

CITY OF BALTIMORE
ORDINANCE **07 - 583**
Council Bill 07-0753

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
Committee Report: Favorable
Council action: Adopted
Read second time: November 19, 2007

AN ORDINANCE CONCERNING

Animal Control and Protection – Feral Cats

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

By adding

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

By repealing and reordaining, with amendments

Article - Health
Section(s) 10-101(k) and (l), 10-104, 10-301(c),
10-308(a), (b), and (c), and 10-402
Baltimore City Revised 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

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1
2 § 10-101. Definitions.

3 (F-1) *CAT*.

4 "CAT" MEANS A MEMBER OF THE SPECIES FELIS CATUS.

5 (I-1) *FERAL CAT*.

6 "FERAL CAT" MEANS A CAT THAT IS UNSOCIALIZED TO HUMANS AND HAS A TEMPERAMENT
7 OF EXTREME FEAR OF AND RESISTANCE TO CONTACT WITH HUMANS.

8 (I-2) *FERAL CAT CAREGIVER*.

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

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

13 (2) HAS TEMPORARY CUSTODY OF THE CAT.

14 (k) *Keeper*.

15 (1) *IN GENERAL*.

16 "Keeper" means any person:

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

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

21 (2) *EXCEPTION*.

22 "KEEPER" DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT
23 CAREGIVER.

24 (l) *Kennel*.

25 (1) *IN GENERAL*.

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

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1 (2) *EXCEPTION.*

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

5 (L-1) *OWNER.*

6 "OWNER" DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT
7 CAREGIVER.

8 **§ 10-104. Rules and regulations**

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

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

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

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

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

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

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

19 **§ 10-301. Rabies — vaccinations.**

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

21 (1) *IN GENERAL.*

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

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

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

28 **§ 10-308. Impounding animals – In general.**

29 (a) *Scope of section.*

30 This section applies to:

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

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

6 (b) *Seizure of animal.*

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

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

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

14 (c) *Impoundment.*

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

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

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

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

24 § 10-402. **Abandonment of animal.**

25 (A) *IN GENERAL.*

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

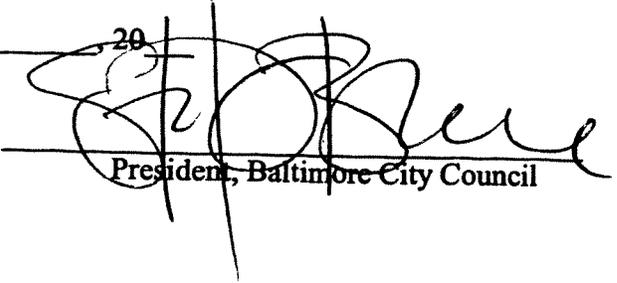
28 (B) *EXCEPTION.*

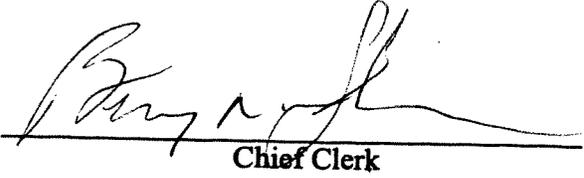
29 A FERAL CAT CAREGIVER WHO PROVIDES CARE TO OR HAS TEMPORARY CUSTODY OF A
30 FERAL CAT IN ACCORDANCE WITH AN APPROVED PROGRAM TO TRAP, ALTER, VACCINATE,
31 EAR TIP, AND RETURN FERAL CATS IS NOT DEEMED TO HAVE DESERTED OR ABANDONED
32 THE FERAL CAT.

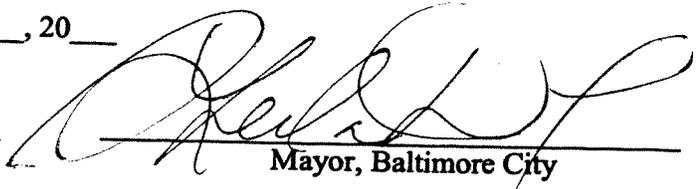
33 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
34 are not law and may not be considered to have been enacted as a part of this or any prior
35 Ordinance.

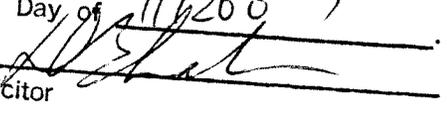
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1 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this NOV 26 2007 day of 20

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this NOV 26 2007 day of 20

Chief Clerk

Approved this NOV 27 2007 day of 20

Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 26th Day of 11/2007

Assistant Solicitor

A TRUE COPY
Edward J. Gallagher
Director of Finance