

Open Work Sessions
July 18, 2017
Animal Ordinance Committee

Animal Ordinance Committee Update – Mr. Aaron Balsamo, Executive Director of Wicomico County Humane Society, Shawn Bradley and Edna Walls members of the Committee came before Council. Mr. Cannon said Council received their letter, and it looks like they made a lot of progress. Mr. Balsamo said some of the proposed changes they have come to thus far are pretty straight forward, some are a little more in depth. He said some changes are revisions to definitions, and some of it is technical areas. He said for example, Section 133-11 has sections about rabid dogs. It should be listed as suspected rabid, because the only way to confirm that anything is rabid is by euthanizing it, and the Health Department takes the head and tests it. He said they are just fine tuning some of that. Mr. Balsamo said there are some bigger changes they have such as unsafe weather conditions, the actual structure of a dog house, tethering laws, kennel licenses, among other things in dangerous dog. He said he did not know if Council wanted him to go through item by item, or if Council wanted to ask questions of them. Mr. Cannon said Council will need some time to review it.

Mr. Matt Holloway said on the second page, on D, it looks like something is missing. Mr. Balsamo said on line 47, nothing changed in those subsections of D, the entire section itself talks about dogs being deemed dangerous, and that is the one line that somehow “declared” got put in there, so that is a change to deem for the sake of consistency. Mr. Matt Holloway said the only other thing is just grammatical, in line 111, “unsprayed” instead of “unspayed”.

Mr. Kilmer said, for kennel licenses, he sees it says any person owning 5 or more unspayed dogs. He asked what is the standard elsewhere for what the state does, to which Ms. Walls said the State of Maryland has 6, she believes, it just passed. Mr. Balsamo said, the State law use to state 15 or more unspayed females, or selling from 15 or more litters per year. He said, understandably that is insanely hard to enforce for anybody. He said this past legislative session in Annapolis, the law was changed to 6, and the “and” portion was changed to “or”, so it is either 6 unspayed females, or selling from 6 or more litters a year, by State law you have to get a kennel license. Mr. Kilmer asked does Council need to do something as a County then, is that a state kennel license, to which Mr. Balsamo said the State law sets the standards and then deviates the actual enforcement and issuing of the license to the counties. Mr. Balsamo said they have not had anything in their books that he has seen to this point regarding that. He said that was just an addition to be able to add those checks, and also to be able to permit animal control to do a reasonable amount of checks during the normal business hours on these facilities, to make sure that they are taking care of

the animals in an appropriate manner. Mr. Cannon asked if they should reference State Code as well, to which Mr. Kilmer said Council just received this yesterday, but, yes, if there is State law that already sets a definition that basically allows the County to do something. Mr. Cannon said they are trying to avoid some redundancy, but he thinks if they say in accordance with, to which Mr. Balsamo said, yes it is in accordance with, what he proposes is dropping them down to 5 instead of the 6. He said in Annapolis they had talked about going down to 4, as there was an amendment for 4 animals and 4 litters, but that did not pass, so they stuck with the 6 and that is what ultimately passed in Annapolis. Mr. Cannon asked if the local jurisdiction has the right to make adjustments to that, to which Mr. Balsamo said, yes, they do. He said they can change it from the state standard of 6, to 7 or 10, or they can drop it down if they deem it necessary. He said under the previous law where it was 15, Worcester County and Somerset County both have lower restrictions on that.

Mr. Dodd said he agrees with Council President Cannon, that Council needs a little more time to digest and absorb this, but one of the things that stood out to him was where they scratched out under restraints or other tether, but it is mentioned again later on. Mr. Balsamo said he might have missed something later on. He said the other tether, they talked about taking that out because by putting "other tether," and it is not defined, you could have almost anything hooked up to the dogs. Mr. Dodd said you mention tether again in the second sentence. Mr. Balsamo said he might have missed it; tether is basically defined as any restraint that is holding the dog back. He said under 133-17, Animal Neglect, third page on 101, currently the law says neither chains, ropes, or choke collars should be accepted for collars for a tethered dog. The dog must be tethered to an object with a swivel to prevent injury to the dog, and then additionally put vinyl coated cables as acceptable, as opposed to chains or other types of options. He said if you have underground invisible fences, that would be fine. He said the subject they are trying to get away from is having people using those giant choke tow chains wrapped around the tree or their gutter, because dogs nails and tails can get caught in there and cause severe injury to the dog. Mr. Dodd asked if they had anything in there about breakaway collars for cats. He said he saw a video where one had cut into the cat's underarm and it got really infected, to which Mr. Balsamo said they do not have anything, mostly nothing on the books as of now dealing with cats. He said the only thing he added in was the allowance of a community cat trap, neuter release program. He said the strictest law he has seen for cats; the cats have to wear a collar with identification tags on them. He said cats are sneakier about getting their collars off than dogs. He said the feasibility of actually putting something in place, getting a cat to keep its collar on, and it is an outdoor cat, that makes it kind of difficult. He said that is about the only law specific to cats that he has seen around. Mr. Joe Holloway asked what the community cat program was, to which Mr. Balsamo responded, the community cat program is a cat that has been entered

into a TNR Program, it is trap, neuter, spay and release. He said essentially, the feral cats are trapped and they are vaccinated against rabies, then they are either spayed or neutered, depending on their sex, and then they are released back into the area they were trapped in. He said it serves multi-purposes, one you are getting, instead of a bunch of unaltered, unvaccinated animals out there, which increases the chance of rabies and other infectious diseases to be caught and spread by those animals, they are vaccinated so they do not have to worry about that necessarily as much as they have to worry about it right now. He said with the animals being fixed, you do not have to worry about repopulation. Mr. Joe Holloway asked, who does the trapping, to which Mr. Balsamo said there are some groups around the County that are participating, and he has had people reach out to him that want to participate in this program. He said he can get grants. He said he has not gotten any yet because he did not want to put the cart in front of the horse, but it is a very successful program. He said lots of places have used it, and it has cut down the population dramatically. He said he gets calls all the time about feral cats. He said they are not going to see the fix tomorrow, but over a time period, sometimes in as little as one to two years, you see a dramatic decrease in the amount of cats that are around because of what has been deemed the vacuum effect, which is essentially if you take the animals out, say feral cats, and they take the one out, the research is your yard is still there, so you are going to have more cats come in. He said if they put them into TNR and put them back where they came from, that void is filled again, so that space is not going to be occupied by an unaltered/ unvaccinated animal, it is going to be filled by the animal that is protected against rabies that cannot have any litters. He said, over time, the animals do not have anybody to mate with because you are reintroducing the animals that are fixed back into the environment. He said they are going to die off, but they are going to die off of a basically natural selection, a survival of the fittest kind of thing. He said it is proven to be effective. He said the University of Florida did a study on campus and they had a decline of 66% of cats on campus. He said there are many other studies around. He said the most recent one was in Pima County, Arizona. After a three year targeted TNR program, the amount of feral cats decreased dramatically, it does not give the actual percentage, but the shelter itself, their savory increased dramatically from 56%, which means they only saved 56% of the cats that came in the shelter because so many were feral, and they were able to reach up to a 91% savory because of these cats that were coming in. The TNR cats have an ear tip so they know they have been fixed already. The cats that came in with the ear tips they were able to re-release back out to where they came from, so it cuts down on the litters of kittens. He said this year already in their shelter they have taken in 740 cats. Mr. Joe Holloway said in their law they are allowed to trap the cats, but he noticed if you go back to section 133-15, and after they have been in the program, you can release them back with the permission of the property owner. He then asked what happens if the property owner does not want those cats released back into that neighborhood, to which Mr. Balsamo said they can

be released back to the area they were trapped, in that vicinity, or they can be trapped, if for some reason they cannot get them back in that vicinity, if somebody has a farm and they wanted the animals, they could get permission for those trapped animals to go onto their farm. Mr. Joe Holloway said as an example, a neighborhood close, not too far from Mr. Balsamo's office, where there were a lot of feral cats, some of the them were trapped, folks do not want them back in the neighborhood. He asked what would you do with them, just take them back and turn them loose in the street, to which Mr. Balsamo responded, typically, the reason that they would recommend putting the fixed animals back in there is, when you spay them, it removes a lot of the negative behaviors that a lot of people hate, such as the spraying, urinating, getting into things, the tom cat howling. He said if they just remove those cats, a few blocks down the road, there are cats that are not under this program, they are going to keep having litters and because there is now this space, John Smith's farm or his house, those cats are just going to migrate right back down there, and he is going to continue to have this problem. He said there is no upside to removing the cats, because in every area you are going to continue to have that problem. Mr. Joe Holloway asked what do they do with the cats where no one wants them back, to which Mr. Balsamo responded, there are plenty of people out there with farms, and there are other organizations that deal with TNR specifically. Mr. Joe Holloway clarified, you have a place for them then, other than to put them back, to which Mr. Balsamo responded, yes.

Mr. Balsamo thanked Council for the opportunity. He said his thoughts on the County's animal laws since he got here a little over a year ago is that some of the laws are very antiquated and they could use some modernization. He said there are a lot of different counties in Maryland on the state level, and all across the country there are different counties and municipalities that have been enacting a lot of these laws as a way to find that balance. You have to walk that fine line of taking care of the animals, but not infringing on the animal owner's rights, because animals are considered property. He said they have to walk that fine line so you are finding that balance, and that is what they are trying to do. Mr. Cannon thanked them for taking the initiative and being on the committee and for their hard work. Mr. Cannon said he remembers Ms. Walls being on the first committee years ago, and that was a task as well. Mr. Cannon said they will review this and give it to legal counsel so they can review it and then they will meet again and try to finalize it.

Signatures on next page.

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John T. Cannon, President



Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Marc Kilmer, District 2

John B. Hall, District 4



Joe Holloway, District 5



Matt Holloway, At-Large



Laura Hurley, Council Administrator