination, *cruelty* shall mean a failure
- 37 to employ the most reasonable humane method available.
- 38 ([[l]]N) *Department* means the Howard County Department of Inspections, Licenses and Permits.
- 39 ([[m]]O) *Director* means the Howard County Director of Inspections, Licenses and Permits or the
- 40 Director's designee.

- 1 ([[n]]P) *Disposition* means:
- 2 (1) Adoption or placement as a pet in an approved home;
 - 3 (2) Performance of euthanasia;
 - 4 (3) In the case of a wild or exotic animal, release into a suitable habitat or to a suitable care facility
 - 5 such as a humane society shelter, zoo, or sanctuary; or
 - 6 (4) Redemption by the animal's owner.
- 7 ([[o]]Q) *Dog fanciers* means a household, consisting of one or more persons, which owns or keeps three
- 8 or more dogs which are registered with a National Breed Registration Association, and:
- 9 (1) Uses the dogs for the noncommercial purposes of hunting or practicing tracking;
 - 10 (2) Breeds the dogs to produce not more than a total of two litters per year per household (a litter
 - 11 being two or more pups living to the age of four weeks); or
 - 12 (3) Exhibits the dogs in shows, field trials, or obedience trials.
- 13 ([[p]]R) *Domesticated animal* means an animal of a species that normally is bred, raised, and accustomed
- 14 to live in or about human habitation, and normally is dependent on humans for food or shelter.
- 15 Domesticated animals include but are not limited to livestock and poultry and pets such as dogs,
- 16 cats, ferrets, rabbits, hamsters, guinea pigs, mice, rats, canaries, parrots, parakeets, and mynah birds.
- 17 (S) *EAR-TIPPED* MEANS A COMMUNITY CAT THAT HAS HAD A STRAIGHT LINE CUTTING OFF OF THE TIP
- 18 OF THE EAR WHILE THE CAT IS ANESTHETIZED. A COMMUNITY CAT WHO HAS BEEN EAR TIPPED
- 19 INDICATES THAT IT HAS BEEN STERILIZED AND VACCINATED.
- 20 ([[q]]T) *Exotic animal* means an animal of a species that is not indigenous to Howard County and is not a
- 21 domesticated animal. *Exotic animal* includes any hybrid animal which results from the breeding of
- 22 an exotic animal and a domesticated animal.
- 23 ([[r]]U) *Facility* means a building or property, other than a private residence, in which animals are
- 24 maintained.
- 25 ([[s]]V) *Health Officer* means the Howard County Health Officer or the Health Officer's designee.
- 26 ([[t]]W) *Immediate destruction* means destruction of an animal without waiting the required number of
- 27 days for identification of the animal's owner or for the animal to be deemed abandoned.
- 28 ([[u]]X) *Livestock* means domesticated animals usually kept on a farm, including but not limited to
- 29 poultry, cattle, sheep, goats, pigs, horses, ponies, mules, donkeys, and llamas.
- 30 ([[v]]Y) *Neglect* means an act of omission or commission whereby an animal is deprived of access to
- 31 adequate water, food, shelter, shade, air, or sanitary conditions, or is chained or otherwise confined,
- 32 lacking freedom of movement adequate to ensure access to any of the above.
- 33 ([[w]]Z) *Owner* means a person who keeps, possesses, harbors, has custody of, exercises control over, or
- 34 has a property right in any animal, residence, or facility. If the person is a minor, the parent or legal
- 35 guardian of the minor shall be considered the owner. *Owner* does not include a veterinary hospital or
- 36 a commercial boarding or grooming facility caring for the pets of others.
- 37 ([[x]]AA) *Severe injury* means a physical injury that results in lacerations requiring sutures or
- 38 cosmetic surgery, broken bones, severe bruises, or deep puncture wounds.
- 39 ([[y]]AB) *Shelter* means a structure of adequate size, construction and design to protect an animal
- 40 from all types of inclement weather, provide adequate ventilation, and allow an animal to maintain
- 41 normal internal body temperature.

1 ([[z]]AC) *Sworn statement* means a formal nuisance complaint made on a form distributed by the
2 Animal Control Division and requiring the complainant to swear, under the penalty of perjury, that
3 the alleged offense is true. A sworn statement does not have to be attested to by a third party.

4 (AD) *TRAP-NEUTER-RETURN* MEANS A PROGRAM FOR HUMANELY TRAPPING, STERILIZING, VACCINATING
5 FOR RABIES, EAR-TIPPING, AND RETURNING COMMUNITY CATS TO THEIR ORIGINAL LOCATION.

6 ([[aa]]AE) *Wild animal* means an animal that is not a domesticated animal, is incapable of being
7 completely domesticated, or requires the exercise of art, force, or skill to keep it in subjugation. *Wild*
8 *animal* includes any hybrid animal which results from the breeding of a wild animal and a
9 domesticated animal.

10
11 **SEC. 17.323. TRAP-NEUTER-RETURN PROGRAM.**

12
13 (A) HOWARD COUNTY PROMOTES THE HUMANE AND RESPONSIBLE PRACTICE OF TRAP-NEUTER-RETURN
14 AS AN EFFECTIVE METHOD FOR HUMANELY REDUCING THE POPULATION OF COMMUNITY CATS.

15 (B) THE ANIMAL CONTROL DIVISION MAY DEVELOP GUIDELINES FOR A TRAP-NEUTER-RETURN
16 PROGRAM. IN DEVELOPING THE GUIDELINES, THE DIVISION MAY CONSULT WITH ANIMAL CARE
17 ORGANIZATIONS.

18 (C) FEEDING, SHELTERING AND/OR OTHERWISE CARING FOR FREE-ROAMING COMMUNITY CATS SHALL
19 NOT BE DECLARED A NUISANCE BY THE ANIMAL CONTROL ADMINISTRATOR UNLESS THE
20 ADMINISTRATOR FINDS THE CONDUCT INVOLVES A SIGNIFICANT INTERFERENCE WITH THE PUBLIC
21 HEALTH, THE PUBLIC SAFETY, THE PUBLIC PEACE, THE PUBLIC COMFORT, OR THE PUBLIC
22 CONVENIENCE WITHIN THE COUNTY.

23
24 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that this Act
25 *shall become effective 61 days after its enactment.*