

**Open Work Session**  
**Proposed Changes to Animal Control Regulations**  
**July 20, 2022**

Ms. Kim Nock, Executive Director of the Wicomico County Humane Society and Head of Animal Control; Mr. Pat Guyer with Animal Control; and Mr. Andrew Illuminati, Esquire, came before Council. Mr. Illuminati said he works with Animal Control and the Humane Society and prosecutes infractions issued by Animal Control. Mr. Cannon said the prosecution process is probably something they want to talk about before they leave today because he thinks over the last few years it has not been adequately addressed for one reason or another, which is no reflection on the Legal Department, it was more with the court system.

Mr. Cannon said it was some time ago when the Council last did a major upgrade to the regulations, and he is looking for a new perspective on this to see what they feel needs to be changed and how they need to do it and make things run easier and keep it all legal.

Ms. Nock said she thinks what she found out in the three years as Director is that the codes are good, but they have learned a lot. She said they have Animal Control Officers who want to do more and are doing more and are serving the community the best way they can, but a lot of times they have situations where their hands are tied. She said a lot of times that is the case where the general public thinks Animal Control can do things that they do not have the legal right to do, but there are definitely situations where they could have the codes written better so they could do more. She said this is truly just to serve their community, that is their job, that is their goal. She said they have about eleven different things they have come across in the last three years that have been issues, and they sat down with Mr. Illuminati and went through everything with him so he could put it into legal terms. She said she would rather read it in more layman's terms so the general public can understand it better, and then Mr. Illuminati can change it into his terms. She said she will go through what they have come up with so far as she thinks that would be the best way, and Council can ask her any questions and she will be glad to tell them what instances they have had to deal with these situations.

Ms. Nock said they have a lot of situations where animals are being housed on abandoned properties. She clarified, she is not sure abandoned is the correct term, but nobody resides on these properties or a home that nobody resides in. She said, according to the code, there is really not much they can do about that because if someone is coming on that property every 24 hours and putting food and water out, that is basically sufficient to the Wicomico County Code. She said they would like to have something changed where animals shall not be left on a noninhabited property or in a noninhabited home.

Mr. Cannon said so often they find out that when they are trying to tighten regulations to address one issue they are indirectly unexpectedly stepping on someone else's rights and someone will immediately come back and say this creates a real problem here. He said that seems to be some of the biggest issues they face with Animal Control, not understanding why people are following a particular routine. He then asked what makes that happen, and, if they try to address it, are they assured that it is not going to compromise anyone else, to which Ms. Nock responded, the situation that it happens in most of the time is when someone has moved to a different residence and they are not allowed to have that specific breed at their new residence, and they are leaving them on a separate property just to house them. She then asked if Mr. Guyer agrees that most of the time that is what happens, to which Mr. Guyer

responded, correct. Mr. Cannon asked if there are any circumstances that are going to develop where someone happens to have a vacant property and they keep the dog there and the County is going to be infringing upon their rights, to which Ms. Nock responded, she thinks someone could own a piece of property and want to keep hunting dogs on it or just their own personal pets if that is what they want, but is that truly the right thing for an animal? She said they believe that is not the right atmosphere or environment or situation for an animal. Mr. Cannon clarified if anything they put together can be adjudicated anyway so they have recourse, to which Ms. Nock responded, absolutely.

Mr. Davis asked if Ms. Nock is saying they have property and they have an animal there but they come and take care of them every day, and she is saying that should not be, to which Ms. Nock responded, she does not believe an animal should be left on an abandoned property with someone coming in and caring for them one time a day.

Mr. Guyer said, from his experience, they just had this happen the other day. He said there is a gentleman whose house burnt down several months ago. He said, when he pulled up to the property, there is a kennel there with three dogs in the kennel, and one of the dogs had escaped the kennel and there was nobody there to pick this dog up and the neighbors were all afraid that it was going to run after them. He said that is kind of an odd situation.

Mr. Davis said he is quite sure there are situations like that, but it is just like what Mr. Cannon said. He clarified, what about the person who has property and they take care of their animals, but they do not live there? He said Mr. Cannon is trying to say they have recourse back from them because they say they can do that and that is their right. Ms. Nock responded, she is not sure about that, and her job is to look out for the welfare of the animals, to which Mr. Davis responded, but they will look at that and say they have that right and they can purchase property and put those animals there. Ms. Nock said, honestly, it is the Council's job to look at that. She clarified, she is presenting what they see as an animal welfare issue, and then it is the Council's job to decide whether or not that is something that can be upheld or is warranted to be upheld.

Mr. Cannon clarified, he was not really advocating for it, to which Mr. Davis responded, he is not advocating for it, he is just saying there could be repercussions coming back.

Mr. Cannon said he thinks sometimes animals need more than just a roof and food. He asked, who wants to just live in an abandoned house with food and a roof over their head? Mr. Davis clarified, he is not saying it would be an abandoned house, it might be a place that is well kept, they just do not live there, and that might be a circumstance that could come up against the County. Ms. Nock said, in the situations they have seen and been involved in, that is normally not the case. She said normally it is the case of the animals not being well taken care of. Mr. Davis said he understands that, but there is always going to be that one case and that will be the one that will come back against the County.

Ms. Nock suggested maybe some sort of terminology could be added to it, but that is up to Mr. Illuminati. Mr. Davis said he thinks terminology probably might need to be changed. He said, just to say that no one lives there and they cannot leave their dogs or animals, if there are things that show they are not taking care of the animals, then yes, but just to say that because they do not live there that they cannot leave their pets or animals there he thinks they are stretching a little bit.

Mr. Cannon said he thinks it comes down to the fact that ownership of an animal or pet is more than just making sure they have a roof over their head and food, it is about proper attention and companionship. He said, in a sense, they are sort of prisoners on an island, and he thinks that is why it is the Humane Society because they are talking about the humane way to treat animals, to which Mr. Holloway responded, are they are trying to legislate love?

Mr. Davis said what Mr. Cannon might say a pet deserves might be someone else's opinion for what they should do for their own animal and they might say they do not have to be there to love that animal at all times. He said right now his dog is home by himself, and they said they would have to watch the terminology and they cannot just say because no one lives at that property that they cannot house their animals there, they have to give specific reasons why that animal cannot be left there by themselves.

Mr. Holloway said he understands where they are coming from because he knows some of the instances they have had. He said he actually had to get involved where people have moved out and left their animals, but they also have another side of this, and he guesses this is where they need the attorney. He explained, they could have somebody who is well funded and has a nice house and lives in another house, but they just want their animals to stay in the other house. He said it may be heated and air conditioned, and they may go there every day and feed their animal. He said he does not know if they have ever run into that situation, but it could happen. He said a lot of people take very good care and spend a lot of money taking care of their pets, and to just say if someone owns a home that they have to live in that house if their pet is there is kind of a stretch to say that the person has to live in that house if they have a pet in that house. He said Mr. Illuminati needs to figure that one out.

Mr. Cannon said, not to lose sight of what they are looking at here, they are trying to look at guidelines that they can set up so that at least there is some recourse that the Humane Society has to address the situation when they surely do recognize that an animal is being treated cruelly. He said, in all cases it can still go before a judge to make that final decision as to what is right or wrong. He said it is not all black and white, it is what is fair and the judge can make that decision as well.

Mr. Holloway said they could be setting somebody up to end up having to go to court for no reason. He said this is a touchy situation, and he understands they have had problems with people just moving out and leaving pets.

Mr. McCain said they are definitely on the right track, but it might be just in the definition when he sees uninhabited and that may need to be broadened or defined a little. He said it looks like it just kind of ends there, so they might just need to extend that because he thinks they could still have situations. He said one that he knows of is someone who has a hunting lodge and they have literally an employee who goes there every day and is there pretty regularly, but it is not their residence, and they have their dogs there and they have kennels there, and they are cared for. He said he does not know if dogs on these vacant properties are inhumanely being cared for, but they need something broadening that because it definitely needs to be addressed and the situations they are talking about need to be dealt with. He clarified, he thinks some of these outliers could be covered if they just broaden that definition a little bit.

Mr. Illuminati said one place to potentially look is the housing code and look at what is defined as a public nuisance and maybe, if it is going to be part of another violation of the County Code, then they cannot have the animals there in that context and it would alleviate the concerns.

Mr. Illuminati said, just as a quick primer on how this all came to be, Ms. Nock and her staff met with him and they looked at a bunch of other County Codes and what limitations and policies are in place there, and then, pursuant to the County's Code, the Animal Board met. He said some of those individuals are present today, and that Board discussed the concerns and tried to feather through as many of the concerns that Council may ask and then those were tailored a little bit more and then brought to the Council for this continued discussion to make sure that the animal's, as well as people's, rights are protected. He said the ultimate goal would be to make sure that Animal Control and the Humane Society's resources are well used, and that the public still can exercise and have a dominion control over their animals in the way that they as the owner deem just and proper.

Mr. Holloway asked, if somebody owns a home and they have a dog in a kennel or in the house and they visit that house every day, is that home considered abandoned, to which Mr. Illuminati responded, Mr. McCain brought that up and possibly defining uninhabited. He said he knows from the Housing Code that certain structures can be a public nuisance. He said, if a structure is about to fall over, while they still may own the property, they have other liabilities because the structures on the property may be unsafe themselves. He said now they have the animals on an unsafe property, which the unsafe structure could be affecting the public at large, so there would already be another violation, so possibly pairing the uninhabited with another violation of the County Code would be the requirement for the vacant property.

Mr. Holloway asked what describes abandoned, to which Ms. Nock responded, that is why she said she did not think that was the right word. She said she thinks uninhabited is better, to which Mr. Holloway responded, but what describes uninhabited? He said, if somebody lives in a house for six months and then goes to Florida for six months, that house is uninhabited for six months. Ms. Nock asked, should an animal be left on that property, to which Mr. Holloway responded, what if the neighbors are taking care of it? He clarified, he understands why they are going after this, but this is complicated and they are going to step on somebody's rights really quick.

Mr. Cannon said he thinks what they are overlooking is they are not looking to establish any Gestapo tactics where the Humane Society is going to go in and take everything away and lock someone up and give them fines, they are only asking for some kind of leniency or some kind of leeway so they can use their own discretion when they know there is a serious problem, and that is all they are trying to establish. He said he believes they have to depend on the individuals at the Humane Society to be able to recognize what is an egregious violation and what is not and to act fairly, and when they issue that, then there is even more recourse because it would have to go before a judge even after that. He said they are only asking the Council to set the parameters up and he thinks they have to trust their judgement to a certain degree.

Mr. Davis asked why they cannot put their judgement into it if they know what it is that is inhabited and what makes it cruelty to an animal, and put it on paper, to which Mr. Cannon responded, that is what this is. Mr. Davis said they just said if it is uninhabited and left it open, so they need to be more specific to say why it is uninhabited, to which Ms. Nock responded, no, she said she was going to give Council the layman's terms and she was going to rely on Mr. Illuminati. She said Mr. Illuminati can certainly present how he wrote it out, to which Mr. Davis responded, that is what they would like to see.

Mr. Mitchell said it says an animal unattended at a vacant property, but once a day attended is one way to look at it. He said, if they come once a day, are they attended to even if it is a vacant property, unless there is a definition of attended.

Mr. Cannon said he thinks what they want to do is continue with an overview and less Q&A because he guesses this is something where they will form a Committee and have the Committee try to evaluate all the pros and cons and then come back. He said they tried this when they did it a few years ago and the Council was up here for two hours just like this, so they finally decided to put it to a Committee and they came back with their recommendations. Ms. Nock agreed that would be the best way to handle it. She said she just wants to give the Council a sense of the different issues that they have had that they are trying to tighten up to make it easier for their Animal Control Officers to help the citizens because many times it is the neighbors who are being affected by all of these issues, and they expect Animal Control to be able to do something and handle it when the law does not allow them to do something and handle it.

Ms. Nock said, if they can just briefly go over the different situations they have had, she will be glad to give them specifics on different stories, and if they want Mr. Illuminati to tell them how he worded it, that is fine. She clarified, they know this is not going to be a quick fix, this is just the start.

Mr. Cannon clarified, the Council can ask questions anytime because that is what they are here for, so questions are fine, he just does not want to belabor this so they do not miss the target.

Ms. Nock continued and said animals that reside outside must have proper bedding, which can be straw, pine shavings and/or pine needles. She said blankets and pillows and cloth bedding are not acceptable materials. She said they are not specific on bedding, and actually she does not think they have anything in their code at all about an animal being provided with bedding inside of their shelter, so they are looking to add something about bedding. She said she will tell them that most other codes have specifics on what bedding is proper and what bedding is not. Mr. Cannon asked if there is any mention of straw flooring now, to which Ms. Nock responded, no, there is no mention of bedding at all in their code.

Ms. Nock said animals that are out longer than 30 minutes need to have proper shelter, food and water, even if the temperatures do not fall below 32 degrees or rise above 90 degrees unless they are attended by their owner. She said right now if they technically read the code, and she cannot say that they always follow it like that, but a dog does not have to be provided shelter unless the temperatures fall below 32 degrees or rise above 90 degrees. She said everybody interprets that as an animal has to have shelter, and that is truly not the case. She said it could be 89 degrees out and a dog left outside all day, but by their code not have to have any kind of shelter. She clarified, if someone is out with their dog, that is no problem, they can be out with their dog all day long with no shelter.

Mr. Dodd said numerous times even when they did this several years ago the definition of animals came up so many times. He said it could be a goat or a farm animal, or a pet dog, so he thinks they should clarify, to which Ms. Nock responded, it is domestic animal. Mr. Dodd said maybe they should clarify that because that question has been brought up many times. Ms. Nock said now it is very cool to own goats and chickens and all kinds of little things even in somewhat residential areas, so she would say a domesticated animal, and that would cover a goat unless it is being raised for food purposes. Mr. Dodd said that would hopefully be a farm.



Ms. Nock said right now it is mandatory for a male dog to be neutered if it is brought into the shelter two times in one year, and she thinks that should be mandatory for females and males. Mr. Dodd asked if that is if a dog gets out and gets picked up, to which Ms. Nock responded, if they pick it up two times in the same year, it would be mandatory neutering or spaying at the person's expense. She said right now it is if a female dog in heat gets out two times in one year or a male dog in general gets out two times in one year. Mr. Dodd asked if they have any regulations on how many times they pick up an animal because there was a dog from the County that jumped in his backyard ten times and the former Director before finally came and got the dog and he has not seen it since, but he knows it was ten times. Ms. Nock said there are no specifics for them to physically remove a dog, but they could continuously cite them and they could max out the citations every instance and then they would give the maximum citation every time it happened after that. She said, as far as physically removing the dog, no, that would not be allowed by law.

Ms. Nock said there needs to be definite tightening up on the nuisance barking issue. She said everybody thinks that because their neighbor's dog barks all night long that they have the right to come and take it, and they do not. She said a nuisance is on the burden of the person to prove that it is a nuisance, and honestly, if they ask her if her neighbor's dog is barking in the middle of the day, she could care less, but if she is a nurse who works nightshift and her neighbor's dog is barking in the middle of the day, yes, it is going to make her a little bit upset. She said this whole section just needs to be tightened up a little bit. She said they just have no recourse once they have maxed out the fines. She said she thinks the recourse would be they have to bring their dog inside if it is a nuisance to their neighbor. She said, if after three citations and the dog is a nuisance, they should have to bring their dog inside, and they should be able to enforce that.

Ms. Nock said roosters are a huge problem now even in residential areas. She said it does not affect the City because the City has limits on how many roosters people can have, and she thinks they can only have one in the City. Mr. Guyer clarified, they cannot have any roosters in the City. Ms. Nock said, in the County, even though people are living in residential areas, they have roosters. She said they wanted to add crowing to the nuisance noise because that is not in there.

Mr. Holloway asked, what happens to a farmer who has laying hens, to which Ms. Nock responded, maybe they have to put residential neighborhoods or something like that. Mr. Holloway said there are poultry houses right next to residential neighborhoods. Ms. Nock clarified, she does not know how to fix the problem, but she is just telling them that it is an issue. Mr. Cannon said maybe if the owner lives in a residential area. Ms. Nock said she lives in a residential area but she is actually zoned agriculture, so if she wanted to have roosters on her property she could have roosters. Mr. Holloway said then they have to turn around and look at the Right to Farm Act. He said, if someone moves into an agricultural area, they might expect to get that, to which Ms. Nock responded, 100 percent, and that is why she feels like the burden should be on the complainant to file and prove that this is a nuisance to their life and then it is up to a judge to decide whether or not it is truly a nuisance.

Mr. Dodd said many of these nuisances they are referring to are from another neighbor, not a farm, to which Ms. Nock responded, that is correct.

Mr. Cannon said this is a tough one, to which Ms. Nock responded, she totally agrees, but she is just saying they deal with this all the time and people think that they can do something about it and they cannot. She clarified, she is fine if Council decides they cannot, she is just presenting issues they have.

Ms. Nock said right now as the Humane Society they provide microchipping as a courtesy and they do that because they want every animal microchipped. She clarified, microchipping is not a tracking system, it is just a very small thing the size of rice that goes under their skin and allows her Animal Control Officer when picking up a dog to scan it right from his truck and he can pull up their information and return the dog without ever having to bring it in to the Humane Society. She said this is a service they are providing from their heart that they foot the bill for. She said these microchips are not inexpensive, but they feel that is the right thing to do to get these animals home when they possibly can. She said they would like to make it mandatory that the animal gets microchipped if it is brought in running at large. She clarified, very rarely does somebody ever say no, they do not want a microchip in their animal, but she would prefer that they do not have that option.

Mr. Dodd said he does not like the idea of mandatory. He said he had his pet dalmatian microchipped and never had to use it, but he thinks it should be voluntary. He said hopefully they can educate the public and get them to do it.

Mr. Cannon asked if Ms. Nock suggests a number of violations before they would want to microchip an animal, to which Ms. Nock responded, if they are not willing to just make it mandatory when they are brought in and running at large, then make it two times in one year just like the spaying and neutering.

Mr. Guyer said making it mandatory does not really do him any good because, if a dog keeps continuing to be a problem, having a microchip is not going to do any good because he is not going to take it to their house anyway, he is going to take it back to the shelter and call them to say their dog is out again and they need to come and pay the fees. He said he does not know that making it mandatory after a number of events is a good idea, he thinks they could make it mandatory upfront because they have lost them once and now this will save everyone some time and money, or they do not do it. He said, again, doing it after a number of times, just from his experience, there is no point in it.

Ms. Nock said they are having some issues with domestic farm animals not having proper space. She clarified, the animals are cared for, that is not the issue, but it is way too many animals on a small piece of property. She said that is covered in the Zoning Code, but it is not being enforced and they need either for Zoning to enforce that or to give them more rights to enforce it.

Mr. Holloway asked why Zoning is not enforcing it, and what is their excuse, to which Ms. Nock responded, she does not know. She then asked, who has gotten complaints about the property on the corner of Walston Switch Road and Old Ocean City Road, to which Mr. Holloway responded, he has. She said that is a local petting zoo and they have way too many animals on a piece of property that she does not even know if it is an acre. Mr. Holloway said, in talking to the Executive's Office, they just meet the amount of land that allows the County not to do enforcement on it. He said there have been numerous complaints on this. Ms. Nock said the code says, in residential districts, livestock, horses, cows, ponies, donkeys, burrows, and other domestic animals may be kept, raised, or bred for the use and enjoyment of persons residing on the lot involved provided that only one such animal shall be permitted for each 15,000 square feet of land. She said that is not the case for that property.

Mr. Dodd asked if that property can be designated as farm property? He said he is all for farms, but if they have a small lot like that, it is not a farm.

Ms. Nock said they do not have any recourse or anything in their code about these kinds of animals.

Mr. Holloway said he would like to invite the rest of the Council to go look at that property.

Mr. Guyer said they have thinned it out a little bit right now and they do not have as many there as of the last period of time he checked on them. Ms. Nock said sometimes she will see them there and sometimes they are out on events, so part of them will be gone, and they have another property now off Nanticoke Road, which they get complaints on regularly as well. She said they just do not have anything in their code for those kinds of animals.

Mr. Davis clarified, they go out on events, to which Ms. Nock responded, it is a mobile petting zoo. Mr. Holloway said they will be at the Wicomico County Fair.

Mr. Dodd asked, on some of these complaints, does she have a list of suggestions or recommendations she has looked into, to which Ms. Nock responded, they were getting two complaints a week. Mr. Dodd clarified, he is asking if Ms. Nock has any recommendations she would like to present, to which Mr. Holloway responded, that is what she is doing. Mr. Dodd said it sounds like Ms. Nock is asking the Council to come up with regulations for this, to which Ms. Nock responded, Mr. Illuminati has recommendations. Mr. Cannon said he thinks Mr. Dodd is asking if Ms. Nock is suggesting that more square footage be required per animal or something like that, to which Ms. Nock responded, no, she thinks the Zoning Code covers that. She said she thinks the Zoning Code is correct in how it is worded, but she thinks in their Animal Control Codes they do not have anything about enforcing it. She said Zoning is looking at Animal Control to enforce it, but they have nothing in their code to enforce it, and they are saying Zoning has to enforce it because they have it in their code.

Mr. Cannon said, to answer Mr. Dodd's question, is this something the Council is going to have to address through Planning and Zoning, to which Mr. Illuminati responded, it is possible to either replicate what is in the Zoning Code and put it in here, or take it out of Zoning and put it in the Animal Control section. Mr. Holloway suggested getting Planning and Zoning in here to explain why they cannot address this. Mr. Cannon said they will make a note that Planning and Zoning needs to weigh in on this, to which Ms. Nock responded, she will tell them that she has talked extensively with them and they work together, and they work together very well. She said they are always at her side if she needs them for something and vice versa. She said she has offered if they need to have these animals removed from the property that they will definitely take care of that, but they are not the ones to initiate any kind of removal. She clarified, she is not saying that is what needs to happen, she is just saying this is a piece of property that is inappropriate to have that amount of animals on it. She said they feed them and they are all in good health, but it is not enough space and it is against that particular code, but it is something they cannot enforce, and they are the ones fielding the complaints for it.

Mr. Cannon suggested Ms. Nock make a recommendation to Planning and Zoning as to what she thinks the square footage needs to be per animal, to which Ms. Nock responded, she thinks the square footage is exactly right, one animal per 15,000 square feet, but that property is not.

Mr. Holloway said he is told that property is large enough that it meets that requirement. He clarified, that is what he has been told. Ms. Nock asked if anyone knows how many square feet are in an acre, to which Mr. McCain responded, 43,560. Mr. Holloway said the reasoning he has is that the property is large enough that it does not fall under that regulation.



Mr. Dodd said he thinks it is a good idea to have Planning and Zoning the next time they meet for a work session.

Mr. Cannon said Ms. Nock is saying it is not a Zoning issue, so is it an enforcement issue, to which Ms. Nock responded, it is code enforcement Zoning Code issue. Mr. Cannon asked, it is to an extent that Ms. Nock recommends it be double the space now from what they have currently, to which Ms. Nock responded, no, she is telling them that the property is not the size that he thinks it is. She said she thinks they could only technically have three animals on that property according to the code. Mr. Holloway said that is what Ms. Nock is saying, but what he is saying is what he has been told. He clarified, he is not saying it, but it is what he has been told because of the amount of people who have called him about this one property, and she knows because he has called Ms. Nock. Ms. Nock said they were getting calls two times a week as well, but the animals are cared for. Mr. Holloway agreed that they are fed.

Mr. Cannon said it sounds to him like this is going to be an issue the County has to deal with between Planning and Zoning and how they are going to enforce this one property, but, as far as what Ms. Nock is looking for, she is not looking for any changes to this, to which Ms. Nock responded, no.

Mr. McCain said they cannot enforce it because it is Planning and Zoning. He said he does not know if this can be done, but are they able to put language in there giving them the ability to enforce Planning and Zoning Code that involves animal welfare, to which Mr. Illuminati responded, that can be explored. Mr. McCain clarified, without necessarily changing anything with Planning and Zoning, but because this is an animal welfare issue and it violates code, then they would have that ability. Mr. Illuminati said he thinks part of the issue may be in exploring cleaning up the language in that code. He said, if it is one animal of each per 15,000 square feet of land, expounding on is it developed land or undeveloped land because, if they have a 14,500 square foot house and only have 500 square feet of yard, then technically they have 15,000 square feet, but they have animals running around in this very tiny area. He said it may just be cleaning up specifically whether they can have one dog, one horse, one cat, one goat, one chicken per 15,000 square feet, or is it only one animal per 15,000 square feet, and that may be the issue. He clarified, they may be compliant under the most open interpretation of the current code, so they may need to clean up developed land versus undeveloped land and one animal per 15,000 square feet or one animal of each type per 15,000 square feet.

Mr. Cannon said they will leave this up to Mr. Illuminati's office to decide based on what Mr. Holloway's concerns are and the public, and what they might think is the best solution legally to correct all of that.

Mr. Holloway said there have also been complaints about the chickens and animals out, and goats in the road. He said there are complaints about flies from the neighbors because they do not keep the manure cleaned up properly, so there is just a whole list. He said he knows Ms. Nock has been there, Planning and Zoning has been there, the Department of Agriculture has been there, and MDE has been involved. Ms. Nock said she knows there have been some citations issued, to which Mr. Holloway responded, multiple citations about trash and stuff like that. Ms. Nock said there is a lot going on at that property.

Mr. Cannon asked Mr. Illuminati to look into that and let them know if he can create some options.

Ms. Nock said they need to add something about, when an animal is found, not removing it from the County that it was found in until they have contacted Animal Control. She explained, they are having a lot of issues with people picking up animals and taking them to another County or another state and

then people have no ability to find their animal. She said something along the lines of having 24 hours to report any found animal to Wicomico County Animal Control. She said, if the people wanted to hold the animal and it is all documented with Animal Control, they could go ahead and take the animal with them and hold it themselves, that is one thing, but they are having a big issue. She said they just had an animal that was taken to Dorchester County and they had to get Dorchester Animal Control involved in going and getting that animal back because it was not even past its stray hold.

Mr. Davis asked what Ms. Nock means by taking an animal, to which Ms. Nock responded, they pick them up as a stray and take them wherever they are going. Mr. Davis asked if these dogs are tagged and licensed, to which Ms. Nock responded, the dog was not microchipped. Mr. Davis asked if it was tagged, to which Ms. Nock responded, she is not sure, and she is not sure the dog had a rabies tag either.

Mr. Cannon clarified, someone found a dog, liked it, and took it home, to which Mr. Illuminati responded, pretty much, but he is using "find" in a very kind term. He said maybe it is kidnap in some instances, and then basically the owner who did not even have the dog at large but is now looking for their dog and is checking Facebook now sees photos of their dog with somebody else and ultimately that is how these animals are found. He said what this will require is somebody who finds an animal to report it, and they can still maintain it, but then there will be a list because the first thing one does when their animal is lost is call the Humane Society or Animal Control to see if their dog came in. He said that is sort of what they are seeing, animals being taken to other Counties. Ms. Nock said they are dealing with a lot of rescues and wannabe rescues and wannabe rescuers, so she just thinks they need something documented where, if they find an animal, they have to report it within 24 hours.

Mr. Cannon asked if there are ordinances like that in other Counties, to which Ms. Nock responded, yes there are about holding animals as strays and how much time before they can consider it their own pet. She said she always thought it was 30 days for the general public before they could consider it their pet, and she is not sure if that is even documented anywhere in their code. She said the Humane Society's policy is six days, which is they have to be held by law for six days, and she makes it six business days, not just six general days because they have had situations where people have been on vacation and someone else has been watching their animal and the animal got out and the person did not tell them, and they come home from vacation seven days later and they do not have the dog anymore.

Mr. Dodd said, if they had the chip, nobody could claim it after 30 days, to which Ms. Nock responded, microchip trumps everything. She said, if an animal is microchipped, they have to jump through hoops to make sure they get that animal back to the proper owner. She clarified, if they had a microchipped animal, they would not be able to do anything with it for about 30 days, they would have to hold it.

Mr. Holloway asked if that falls under the definition of unattended, to which Ms. Nock responded, she does not know.

Ms. Nock said right now if an animal is deemed dangerous it is mandatory spaying or neutering, and she thinks it should be mandatory if it is deemed potentially dangerous or dangerous. She said it is just another way to get control of the nefarious stuff going on with some of these backyard breeders. She said, if they are not stepping on someone's rights by doing it for dangerous, she cannot see that they would be stepping on their rights by doing it for potentially dangerous as well.

Ms. Acle asked what is considered dangerous and potentially dangerous, to which Mr. Guyer responded, dangerous is considered if a dog has basically done severe injury to something, whether a person or another animal. He said potentially dangerous is a situation where a dog gets loose from its owner and runs up to someone and bites them on the arm a couple times, and they may be deemed potentially dangerous, which means the dog needs to be watched, but it does not really fall under where it gets a lot of precautions put on it where it has to be muzzled. He said it is just where they need to keep an eye on a dog because it did something once, and they are not really sure whether it was intentional or not, so that is kind of the way he interprets that. He said the physical wording is for dangerous when it is a severe injury or death to another person or animal.

Mr. Cannon said, with the potentially dangerous factor being brought into play, is there any recourse the individual would have before the dog is spayed or neutered, to which Mr. Illuminati responded, they have the right to go before the Animal Appeals Board and that is the check and balance, so it is not just them saying potentially dangerous, they have to make the decision to go before the Board. Ms. Nock added, even though they try to deem a dog, they still have the right to fight the deeming in general.

Ms. Nock said housing for animals right now basically say the house has to have three sides, a roof, a front, and a floor. She said there have to be more specifics about the construction of these houses because someone could throw up a tarp to make those sides and that would not be sufficient construction for an animal's house, so they are looking to add more specifics. She then asked Mr. Illuminati to read that section how he worded it. Mr. Illuminati said it reads that the shelter shall have a solid floor raised at least two inches above the ground and appropriate to protect from flooding, a weatherproof roof, and they are striking four walls and putting enclosed sides with no cracks, one of which shall contain a doorway through which the animal can easily enter and exit; proper and sufficient exterior bedding shall also be present in the shelter, and bedding shall be kept dry. He said that is pretty much what is in Frederick, Anne Arundel, and Harford Counties' codes and they all have that same exact language. He said basically, as Ms. Nock was saying, right now the only requirement is it shall have a floor appropriate to protect from flooding and a roof and four walls, but what individuals do is they use tarps and wooden pallets.

Mr. Holloway asked if the housing code even requires somebody to have a bed? He clarified, he understands what they are trying to do, but they have to be careful how far they stretch this. He said he does not think their housing code even says that a person has to have a bed in their house, so they can sleep on the floor if they want to.

Mr. Cannon said the issue with animals is they have someone who cannot fend for themselves, so somehow they have to establish guidelines.

Mr. Holloway said he agrees with them on the housing part, but at some point in time, there could be a big dog with a lot of hair, to which Ms. Nock responded, this allows them to make decisions based on the size and breed of an animal as well, so it allows them that leeway.

Mr. Cannon said a homeless person will sleep on the sidewalk, but that is their decision. He said an animal does not always have that choice.

Mr. Guyer said the other thing to look at is the word they use is bedding, not bed, so they are not looking at a four-sided bed, to which Mr. Holloway responded, he knows the difference. Mr. Guyer said,

as Mr. Cannon said, as a person, they can choose to do that or choose not to, but a dog cannot, so if they put it out there, he has the ability to lay in it if he chooses to, but if he chooses not to and goes out and lays down somewhere else, that is his choice, but they have to give him that option. Mr. Holloway said, how about if the dog goes in and drags the bedding outside, to which Mr. Guyer responded, that is on the dog at that point, but the bedding is there. Mr. Holloway asked, what if Animal Control shows up and says all the bedding is outside so they are in violation, to which Mr. Guyer responded, they would not do that. Ms. Nock said they would not cite them for that, they would give them a correction, but it would not even be a bed because that would not be allowed because that retains the cold and wetness. She said it has to be straw or pine or something like that.

Mr. Guyer said, on that same subject, a doghouse is the same thing. He explained, they can put a dog out there, and if he goes there because somebody says the dog is standing out in the rain but his doghouse is right there and he is not using it, that is on the dog, but the doghouse has to be there for him to be able to use.

Ms. Nock clarified, they do not go out and write citations willy nilly, they always give the people the benefit of the doubt in the beginning and they give them verbal and written corrections first. She said it has to be a severe case of someone being neglectful that they will ultimately get a citation.

Ms. Nock said that was the last item on her list.

Mr. Holloway said they are going to follow up with Planning and Zoning about the one they talked about with not enough room because he has been told that they cannot enforce it because there is enough room there.

Mr. Dodd said, when they did this work several year ago, he knew they were going to come back and do a lot more because they were not finished then, and he appreciates Ms. Nock coming back and trying to refine a lot of this.

Mr. Dodd said he wants to mention that yesterday or the day before he saw Officer Guyer on one of the Facebook groups about this big snake he went to and he commends him for doing that because a lot of people do not like snakes.

Ms. Nock said Officer Guyer is new to their organization, and he is a godsend. She said he has made her job a lot easier.

Mr. Holloway said he was told it is against the law to kill a snake in the State of Maryland, to which Ms. Nock responded, it is. She clarified, Mr. Guyer did not kill that snake, he released it.

Mr. Cannon said the Council really appreciates what Ms. Nock is doing because she has her regular work to do first and foremost, and he knows it is a lot, and then to take the time to delve into this is night and day. He said they will have to figure out how they put the Committee together the last time. He said he does not think it needs to be as large as it was the last time because there were about 15 people, but they will ask Mrs. Hurley to work with Ms. Nock on what she thinks would be the best combination and get things moving as quickly as they can. She said then she can come back to the Council and hopefully resolve this soon enough. Ms. Nock said she is not even sure she was the right person to be initiating this, but she is the one who lives it every day, and she thinks their Animal Control Officers live it every day and they should have a say, but she is more than willing to do whatever they need her to do.

Mr. Holloway said they knew when they did this before that it was a work in progress. He then asked Mrs. Hurley to get a statement from the Executive's Office about the Walston Switch Road property and why that has not been addressed. He said there was some reasoning that the property was over the limit square footage-wise where the County could not do anything.

Mr. Dodd thanked them for what they do for animals. He said, as Mr. Cannon said, they cannot speak for themselves, so somebody needs to.

A gentleman named Cody who was in the audience then asked to come before Council, and Mr. Cannon allowed him to come to the table. Cody said he actually lives at that property they discussed, and some of the provisions that were set forth he was curious about. He said they talked about what is abandoned and what is not, and there are farmers who lease land and have goats and cattle that they do not reside at, and that is their form of income, so he does not know how they can squeeze that not for them but for somebody else, and he just does not see how that could apply. He said, as far as shelter and whatever is adequate, the definition of shelter is a place that gives leeway from the elements whether it is a tarp or a pallet. He clarified, he is not saying he has any of those things, but he is just speaking for everybody. He said, if the protection is there, he does not see why it should matter if the animal is protected. He said, just like anything in life, he drives a '97 Dodge Dakota beat up and it gets him to where he is going, and someone else drives a 2022 Benz, they both serve the same purpose, they take them to work, and the shelters provide shelter. He said, as far as the rooster ordinance, if someone buys a property that is zoned agricultural and their neighbor has a problem with it, it is zoned agricultural for a reason. He said there has been talk about neighborhoods, but what is the definition of a neighborhood? He said is it just some place where there is an HOA and houses clumped together? He said is that particular neighborhood in an agricultural zone? He said, if they can have farms in agricultural zoning, he does not see why the roosters could cause issues. He said he understands some people do not like them, but they also should know that if they buy a rural piece of property that those things can happen, just like smells. He said some people do not like chicken house smells.

Cody said, in terms of space and animals, animals have been dry lotted for years. He said people do this, but that does not mean they are not taken care of. He said a lot of farming industries dry lot their animals to help with parasite loads, and it does not mean that they are not taken care of. He said the wording for what they proposed was very vague. He said, if there is some standard of how many animals per acre or whatever, who determines that? He asked, is it broken down by species of animal? He said Ms. Nock was talking about the four or five animals she thinks they could have, but that should apply to dogs and chickens. He said, if someone has five chickens on their property, that is all they can have based off the wording they presented. He said a lot of the problems he has are the wording and the definitions. He asked, what is the definition of a shelter? He said it provides shelter whether it is made up of a slate roof that is going to last 200 years or a tarp that has to be replaced every year, just as long as it is not leaking. He said, if they have provisions in there saying if upon inspection of the property it is leaking, he understands that, but to make people spend money where they would not necessarily have to, they are making them choose how they want to live. He said the guy explained the potentially dangerous animals and that is fine. He said that was vague.

Mr. Cannon said what they are trying to do here is just get a brief overview of what the Humane Society wants to propose now, and he would suggest that the Committee open their meetings to a Public Hearing so they can get input. He said that would be the proper forum for Cody to address this. He said,

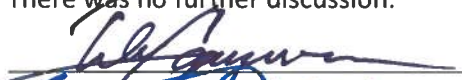


before this Council changes anything, they will also have a Public Hearing as well so he can address it at that time. He said he thinks what they should do is let the Committee get together, begin to go through their process, allow the public to speak there, and then Cody can come back to the Council. He said it is not helping the Council too much right now until they know what their end game is, so Cody's issues may be addressed and solved through the Committee before it comes to the Council.

Cody asked how he can get information about when the Committee will meet, to which Mr. Cannon responded, he will make sure they post it. Mrs. Hurley said they can do like they did with the Charter Review Committee where they have a website and then the public can submit comments online. Mr. Cannon said maybe when logging into wicomicounty.org they can have IT put the link right at the very front page so people will not have to hunt and peck for it. Mrs. Hurley said normally it is on the County Council page, but she can talk to IT about putting it on the homepage. Mr. Cannon said, even if it is just a link that goes to the County Council page, they will do that so the public can go online periodically and find out because he is not sure how long it is going to take the Council to get the Committee together and get started. He said he will be able to go online to wicomicounty.org and they will make sure there is a link there so he cannot miss that opportunity.

Cody clarified, will he only be able to comment there and not at the meetings, to which Mrs. Hurley responded, they have not designed that website yet, but he is certainly welcome to talk at a Council Meeting during Public Comments. Mr. Cannon said Cody is asking about the Committee, and he cannot speak for the Committee on how they might do it, but usually in Public Hearings a lot of times they try to avoid a one-on-one and debating at the meetings. Cody clarified, he is not trying to debate, he is just trying to put more facts out there because he thinks a lot of the things they talked about were dogs and a lot of these vague things apply to farm animals that are livestock. Mr. Cannon said there may need to be three sections, and Cody is making a lot of good points. He said that opportunity will be presented to him to speak, and however the Committee might want to engage, that would be up to the Committee.

There was no further discussion.

  
\_\_\_\_\_  
John T. Cannon, President, At-Large

  
\_\_\_\_\_  
Ernest F. Davis, Vice President, District 1


William R. McCain, At-Large

  
\_\_\_\_\_  
Nicole Acle, District 2

  
\_\_\_\_\_  
Larry W. Dodd, District 3

  
\_\_\_\_\_  
Josh Hastings, District 4

  
\_\_\_\_\_  
Joe Holloway, District 5

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