

THE PRINCE GEORGE'S COUNTY GOVERNMENT
OFFICE OF LAW



Jack B. Johnson
County Executive

Stephanie P. Anderson
County Attorney

February 20, 2009

Mr. Timothy W. Saffell, President
Prince George's Feral Friends, SPCA, Inc.
P.O. Box 1036
Bowie, Maryland 20718

Re: Feral/Stray Cats

Dear Mr. Saffell:

Thank you for your correspondence regarding your concerns about the interpretation of the Prince George's County Code Subtitle 3 as it applies to the keeping, feeding and/or harboring of feral/stray cats in Prince George's County, Maryland ("County"). Your specific concern is whether the Department of Environmental Resources ("DER") has properly issued citations to citizens for feeding feral/stray cats and allowing the same cats to roam the community. We appreciate this opportunity to provide clarity as to DER responsibilities and obligations pursuant to Subtitle 3 of the Prince George's County Code.

The County has reviewed your interpretation and after serious consideration has determined that DER has been properly enforcing the County Code. A companion animal, as defined by Section 3-101, includes a domestic or feral cat, whereas wild or game species are not. As such, it is the County's position that when a person exercises control over a companion animal, for example, providing medical care, shelter and/or feeding the animal whether on a temporary or permanent basis, that person is considered the custodian/owner. Individuals that provide care must also ensure that the animals are not violating Section 3-135, *Animals at large prohibited*, which requires that the companion animal must be confined or secured on the property of the custodian/owner. The custodian/owner must also ensure that the animal is properly licensed, vaccinated and must prevent any nuisance that the animal(s) may impose on a community.

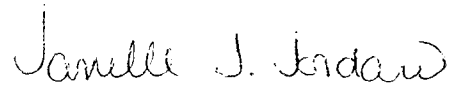
In addition, Prince George's County Code Section 3-140, *Strays and unwanted animals* states: "Stray dogs, cats, and other animals for which ownership cannot readily be established shall automatically become the property of Prince George's County, Maryland..." It is clear that the County has the authority to regulate the community of such animals. Therefore, identifying a cat as feral or an animal that "exists" in the wild does not prevent the County from regulating the species. In fact, DER, on its own initiative or by public complaint, has an obligation to regulate public nuisance animals and conditions (which include citing individuals for the feeding of cats that create the nuisance) pursuant to Section 3-132, *Public nuisance conditions and animals* of the County Code. Please note that citizens have the right to file anonymous complaints against those that are suspected of violating the County Code. DER, in responding to anonymous

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complaints, performs its own investigations pursuant to Section 3-115 *Violation Notices* and determines whether there is evidence sufficient enough to issue a warning or a citation.

We hope this clears up any misunderstandings as to the interpretation of Subtitle 3 of the Prince George's County Code. As always, citizens have the right to appeal Animal Control violation notices/citations issued by DER to the Commission for Animal Control.

Sincerely,



Janelle J. Jordan
Associate County Attorney

JJJdao

cc: Ms. Susan C. Brown, Citizen ✓
Ms. Evelyn Marie Faust, Citizen
Mr. Tom Spencer, Citizen
Ms. Lauren Dwyer, Citizen
Mr. Jeffrey A. Hartzok, Citizen
Ms. Yetta Hoffman, Citizen

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