

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A CAT CONTROL PROGRAM FOR SOMERSET COUNTY, MARYLAND, PROVIDING: THAT THE SAME SHALL BE KNOWN AS THE SOMERSET COUNTY CAT CONTROL PROGRAM; FOR DEFINITIONS OF CERTAIN TERMS USED IN THE BODY THEREOF; FOR THE ADMINISTRATION OF THE ORDINANCE; THAT THE ORDINANCE SHALL APPLY THROUGHOUT SOMERSET COUNTY; FOR THE IMPOUNDING AND DISPOSITION OF STRAY, UNWANTED, CRITICALLY WOUNDED, INJURED, DISEASED, OF VICIOUS CATS AND FEMALE CATS IN HEAT; FOR THE KILLING, IF NECESSARY, OF VICIOUS, FERAL, OR RABID CATS WHICH CANNOT BE SEIZED AND IMPOUNDED; FOR THE CARE, FEEDING AND PERIOD OF HOLDING OF IMPOUNDED CATS; FOR THE RECEIVING OF CATS TO BE PLACED FOR ADOPTION AND DISPOSAL; FOR THE KEEPING OF RECORDS FOR DESTROYED CATS; FOR THE REDEMPTION OF IMPOUNDED CATS AND THE FEES AND CHARGES THEREFORE; FOR THE PLACING FOR ADOPTION, OR DESTRUCTION OF UNREDEEMED CATS; FOR PROHIBITING SALE, RELEASE OR REDEMPTION OF VICIOUS OR RABID CATS OR THOSE SUFFERING INCURABLE DISEASES; FOR PROHIBITING THE RUNNING AT LARGE OF VICIOUS CATS AND PROVIDING PENALTIES FOR PERMITTING SUCH; FOR DISPOSITION OF DEAD CATS ; FOR MAKING UNLAWFUL THE POISONING OR FEEDING OF GLASS TO CATS; FOR MAKING UNLAWFUL THE ABANDONMENT, INJURING, BEATING, ABUSING, AND RUNNING DOWN, WILLFULLY, WITH A VEHICLE OF ANY CAT; FOR MAKING UNLAWFUL THE WILLFULL KILLING WITHOUT REASON, OF ANY CAT OWNED BY THE KILLER; FOR THE CONFINEMENT, AT THE EXPENSE OF THE OWNER, OF CATS THAT HAVE BITTEN PERSONS, FOR THE REQUIRING OF PHYSICIANS TO REPORT TREATMENT OF PATIENTS SUFFERING CAT BITES OR SCRATCHES;

FOR PROHIBITING CONCEALMENT OF FALSE DENIAL OF OWNERSHIP OF CATS; FOR PROHIBITING INTERFERENCE WITH ENFORCEMENT OF THE ORDINANCE; FOR ESTABLISHING A CATTERY LICENSE SYSTEM, PROVIDING FOR FEES, LICENSE PERIODS AND PENALTIES FOR NOT OBTAINING; FOR REQUIRING LICENSE TAGS TO BE ATTACHED TO CATS AND DETERMINING WHEN SUCH MAY BE REMOVED AND UNDER WHAT CIRCUMSTANCES; FOR DISPOSITION OF LICENSE FEES AND OTHER

FUNDS; FOR ESTABLISHING GENERAL PENALTIES FOR VIOLATION OF THIS ORDINANCE; THAT IF ANY PART OF THIS ORDINANCE IS DETERMINED TO BE INVALID, SUCH WILL NOT AFFECT THE WHOLE THEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Somerset County deems it necessary to enact a cat control program in order to safeguard the health, safety and public welfare of residents of Somerset County;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY, MARYLAND, HEREBY ENACTS THE FOLLOWING:

ARTICLE I – NAME

SECTION 1.

This Ordinance shall be known as the Somerset County Cat Control Program

ARTICLE II – IN GENERAL

SECTION 2. DEFINITIONS

The following words when used in this Ordinance shall be the meaning respectively ascribed to them in this Section; unless otherwise specifically defined in other parts of this Ordinance.

(a) OWNER - includes any person, group of persons or corporation having right of property in a cat or any person who keeps or harbors a cat or has it in his care, or permits it to remain on or about any premises occupied or controlled by him for more than two weeks;

(b) VICIOUS CAT –means any cat that has vicious tendencies by virtue of its demonstrated behavior of attacking human beings,

livestock, or other animals with an apparent attempt to cause injury or death;

(c) AT LARGE - any cat will be deemed to be "at large" when it is off the property of its owner or not under the control of a responsible person;

(d) ANIMAL CONTROL CENTER – any premises so designated by the County for the purpose of impounding and caring for cats found running "at- large" in violation of this Ordinance;

(e) ANIMAL CONTROL WARDEN – the person or persons employed by the County as its enforcement officers;

(f) STRAY CAT - means any cat running "at large" or unlicensed or not in control of its owner.

SECTION 2. ADMINISTRATION OF ORDINANCE.

The County Commissioners are hereby authorized and directed to administer this ordinance and such powers as may be granted them, may be delegated to an animal control warden or deputy wardens as the case may be, who shall have powers of a peace officer.

SECTION 3. APPLICABILITY OF ORDINANCE.

The provisions of this ordinance shall apply throughout the County.

SECTION 4. IMPOUNDED AND DISPOSITION GENERAL – DUTY OF ANIMAL CONTROL WARDEN

The Animal Control Warden, or such other officer as the County Commissioners may designate shall, whenever possible, seize and impound any stray and unwanted cat found "at-large", any diseased or

vicious cat and any female cat in heat found "at-large". The Animal Control Warden after reasonable effort may seize and impound vicious, feral, or rabid cats and may euthanize such cat in as humane a manner as possible.

SECTION 5. IMPOUNDING AND DISPOSITION GENERAL – CARE FOR IMPOUNDED CATS.

Every cat so seized and impounded shall be cared for and fed at the expense of the County at the Animal Control Center until disposition is made thereof as directed.

SECTION 6. TO BE HELD FOR FIVE DAYS; EXCEPTIONS.

Immediately upon impounding cats, the Animal Control Warden shall make a prompt reasonable effort to notify the owner of such cat and inform him of the conditions whereby he/she may regain custody. All cats seized or received at the Animal Control Center shall be held for five days from the time of receipt; provided, however, that cats surrendered to the Animal Control Center by the owners thereof for disposal or adoption may be disposed of or placed for adoption pursuant to the provisions of the Ordinance at any time after the expiration of forty-eight hours from the time of receipt. Cats received at the Animal Control Center in a critical condition from wounds, injuries or diseases may be destroyed immediately. When a mother cat and her kittens are turned in at the Animal Control Center, there will be no charge. When kittens are turned in without the mother cat, there will be a five dollar charge per kitten.

SECTION 7. RECORDS TO BE KEPT.

The Animal Control Warden shall maintain a complete record of all cats destroyed with an explanation of the circumstances necessitating such destruction.

SECTION 8. CONSENT OF OWNER REQUIRED FOR ADOPTION.

No cat shall be available for adoption if its owner requests that it be destroyed. Such animals may be mercifully destroyed immediately upon their receipt at the Animal Control Center, unless the Animal Control Warden feels such should be held for observation.

SECTION 9. REDEMPTION: FEES

The owner of any cat seized pursuant to the provisions of this Ordinance may redeem it from the Animal Control Center within five days from the time of receipt, by establishing their ownership to the satisfaction of the Animal Control Warden, by securing a current license tag for the cat if the owner is a resident of the County, by paying a redemption fee as expressively provided in the Resolution of this Ordinance, and by paying the daily maintenance fee of such cat at the rate provided in the Resolution of this Ordinance, and by having the cat vaccinated against rabies if it has not yet been vaccinated. Provided, however, that if a licensed cat is impounded the owner may redeem it by paying the redemption fee and a daily maintenance fee as set forth in the Resolution of this Ordinance. If a licensed cat has been caught for a second time in a one year period, redemption will be doubled. There will be no return of a licensed cat after a third offense within one year.

SECTION 10. ADOPTION OF UNREDEEMED CATS/KITTENS

If any cat impounded under this Ordinance is not redeemed by its owner within five days, it may be made available for adoption by the Animal Control Center for a reasonable period of time not to exceed five additional days upon payment of an adoption fee of five dollars. If, for some reason, such cat is returned to the Animal Control Center, the adoption fee is not refundable.

SECTION 11. DISPOSITION OF CATS NOT ADOPTED.

If any cat impounded under this Ordinance is not adopted within five days of being impounded, it shall be the duty of the Animal Control

Warden or other designated persons to dispose of said cat in as humane a manner as possible.

SECTION 12. CATS WITH VICIOUS TENDENCIES, RABIES, ETC... NOT TO BE SOLD OR RELEASED; QUARANTINE

No cat that the Animal Control Warden has reason to believe has vicious tendencies, rabies, or any other incurable disease shall be placed for adoption, released, or permitted to be redeemed unless or until the Warden is satisfied that it is safe to release such animal. Cats which the Animal Control Warden has reason to believe may have rabies shall be held in quarantine in a place to be determined by the County Health Office for such period as may be necessary to determine whether the cat is rabid.

SECTION 13. VICIOUS CATS NOT TO RUN "AT-LARGE"; IMPOUNDED; REDEMPTION

It shall be unlawful for any person to permit a vicious cat owned or harbored by him/her to run "at-large". Any person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty dollars and not more than five hundred dollars. Each day of violation of this section shall be deemed a separate offense. If any person violates this section after having once been tried and convicted thereof, the vicious cat shall be apprehended by the Animal Control Warden or other designated officer and shall be impounded at the Animal Control Center. The owner of such cat may redeem it from the Animal Control Center within five days after its seizure upon the payment of a redemption fee of twenty five dollars. Subject, however, to the consent of the Warden as provided in Section 8 above.

SECTION 14. DISPOSITION OF DEAD CATS

The Animal Control Warden and designees shall collect all dead cats found on the public grounds and highways of the County. In case of a cat wearing a current license, they shall notify the owner thereof.

Where the owner of a cat is unknown, they shall dispose of the carcass. The owner of any cat which is killed or dies shall immediately provide for the burial or cremation of the same if he/she knows of the death of the animal and the location of its carcass.

SECTION 15. INJURED OR DISEASED CATS GENERALLY.

Any cat presented to Animal Control that is injured or diseased, upon evaluation will be euthanized in a humane manner as possible.

SECTION 16. SAME – POISONING.

It shall be unlawful for any person to administer poison to any cat, to knowingly place or leave any poisonous substance of any kind or ground glass in any place with intent to injure or kill any cat, provided that nothing contained in this Ordinance shall prohibit any owner from mercifully putting to death his/her own cat or from delivering it to the Animal Control Center for disposition. Any person convicted of violating this section shall be subject to a fine of not less than fifty dollars or more than one hundred dollars.

SECTION 17. ABANDONMENT.

It shall be unlawful for any person to leave, with intent to abandon, any cat on a street, road, highway, or in a public place, or on private property in Somerset County.

SECTION 18. INJURING OR KILLING PROHIBITED.

No person shall willfully injure, beat, abuse or run down with a vehicle any cat. No person shall willfully kill any cat not owned by him/her except as may be expressly permitted by law.

SECTION 19. CONFINEMENT OF CATS WHICH HAVE BITTEN HUMAN BEINGS

Any person who knows or has reason to believe that a cat owned by him/her or in his/her custody has bitten a person shall report such fact to the County Health Office, the Animal Control Center shall confine such cat immediately, at the owners expense, for a period of time as directed by the County Health Office; provided, however, the County Health Officer, if he/she has reason to believe that the cat is rabid, may order such cat confined for such additional period as he/she may deem necessary to determine whether the cat is in fact rabid.

SECTION 20. REPORT OF PHYSICIANS

Any physician who examines or treats a patient from a cat bite injury shall report to the County Health Office the following: name of patient, address of patient, physician's name, and date of treatment.

SECTION 21. UNLAWFUL CONCEALMENT.

It shall be unlawful for any person to conceal any cat or falsely deny ownership of any cat owned or harbored by him/her from any official properly authorized by the Board of County Commissioners to enumerate such animals or to enforce the provisions of this Ordinance.

SECTITON 22. DISPOSITION OF DEAD CATS.

It shall be unlawful for the owner or guardian of any cat to deposit or leave such cat, upon its death, on public property or on the property or another person without permission from such person. All such dead cats shall be promptly disposed of by cremation, burial, or other sanitary means. The Animal Control Center shall, upon request, pick up dead cats for disposal for a fee not to exceed twenty-five dollars.

SECTION 24. INTERFERENCE WITH ENFORCEMENT.

No person shall attempt to or interfere with the Animal Control Wardens of the County in the performance of their duties nor shall any person attempt to or release without authority any cat impounded pursuant to this Ordinance.

ARTICLE III – CAT LICENSE

SECTION 1. LICENSES – GENERALLY

(a) No person shall own or have custody of any cat over three months of age unless such cat is licensed as herein provided. This provision shall not apply to cats in the County for thirty days or less owned by a non-resident, provided such cats are full licensed in their home city, county or state.

(b) Before any license shall be issued, the owner must produce satisfactory evidence that the cat has been vaccinated against rabies within the preceding year, or that a previous vaccination is still effective as of the date of licensing.

SECTION 2. FEES

Application for licenses shall be made to the Animal Control Center or other designated locations as prescribed by the Board of Commissioners accompanied by a license fee in such and as shall be from time to time established by the “Board” for each cat.

SECTION 3. LICENSE PERIOD; PENALTY.

(a) All individual licenses shall be valid for the length of the rabies vaccination.

(b) Cat license applications may be made from June 1st through July 31st of the following year without penalty. When an application is made after July 31st, and the cat was subject to licensing prior to that date, a

penalty, in addition to the cost of the license, shall be charged as follows:

- (1) up to two months delinquency \$1.00
- (2) from two to four months delinquency 2.00
- (3) over four months delinquency 5.00

(c) When a cat becomes subject to licensing between December 31st and June 1st, only one-half the license fee shall be charged.

(d) Beginning from the date that this ordinance is enacted, all licensing shall be free of charge for two years; after this time period expires all licensing will begin at the rate set forth.

SECTION 4. LICENSE TAGS; LOST TAGS; NON-TRANSFERABILITY.

(a) License tags shall bear the name of the County, the number of the corresponding certificate and the year of issue.

(b) License tags and certificates are not transferable for one cat to another.

(c) In case of loss of a license tag, the owner may procure another tag for use during the balance of the year by surrendering the old certificate and payment of twenty-five cents.

SECTION 5. CATTERY LICENSES.

(a) Any person who maintains for breeding, treatment, boarding, sale or collection of five or more cats on his/her premises may obtain a cattery license which shall cover all cats kept on or within the premises described in the application for such license. Cats kept as part of a cattery must meet the rabies vaccination requirement of *Section 1 (b)* previous.

(b) Under such a license, cats for breeding purposes or sale when under close observation, may be taken from the cattery for exercise or showing, and returned to the cattery in similar manner, but no cat kept at the cattery may otherwise be permitted to leave the cattery without wearing an individual license tag. For protection and identification,

cattery cats shall, when in transit between cattery and the field as provided above, wear collars or harnesses or be crated with the cattery identification marks bearing the cattery name or number attached thereto which marks may be removed on when the cats are under close supervision in the field.

(c)Such Cattery licenses shall be obtained on or before July 1st of each year and shall expire June 31st of the following year. The license fee for catteries owning or keeping not more than 25 cats shall be in such and as shall from time to time be established by the "Board" and for catteries owning or keeping over 25 cats shall be in such and as shall from time to time be established by the "Board". Cattery licenses may be issued after June 1st of any year in the same manner as individual cat licenses may be issued under preceding sections.

(d)Every holder of a cattery license shall maintain a list of the name and address of the owners of each cat kept in such cattery and a record giving full data concerning sales or other disposition of cats from such catteries or shops.

SECTION 6. LICENSE TAGS TO BE ATTACHED TO CATS; REMOVAL OF TAGS

(a)Individual license tags shall be attached to the cat for which issued and shall pass with the cat. Upon the change of ownership of any cat, every person purchasing or otherwise acquiring such cat shall notify the Animal Control Center in writing of such change in ownership in order that the license records of the County may be properly adjusted.

(b)It shall be unlawful for the owner of any cat to permit such cat to be "at-large", except as provided in this Ordinance without having its individual license tag attached to a collar or harness worn by the cat.

(c)It shall be unlawful for any person other than the owner of the cat or the agent, to remove any license tag from any cat.

(d)The licensing provisions of this article shall not apply to cats actually confined to the premises of education and research institutions or incorporated benevolent societies devoted to the care of hospital treatment of lost, strayed, or homeless animals.

SECTION 7. DISPOSITION OF LICENSE FEES AND OTHER FUNDS.

All cat license fees collected and any and all other monies received from fees, charges or adoptions, etc..., shall be delivered unto the Treasurer of Somerset County monthly, who shall keep and accurate record thereof. The monies thus collected shall be used by the Board of County Commissioners to defray the expenses and costs of enforcement and administration of this Ordinance and to defray the costs and construction of one or more catteries for the keeping, maintaining and disposition of cats as set forth in this Ordinance.

ARTICLE IV – PENALTIES, GENERAL

SECTION 1.

Anyone who violates the terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than five dollars and not more than five hundred dollars otherwise provided herein.

ARTICLE V – SAVINGS CLAUSE

SECTION 1.

Should any article, section or part of an article or section or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, this shall not affect the validity of any other article or section or provision of this Ordinance, or the Ordinance as a whole, other than the part so declared to be invalid or unconstitutional.

ARTICLE VI – EFFECTIVE DATE

SECTION 1.

The effective date of this Ordinance shall be the ____ day of _____ 20____.

BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY

ATTEST:

Ralph D. Taylor, Administrator

Rex Simpkins, President

Charles Fisher, Vice-President

Craig Mathies, Commissioner

Jerry Boston, Commissioner

Randy Laird, Commissioner

RESOLUTION _____

CAT PROGRAM FEES

WHEREAS, The Somerset County Cat Program Ordinance No. _____ will become effective _____ day of _____, 20____; and

WHEREAS, the said Ordinance provides that the fees for enforcement of the Cat Program shall be set from time to time by the Resolution of this body; and

WHEREAS, Resolution Number _____ requires an amendment to update various Cat Program fees.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY, that Resolution Number _____ be enacted, and effective the _____ day of _____, 20____, to implement the following Cat Program enforcement fees:

ORDINANCE NUMBER _____

ARTICLE II – IN GENERAL

Section 9. Redemption Fees

1st Offense.....\$25.00

2nd Offense.....\$50.00

3rd Offense.....\$100.00 and the owner relinquishes
cat

Daily Maintenance Fee.....\$5.00 per day the cat is held

Quarantine Maintenance Fee.\$10.00 per day the cat is held

Section 10. Adoption of Unredeemed Cats/Kittens

Cats under four months of age.....\$45.00

Cats over four months of age.....\$40.00

****NOTE...ALL CATS/KITTENS ADOPTED FROM THIS FACILITY ARE SPAYED/NEUTERED, VACCINATED AGAINST RABIES, HAVE FELINE VACCINES AND ADVANTAGE FLEA CONTROL**

Section 13. Vicious Cats Not To "Run At-Large"; Impounded; Redemption

Redemption Fee.....\$25.00

Section 14. Disposition of Dead Cats

The Animal Control Warden shall, upon request, pick up dead cats for disposal for a fee not to exceed \$25.00.

ARTICLE III – License Fees

Section 2. Fees

Individual Cats/Kittens.....\$1.00 per year

Cattery (25 cats or less).....\$25.00 per year

Cattery (25 or more).....\$40.00 per year

BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY

ATTEST:

Ralph D. Taylor, Administrator

Rex Simpkins, President

Charles Fisher, Vice-President

Craig Mathies, Commissioner

Jerry Boston, Commissioner

Randy Laird, Commissioner