

Introduced 03.04.2024
Public Hearing 03.18.2024
Council Action 04.01.2024
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 March 4, 2024. Ordered posted and hearing scheduled.
By order Michelle Harrod
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 March 18, 2024.

By order Michelle Harrod
Michelle Harrod, Administrator

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

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ~~2~~ day of ~~April~~, 2024 at 2⁰⁰ a.m./p.m.

By order Michelle Harrod
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.

Failed

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~~ COMMUNITY CAT CAREGIVER MEANS A PERSON, GROUP, OR
23 ORGANIZATION THAT, IN ACCORDANCE WITH A GOOD FAITH EFFORT TO CONDUCT TRAP-NEUTER-
24 RETURN, PROVIDES FOOD, SHELTER, AND MEDICAL CARE TO A COMMUNITY CAT. A COMMUNITY CAT
25 CAREGIVER IS NOT THE OWNER OF A 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 COMMUNITY CATS ARE DOMESTIC ANIMALS AND NOT WILD ANIMALS.
- 31 ([[k]]M) *Cruelty* means an act of commission or omission whereby unjustified physical pain, suffering, or
- 32 death is caused or permitted, including failure to provide proper drink, air, space, shelter, shade,
- 33 protection from the elements, sanitary conditions, veterinary care, or nutritious food in sufficient
- 34 quantity. Customary and normal veterinary and agricultural husbandry practices, including but not
- 35 limited to dehorning, castration, docking tails and limit feeding, are not considered to be acts of
- 36 cruelty. During an activity in which physical pain is necessarily caused, such as food processing,
- 37 animal training, hunting, trapping, experimentation, or pest elimination, *cruelty* shall mean a failure
- 38 to employ the most reasonable humane method available.
- 39 ([[l]]N) *Department* means the Howard County Department of Inspections, Licenses and Permits.
- 40 ([[m]]O) *Director* means the Howard County Director of Inspections, Licenses and Permits or the
- 41 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; OR
 - 7 (5) RETURNING A COMMUNITY CAT TO ITS ORIGINAL LOCATION.
- 8 ([[o]]Q) *Dog fanciers* means a household, consisting of one or more persons, which owns or keeps three
- 9 or more dogs which are registered with a National Breed Registration Association, and:
- 10 (1) Uses the dogs for the noncommercial purposes of hunting or practicing tracking;
 - 11 (2) Breeds the dogs to produce not more than a total of two litters per year per household (a litter
 - 12 being two or more pups living to the age of four weeks); or
 - 13 (3) Exhibits the dogs in shows, field trials, or obedience trials.
- 14 ([[p]]R) *Domesticated animal* means an animal of a species that normally is bred, raised, and accustomed
- 15 to live in or about human habitation, and normally is dependent on humans for food or shelter.
- 16 Domesticated animals include but are not limited to livestock and poultry and pets such as dogs,
- 17 cats, ferrets, rabbits, hamsters, guinea pigs, mice, rats, canaries, parrots, parakeets, and mynah birds.
- 18 (S) *EAR-TIPPED* MEANS A COMMUNITY CAT THAT HAS HAD ~~A STRAIGHT LINE CUTTING OFF OF THE TIP~~
- 19 ~~OF THE EAR~~ THE DISTAL ONE-QUARTER OF ITS LEFT EAR REMOVED WHILE THE CAT IS
- 20 ANESTHETIZED. A COMMUNITY CAT WHO HAS BEEN EAR TIPPED INDICATES THAT IT HAS BEEN
- 21 STERILIZED AND VACCINATED.
- 22 ([[q]]T) *Exotic animal* means an animal of a species that is not indigenous to Howard County and is not a
- 23 domesticated animal. *Exotic animal* includes any hybrid animal which results from the breeding of
- 24 an exotic animal and a domesticated animal.
- 25 ([[r]]U) *Facility* means a building or property, other than a private residence, in which animals are
- 26 maintained.
- 27 ([[s]]V) *Health Officer* means the Howard County Health Officer or the Health Officer's designee.
- 28 ([[t]]W) *Immediate destruction* means destruction of an animal without waiting the required number of
- 29 days for identification of the animal's owner or for the animal to be deemed abandoned.
- 30 ([[u]]X) *Livestock* means domesticated animals usually kept on a farm, including but not limited to
- 31 poultry, cattle, sheep, goats, pigs, horses, ponies, mules, donkeys, and llamas.
- 32 ([[v]]Y) *Neglect* means an act of omission or commission whereby an animal is deprived of access to
- 33 adequate water, food, shelter, shade, air, or sanitary conditions, or is chained or otherwise confined,
- 34 lacking freedom of movement adequate to ensure access to any of the above.
- 35 ([[w]]Z) *Owner* means a person who keeps, possesses, harbors, has custody of, exercises control over, or
- 36 has a property right in any animal, residence, or facility. If the person is a minor, the parent or legal
- 37 guardian of the minor shall be considered the owner. *Owner* does not include A COMMUNITY CAT
- 38 CAREGIVER OR a veterinary hospital or a commercial boarding or grooming facility caring for the
- 39 pets of others.
- 40 ([[x]]AA) *Severe injury* means a physical injury that results in lacerations requiring sutures or
- 41 cosmetic surgery, broken bones, severe bruises, or deep puncture wounds.

1 ([[y]]AB) *Shelter* means a structure of adequate size, construction and design to protect an animal
2 from all types of inclement weather, provide adequate ventilation, and allow an animal to maintain
3 normal internal body temperature.

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

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

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

13
14 **SEC. 17.323. TRAP-NEUTER-RETURN PROGRAM.**

15
16 (A) HOWARD COUNTY PROMOTES THE HUMANE AND RESPONSIBLE PRACTICE OF TRAP-NEUTER-RETURN
17 AS AN EFFECTIVE METHOD FOR HUMANELY REDUCING THE POPULATION OF COMMUNITY CATS.

18 (B) THE ANIMAL CONTROL DIVISION MAY DEVELOP GUIDELINES FOR A TRAP-NEUTER-RETURN
19 PROGRAM. IN DEVELOPING THE GUIDELINES, THE DIVISION MAY CONSULT WITH ~~ANIMAL CARE~~
20 ~~ORGANIZATIONS~~ COMMUNITY CAT CAREGIVERS.

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

26
27 ***Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act***
28 ***shall become effective 61 days after its enactment.***

Amendment 1 to Council Bill No. 13-2024

BY: Deb Jung

Legislative Day 4

Date: April 1, 2024

(This Amendment replaces animal care organizations with community cat caregivers; clarifies that community cats are domestic animals, adds returning a community cat to its original location to the definition of disposition, redefines ear-tipped, and clarifies that community cat caregivers are not included in the definition of an owner of an animal.)

- 1 On page 1, line 22, strike “ANIMAL CARE ORGANIZATION” and substitute “COMMUNITY CAT CAREGIVER”.
- 2
- 3 On page 2, line 29, after the period, insert: “COMMUNITY CATS ARE DOMESTIC ANIMALS AND NOT WILD
- 4 ANIMALS.”
- 5
- 6 On page 3, line 5, strike “or”.
- 7
- 8 On page 3, line 6, strike the period and substitute: “; OR”.
- 9
- 10 On page 3, after line 6, insert:
- 11 “(5) RETURNING A COMMUNITY CAT TO ITS ORIGINAL LOCATION.”
- 12
- 13 On page 3, starting on line 17, strike “A STRAIGHT LINE CUTTING OFF OF THE TIP OF THE EAR” and
- 14 substitute: “THE DISTAL ONE-QUARTER OF ITS LEFT EAR REMOVED”.
- 15
- 16 On page 3, line 35, after “include” insert: “A COMMUNITY CAT CAREGIVER OR”.
- 17
- 18 On page 4, starting on line 16, strike “ANIMAL CARE ORGANIZATIONS” and substitute: “COMMUNITY CAT
- 19 CAREGIVERS”.

I certify this is a true copy of

Am 1 CB13-2024

passed on April 1, 2024

Michelle Herzog
Council Administrator

Introduced 03.04.2024
Public Hearing 03.18.2024
Council Action _____
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This Bill was read the third time on _____, 2024 and Passed ____, Passed with amendments ____, Failed ____.

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

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