



Fact Sheet

ORDINANCE DRAFTING GUIDELINES

Since 1990, Alley Cat Allies has been the only national organization practicing and promoting Trap-Neuter-Return (TNR) and the humane care of feral cats. As a result of this experience, we are regularly contacted by communities and legislative bodies across the country that are seeking our input on ordinances. They ask us both to review draft ordinances and to suggest appropriate language for inclusion in those drafts. Although ordinances vary, we have found three elements that are critical to success:

1. Accurate and straightforward definitions.

Cat is a member of the species *felis catus*;

Feral Cat is a cat who is unsocialized to humans, whose temperament is one of extreme fear, and who avoids contact with humans;

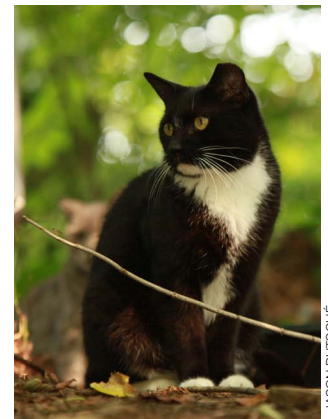
Explanation: “Feral” is an adjective that modifies the noun “cat.” Having defined “cat,” the task of defining “feral cat” is reduced to defining “feral.” What distinguishes a feral cat is its degree of socialization towards humans. It makes no sense to treat cats and feral cats as two separate species both because that dichotomy is false and because cats, regardless of degree of socialization with humans, are quite capable of reproducing with each other. Degree of socialization is, however, relevant to whether the cat is an adoption candidate or slated for summary killing upon entering a pound or shelter.

The adjectives “wild,” “untamed,” and “domestic” are ambiguous; thus, to include them in an ordinance only confuses rather than clarifies. Some communities and legislative bodies misguidedly attempt to clarify the word cat by adding such adjectives. But each introduces confusion because each

has multiple meanings. On the one hand they may refer to a potentially harmless species of animal that typically lives in a state of nature as opposed to in a human home; on the other, these adjectives may refer to an inherently fierce or dangerous quality of the animal—clearly not qualities of feral cats.

Owner does not include feral cat caregiver.

Explanation: It is important to expressly clarify in animal control code that the definition of “owner” does not include “feral cat caregivers.” Feral cat caregivers neither create nor maintain the stray and feral cat population. Thus it is unfair to attempt to impose on them fines, fees, and other costs of ownership that the law imposes on owners. Feral cat caregivers are volunteer Good Samaritans; as such they are not the legal agents of the original owner and should not become liable for the financial burdens the original owner imposed on the community.



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2. Mandatory recordkeeping and reporting of cat intake/disposition data.

To ensure government accountability and transparency, all animal pounds and shelters should be required to (1) record the intake and disposition of each animal, especially cats, 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 and greater accountability for the use of limited tax dollars: “What am I getting for my money?” To answer this question in the context of pounds and shelters, a growing number of states mandate recordkeeping and reporting requirements by 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 such questions as: how many cats are returned to their owners, how many are adopted, how many are killed—and at what cost? Ultimately, this data helps all concerned to evaluate whether public resources can be more effectively and humanely used.

3. Incentives to promote sterilization and vaccination.

Alley Cat Allies has found that incentives are far more effective than punishment in aiding the population of stray and feral cats. Thus, we encourage communities and legislative bodies to offset the costs feral cat caregivers bear for sterilization and vaccination. Offsets can be accomplished through a voucher program or through making the caregivers eligible for low-cost spay/neuter clinics the local government provides. Some communities and legislative bodies have successfully used a bounty system whereby finders of stray and feral cats are paid, perhaps \$5, to bring cats to spay/neuter clinics. Such programs should not include registration or permit requirements. We have repeatedly found that requiring feral cat caregivers to identify themselves and/or their colonies to animal control is a surefire way to ensure such programs fail.

Please note that these guidelines are offered to assist in writing ordinances. They do not constitute specific legal advice on which any individual should rely in defending him— or herself against citations or enforcement actions by government officials.