

BALTIMORE CITY HEALTH DEPARTMENT

REGULATIONS
FOR
TRAP-NEUTER-RETURN PROGRAMS

December 5, 2013

Supersedes all prior versions

OFFICE OF ANIMAL CONTROL
301 STOCKHOLM STREET
BALTIMORE, MARYLAND 21230

I. Summary

The Commissioner of Health of Baltimore City is amending the Department's Trap-Neuter-Return Program Regulations to include all free roaming cats.

II. Background

A. Legal Authority

In 2009, pursuant to Sections 10-104 and 10-308 of the City Health Code, the Commissioner of Health adopted regulations governing approval of programs to trap, neuter and return (TNR) feral cats. At the time, the Commissioner recognized that some feral cats have become accustomed to human interaction, and noted that these cats would continue to be recognized as a feral cats as long as they were not adopted, which means taken into a home for the purpose of being kept and maintained as a pet.

Under Title 10, Animal Control and Protection, of the City Health Code, the Commissioner is responsible for adopting regulations that, among other things, may govern the general care and control of animals, and define or further define terms used in the Title. Section 2-104 of the City Health Code provides that the Health Commissioner is responsible for preventing disease and nuisances affecting public health; the Health Commissioner has the duty to "to remove and abate nuisances" and to require "the removal of all nuisances ..." Health Code §§ 2-105(5) and 5-102. Section 5-101(b) of the Code inclusively defines nuisances as "any other health or safety hazard." Finally, under§2-106 of the Baltimore City Health Code, the Health Commissioner may adopt and enforce regulations to carry out her duties described above. All of these provisions support the Commissioner's effort to regulate the number, health, and reproduction of cats roaming free in the City.

B. Need for Regulation

Since 2009, the problem of feral cats has been recognized as involving not just cats extremely afraid of humans but also cats that are free roaming but not fearful of humans. These free roaming cats pose the same animal control, nuisance, and health issues as feral cats and similarly need to be neutered or spayed and vaccinated to limit their population.

REGULATIONS
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A. Definitions

1. "Abandoned/Lost Cat" means a customarily indoor cat who is found outside, due to being abandoned or lost, but is not acclimated to living outdoors as evidenced by its overall poor condition or anecdotal evidence provided by a person with credible knowledge of the cat's current or former owned status."Cat" means a member of the species *Felis Catus*.
2. "Community cat" means a cat that is either a feral cat or a free-roaming cat. Free-roaming cats may be considered feral for purposes of a TNR program unless identified otherwise but excludes an Abandoned/Lost Cat.
3. "Community cat colony" means a group of cats that congregate together. Although not every cat in a colony may be a community cat, any cats owned by individuals that congregate with a colony are considered part of it.
4. "Feral Cat" means a cat that is un-socialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
5. "Feral Cat Caregiver" means any person who, in accordance with a Trap-Neuter-Return program approved by the Commissioner:
 - a. provides care, including food, shelter, or medical care, to Community Cats;
or
 - b. has temporary custody of Community Cats.
6. "Free-roaming cat" means a cat without discernible signs of ownership or microchip or owner identification of any kind, that has its claws and is homeless, either due to being abandoned or lost, and that is presumed cared for because it is healthy and in overall good condition and is acclimated to outdoor living. All free-roaming cats may be considered feral for purposes of a TNR program. "Office" means the Baltimore City Health Department, Office of Animal Control
7. "Trap-Neuter-Return Program" (TNR) means a program approved by the Baltimore City Health Department to trap, alter, vaccinate for rabies and distemper, ear tip, and return Community Cats to their original location.

B. Approval Trap-Neuter-Return Programs.

1. An organization that wishes to operate a TNR Program in the City shall submit an application in the form and with the information required by the Health Commissioner.

2. The Commissioner will approve the organization's application to operate a TNR Program in the City if the organization demonstrates that it will:
 - a. only use humane trapping techniques
 - b. temporarily board and feed trapped Community Cats humanely in compliance with City and State law
 - c. use a person authorized under the Maryland Agriculture Code to alter, tip ears (in the style directed by the Commissioner)
 - d. vaccinate Community Cats
 - e. return the trapped Community Cats to their original location or in cases where a willing adoptive family is present, surrender the Community Cat to the animal shelter responsible for arranging the adoption and
 - f. any Community Cats not suitable for return to their original locations will be surrendered to an animal shelter for adoption, fostering, or euthanasia. An organization authorized to operate a TNR Program shall operate in accordance with its approval by the Commissioner.
3. Each TNR Program will not knowingly include an unacclimated Abandoned/Lost Cat in their TNR Program.
4. Each TNR Program will return Community Cats to their original locations unless Animal Control deems it inadvisable because conditions in the original location pose a direct threat to the cats' lives.
5. Each TNR Program will use reasonable effort to identify feral cat caregivers and others who will feed the returned cats at their original locations.
6. Each TNR Program will check each trapped cat to see if it has visibly discernible signs of ownership or microchip or owner identification of any kind.
7. Each TNR Program will use reasonable efforts to contact the owner of cats with such signs of ownership or will surrender the cat(s) to an animal shelter that will make such contact efforts. If the TNR program cannot contact the owner, it will surrender the cat to an animal shelter.

C. Surrendered Cats

1. Before accepting a surrendered cat, the Office of Animal Control or its contracted animal shelter shall tell the person directly surrendering the cat that the cat may be included in a TNR Program. The TNR Program parameters must be explained to the person surrendering the cat and written materials about the program provided.
2. Presumed Owners surrendering a cat that they can no longer care for may opt out of a TNR program.

D. Responsibilities of the Feral Cat Caregiver and Acceptable Standards of Care


1. Feral Cat Caregivers will make reasonable, good faith efforts to have all cats in a Community cat colony altered, ear-tipped for identification, vaccinated against rabies and distemper, and returned to their home site following full recovery from surgery.
2. Feral Cat Caregivers will make reasonable, good faith efforts to have any new cat(s) that comes to the Community cat colony altered, ear tipped, and vaccinated against rabies and distemper as soon as possible.
3. Feral Cat Caregivers shall provide food and water to the Community cat colony on a regular basis, year round, using best practices to minimize, as reasonably as possible, any nuisance and/or unsanitary conditions.
4. Feral Cat Caregivers will provide adequate shelter (in number and quality) for the Community cat colony using best practices to minimize nuisance.
5. Feral Cat Caregivers will make reasonable, good faith efforts to provide needed veterinary care to cats in the Community cat colony that are visibly ill or injured.
6. Feral Cat Caregivers shall keep and maintain records for each cat in a Community cat colony, including each cat's rabies vaccination record/certificate.
7. Feral Cat Caregivers shall make reasonable, good faith efforts, using best practices, to exclude cats from yards, gardens or similar property upon request of the property owner.
8. Feral Cat Caregivers will generally make reasonable efforts to address and resolve complaints regarding Community cat colony cats.
9. Feral Cat Caregivers will ensure that a substitute caregiver is in place during the Feral Cat Caregiver's temporary or permanent absence.

E. Responsibilities of the Office of Animal Control

1. The Office will continue to trap and seize those Community or other cats that pose an imminent health risk to the public, or are severely injured or sick.
2. A citizen aware of Community Cats without ear tips may call the 311 Call Center for assistance in locating a TNR Program's phone number, e-mail, or address for further assistance or questions,
3. The Office will enforce the standards of care applicable to Feral Cat caregivers. The Office may refer violations of the standards of care to the appropriate TNR Program for assistance in correcting the violations. A caregiver has up to 60 days to come into compliance with the standards of care. The Office may reduce the time to come into compliance if the Office or the assisting TNR Program concludes that the Feral Cats' conditions place their welfare or that of human beings in jeopardy.

4. The Office may recommend to the Health Commissioner the revocation of approval and the Health Commissioner may revoke approval of a TNR Program if that TNR Program fails to meet the standards set forth in this regulation, in addition to any other applicable penalties under the Baltimore City Health Code.
5. Anyone aware of a Community Cat (with an unknown owner) bite must report it to the Office.

The above Regulations for Trap-Neuter-Return Programs are hereby adopted:

Approved:  12/4/13
Oxiris Barbot, M.D. Date
Health Commissioner

Effective date when filed with the Department of Legislative Reference: 12-5-13

*Received on behalf of the Department of
Legislative Reference
Nancy Boyd Kay*