

A Team of Teams Making a Difference! Memorandum for City Administrator

Subject: Proposed Ordinance on Trespassing in the Salisbury Zoo and Ben's Red Swings

The attached proposed ordinance establishes visitor standards at the City Zoo and Ben's Red Swings. Implementation of the visitor standards will provide some protection for our Zoo's animal collection.

The standards were established based on complaints and recommendations from visitors and City staff.

Extracts of the current City Code are at Enclosure 1 and the proposed revisions are provided as the Ordinance at Enclosure 2.

The City Solicitor, Zoo Commission, and the Layton family have reviewed the proposed ordinance. They concur with it.

Unless you or the Mayor, have further questions, please forward this memorandum to the City Council. For any additional questions you may have, I can be reached at (410) 548-3170 or by e-mail at ijacobs@ci.salisbury.md.us.

Sincerely,

John F. Jacobs III, P.E. Director of Public Works

Enclosure: as

JOHN F. JACOBS III, P.E. DIRECTOR

NEWELL W. MESSICK III, P.E. DEPUTY DIRECTOR

> Government Office Building 125 North Division Street Salisbury, MD 21801-4940

> > Phone: (410) 548-3170 Fax: (410) 548-3107

6.04.040 Maintenance of fowl within residential districts prohibited.

No person shall keep, own, maintain, use or have in his possession any live chickens, turkeys, guineas, geese, ducks or pigeons within any residential district within the corporate limits of the city of Salisbury, other than in a municipal park or licensed slaughterhouse. (Ord. 1709 § 1 (part), 1999)

6.04.050 Cruelty to animals prohibited—Animal care.

- A. No person shall overdrive, override, overload, torture, ill treat, cruelly or unnecessary beat, maim, mutilate or kill (not including veterinary euthanasia) any animal, whether belonging to himself or another, or permit such acts to be done by another; nor shall said person instigate, engage in or in any way further any act of cruelty to any animal. The above, as refers to the killing of animals, shall not apply to slaughterhouses or poultry processing plants.
 - B. No person shall fall to provide an animal under his control with:
- 1. Sufficient quantities of food and water to maintain such animal in good condition. Water containers should be secured in a manner to prevent overturning.
 - 2. Sufficient air and ventilation to maintain such animal in good condition.
 - 3. Shelter and protection from the weather.
 - 4. Veterinary care when needed to prevent undue suffering.
 - 5. Sanitary living conditions.
 - Sufficient living space.
 - 7. Proper collar, or chains, or pens.
- C. No person shall leave an animal unattended in a motor vehicle in a manner that endangers the health or safety of the animal. Animals shall not be left unattended in said vehicle for a time period greater than twenty (20) minutes. (Ord. 1709 § 1 (part), 1999)

6.04.060 Damage or destruction of zoo animals and birds prohibited—Trespassing on zoo property.

No person shall willfully damage or destroy, hunt, shoot, kill, catch, trap, poison, wound, remove, drive off or enclose any birds, animals or young or eggs of such birds or animals, while such are kept or maintained in the city zoo. (Ord. 1709 § 1 (part), 1999)

6.04.070 Running at large prohibited.

No custodian or keeper of any dog shall permit such dog to run at large. (Ord. 1709 § 1 (part), 1999)

6.04.080 Impounding of animals.

- A. The animal control authority may seize and impound any animal found to be in violation of any code under this chapter. The custodian shall be entitled to resume possession of the animal upon compliance with the provisions of this chapter.
- B. Impounded animals shall be kept for a minimum of six days prior to euthanization; provided, however, that impounded animals which show physical and behavioral evidence of being injured, wild, sick with contagious disease or rabid may be immediately euthanized, without notice to the custodian of such animal.
- C. If the impounded animal is wearing a license or any other reasonable means of identification, the Humane Society of Wicomico County shall make reasonable attempts to notify the custodian within forty-eight (48) hours, it shall post notice at city hall, at the usual place for posting public notice, for a period of six days. Such notice shall give a reasonable description of the animal, the time and place of impoundment and the business hours during which the animal may be reclaimed.

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Encrosure 1

ORDINANCE No. 1920

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO AMEND SECTION 6.04.060 OF THE CITY CODE TO DEFINE TRESPASSING IN THE CITY ZOO AND BEN'S RED SWINGS PLAYGROUND.

WHEREAS the City Council desires to provide a safe environment for the visitors to the City of Salisbury Zoo and Ben's Red Swings Playground;

WHEREAS the City Council desires to protect the zoo's animal collection by establishing standards of conduct for the zoo's visitors.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the City of Salisbury, Maryland, in regular session, that Section 6.04.060 is hereby repealed and replaced with the following:

Chapter 6.04 Dogs, Fowl and Other Animals

Section 6.04.060 – Damage or destruction of zoo animals and birds prohibited – Trespassing on zoo property.

- A. No person shall willfully damage or destroy, hunt, shoot, kill, catch, trap, poison, wound, remove, drive off, harass, or enclose any birds, reptiles, animals or young or eggs of such birds, reptiles, or animals, while such are kept or maintained in the city zoo (Ord. 1709 § 1 (par), 1999).
- B. No visitor to the city zoo shall:
 - Feed, touch, or pet any animal, bird or reptile without permission of zoo staff.
 Visitors must be in the presence and under the supervision of zoo staff or zoo
 docents that are specifically authorized by the Director of the zoo to supervise
 feeding, touching, or petting animals, birds or reptiles.
 - 2. Climb over any fence, gates, or other similar structures intended to provide a safety buffer between visitors and the zoo's collection of birds, animals, and reptiles without zoo staff permission and escort.
 - 3. Enter or attempt to enter any animal, bird, or reptile enclosure without zoo staff permission and escort.
 - 4. Enter or attempt to enter the zoo at any time other than the posted visitor hours without zoo staff permission and escort.
 - 5. Climb over, under, through, around, or damage any fence, gates, or other similar structures that comprise the zoo's perimeter barrier.
 - 6. Bring any animals into the zoo without prior zoo staff permission. Specially trained Assist Animals to help disabled people are exempt from the animal restriction.

ENCLOSURE 2
(1/2)

- 7. Ride bicycles, scooters, skateboards, or other wheeled transport within the city zoo's perimeter except:
 - a. Wheelchairs or other similar transport for visitors with a disability or handicap; and
 - b. Strollers, baby carriages, or other similar transports for young children.
- C. No visitor to Ben's Red Swings Playground shall:
 - 1. Enter or attempt to enter the playground at any time other than the posted visitor hours without City staff permission and escort.
 - 2. Climb over, under, around, or damage any fence, gates, or other similar structures that comprise the playground's perimeter barrier.
 - 3. Bring any animals into the Ben's Red Swings playground without prior City staff permission. Specially trained Assist Animals to help handicapped and disabled people are exempt from the animal restriction.
 - 4. Ride bicycles, scooters, skateboards, or other wheeled transport within the playground's perimeter except:
 - a. Wheelchairs or other similar transport for visitors with a disability; and
 - b. Strollers, baby carriages, or other similar transport for young children.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, the changes set forth in this Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the day of, 2004, and having been published as required by law, in the meantime, was finally passed at its meeting on the day of, 2004.	
ATTEST:	
Brenda J. Colegrove City Clerk	Michael P. Dunn President of the City Council of the City of Salisbury
Approved by me thisday of	, 2004.
Barrie P. Tilghman Mayor of the City of Salisbury	n