

**Open Work Session**  
**Legislative Bill 2018-09 – Proposed Animal Ordinance**  
**October 2, 2018**

Mr. Robert Taylor, Council Attorney, said, just to briefly bring everyone up to date since the last meeting where they discussed this, they have further revised the draft ordinance based on conversations that he and Mrs. Hurley have had over the past several weeks with Ms. Edna Walls, and others who have been active on the Committee that proposed the initial draft Legislation. He said they have also met with Mr. Kevin Usilton, who is at the meeting tonight, and has already been introduced as the Acting Director of the Humane Society, and he has made a lot of good suggestions, one of which he will get to in a minute. He said they have also addressed other comments that have been made in the form of emails, primarily. He said there is, in the Brief Book, a marked up copy of the draft ordinance that has in yellow highlight the changes they have made, which he would call, primarily, minor matters. He said there is one major matter that Mr. Usilton has just advised him of, and he will get to that, but, by and large, those are administrative items and, in some cases, typos or just general tweaking. He said he sent Council on Friday an update memorandum which discussed what he would call more major items, and he will get to those, but he will point out one thing that is in the Brief Book version that has the yellow highlights that they need to change. He said he does not think Mrs. Hurley knows about this because Mr. Usilton just mentioned it to him, but he thinks they misunderstood a comment he made about trying to move dogs out of the Humane Society shelter and placing them with other owners. He said they thought he was talking about all dogs, including dangerous dogs. He said, therefore, if they look at Section 133-11, subpart D4, the language in there after the word euthanize where it reads "Or may offer the animal for adoption by a person or rescue organization for rehabilitation that can provide reasonable assurance that he, she or it will satisfy those requirements." He said the requirements refer to what the Animal Control Authority has imposed for dangerous dogs, and, apparently, that would not be good for several reasons. He said, first of all, it could expose the County and/or the Humane Society to liability, and also, apparently, according to Mr. Usilton, it is prohibited by State Law on dangerous dogs, so they need to strike that part out. He said, however, the part of it with the idea of putting animals up for adoption will be moved into a section that does not deal with dangerous dogs. He said that part of it will stay, and, if Council trusts them, when they bring the version back to the next meeting, as they have extended as the deadline date for this, that change will be reflected.

Mr. Taylor said he will turn to the update he sent Council and go through the items one by one. He said he thinks the biggest item for discussion tonight is the suggestion that has been made by Mrs. Walls and some others that tethering should be, essentially, eliminated in the County. He said, just to give some background on it, right now in the current ordinance, and in the ordinance that was submitted by the Committee, there was not to be any change in whether dogs could be tethered, how long, or what times of day, etc. He said there are a bunch of other provisions regarding tethering that require special requirements, such as leashes or chains that will be sufficient to hold them, collars, and so on and so forth. He said the conditions they are tethered in have to be clean and cannot be filthy. He said he will not get into those items because he does not think that is the issue, but the issue is whether it should be, in any way, limited. He said, just to give Council some information on that, and it is in the update he sent, there does appear to be a trend, at least in Maryland if not Nationally, to limit or entirely prohibit tethering. He said two Maryland Counties enacted Legislation that does that, and they are Anne Arundel and Howard County, and he thinks there is one other County that has already done it. He said, looking at the two that just did it in ordinances passed this year that he examined, in Howard County, for example, tethering is only allowed under what he would call very limited circumstances, and they happen to be

while the owner completes a temporary task, whatever that means, or while the owner is supervising the dog and either intends to allow the dog to eliminate or is exercising the dog. He said that second part is almost like a dog on a leash, but he guesses it could be where they have the leash tied to something. He said that is close to an absolute prohibition, he would say. He said Anne Arundel County has, more or less, the same provision, except the tethering is entirely eliminated if the temperature is 32 degrees or less, or 90 degrees or higher. He said Queen Anne's County did not pass this by Legislation, but they have an Animal Control Commission that has statutory authority to issue regulations that have the force of law, which, as he noted, he thinks is, at least, questionable under general Legislation power. He said, in any event, the Commission has passed a regulation that allows a dog to be tethered only if the dog is in visual range of a responsible party, who must be located outside with the dog. He said, as a practical matter, that would totally eliminate tethering when there is nobody at home, or that type of situation, or when somebody is at home but is not outside with the dog. He said there are several jurisdictions that have done this in Maryland, and there are a number that have not, so Wicomico County is, certainly, not alone in the situation they have right now. He said, just for Council's information, Salisbury has no time limit on tethering. He said he has seen some other jurisdictions that have done what he would call partial limits on tethering, and by that he means either a specified number of hours per day, or particular times of day, for example 6:00 a.m. to 6:00 p.m., so there is a way they can do partial limitations on time of that kind. He said he will just offer the comment that almost any type of a limitation on tethering other than a total limit, or close to a total limit, would probably be somewhat difficult to enforce, particularly if it was a certain amount of hours per day because who is going to be the timer? He said he guesses in some cases it could be the next door neighbor. He said it is not impossible, but, as a general rule, the Animal Control Officers are not going to be able to time it. He said it does seem well established, and Mrs. Walls and others have pointed this out, that tethering for any substantial period if continued over a prolonged period of time tends to cause behavioral problems in dogs, and also leads to a lot of barking problems as a lot of barking situations tend to involve dogs that are tethered.

Mr. Taylor said that is a rundown of where they stand, and where others stand, and some general thoughts on the matter. He said, if Council wants to kick this around tonight, or kick it around later, that is up to them, but, right now, as he said, in their draft Legislation there is no limit on tethering.

Mr. Matt Holloway said he is fine with the ban on tethering as he thinks a dog's quality of life is not fair if it is outdoors most of its life, so he is fine with it. Mr. Cannon asked, what if there is a circumstance where someone needs to clean the house, and just wants to have the dog outside while they clean the house, get everything in order, and put things away, and then, once they have done that, they let the dog back in. He asked if that would be too restrictive if they did not say a half hour is enough, to which Mr. Matt Holloway responded, he would prefer to go with supervised tethering rather than a time limit because that gets difficult to monitor. Mr. Cannon asked what the definition of supervised would be. He said, if the dog is outside and the owner is inside, where is the proof of supervision, to which Mr. Matt Holloway responded, he thinks the person has to be with the dog. Mr. Cannon said, again, if they are in the house spring cleaning or something, what would they do with the dog, to which Mr. Matt Holloway responded, most dog owners have a pen that they can put a dog in temporarily while they are doing chores, or anything like that. He said he does not think there is any need to actually put a dog outside on a tether. Mr. Cannon said he understands what was brought to Council at a prior meeting with all the descriptions of how tethering is so bad for the animals, and he empathizes with that 100 percent. He explained, he is just concerned that if there are people who just simply want to let the dog out for a half hour, and that is it, if that is really going to create a problem, to which Mr. Matt Holloway responded, they could take them for a walk. Mr. Dodd said this is where they get into the enforcement part of it.

Mr. Kilmer said he has a few thoughts. He said, when he was a kid they owned a dog, and they let it run loose because they lived in the country, and that is what people did. He said he does think of his grandparents, though, who are in their 90s, and their dog just died a few months ago, but they are not as mobile as they used to be, and they would take the dog for walks when they could. He said, even though it was in the country, the dog would run away if it was not on a leash, so during the day they would let it outside on what would, technically, from reading the law, be a tether. He said the dog would go outside and lay in the sun and enjoy itself, and then come back in after a half hour, or something like that. He said he understands the problems with tethering, and understands the issues that are there, but he does see where there might be a need for some people, such as older people, who want to allow the dogs to go outside some, but they are, generally, housebound, or something like that. He said, in the new law, there are numerous restrictions on tethering, such as no chains, and unsafe or unsanitary conditions. He said, if Mr. Matt Holloway wants a ban on tethering, and he understands the reason for it, he would like to see an amendment to see how he envisions that because he does not know that he could support a total ban. He said maybe there is something they could do that is not in the law now, but he would need to see something besides just a total ban, and something that takes into account other situations. He said, if Mr. Matt Holloway could have an amendment for the next meeting that would talk about that, he would certainly entertain it. He said, again, he is thinking of his grandparents, and the County would not want to put a ban on a situation where an older person could not let a dog out of the house for a little while on a small restraint so the dog would not run away, but could still enjoy the outside. He said he would like to see exactly what Mr. Matt Holloway is proposing.

Mr. Hall said he would not say that he agrees with Mr. Kilmer, but it would be interesting because of elderly people. He said the problem they get into is enforcement, and they get into discretionary enforcement and whether this is going to be complaint driver, or whether it is going to be strict enforcement. He said the enforcing officer is going to have to know about it before they are going to be able to enforce it. He said, if they put a time limit on it of so many hours, then the enforcement officer is going to have to come back, which should be a consideration also, but he thinks there may be other ways to look at this. Mr. Matt Holloway said he agrees. He then addressed Mr. Kilmer, and said he does not think the officers are out there after the elderly couples putting their dog out for half an hour, but they are looking for the ones whose dog has dug a track around the house because they are on a chain all the time, to which Mr. Kilmer responded, he understands that.

Mr. Dodd said, Mr. Kilmer talked about tethering, and then they mentioned the enforcement, but if someone knows the law they can tell the officer whatever they want. He said the officer would have to say, for example, it is 7:00 and they have a half an hour, and the County does not have enough officers to run back and forth to time it. He said then the person could say they brought the dog in and just brought it back out, and there are so many loopholes around that. He said he has seen so many dogs wrapped around a tree or a clothesline pole, or even the stakes that go in the ground that are supposed to keep the dog from wrapping around, and he has seen where dogs have almost choked themselves to death because they cannot get back around. He said they also knock their water bowl over because nobody is out there watching it, and then they do not have water for the rest of the day. He said the tethering really bothers him when people are not watching them.

Mr. Joe Holloway said, being from the rural area of the County, he was thinking about one of his neighbors who had a backyard flock of chickens, and a mixed breed dog he had gotten from the Humane Society that he kept on a run that looked like a clothesline and ran for about 200 feet that the dog was tethered to. He said the dog had the run, and that was to keep the foxes and coons away at night, and

the chickens were smart enough to stay out of reach of the dog. He said he thinks about the farmers, and that is just one example. He said not everybody takes as good care of their animals as they should, such as dogs getting wrapped around poles or stakes in the ground, or knocking their water bowls over. He said he had a situation on Ocean City Road a couple years ago where he tried to get some reaction out of the Humane Society about a dog that was left outside tethered to a tree when it was 95 degrees. He said a lot of the issues with tethering have to do with the individual doing the tethering because not everybody is going to treat their animals the same, unfortunately, or as good as they should. He said a lot of people in rural areas tether their dogs. He said he knows Mr. Cannon has a lot of rental houses. He then asked Mr. Cannon if he allows people to build a dog kennel at a rental house, to which Mr. Cannon responded, they pretty much do not allow dogs, period, because of the one-bite rule. Mr. Joe Holloway said it bothers him if somebody rents a house and has a dog, but then they have nowhere to keep it, and the landlord will not let them build a dog cage. He said they have a lot of proposed laws on the books now for tethering. He said he does not like tethering, and he does not like to see a dog tied to a tree, but he thinks sometimes there are incidences where out of necessity it has to be done. Mr. Cannon asked if they could look at it from the perspective that, if they leave this in, such as making it so that they are not allowed to do tethering, that eliminates all the variables right away, and yet they still can leave it up to the discretion of the officer as to how they want to impose that law, to which Mr. Kilmer responded, if it is against the law, it is against the law. Mr. Joe Holloway added, that might make criminals out of people. Mr. Cannon said he just thought he would ask. Mr. Matt Holloway asked if officers have discretion. He said he does not know how that works, but, if they see something, it is up to them.

Mrs. Edna Walls, speaking out from the audience, said she thought they were going to leave the tethering like it was, to which Mr. Taylor responded, it is a possibility to go with what they have, which right now is no limit, and they could always, in the future, impose a limit. He said that would be a fairly simple amendment, if they can decide on how they want to amend it. He said that is why he brought it up tonight. He clarified, he and Mrs. Hurley are not going to propose anything because their thoughts on it might not be everybody else's thoughts. He said no matter what they propose, at least half of the people are not going to like it, or maybe everybody would not like what they would propose.

Mr. Kilmer said there are new limits on tethering in this law, and it appears that there are a lot of limits in there, so maybe Mr. Matt Holloway can take a look and see if something more needs to be added to address his concern. He said it seems to him like those limits would, hopefully, limit some of the bad action. He said it is a tough issue because, if tethering is done wrong, it is very bad, but there might be instances, such as what Mr. Joe Holloway said in more rural areas, where it is the best for the situation.

Mr. Cannon said he just came up with an analogy. He said it is against the law to speed, but it is up to the discretion of the officer as to whether he gives a ticket or not, and that is what he meant earlier.

Mr. Joe Holloway said Salisbury does not have a tethering law, and he does not think any of the other municipalities do, to which Mr. Taylor responded, he has not checked the others. Mr. Joe Holloway said he is not sure how it is going to be easily enforced if the County is doing one thing and the City is not, and he thinks they need to look at their tethering limits right now, and make it more animal-friendly. Mr. Kilmer said there are a lot of things added on Page 29. Mr. Dodd said he used to tether his dogs before he built a fence. He said Jack Russells have to be kept on a leash because they will chase the neighbor's cat or a squirrel, and then get lost and be on Route 50 somewhere. He said he was responsible and did not keep them out there long, and had the appropriate collars on them so they could not back out of it, but this falls back to the responsible ownership of a pet.

Mr. Cannon summarized, for clarification, tethering in itself is not going to be considered illegal, but just if it falls within the ten categories under the guidelines. Mr. Taylor said they will move on then, and when they bring the draft back at the next meeting, they will not change the tethering part.

Mr. Taylor said he will go over the other items that Ms. Walls and the other ladies brought up. He said one pertains to the language they have about weather conditions, and this is not in the tethering section, but in another section that talks about required shelter for animals and general treatment. He said they proposed language that is based pretty closely on a law that was passed in Baltimore County this year where they went through this with a fine toothed comb after an animal froze to death. He said they have used that language, pretty much, which does not require a specific temperature provision where an animal would have to be brought in. He said, in other words, if it gets cold or it gets hot, they would have to consider a number of factors, including the animal's size, age, physical condition, or thickness of the animal's hair or fur in periods of extreme temperature, which would be 32 degrees or lower, or 90 degrees or above. He said the point he is getting to, and what they decided after some discussion with Ms. Walls and the others, is they were suggesting that the words "wind chill" be added in regard to low temperature situations, and that "heat index" be added in regard to high temperature situations, and that those would have to be considered as well as the temperature. He said he sees no problem in adding those, and he thinks that is a very reasonable suggestion. Mr. Matt Holloway asked what the wind chill would be, to which Mr. Taylor responded, that is something that would have to be considered. He said, in other words, when it gets to be 30 degrees on the thermometer, the wind chill might actually be lower, and they would have to consider that along with the other factors. Mr. Matt Holloway said he thinks they would have to set a wind chill temperature and a heat index temperature, just like they have the ambient temperatures, to which Mr. Taylor responded, the wind chill would only be a factor if it is 30 degrees and the wind chill took it below that. Mr. Cannon asked if they should just say "If the wind chill is 32," to which Mr. Taylor responded, they could do that. Mr. Matt Holloway said it could be 45 degrees out, but with the wind it feels like 32, so the dog would have to come in. Mr. Taylor said he thinks most people are probably going to find it easier to know the temperature in degrees rather than the wind chill factor because one normally has to go somewhere to find that, either listening on the news, or going to the internet, and that is the only thing he will point out on that. He clarified, he thinks he would just make that a factor rather than the threshold. Mr. Cannon said Mr. Matt Holloway has a point that, if they are going to reference wind chill, there ought to be a temperature, to which Mr. Taylor responded, it would only be a factor if the temperature itself was 32 degrees or lower, and they would not consider putting it above that. Mr. Cannon asked if they should say a temperature or a wind chill of 32 degrees, to which Mr. Taylor responded, yes. He said, if they want to do that, that is fine, and they can easily do that. He said, on the other end, they would say a temperature of 90 degrees or a heat index of 90 degrees or more. Mr. Taylor said they will make that change.

Mr. Taylor said the other item from Ms. Walls and the others is that there is a provision in Section 133-33B, and it happens to be B3, that requires the owner provide a shelter with a floor appropriate to protect from flooding. He said they have suggested, and this has come up before for discussion, that there should be a specific floor height above the ground, such as 3 inches, for that purpose. He said the way it reads now, there has to be a floor appropriate to protect from flooding, and their suggestion is that the floor be a mandatory height of some sort, and 3 inches is what they talked about. Mr. Cannon said he thinks in this instance it might be good to be more ambiguous because, if they state it has to be protected from flooding, they are covered, but if they say it has to be 3 inches, and they are in a flood zone that is 6 inches, that 3 inches is not going to hold water, so if they leave it more ambiguous, it probably would serve a better purpose. He said, if the water is above there, they would not be able to

say "I have a 3-inch floor" when that floor is not adequate. Mr. Taylor said, if there are no other comments on that, he will move on with the understanding that this item is not to be changed.

Mr. Taylor said the next item is more for general discussion at this point, and it has to do with rabies vaccinations and licensing practices. He said he does not think they really need to look at the language of the ordinance to understand what he is going to mention. He reported, he found this as he went through the ordinance and reviewed what the County's licensing practices are, and, essentially, there really is no broad licensing practice. He said the rabies vaccination and certificate, in essence, becomes the license, and is deemed to be the license, and that is somewhat unique in that most Counties have licensing requirements separate from the rabies vaccination in that they have to have a rabies vaccination that is valid to get a license, but it is a separate procedure and oftentimes requires a separate fee that seems to range from \$10 to \$45 in Counties throughout the State. He said Wicomico County's fee is, essentially, \$3, which, as he understands it, covers the cost of the tag the Animal Control Authority provides to the veterinarians who do this. He said, in essence, the licensing official is the veterinarian because, when he or she does the rabies vaccination and gives the certificate, that is the license. He said he is not here to say whether that should be changed or not, but the next point, however, he thinks is somewhat significant. He said, apparently, when the veterinarian issues the tag to the owner and gives them a certificate that says they have been vaccinated and describes the animal, the veterinarian keeps a copy of that, and, as far as they can determine, it does not go anywhere else. He said his thought is, and they have provided a provision where this could be done, if desired, that there should be a central repository for the licenses for a couple of reasons. He said, first of all, veterinarians are not 24/7 operations. He said, if somebody comes in with a stray dog or dog running at large and it has a tag with a number, that number, incidentally, appears on the certificate issued by the vet, but there is no way of knowing who the owner is unless the vet is open and can provide that information. He said, apparently, the practice almost everywhere else is that there is some central repository that is often created by the County Government itself that issues the license. Mr. Kevin Usilton, Interim Director of the Humane Society, spoke out from the audience and said, the Humane Society gets a copy of each rabies certificate from who purchases the tag. Mr. Taylor said he will add one thing, only because they went through and found somebody who got their animal vaccinated, and the vet said they just put that in their file. He said he is not going to mention any names, but maybe that vet is not following the game plan. Mr. Usilton then came before Council and said the Humane Society gets a copy of the rabies certificate if the vet purchases their rabies tags from the shelter. He explained, the Humane Society sells them 20 tags, and when they have vaccinated 20 animals, they send those certificates to the shelter, and the shelter has a copy of that in their shelter software program so they can return an animal. He said, if somebody gets a rabies certificate in Somerset County, they bring that certificate into the shelter and are issued a new certificate from the Humane Society. He said the person pays \$3 and gets a tag with Wicomico County on it, and that acts as their license. He said it is unique. He said 20 years ago when this came up and they passed this Legislation, it was kind of crazy because, essentially, what all the vets are doing is licensing every dog and cat that they give a rabies shot to. He said the goal was that the \$3 was supposed to come back to the County for funding Animal Control. He said that is how it was initially set up, but, truthfully, he does not really know if the Humane Society is sending that money to the County once they sell those certificates.

Mr. Taylor said, in any event, if they do that and there is at least one repository, that is good, but, of course, the Humane Society is not open 24/7. He said his only suggestion is that the repository be not only at the Humane Society but also with the Sheriff's Office because, if they pick up a stray animal that has a tag, they can call the owner, and then it would not have to be housed at the shelter, and part of this is to keep the cost down. Mr. Cannon asked how difficult the process would be to ask the Sheriff's

Office to make sure they have a repository. Ms. Shavone White, Shelter Manager at the Humane Society, then came before Council. She said the vaccines and rabies certificates are valid for three years, but sometimes the owner information on the certificate may not be up to date. She said the animal could have been rehomed, tags can be transferred, and collars can be moved off dogs, so it is not a failsafe way of reuniting animals, to which Mr. Cannon responded, but it is the only system they have right now. He said he guesses the question is whether it would be inconvenient to the Sheriff's Department to have to maintain those records, to which Ms. White responded, they can contact the Humane Society. She said it is not an everyday occurrence where they are accessing those records to reunite lost pets because microchips are much more effective. Mr. Cannon asked, however they do it, does she think it suffices to make sure the Humane Society is the central repository, and does she think having the Sheriff's Department could be overkill, to which Ms. White responded, yes. Mr. Matt Holloway asked if the Sheriff's Department will even pick up an animal, to which Mr. Usilton responded, the Sheriff's Office does respond to afterhours calls already, so if they got a call and the animal had a tag on, they could, essentially, return it to the owner. He said otherwise it comes to the shelter. Ms. White said, either way, it would be at the shelter, and they would then see the tag and be able to look up that information. Mr. Cannon said it should be an easy process for the Sheriff's Department to have access to the Humane Society's files. He then asked if there would be a way to do this, such as some type of cloud service, which is at no expense, he would think, to which Mr. Usilton responded, in the old days, they used to print it out and give it to them. Mr. Cannon said he thinks as long as they keep the repository with the Humane Society, he thinks the Sheriff's Department can make that work. Mr. Taylor said, to get down in the weeds, he would think an Excel file could be set up with this information and just periodically transferred via the internet to the Sheriff's Office at almost no cost. Mr. Cannon said, for Council's purposes, he thinks as long as they keep it with the Humane Society, it will work.

Mr. Dodd said he got a call from a constituent last week complaining about a barking dog in their neighborhood that has been going on for months, and the Sheriff's Department would not respond. Mr. Usilton asked if it was afterhours, to which Mr. Dodd responded, yes. Mr. Usilton said sometimes they respond. Mr. Dodd said maybe the dispatcher who took the call did not know, to which Mr. Usilton responded, often times they respond to calls afterhours for animals at large, animals who are injured, or barking, and then try to get a hold of the Animal Control Officer to meet them and escort the animal to the shelter. Mr. Dodd said, in the City, if Animal Control is off duty, they will send a police officer.

Mr. Cannon asked Mr. Taylor if he is saying there needs to be an amendment that would state specifically that there is a single repository at the Humane Society, to which Mr. Taylor responded, no. He said they have put language in there that it can be directed, but if it does not need to be directed, then no direction is needed, but it could be if desired.

Mr. Cannon asked if there are some vets who are not even following procedure, to which Mr. Usilton responded, just Dr. Nolte. Mr. Cannon asked how they can address that, to which Mr. Usilton responded, they could put in the language that it requires them to purchase it. Ms. White said it is in the language. She said it says that they are required to purchase the tag if they are issuing the rabies vaccine in Wicomico County, to which Mr. Usilton responded, he does not remember the exact wording of the language. Mr. Taylor said he really was not the one who made the decision on this initially, and his position is based on the State Law, but, as he understands this, it was deemed that the State Law would control if he wants to operate under the State Law because the State Law is specific about rabies. He said he does not know whether he also issues the certificate or not because he just does not have that knowledge, to which Mr. Usilton responded, he issues the certificate, but he has a tag with his phone number on it, not Wicomico County. Ms. White added, the tag that Chesapeake Animal Clinic issues is

not a license for Wicomico County. She clarified, he does issue a rabies certificate, but that tag acts as a license. Mr. Cannon said he thinks it is important that the tag should reference a County phone number because, as Mr. Taylor suggested, a phone number where no one is going to be there at that particular time is not going to do any good. He then asked if they need to specifically mention in this Legislation that there has to be a phone number, to which Mr. Taylor responded, he would suggest they defer on that between now and the next meeting because, apparently, this has already been looked at by someone other than himself, possibly Ed Baker, and it was determined that Dr. Nolte might have a solid position. Mr. Cannon clarified, he is not worried so much about Dr. Nolte in particular as he is worried about making sure they have a system in place that works, and if there is a vet who is using a personal phone number instead of a number for County access, they have a failed system. Mr. Taylor said they could provide that the tag has to have certain phone numbers on it, to which Mr. Cannon responded, that is what he is suggesting. Mr. Taylor said whether that would be preempted by State Law he does not know because the State Law is very specific on tags, and the practice that has grown up here is not quite the way it is under the State Law. Mr. Cannon said they should see if they can fine-tune it for the local authority, and see if they can put something in there to reference the phone number of the Humane Society, to which Mr. Taylor responded, essentially, they would then be directing Dr. Nolte to use the County's tags, and he thinks that might be what runs afoul of the State Law. Mr. Cannon clarified, he is not worried about running afoul of the State Law, but he thinks they need an ordinance that adds some consistency for the County. He said, if they want to go against that, they will cross that bridge when they get to it, but he thinks they need to establish some guidelines that show consistency in the County. Mr. Taylor said he thinks that really the crux of it is this issue they have just been discussing, and he thinks to address that between now and the next meeting in a definitive way might be kind of hard to do, and that is all he is saying. He said they might want to wait and take that up subsequently to try to make this deadline for the next meeting. Mr. Cannon said he would like to put it in, and if they amend it out later, then they amend it out later. Mr. Cannon said he thinks they need to establish consistency locally, and he does not think that is going to take so much time that they cannot find out in two weeks where they are with it, to which Mr. Taylor responded, he will give it a shot.

Mr. Dodd said they were talking about locating a lost dog earlier, and Mr. Usilton mentioned that they buy 20 tags at a time. He then asked how long it takes before a dog gets put into the system, to which Ms. White responded, it could be a month with certain veterinarians, or it could be more because they, typically, purchase a box of 100, but they know who the box was sold to, and they can contact that vet. She said, for example, if tag #22 was sold to Johnson McKee, they can contact Johnson McKee and have them look up who that was issued to. Mr. Dodd asked if that process would take a day or so, to which Mr. Usilton responded, it would take a day or so. He said every place else has a license kind of system, so they have to produce a rabies shot, they have to sell a license, and they are duplicating the tags. He said, way back when, they thought they were being very inventive to only have one tag because it makes it easy for the vets. He said they know how to fill out a rabies certificate, and it is easy for the Humane Society because they just buy one set of tags and not two sets of tags. He said it is easy for the pet owners because they do not have to jingle around with a bunch of tags every year trying to figure out when their license expires, or when their rabies expires, etc. He said that is why they went with the one tag system. He said they thought it was easy for the owner and for everyone else, and it seems to have worked for 20 years. He said a license is a tax on an animal to pay for Animal Control. Mr. Dodd asked who gets the \$3, to which Mr. Usilton responded, in the old days, it used to be the County, but he is not sure where it is going at this point. Mr. Dodd asked if the vet pays the Humane Society \$3 per animal vaccinated, so it is staying at the Humane Society until they find out where it is going, to which Ms. White responded, it is going in as license fees, so it can be easily accounted for. Mr. Taylor said one question he has that might be of interest is whether there is a cost to get the tags, to which Mr. Usilton



responded, they have to buy them. Mr. Taylor asked what the cost is, to which Mr. Usilton responded, he thinks it is about 10 cents per tag. Mr. Taylor clarified, so the \$3 is mostly profit. Mr. Taylor said he will make just one other general comment. He said, during this period of 20 or so years, many Counties now can get a dog or cat license online through the internet, so there are other ways of being convenient for the owners. Mr. Dodd asked if Mr. Taylor is talking about a separate license, to which Mr. Taylor responded, yes, because most Counties require a separate license. Mr. Dodd said he wonders if that is something they should consider.

Mr. Taylor said, in discussions with Mr. Usilton, comments were made about entry onto private property by Animal Control Officers and/or the Sheriff or Deputy Sheriff. He said, apparently, there has been some reluctance to go onto private property under any circumstances, as he understands it, based on the comments he has heard. He said they have, based on some statutes in other Counties, come up with a proposal for entry onto private property, and that is the first item on the proposed addition to Animal Control Ordinance sheet. He said it starts off by saying as permitted by law they can enter onto private property under any circumstances permitted by law. He said one such circumstance is where the owner consents to it, and they have provided there that consent to entry by an Animal Control Officer shall be effective only for the specific purpose of which the owner of the property, or other person consenting to entry has been informed by the person requesting to enter. He said they would have to say why they want to go on the property if they are going to do it by the consent of the owner, or the other person in charge of that property, and that is Item A1. He said A2 is, in the absence of such consent, it allows the Animal Control Officer or the Sheriff or Deputy Sheriff if they have actual knowledge that there is an ongoing violation by abuse or neglect of an animal, improper tethering, or failure to provide adequate care or shelter, or failure to satisfy a requirement issued for a dangerous or potentially dangerous dog, and that such entry shall be limited to causing the violation to be terminated by appropriate action, including removal of animals for impoundment by the Animal Control Authority. He said, however, entry under those circumstances is not hereby required, so there is no binding requirement for somebody who might see these ongoing violations that he just mentioned to have to go onto the property if they are concerned about doing so. He said, obviously, if the owner is standing there with a shotgun, they might want to think twice. He said, in Item B they have provided that the Sheriff or Deputy Sheriff, and, subject to approval by the County Executive, an Animal Control Officer may request the County Attorney to seek in a court of competent jurisdiction a search and seizure warrant to allow entry onto private property and entry into any building or other enclosure thereon subject to appropriate legal procedure and limitations for the purpose of enforcement of this article, meaning the Animal Control Article. He said they have provided at the very end that this section does not limit or prescribe any lawful entry. He said they have tried to provide some basis for entry under these various situations, and also to be able to go into court and get a warrant. He said that particular part about going into court is pretty much right out of the Baltimore County Animal Control Ordinance.

Mr. Kilmer asked if they have the authority right now to go onto private property, to which Mr. Usilton responded, they can go onto private property, but this just kind of clears the way in case somebody was in court and they questioned how they had authority to go onto private property. He clarified, this just clears that up. Mr. Kilmer asked if this has ever happened, to which Mr. Usilton responded, not that he knows of, but he has only been there a short time. Mr. Taylor said he would propose, if Council puts that provision in, to put that in the draft version they bring back at the next meeting.

Mr. Taylor said the other section is disposal of dead animals, and this came up at the request of Councilman Joe Holloway about what to do if there is a dead animal on someone's property. He said he thinks this pertains, to some extent, to a situation Mr. Joe Holloway had, but this is not to address that

situation and is just general. He said it provides that the owner or person in possession of property is required to promptly dispose of a dead animal if present on the property of the following kind: 1) Domestic animals and animals being maintained for the production of food, food products or fiber, or breeding that have died or been killed by accident or otherwise. He said that covers both pets and domestic animals, and then the farm animal exception they have in the definition section, so it would cover, basically, any animals that are under the control of the owner or the person in possession of the property. He said it also includes 2) Others, including wild animals if killed by poison, hunting, or other means by the owner or other person in possession of the property, or a guest, invitee, or licensee of such owner or other person. He said, in other words, if someone allows somebody to come on their property and hunt, and they shoot an animal, there has to be some disposition of it. He said it does not cover wild animals that just happen to die on a property, or a wild animal that might be shot on someone else's property and then comes onto a property. He said that is part A, and part B describes appropriate disposition, and how they can dispose of them. He read 1) Cremation; 2) Deposit in the County's landfill; 3) Burial or composting if done in a manner that will substantially prevent odor emission and attraction of vermin, insects or scavengers. He said he will not read the parentheses part, but there are two Maryland Extension Service fact sheets about composting, and one pertains to poultry, and the other pertains to animals. He said it can be done on any property, but the owner has to consent. He said number four is kind of a catchall provision: 4) Otherwise as authorized or required by law. He said that is put in there so if there is some State Law that requires a specific means of disposal, then that would apply, and they could do that, obviously. He said he will just point out that he knows down in North and South Carolina right now where they have had massive hog and chicken kills, sometimes there are special ways to dispose of large amounts of animals that go into effect, so that is part of the reason number four is there, in addition to saying that someone cannot do something that the State says they have to do. Mr. Cannon asked if that requires an addition to the chart of penalties and fines, to which Mr. Taylor responded, yes, it does, and they have recommended the amount. He said there is also a provision, in addition to the fine, that failure to dispose of dead animals would be subject to the obligation to reimburse the County for doing so. He clarified, so there would be, essentially, two penalties if the County has to do it. Mr. Cannon asked if the fine is per incident or per animal, to which Mr. Taylor responded, he thinks it would be per incident. He said, for example, if there were three dead raccoons that someone's neighbor dropped on someone's property line, he thinks maybe that would just be one fine, but he would leave that to the judge.

Mr. Joe Holloway said he and his wife have had a complaint about a neighbor dumping dead animals, and they have had a lot of complaints in the area of people dumping dead deer along the road. He said they do not just put the deer along the road, they put them in the fields along the edge of the road, and the antlers or the ribs will kill a tractor tire. He said that has been pretty bad in the neighborhood. He said there is a road called Twilley Bridge Road behind where the animal shelter is, and that seems to be a dumping ground for all kinds of dead animals back there. He said there is anything from horses to goats, to dump truck loads of chickens that get dumped back there at different times. He said the other thing they have is the horse incident over on the Westside in Hebron. He said, basically, from what he has heard from the State's Attorney's Office, there is really not much of a law addressing what happened there, so this law could affect that sometime in the future to keep that from happening again. He said this covers a pretty broad spectrum. He said the dead deer along the road are from people who will either partially gut them or dress them out, and then they end up along the road or in the fields, so that is pretty significant, and they need to do something to clean that up.

Mr. Taylor said he will add one thing that he forgot to mention, and that is subpart C in that section, which does say a dead animal or carcass thereof may not be deposited or placed in any public street,

highway or right of way, or except as permitted in this section on any private property, so they have also addressed that particular aspect.

Mr. Dodd said they were talking about hunting and deer. He then asked how that affects the Natural Resources Police, and if they are supposed to be notified if there is a deer disposed somewhere that was hunted illegally, to which Mr. Joe Holloway responded, not whatsoever.

Mr. Kilmer said, on the hunting issue, from what he recalls, a deer gets shot and they take the meat, but they do leave some parts behind. He then asked how this would affect that, and if they hunt on property, would they then have to bury the deer legs and stuff like that, to which Mr. Matt Holloway responded, he is not sure. He said they process all of their deer inside, and do not leave anything out in the field. He clarified, they do leave entrails out in the field in the woods, and then bring the rest in. He said the Hunting and Trapping Guide of Maryland might address field dressing an animal, but as far as butchering an animal, one would have to properly dispose of that.


Mr. Cannon said they have enough to bring this back and finalize it, to which Mrs. Hurley responded, this will be on the October 16, 2018 Agenda. Mr. Taylor said he will make one final statement to everybody. He said, if anyone has any other ideas on this, please do not hold them until the next meeting because that is their deadline, and this goes for everyone. He said Mrs. Hurley could be the central point of contact. There was no further discussion.

  
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John T. Cannon, President

  
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Larry W. Dodd, Vice President, District 3


  
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Ernest F. Davis, District 1

  
\_\_\_\_\_  
Marc Kilmer, District 2

  
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John B. Hall, District 4

  
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Joe Holloway, District 5

  
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Matt Holloway, At-Large

  
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Laura Hurley, Council Administrator