

**Proposed Regulatory Action**

**Trap-Neuter-Return Program**

**Baltimore City Health Department  
November 2008**

## I. Summary

The Commissioner of Health of Baltimore City proposes the following regulations to implement Trap-Neuter-Return Programs for feral cats in the City of Baltimore.

## II. Background

### A. Legal Authority

On November 27, 2007, the Baltimore City Council enacted Baltimore City Ordinance 07-583. The ordinance authorizes the Commissioner of Health to approve programs to trap, neuter and return (TNR) feral cats. Under §10-104(5) and (6) of the Health Code as amended by the Ordinance, the Commissioner may adopt rules and regulations “providing for the approval of programs to trap, alter, vaccinate for rabies...and return feral cats” and “governing the circumstances and procedures under which feral cats are seized, impounded and reclaimed.”

### B. Need for Regulation

For years, the Bureau of Animal Control has trapped and euthanized thousands of feral cats with little success in the reduction of feral cats in the alleys of Baltimore. The Human Society of the United States (HSUS) recognizes that the trapping and removal of feral cats allows other feral cats to fill the void of the vacated cats, thus repopulating feral cat colonies to their original size. And as cats remain unaltered, the population of the feral cat colony will continue to grow.<sup>1</sup>

Ordinance 07-583 authorizes the Health Department to implement modern strategies that reduce complaints and improve the overall health of the feral cat population. Trap Neuter Return Programs, which supports the trapping, altering, vaccinating, and return of feral cats to its feral cat colony, has been supported by cities such as New York. Other American cities are also using this strategy with success.

The ASPCA of New York “endorses Trap-Neuter-Return (TNR) as the only proven humane and effective method to manage feral cat colonies.”<sup>2</sup> Feral cats that are made a part of a functional TNR program are healthier, thus reducing the spread of disease through other cats in the community, engage in less behavior that is considered a nuisance to the community such as roaming and howling, and remain close to their food source, thus reducing the chances for injury in car accidents.<sup>3</sup>

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<sup>1</sup>Online at:

[http://www.hsus.org/pets/issues\\_affecting\\_our\\_pets/feral\\_cats/feral\\_cats\\_frequently\\_asked\\_questions.html](http://www.hsus.org/pets/issues_affecting_our_pets/feral_cats/feral_cats_frequently_asked_questions.html)

<sup>2</sup> Online at: [http://www.asPCA.org/site/PageServer?pagename=pro\\_nyc\\_cares03](http://www.asPCA.org/site/PageServer?pagename=pro_nyc_cares03)

<sup>3</sup> Online at [http://www.asPCA.org/site/DocServer/Flyer\\_TNR\\_English.pdf?docID=2706&AddInterest=2542](http://www.asPCA.org/site/DocServer/Flyer_TNR_English.pdf?docID=2706&AddInterest=2542)

#### IV. Proposed Regulation

##### A. Definitions

1. "Cat" means a member of the species *Felis Catus*.
2. "Feral Cat" means a cat this is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
3. "Feral Cat Caregiver" means any person who, in cooperation with a Trap-Neuter-Return program approved by the Commissioner:
  - a. provides care, including food, shelter, or medical care, to the feral cat;  
or
  - b. has temporary custody of the feral cat.
4. "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 feral cats to their original location.

##### B. Approval of 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 only use humane trapping techniques, temporarily board and feed seized feral cats humanely in compliance with City and State law, use a person authorized under the Maryland Agriculture Code to alter, tip ears (in the style directed by the Commissioner), and vaccinate feral cats, and return feral cats to their original location.
3. An organization authorized to operate a TNR Program shall operate in accordance with its approval by the Commissioner.

##### **C. Responsibilities of the Feral Cat Caregiver and Acceptable Standards of Care**

1. Feral cat caregivers will cooperate with any TNR Program, making reasonable, good faith efforts to have all cats in the colony altered, ear-tipped for identification, vaccinated against rabies, and returned to their home site following full recovery from surgery.
2. Feral cat caregivers will cooperate with any TNR Program and make reasonable, good faith efforts to have any new cat(s) that comes to the 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 colony cats 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 colony cats using best practices to minimize nuisance.
5. Feral Cat Caregivers will make reasonable, good faith efforts to provide needed veterinary care to colony cats that are visibly ill or injured.
6. Feral Cat Caregivers shall keep and maintain records for each colony cat, 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 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.

#### D. Responsibilities of the Bureau of Animal Control

1. The Bureau will continue to trap and seize those feral cats that pose an imminent health risk to the public, are severely injured or sick, or for which no TNR Program is willing to take reasonable steps to trap, neuter, and return.
2. The Bureau will release trapped ear tipped cats as close to the trap site as possible
3. The Bureau will transport to an animal shelter only those feral cats that are sick or injured.
4. The Bureau will notify TNR Programs of the identity of feral cat caregivers for cats seized under 2 and 3 to enable the Programs to assist the care-givers as necessary.
5. A citizen aware of feral 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,
6. The Bureau will enforce the standards of care applicable to feral cat caregivers. The Bureau 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 Bureau may reduce the time to come into compliance if the Bureau or the assisting TNR Program concludes that the feral cats' conditions place their welfare or that of human beings in jeopardy.
7. The Bureau 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.

8. Anyone aware of a feral cat bite must report it to the Bureau.

V. Public comment

The public is invited to submit written comments on the proposal through December 8, 2008. Comments should be directed to the Division of Environmental Health, Baltimore City Health Department, 1001 E. Fayette Street, Baltimore MD 21202.