

**Open Work Session  
Animal Ordinance Committee Update  
November 21, 2017**

Mr. Aaron Balsamo, Executive Director of Humane Society of Wicomico County, and Committee Members Ms. Linda Mills, Ms. Debbie Russ, and Ms. Anna Walls, came before Council. Mr. Cannon thanked them all for taking the time to put this together. He said this is no easy task, and that is why the County actually wanted a committee to do it, and Council appreciates the work. Mr. Balsamo said the committee went through quite a few emails and a lot of meetings back and forth with each other discussing issues. He said he thinks Council has a copy that was sent to them in advance. He said they went through line by line everything in the entire ordinance. He said it is his understanding that the last time it was revised, it revolved around the dangerous dog laws due to a child being bit, he thinks, in the Willards area. He said the committee tried to go through line by line to actually cover all of their bases on this. He said there is some language that was very arcane, and some laws that were out of date with standards when looking at other Counties, States and Cities, along with what the Humane Society of the United States (HSUS) recommends. He said they looked at various Counties and Cities, inside and outside of Maryland, and all over the place to gather good starting points. He said some are minor changes, but there are also some bigger changes. He said some of it is simple housekeeping, arcane language, grammar issues, and some language that could be perceived in a sexist manner. He said, for example, for Animal Control Officer, it said "his, his, his" the whole way through. He said he talked with the County Attorney, Roscoe Leslie, and they decided it needs to be "the Animal Control Officer" or "his/her". He said, technically speaking, and he is not a lawyer, if he had a female officer give somebody a citation for interference with an Animal Control Officer, as the law is currently written, it says "Cannot interfere with his duties," and, as a female, the citizen could get a lawyer who did not mind putting up a good fight and make an argument. Mr. Cannon said he can see that, however, he believes in the Charter, and he is not sure, but in the definitions it states the fact that any reference to "his" refers to male/female. Mr. Balsamo said then the Charter would supersede that. Mr. Kilmer said it still makes sense to clean up the language, to which Mr. Balsamo responded, that is why they have a lot of eyes on it. He said Roscoe Leslie sent the draft to the Executive's office, and sent it to the Council office, so they could get as many eyes on it as possible. He said he knows Council has had a chance to review it, from his understanding, so he will take any questions or comments Council may have on anything in particular. Mr. Kilmer said it looked pretty good, and he appreciates all the work they have done. He said nothing major stood out, but the only thing that concerned him was taking away the authority from Council to set fees, and giving it to the Animal Control Authority. He said he thinks they should probably have a discussion at the Council level. Mr. Balsamo asked if it was in reference to licenses, to which Mr. Kilmer responded, licenses and fees. He read "Dog license fees will be established by the Animal Control Authority." He said Council should probably talk about whether or not they think it is okay to delegate that authority, or whether these fees need to be set by Council with the authority of the Executive. He said he thinks it was probably archaic language, and now they may need to include the Executive in there along with the Council. He said when setting fees, he likes to have the politicians' say in it, because if someone does not like it, they can let Council know. Mr. Balsamo said he completely understands, as the old ordinance said "Cost of tags shall be established by County Council." He said he knows there are some things with the rabies vaccine where the Health Department chimed in that they wanted to be able to set their fees, for example, because of how their vets are, and somebody might charge a different fee to them for the rabies vaccine. He said that was an issue brought up by the Health Department as to that. He said he absolutely has no problem, from his end, with the County setting fees, and that is not something that bothers him. Mr. Kilmer said, on their end, if they want to retain that

authority, they probably need to include the Executive in there just to update the language, and Mr. Balsamo should probably talk with the attorneys and let them figure that out, if Council wants to do that. Mr. Taylor added that he thinks it may not be delegable anyway, depending on the nature of the fee.

Mr. Cannon asked Mr. Balsamo if he would like to review some of the specific changes that he thinks stand out more than others, to which Mr. Balsamo responded, yes. He said some of the specific changes they did that stand out include adding a section for community cats, basically defining that a community cat is not considered to be a stray cat. He said it is considered to be a cat that has been vaccinated, it has been spayed or neutered, and it is under the care of what is called a colony manager. He said that way they can look at doing TNR programs in the County, as the trap and kill method is scientifically proven not to work. He said it creates a vacuum affect where, if they take a cat out of a space, another cat is just going to move in. He said, but, if they take a cat out, spay or neuter it so it cannot have kittens, and then put it back in, it fulfills that space in the environment. He said, for example, he lives in an apartment complex right now, and when his lease ends and he moves out, somebody is going to move in. He said they are not going to just avoid that space forever. Mr. Joe Holloway asked what if there is not another cat to fill the space, to which Mr. Balsamo responded, there are always other cats. He said within the course of a year, they can run into 200 cats within an area being born. Mr. Joe Holloway said when his father died, he got rid of all ten cats that ran around the barn, and none came back, to which Mr. Balsamo responded, then he is awfully lucky, because he does not hear many of those kinds of stories. He said there are a lot of people who get frustrated with the Humane Society because they are continually trapping these cats and bringing them in without getting results. He said there are some groups in the County that do TNR and community cat programs on a small-scale basis. He said one of his goals out of this is to be able to get the contact information of the people who do this currently, so if a cat does come in and has the ear tip, or it belongs to their colony, he can make sure it gets returned back to them. He said probably about 80 percent of the cats that come into the shelter are feral, and this would give a chance to be able to get some of these cats out as barn cats, or into some of these TNR colonies that are out there. He said it has been proven effective for rodent control and such. He said Atlantic City has feral cats on their boardwalk, and New York City uses them in their subway systems. He said the all-around benefit is there, it is just a slow process. He said just because there is a TNR cat does not mean there is suddenly not going to be any stray cats, as it takes a little bit of time. He said that is one of the changes he is looking at, not necessarily setting the program in motion, but taking baby steps with the program, and defining it for the people who are out there doing this already.

Mr. Balsamo said unsafe weather conditions has been altered as well. He said, in the old ordinance, it was anything below freezing or above 100 degrees, and he is recommending that be changed to below 32 or above 90 degrees Fahrenheit, or during active weather warnings issued by the National Weather Service or Wicomico County Department of Emergency Services. He said this is listed in the definitions, and is the very last definition. He said they altered that a little bit because, historically, over the summer, the temperature does not actually break 100 all that often, and a lot of other places use 32 and 90 as their benchmarks for the temperature. He said throughout the summer they get calls all the time, and the people sitting to his sides are some of the people who have called him on it. He said when they check the weather service, the temperature is only 98, and not 100, so it is not technically considered unsafe conditions for the animal under the law. Mr. Joe Holloway said, he knows this is a tough call, but he had a problem a few years ago with folks calling him about a dog that was tethered outside. He said it was hot and the dog had no water, and the neighbors were taking it water. He said he also has a neighbor who has a St. Bernard, and he does not want to be in the house any time. He asked, if someone has a newfoundland, for example, how would they justify saying they have committed this dog

to unsafe weather conditions by it being outside when it is 25 degrees, and that is basically where that dog wants to be, to which Ms. Walls responded, that dog has a lot of hair, and, in the winter, he would be okay. Mr. Joe Holloway said he realizes that, but they are saying they want to make the law so they could cause somebody problems because it is below 32 degrees. Mr. Balsamo said a lot of that has to be taken into officer discretion with the officer who is out there. He said they had this exact law when he was with the City of Pittsburgh. He said there was a guy who had a husky, and they let him know about the law, but they did not take his dog from him because the dog did have proper shelter, to which Mr. Joe Holloway responded, but they are making it a law. Ms. Mills responded, there are exceptions, such as hunting or sporting dogs, that are also listed in there, to which Mr. Balsamo added, towards the back there is a section on that. Mr. Hall asked if what they are saying is this is complaint driven, to which Mr. Balsamo responded, it is complaint driven, but it is also based off of laws in other neighboring Counties and areas. He said one of the major complaints he gets in the summer is from people calling because it is 95 degrees outside, there is a dog outside, and they ask whether the County can take the dog, but he has to tell them the temperature has to be over 100 degrees by County law. Mr. Hall asked, if a County Officer is driving around and sees a dog out, and nobody complains about it, but he knows it is in violation, will he remove the dog, to which Mr. Balsamo responded, if he sees something in violation on his own, he will take it. Mr. Hall asked, if it is not then complaint driven, to which Mr. Balsamo responded, he does get complaints about it, but he has two officers who have to cover the entire County, so it is hard for them to see everything. He said the residents of this County are really his eyes and ears. Mr. Hall clarified, it is sometimes complaint driven, to which Mr. Balsamo responded, yes. Mr. Kilmer said, to address Mr. Joe Holloway's concern, would it be possible to write something in the ordinance about discretion for other animals. He said one officer may have discretion, but if they wanted to enforce the law strictly, that citizen could be in trouble. He said then somebody could use that as a defense if the dog is a certain cold weather dog, or if it is a reasonable situation. Mr. Balsamo said, again, he is not a lawyer, so that is something the lawyers would have to look over, but there could be something in there about discretion being used for cold weather dogs, within the appropriate reason. He said, in reference to the husky he had talked about in Pittsburgh, the owner had one of the best animal shelters he had ever seen, and the water bowl had a heater you can buy and put in the water, and the dog was perfectly fine, as it was a cold weather dog who wants to be in the cold. He said a lot of the weather complaints stem from people who have their dogs tethered on chains, etc. He said the other reason for throwing in the active weather warning is for areas that are closer to the Bay, and by the rivers, that are susceptible to flash flooding. He said, if there is a dog tied out and a flash flood comes, a dog can only swim for so long. He said that is covered under tethering later on. He said the County Attorney thought it would be better to take some of the definitions and put them into the actual law where they are applicable, because, the way it was written previously, there were a ton of definitions. He said even with something simple, when going to write a citation, he would have to go to the part of the ordinance that makes it illegal, but then have to keep flipping back to check on the definition, so they mixed it in to make things a little more streamlined.

Mr. Balsamo said a lot of the licensing remains the same. He said, in reference to potentially dangerous animals, one of the things they looked at, under current law, any dog deemed dangerous has to have a euthanasia order put under it. He said they looked at scaling that back to where it is not a mandatory euthanasia order. He said they also detailed the secure enclosure a little bit more. He said, for example, if it is an outside dog, it has to be a locked structure with secure sides, roof, and floor that provide protection from the elements for the animal, is suitable to prevent the entry of young children, is designed to keep the animal from escaping, and it has to be approved by the Animal Control Authority. He said they really wanted to tighten that up. He said under standards of the way the animal has to be kept, one of the items he added was, if the dog is deemed dangerous or potentially dangerous, the

owner must post notices on their property. He said these notices, at a minimum, should be posted on the secure enclosure they have outside for the dog, one sign on every side of the fence, and a sign at the entryway of the door proclaiming there is a dangerous or potentially dangerous dog on the property. He said a lot of that is a safety issue. He said he tries to put himself in the shoes of the postal workers, UPS drivers, or Fed-Ex drivers trying to deliver a package, and he would like to know if there was a dog that has been deemed dangerous or potentially dangerous on that property. Mr. Joe Holloway said there was an incident on Walston Switch Road where the dog did not bite the lady, but chased her in the house, and she fell down trying to get up the steps. He said it was the neighbor's dog that was out on this lady's property, so what do they do when things like that happen, to which Mr. Balsamo responded, the dog in that case initially would be considered a dog running at large, and would get a citation. He said for dangerous or potentially dangerous, he thinks it is defined under State law that the dog has to cause severe injury. He said it does not say the dog actually has to bite, but it just says the dog has to cause severe injury, so he would say there would be an argument to be made that it could be potentially dangerous, and that is something that could be deemed and appealed to the Animal Appeal Board, and the lawyers could have that one out. Mr. Cannon asked if it helps to clearly define it for the officer who has to go out there and make a decision, and what discretion do they have to define the difference between what they might consider to be a less than severe injury, or a severe injury. Mr. Balsamo said a lot of these changes were brought to him by the Health Department, because typically the Health Department deems it dangerous when they get a bite report and have to go out and make a call. He said they are working with the Health Department on integrating how they can both be more involved in making the call of whether it is deemed dangerous, or deemed potentially dangerous. He said there was one instance last year that happened where there was a dog that chased another dog and killed the dog, but because of the way the law was worded, the dog had to be deemed dangerous, and the owners of the dog spent thousands of dollars appealing the euthanasia order. He said they finally got it overturned and were able to take their dog back. He said, under how it is written now, if a dog is deemed dangerous, it has to have that euthanasia order put on it. He said there have been a couple of times the Health Department has told him they feel stuck between a rock and a hard place when making that determination, as to whether the dog should be deemed dangerous or potentially dangerous, so a lot of this updating was at the Health Department's request. He said those are the main changes to the dangerous dog laws, and everything else on that did remain mostly the same.

Mr. Balsamo said, in reference to tethering, they did make some changes as well, adding that it is prohibited to tether an animal under certain circumstances that endanger its health, safety or wellbeing. He said there is a list of about eleven of the circumstances. He said this all came together by looking at other laws, looking at what the County currently has, and looking at the complaints they receive about other people's animals. He said the first change is tethering of an animal between the hours of 10:00 p.m. and 6:00 a.m. He said he thinks it is Delaware and Kent County that have a similar law. He said the second change is unattended tethering of an animal during unsafe weather conditions, meaning, if the dog is tethered outside to go to the bathroom during unsafe weather conditions, if the owner is there with it, it is not illegal. He said if it is left out for more than 30 minutes at a time unattended, then it becomes illegal. He said using a tether that weighs no more than one-eighth of the animal's body weight was written to prevent people from using big, thick tow chains that weigh 20 pounds, putting them on a dog, and trying to use that as a tether. He said they would also like to add that a tether has to have a swivel attached to each end in order to prevent people from tying dogs to stationary objects, which they can get tangled around, such as trees, basketball hoops, gutters, or rims of a car, as those are all things they see on a daily basis, and this is to help prevent that. Mr. Joe Holloway asked what the purpose is of the 10:00 p.m. to 6:00 a.m., to which Mr. Balsamo responded, that is something that was requested. He said there are all sorts of hours that are looked at, as well as different laws. He said he knows Delaware

tried to do an outright ban at one point, and they found it very hard to enforce just an outright ban on tethering. Mr. Joe Holloway asked why 10:00 p.m. to 6:00 a.m., as opposed to if the dog is tied outside from 8:00 a.m. until 9:59 p.m., to which Mr. Balsamo responded, the majority of the thought process behind that was to help prevent animals from being tethered 24/7 so they do get a break from the elements. He said there are people who have their dogs 24/7 on a 10-foot chain, and this will help prevent that from happening. Ms. Mills added, it seems that more and more Counties are adopting these laws and being successful. Mr. Joe Holloway asked who will enforce it, to which Ms. Mills responded, there is very little manpower, and they will not be able to hit every situation they see, whether it be a large, hairy dog with proper shelter whose owners are following all the guidelines. She said then there are dogs that from the time they are eight-weeks old are chained up, and live their entire life on a chain, and this law is for those really, really abusive cases. Mr. Joe Holloway said he understands that, but there is also the situation where the temperature is 95 or 100 degrees out, so folks keep their dog inside all day to keep them in air conditioning, and then want to tether the dog outside at night, but then they cannot do that because it would be against the law. He said they have to be careful with the laws they pass. He said, for example, a few years ago there was the graffiti law that came along. He said there was a lot of graffiti that was being blamed on gangs, which it probably was, so they came in with a law outlawing anybody having spray paint in their car. He said then people could not go to the store to get a can of spray paint and ride home without breaking the law, so it was then said the law was just meant for the gangs. He said there can be a law made that is meant to do one thing, but then it makes people lawbreakers. He said he is not criticizing, but just stating how he feels about this, and he understands where the committee is coming from on this. He said, however, they have it where a citizen cannot keep a dog outside during the day if it is 95 degrees, so they would keep the dog inside in the air conditioning where he is comfortable, but now it is against the law to chain the dog at night when it is cool outside. Mr. Balsamo said he understands what Mr. Joe Holloway is saying, and this is a fair and reasonable argument, and that is the whole purpose of these work sessions. Mr. Joe Holloway said Mr. Balsamo had said this was complaint driven, and he understands that, but one of the worst things in the world is to have neighbors whose dog barks all the time. Mr. Balsamo said one of the issues with his job is weeding out the vindictive neighbors, so to speak, to which Mr. Joe Holloway responded, this law will just give neighbors another reason to report them. Mr. Balsamo said they get calls from neighbors making complaints on each other back and forth, and he has had situations where he has gone all day back and forth, so he understands exactly what Mr. Joe Holloway is saying. He said, as he said before, this law was something they saw in Delaware, and, from his understanding, they first started with a 24-hour ban which they found impossible to enforce. He said it became a situation where they felt why even have it on the books if they cannot enforce it. He said he knows they revised it, and he is not sure of their exact wording now. He said most of the other tethering laws did remain the same, for example, the dog has to have access to food, water, etc., and a shelter.

Mr. Balsamo said they changed "at large" slightly. He said previously the law was just "dog running at large". He said citizens have pet chickens, pet goats, and pot-bellied pigs, which are considered domestic animals, and they were running loose. He said there was nothing that could be done, and the County could not write a citation for running at large, because the law specifically said dog. He said they would like to alter that to "animal at large," which would give them the ability to write citations for some of the people who have pet goats and pot-belly pigs that are consistently on the loose. He said people get mad at him when talking on the phone because he cannot write their neighbor a citation, and this would give him the ability to actually give a citation to somebody's goat running down the middle of Rockawalkin Road, which has happened before. He said in the past three months at the shelter, they have had two goats and a pot-bellied pig come in, so it does happen, but there is no recourse as far as giving a citation, or even a warning for it right now. He said that is the only change to "at large", changing that one word

from dog to animal. He said also if it is a hunting, herding, or tracking dog, and the citizen is using it for that purpose at the time, they are exempt under that law.

Mr. Balsamo said in reference to dogs on school grounds and recreational areas, they made one change. He said when at a public recreational area where organized activity is being conducted, such as Pork in the Park, or something happening at the City Park, the dog must be on a leash no longer than 6 feet. He said, again, that is coming from complaints he has received, and he has seen dogs at events where there are 100s of people around, and someone has their dog on a retractable leash and the dog has gone 15 feet away from them. He said this is mainly a safety issue to have proper control of the dog, and so the dog is not running out from different corners. He said that is the main change to school grounds and public recreation areas.

Mr. Balsamo said the section on impoundment redemption procedures were basically left alone, as well as confinement, euthanasia, certain animals, and nuisances, which they did not change. He said from there on out, there are not a whole lot of changes they run into. He said in reference to sheltering, they added the shelter be raised 3 inches off the surface of the ground to help prevent from flash flooding, so if they know a storm is coming and a dog is in its doghouse, it has at least the 3-inch buffer if a flash flood comes along. He said the other change is between November and March 31, having a windbreak on the entrance. He said if someone has their dog outside, it is 35 degrees out, that is still pretty cold. He said if a gust of wind comes along, this would help block that wind from actually getting into their doghouse. Mr. Joe Holloway asked if Council could get a copy of this with the changes. He said most of the time they get the original, and then the changes are highlighted, to which Mr. Balsamo responded, with just the changes, because he knows it is hard to follow along when there are items crossed out. Mr. Cannon said it is already in their PDF file.

Mr. Balsamo said the main thing they changed with the shelters was having them raised 3 inches off the surface of the ground, and then during the summer months they would like the shelter to be positioned in a way that prevents direct exposure to sunlight, such as under a tree, or something along those lines, which a lot of people do already. He said this is for the people they know have a doghouse just sitting out in the middle of a field. He said people are creative when it comes to their doghouses, and he has actually seen doghouses built underneath porches.

Mr. Balsamo said there was a vacant section of 133-18, and they have added breeder licenses in there, which is basically just piggybacking off of the state law that was changed and making it applicable. He said instead of making a list of standards, they added that breeders have to maintain the same standards that pet shops need to maintain, such as, if an animal gets sick, they need to keep it isolated from the other animals, and they need to actually be taking care of the animals, and things of that nature. Mr. Cannon asked if there are any particular violations if they do not have a breeder's license, to which Mr. Balsamo responded, yes, a \$500 offense, and that would be on animal control to establish a database for people to register in, so they can keep track of the breeders. He said he talked to Worcester County, and their Animal Control Officers have the ability, when someone registers, or gets their license as a breeder, to go to the person's facility during normal business hours to make sure the animals are being cared for. Mr. Cannon asked if the first offense is the same as the second offense, to which Mr. Balsamo responded, that is what they have down, but it can be updated. He said if there is an offense a second time, usually they would probably be looking at State charges, other than just a citation, but that can easily be changed up to the \$1,000, along with most of the other things. He said a lot of times the dollar amounts of the citation on the first and second offenses are more of a deterrent than anything, in his opinion.

Mr. Balsamo said the only change made to the Animal Appeal Board was that it currently says a member of the Board must be someone who works at the Health Department. He said they took that out because, if the Health Department has the ability to deem some of these dogs dangerous or potentially dangerous, and they are also serving on the Board, there is a giant conflict of interest. He said that is not good to have, especially in a situation where someone is appealing the possible euthanasia of their dog. He said the Health Department requested to be taken off and to just add another member of the general public to that.

Mr. Balsamo said everything else is basically the same from there on out throughout the rest of the document, minus some grammatical housekeeping type issues on the document. Mr. Cannon said they are treading on real thin ice sometimes, and he has had so many complaints over the past year of someone who says they go outside and the dog next door is so aggressive that they are scared to come out of their yard. He said the dog has not bitten anybody, and he does not know how they would consider whether it is a public nuisance or potentially dangerous, but what is there to tell these people, because they have not gotten resolution to these issues. He said they literally say they come out their back door, the dog next door is out, and there is not a fence, but they are scared to death that dog is going to attack them. Mr. Balsamo said there is not a whole lot they can do. He said if the dog is constantly barking, then there are nuisance citations that can be issued. Mr. Cannon said it growls, and it literally comes toward the person. He said it is tethered, but it comes toward them, and they are just thinking worst case scenario. Mr. Balsamo said the problem they run into is, because the dog has not bitten anybody, and has not done anything to cause injury to any other person or animal, there is nothing, as far as deeming it dangerous or potentially dangerous, the County can do. He said the only other thing they could do is severely restrict, and at that point he is being asked to go to people's homes and tell them their dog is growling at their neighbor, and they are not allowed to have it anymore. He said then they breach upon someone's ability to own property, and it is one of those situations between a rock and a hard place, where he would tell people he understands their concern. He said there are noise complaints, and things like that. He said if their neighbor had a souped up car or truck that was really loud every time it was turned on, they could call the sheriff's department who would go out on a loud noise complaint, but, unless he has illegal additions on the truck, the sheriff is not going to be able to tell the person they have to sell their truck. Mr. Joe Holloway said it is the same if someone threatens someone personally. He said when a person threatens someone, they cannot do anything about it until they do something, and it is a shame. Mr. Balsamo said dogs are looked at as personal property, so it is kind of hard to find that middle ground when it comes to something like that between a dog that has actually been aggressive, or a dog that is showing aggressive tendencies. He said some dogs are just naturally protective of their property. He said there are a lot of factors that can go into it that makes it hard. Mr. Cannon said, under nuisances, it says a citizen cannot allow a dog to become a public nuisance, or allow the animal to be a danger to a person. He then read from the ordinance "It is unlawful to allow an animal to become a nuisance, including to allow an animal to be a danger to a person." Mr. Balsamo said the problem he has with that is what defines danger. He said there is no definition for it that he has seen, and he does not want to be the one to define exactly what danger means. Mr. Cannon clarified, danger or a threat, to which Mr. Balsamo responded, does a dog growling constitute it being a danger. Mr. Cannon said if somebody calls him and says they have a problem because this dog is doing this, they have talked to Animal Control, and they then have been told this dog has not established that it is a public nuisance, and it has not established that it is a danger to anyone, what does he tell this person? Mr. Balsamo said that is a tough call to make, and with something such as growling, are they able to establish that the dog is actually a danger to a person. Mr. Cannon said it is treading on thin ice, but it is a difficult answer to tell somebody the County cannot do anything until the

dog bites them, to which Mr. Balsamo responded, that is the thing he hates, and that is something they could look at in the future. He said usually with citations for nuisances, they have to get the neighbor to go on record, because typically somebody has to have been bothered to issue a citation. Mr. Cannon asked, what if the person comes out with their cell phone and videotapes 30 seconds or so of this dog charging and growling, to which Mr. Balsamo responded, he has heard different things about that, and he has had some people say that is considered hearsay, and it would not be allowed. He said it is touchy, but usually they have been able to take some photographs in lieu of someone actually going on record, because a lot of people do not want to go on record. Ms. Walls asked Mr. Cannon if there is a fence there, to which Mr. Cannon responded, there is no fence. Ms. Mills said if the person gets a citation for just a nuisance to begin with, and then the next time around they get another citation, and education at the same time by the Animal Control Officer, that may make a difference as well, just being acknowledged. She said they would be told there is an issue with their dog, they need to understand they will be fined, and if Animal Control gets another complaint, they will probably have to fine them again. Mr. Cannon said but this dog owner is not getting fined. He said the neighbor is being told there is absolutely nothing anybody can do, and his question is, if he tells this person to videotape the dog, is that sufficient for an Animal Control Officer to issue a citation, or to pick the dog up, based on these laws, to which Mr. Balsamo responded, that is something he will ask Mr. Leslie about. He said he is not sure if getting film, pictures, or video of the dog doing whatever it is doing, whether it is the dog growling, or defecating on property, or whatever it may be, is sufficient enough to write the citation. He said another situation where his officers have trouble writing a citation is for a barking dog, because there is not a nuisance by the barking, and he is not going to have his officers sit outside someone's house for three to four hours until they get tired of hearing the barking, because they have a lot of ground to cover in the County. Ms. Russ said Animal Control could just go over there and check, because that would be a complaint. Mr. Balsamo said in some cases they will do welfare checks, so at least they try to go out and make contact with the owner. Mr. Cannon asked if Animal Control will respond to something as simple as a public nuisance, or do they only actually really go out if it becomes more severe, to which Mr. Balsamo responded, they should go out. He said they have gone out on nuisance calls before, and he will double check with his officers to see if there is something they are telling people they are not going out on. Mr. Cannon said this particular citizen has not suggested that to him at all, but this is just something he is asking. Mr. Balsamo said usually every couple weeks he sits down with the officers and goes over things. He said if someone has called or emailed him directly, he will ask his officers if they have or have not gone out on these calls.

Mr. Joe Holloway said, in reference to the Walston Switch Road incident, the dog chewed his way through a stockade fence, and then chased the lady into her house. He said there were multiple calls made with different neighbors calling. Mr. Balsamo said when that story was relayed to him, he was not aware about the chewing through the stockade fence, but he knows it took them a day to get to that one, because one of the Animal Control Officers was pretty sure he knew the person directly, and he did not want a conflict of interest going out there and giving the citation, so they had to wait for the other officer to be able to go out. He said they did go out there, and he does not believe he has heard any complaints relayed to him since then. Mr. Joe Holloway said the lady who got hurt does not want anything done with the dog, but she wants the neighbors to keep the dog up. He said if the dog can chew through a stockade fence, there is a problem, to which Mr. Balsamo responded, they need to figure out another way to keep their dog secure.

Mr. Cannon asked Mr. Balsamo if he thinks he has enough at this point to come back with a final product, to which Mr. Balsamo responded, he thinks so. He said there will probably be some back and forth with members of the committee who are not present right now, and with the County Attorney, to



hash out a few more things. Mr. Cannon said they could hold another Work Session, or they could simply bring it to Council for a vote. He then asked Mrs. Hurley if this would go through a Public Hearing, to which Mrs. Hurley responded, yes. Mr. Cannon said there are a couple more processes to go through that would still allow an exchange, and maybe even some amendments during the process, or they could have another Work Session, but he thinks maybe they could move forward to a more formal document that would then allow an introduction and discussion at another Council meeting. He asked Mr. Balsamo if he is far enough along where the changes would be minimal, to which Mr. Balsamo responded, he believes they are to where the changes would be minimal, and simply checking with the lawyer to make sure everything that would be changed is still legal. Mr. Taylor asked if this ordinance is intended to apply Countywide inside the municipalities, or just in the unincorporated areas of the County, to which Mr. Balsamo responded, it should be Countywide, whether it be Fruitland, Willards, Pittsville, or Mardela Springs. He said the City of Salisbury does have their own animal control based through their police department, and they have their own set of ordinances as well, so this ordinance does not apply to the City of Salisbury, from his understanding. Mr. Taylor said it would be wise to take a look at the City's to try to coordinate them, so they are the same as much as possible. He said he is not saying to just follow what Salisbury has done, but to see if there is some ability to be uniform. Mr. Balsamo said he has looked at theirs, and some of what is in theirs is in the County's, but, to be honest, he was not a fan of what was in some of their codes. Mr. Cannon said he thinks they are at a stage now where they are happy with what they have, and he thinks it is a great suggestion, but the County should send what they have to the City, and let them do all of the incorporation. Mr. Taylor asked, in the other municipalities that do not have it, is it intended to apply to them, to which Mr. Balsamo responded, it is. He said, as per everything he has been told since he took this job, they fall under all of these laws as well. Mr. Cannon said Mr. Taylor has a good point, and the County should probably distribute this to all the local towns and municipalities. Mr. Balsamo said he knows a couple of the municipalities have ordinances they did that basically say all Wicomico County laws apply there as well. He said they also have an agreement with Delmar on the Maryland side. Mr. Cannon said they will send this to the towns and suggest, if there is any input they would like to give, let them know it is going to a Public Hearing, and the County would entertain any recommendations. Mr. Joe Holloway said he would like a copy sent to the Farm Bureau as well. Ms. Walls asked if it would be possible to have that meeting at night, being it is open to the public, to which Mr. Cannon responded, it will be scheduled at night. Ms. Russ asked Mr. Joe Holloway how he got rid of his father's cats, to which Mr. Joe Holloway responded, he took them to the Humane Society. He said his dad kept them around there and then there was not anybody living there. He said his dad fed them, but they were wild.

Mr. Cannon asked Mr. Balsamo what he thinks the timeframe is going to be, and said they will have to do the introduction first before the Public Hearing. He said the introduction would have to be a night meeting. He said they will do an introduction at the meeting on January 2, 2018, or otherwise they would have to wait until February. Mr. Balsamo said he would rather get it done in January. Mr. Cannon said for Mr. Balsamo to let Mrs. Hurley know what they would like to do. There was no further discussion.

*Signatures on next page*

  
\_\_\_\_\_  
John T. Cannon, President

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Absent

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

\_\_\_\_\_  
Absent

Matt Holloway, At-Large

  
\_\_\_\_\_  
Laura Hurley, Council Administrator