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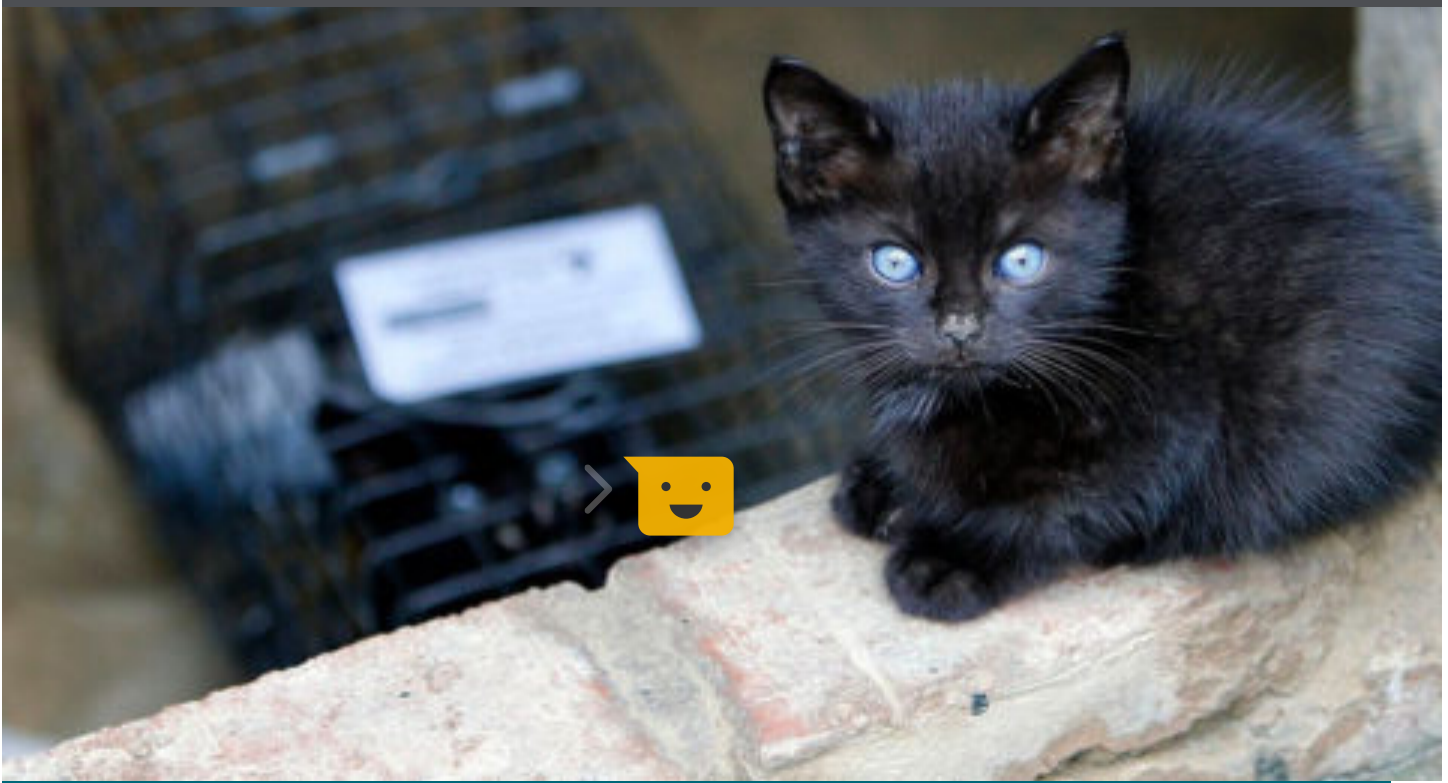


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Alley Cat Allies > Alley Cat Allies Resources > Cats and the Law > How to Draft a Lifesaving Cat Ordinance with Trap-Neuter-Return



How to Draft a Lifesaving Cat Ordinance with Trap-Neuter-Return

Guide/How-to | Cats and the Law

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Since our founding in 1990, Alley Cat Allies has helped thousands of communities draft and implement successful Trap-Neuter-Return (TNR) ordinances and policies. Many of these communities have successful TNR and Shelter-Neuter-Return (SNR) policies and practices that are not spelled out in their local laws—and that’s okay!

You don’t need a law to practice TNR or SNR.

In other communities, however, outdated ordinances are a barrier to TNR and need to be changed. Some local lawmakers and advocates may also want to codify their support of TNR.

Because of our experience and expertise, we are regularly contacted by communities and legislative bodies across the country that seek our input on ordinances. They ask us to both review draft ordinances and suggest appropriate language for those drafts.

Below are the guidelines we follow when evaluating and drafting an ordinance to make sure it reflects good public policy and values the lives of cats.

When you create an ordinance, there may be state laws relevant to your proposals. You should always review your state law to make sure you aren’t suggesting something that would create a conflict.

Although ordinances vary, we have found three elements that are critical to success.

3 Elements for a Successful Cat Lifesaving Ordinance

1. Accurate and straightforward definitions; strong implementation language

Definitions

Cat

A member of the domestic species *Felis Catus*.

Community Cat

A member of the domestic species *Felis Catus* and shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.

Explanation: “Community” is an adjective that modifies the noun “cat.” Having defined “cat,” the task of defining “community cat” is reduced to defining “community.”

Feral and community cats are distinguished from pet cats because they are less socialized to humans, meaning they are unadoptable and usually killed in animal shelters that do not have a lifesaving TNR or SNR program in place. Community cats are not wildlife.

Community Cat Caregiver

A person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter, or medical care to a community cat. However, community cat caregivers are not the owner, harborer, controller, or keeper of a community cat.

Owner

Owner does not include community cat caregiver. *Explanation:* It is important to clarify in the animal control code that the definition of “owner” does not include “community cat caregivers.”

The ordinance should define exactly what a community cat caregiver is. Community cat caregivers neither create nor maintain the outdoor cat population. Thus it is unfair to impose on them fines, fees, and other costs of ownership that the law imposes on owners. Community cat caregivers are volunteer good Samaritans.

Eartipping

The removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under

anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian.

Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies. *Explanation:* It is important to define both the process of eartipping as well as what an eartip means in every TNR ordinance.

Because eartipping is a universally accepted method to identify a spayed or neutered and vaccinated community cat, it is vital that all eartips are performed in a similar fashion so the end results are consistent. Thus, defining the process of eartipping is needed in the ordinance.

Defining an eartip is also essential because it is the distinguishing feature between a sterilized, vaccinated community cat and an unsterilized, unvaccinated community cat.

Every individual in the community should understand what it means when they see an eartipped cat.

Additionally, community cats may interact with a variety of caregivers, veterinarians, and animal control personnel during their lives, so immediate visual identification is necessary to prevent an unnecessary second trapping and surgery.

Trap-Neuter-Return

The nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

Implementation

1. Trap-Neuter-Return shall be permitted to be practiced by community cat caregivers, organizations, and animal control, in compliance with any applicable federal or state law. As a part of Trap-Neuter-Return, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.
2. A trapped eartipped cat will be released on the site where trapped unless veterinary care is required. An **eartipped cat** received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.

3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.
4. A community cat caregiver who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
5. Trap-Neuter-Return shall be the preferred disposition for impounded community cats. Animal control and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a [Trap-Neuter-Return program](#).

Explanation: These additional provisions implement and clarify the intent of the ordinance. This is where your careful crafting of definitions will pay off.

Shelter-Neuter-Return

Increasingly, animal shelters are realizing that they can be a part of TNR programs—which are then termed Shelter-Neuter-Return (SNR) or Return-to-Field (RTF) programs.

Implementation of these programs results in a rapid and pronounced decrease in shelter intake and euthanasia. More ordinances should encourage or require, rather than simply permit, Shelter-Neuter-Return for impounded cats.

Important Note

Some local ordinances have so-called “leash laws” or at-large provisions, as well as licensing requirements that apply to cats. These are incompatible with TNR.

“Leash laws” or at-large provisions prohibit cats from being off the property of their owner unless under the direct control of the owner or another individual. This type of provision operates on the premise that cats being outdoors and free-roaming is illegal. Thus any cat—owned or unowned—is at risk of being impounded by animal control and potentially euthanized.

Removing at-large provisions or leash laws, or exempting community cats from this type of provision, allows healthy community cats to go through a TNR program and continue to live and thrive in their outdoor homes. It also reduces the threat of owned companion cats who wander outside being impounded and killed in shelters.

Licensing provisions typically require that cats are registered with the locality and wear a collar and tag. This is an impractical and unsafe requirement for community cats. Similar to the issue with at-large provisions, any cat without a tag becomes a target for impoundment by animal control and many are ultimately euthanized.

Licensing programs have notoriously low rates of compliance, are expensive to run, and do nothing to ensure cats are spayed or neutered and vaccinated. Licensing is also ineffective at reuniting cats with their owners.

A study by the National Council on Pet Population Study and Policy found that animal shelters only reunited two percent of impounded cats with their owners. Licensing provisions should be removed or community cats should be exempt from them.

2. Mandatory record-keeping and reporting of intake and disposition data

To ensure government accountability and transparency, all animal shelters should be required to (1) record the intake and disposition of each animal entering their facilities; and (2) report the totals, by species, to elected officials and to the general public.

Explanation: The taxpaying public continues to demand greater accountability for the use of limited tax dollars. The common question is “What am I getting for my money?”

To answer this question in the context of shelters, a growing number of states

mandate record-keeping and reporting requirements for those facilities. Such requirements are the first critical step for the facilities themselves, as well as the legislators and the public, to evaluate their performance.

The data reported provides answers to questions like: How many cats are returned to their owners, how many are adopted, how many are killed—and at what cost?

Ultimately, this data allows concerned community members to evaluate whether public resources can be more effectively and humanely used. The knowledge that shelter data must be recorded and reported to the public is also a strong incentive for shelters to implement more effective, humane policies that protect the cats in their care.

When shelters know that the public is watching and can question them, their performance improves.

If your state does not require adequate record-keeping and reporting, consider adding these provisions into your local ordinances.

3. Incentives to promote sterilization and vaccination

Alley Cat Allies has found that incentives are far more effective than punishments in convincing the community to support TNR and aid the population of community cats. We encourage communities and legislative bodies to offset the costs community cat caregivers incur for sterilization and vaccination of cats during the TNR process.

Offsets can be accomplished through a voucher program or through making the caregivers eligible for low-cost sterilization and vaccination clinics that the local government provides. Such programs *should not* include registration or permit requirements.

Alley Cat Allies has repeatedly found that requiring community cat caregivers to identify themselves and/or their colonies to animal control is a surefire way to ensure such programs fail. Under those circumstances, these programs have high administrative costs and low participation and deter would-be caregivers from getting cats spayed and neutered in their communities.

A mandatory spay/neuter provision is also ineffective at increasing the sterilization rate of cats because it targets pet cats—the majority of whom are already sterilized—and not community cats.

It also punishes lower-income households, where cost is typically the reason a cat has not been spayed or neutered, and may increase the number of cats relinquished to a shelter or abandoned due to inability to comply with the law.

Please note that these guidelines are offered to assist in writing ordinances. These guidelines do not constitute specific legal advice. Additionally, these guidelines are not meant to assist in defending against citations or enforcement actions by government officials. See our guide on how to handle a citation for help with such matters.

Model Lifesaving Cat Ordinance Template

BILL NO. **XX-XX**

ORDINANCE No. **XXXX**

AN ORDINANCE ENACTING A NEW SECTION **XX OF CHAPTER **XX** OF THE MUNICIPAL CODE, [**Municipality, State**]; AND FIXING AN EFFECTIVE DATE.**

WHEREAS, the [**Board/Council**] of the [**City/County**] of [**Municipality, State**] has determined that a process of trapping, sterilizing, vaccinating for rabies, eartipping, and returning cats to their original location is an effective and humane way to manage the population of cats within the [**City/County**]; and

WHEREAS, the [**Board/Council**] has determined that this process, known as Trap-Neuter-Return, is the preferred approach for managing the cat population, and that Trap-Neuter-Return shall be the prioritized disposition for any impounded community cats;

NOW THEREFORE, BE IT ORDAINED BY THE [Board/Council**] OF THE [**CITY/COUNTY**] OF [**Municipality, State**], AS FOLLOWS:**

SECTION A. That a new Section **XX** of Chapter **XX**, of the

Municipal Code, [City/County] of [Municipality, State], is hereby enacted:

SECTION XX: MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

- A. **Definitions.** For purposes of this Section, the following terms shall have the following meanings:
1. “*Community Cat*” is a member of the domestic species *Felis Catus* and shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.
 2. “*Community Cat Caregiver*” shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harborer, controller, or keeper of a community cat.
 3. “*Eartipping*” shall mean the removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
 4. “*Trap-Neuter-Return*” shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

B. **Permitted Acts.** The following actions shall be permitted in [Municipality] as part of Trap-Neuter-Return:

1. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
2. An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.
3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.
4. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
5. Trap-Neuter-Return shall be the preferred disposition for impounded community cats. Animal control and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

SECTION B. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION C. This ordinance shall be in full force and effect from and after the date of its passage.

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Alley Cat Allies has protected and improved the lives of cats for 32 years. Today more than 800,000 people look to Alley Cat Allies for leadership on saving cats' lives, developing communities that safeguard cats, and helping shelters embrace feline-friendly policies. Help us continue our work for cats: Join our online community and become part of the movement to save cats' lives!

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