

GET THE FACTS ABOUT CAT LAW

Laws requiring licensing, restraint, and the control of dangerous dogs have existed for many years on both local and state levels. However, cats have often been ignored in animal care and control legislation and have little or no protection legally. Given the increasing popularity of cats throughout the United States and the corresponding steady increase of cats entering shelters, it is imperative that communities enact legislation that will protect both the animals and the people of those communities. Carefully drafted legislation can help ensure that cats are recognized by the law as domestic animals who are owned as pets, thereby making cat owners legally responsible for their pets' behavior and well-being.

This fact sheet provides guidelines for anyone considering proposing cat legislation. You should work with those agencies involved in animal welfare early in the process. They will be able to provide support and information essential to the success of the legislation. The passage of laws regarding cats requires a great deal of public education about the need for such legislation. You must first assess the problems and understand the causes, in order to suggest solutions.

Before you begin, ascertain what laws already exist within your community and your state. Local ordinances for over 1,100 cities and counties can be found at: www.municode.com. Next, decide what you want your legislation to accomplish, and whether you should work for its passage at the city, county, or state level.

Cats In Your Community: Before presenting a case for legislation, you must document the "cat facts" in your area.

1. Compile the following statistics for your community shelter:
 - ◆ The number of cats entering the shelter each year;
 - ◆ How many of those cats are stray and how many have been surrendered;
 - ◆ How many stray cats are reclaimed by their owners;
 - ◆ How many cats are adopted; and
 - ◆ How many are euthanized?

This information can support your case for the necessity of legislation. For example, the percentage of stray cats returned to their owners is usually low, while for dogs it can be quite high. One reason is that few cats wear any type of identification. A law requiring that cats be licensed and wear license tags can increase the number of lost cats returned to their owners.

3. Document all cases of neglect, cruelty, and injuries. Investigate police and court records as well as records of animal care and control personnel.
4. Document public health problems that relate to cats. Consult the fact sheet, **The Great Outdoors Is No Place for Cats**, at www.abcbirds.org/cats for more information.

LEGISLATION

Cat Licensing: Cat licensing is a cat registration and identification system administered by local governments to protect both cats and people. When cat owners register their pets and pay the small fees, they have purchased an "insurance policy" that helps ensure the safe return of pets that stray from home. Cat licensing provides local officials with a useful tool to enforce laws protecting cats and communities, as well as funds to help offset the costs of animal protection and control. Cat licensing is also a vital tool for rabies control in rabies-epizootic areas. A well-written cat licensing ordinance links licenses with rabies vaccinations, providing a needed enforcement tool in states and localities where rabies vaccinations are mandatory. Since cats sometimes slide out of their collars, increasing numbers of communities are promoting microchips as a back-up method of animal identification. No effective animal care and control program can be fully funded from licensing revenue; license fees are always a supplemental revenue source. Differential licensing, whereby license fees are set higher for unsterilized animals

2. Track the number and kinds of complaints that animal care and control agencies receive regarding cats, including general nuisance calls, reports of attacks on other animals, destruction of property, and cats roaming "at large." Licensing laws will make it possible to hold cat owners accountable for problems caused by their cats.



Photo: Dr. Gil Ewing

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than for sterilized animals, promotes spaying and neutering. It places the burden of higher fees on pet owners most likely to contribute to the surplus of cats and dogs and the many animal control problems related to that surplus.

Cat Control and Restraint: Laws requiring that cats be confined to their owner's property or physically restrained when off premises are the most effective way for communities

Photo: Kim Brink



to ensure that cats receive the protection and care they deserve.

“Control” and “restraint” are defined in various ways, but basically, when a cat is controlled, that cat's behavior is restricted

either by the supervision of the owner, or by the fact that the cat is within a house; when a cat is restrained, that cat's behavior is restricted by the use of a leash or a similar device.

In 1994, the City of Aurora, CO, passed a comprehensive ordinance that requires cat licensing and rabies vaccination, control and restraint, mandatory spay/neuter of all cats over six months of age, and limits the number of cats an individual can own. Please see the fact sheet, **City of Aurora, CO Cat Restraint Law** at www.abcbirds.org/cats for more information.

In 1999, Montgomery County, MD passed a cat nuisance law, whereby a cat owner who allows their cat to roam on another person's property without that person's permission may be fined \$100 for the first offense and up to \$500 for subsequent offenses. In addition, an unaltered cat may not roam at large. For more information, see **Montgomery County Code Chapter 5** at www.abcbirds.org/cats.

Cat restraint and control can be a controversial issue. Many people argue that it isn't “natural” to keep a cat indoors. The information you have gathered from animal shelters and agencies will help you to point out that cats should not have to risk their security, health, and lives in order to satisfy their owner's idea of a “natural” life.

Sterilization of Outdoor Cats: Many communities are looking at ways to address the problems caused by cats that spend most or all of their time outdoors. Santa Rosa, California, has enacted legislation requiring that free-roaming and outdoor cats be sterilized by their owners, although cat control and restraint is not required. Licensing should be a prerequisite for this provision, so that animals and their owners

may be identified and the legislation enforced.

Enforcement: The ability to enforce a law is critical when it comes to legislation regarding cats. Municipalities considering cat legislation should also ensure that the following requirements are met:

- ◆ An adequate staff that is trained to handle cats;
- ◆ Equipment for humanely holding and handling cats, both in the field and in the shelter; and
- ◆ Facilities and equipment suited to holding and providing necessary care to cats.

Getting Your Law Enacted: Should you pursue your legislation at the city, county, or state level? A state law helps the most animals, and can often be no more difficult to pass than a local ordinance. If you are primarily concerned about a local problem, however, working for enactment of a local ordinance makes the most sense.

Legislative Tips:

- ◆ Before you begin to work on a bill (the draft of a law presented to the legislature to be voted on), discuss your effort with those people most involved. If animal control officers will be expected to enforce your law, meet with them early in the effort and consider their concerns and suggestions.
- ◆ If the bill may have a negative impact on a specific group, try to work with them early in the process. The more opposition you can negate, the better the chances for your bill.
- ◆ Whenever a bill affects animals, legislators will defer to a veterinarian. Try to get veterinarians or the state veterinary medical association to support your proposals.
- ◆ Find a good sponsor for your bill. Approach those who have sponsored animal welfare laws in the past. If the bill must be heard (considered or examined) by a committee, try to get the chairperson or someone on that committee to sponsor your bill. If one party dominates the legislative body, it is best to get a sponsor from that party.
- ◆ As you lobby for your bill, be sure to develop good relationships with its sponsor's staff. They can control what happens, and they can provide you with important information and insight.
- ◆ Get help in drafting your bill. It should be clear to you what your objectives are and what kind of structure your program should have. However, the actual language of your bill can be drafted by professionals. You may be able to enlist the expertise of a local humane society board member who is a lawyer or has an association with a law firm, the sponsor's staff, or the counsel who works for the legislative body. You can also ask for pro bono help from a local law firm.
- ◆ Draft your bill with costs in mind. Try to create a program that generates sufficient funding to cover its expenses. It

is best if only cat owners are forced to pay; funding generated this way is referred to as a “user’s fee.”

- ◆ A good bill defines terms that might not be clear, such as “owner,” “animal,” and “proper restraint.”
- ◆ Consider exceptions to the bill’s coverage. For instance, a law requiring the sterilization of cats could exempt those cats that, in the opinion of a veterinarian, should not be sterilized.
- ◆ Don’t overwhelm your sponsor with material, but do provide whatever information he or she needs. As the bill goes through the legislative process, you will probably be called upon constantly to provide additional information, lobby members of the city council or state legislature, alert your supporters, and talk with the press. Don’t expect the bill to move through the chamber on its own. You will have to “work it” extensively.
- ◆ Know when to compromise. Rarely does a bill become law without being amended. Be prepared to make hard choices.
- ◆ Know who the opposition is. If you inform your sponsor about the opposition’s objections early on and explain why they are wrong, you will be more successful.
- ◆ Form a coalition of backers for your bill. In addition to the humane community and veterinarians, seek endorsement from groups such as cat breeders, law enforcement and public health officials, civic associations, student groups, and conservation organizations. Include anyone who will be better off if your bill passes for reasons such as safety, taxpayer savings, fewer neighborhood problems, and wildlife protection.

- ◆ Contact the local newspapers and other members of the media early in the process to explain your issue and why your proposed legislation is important. Don’t assume that they will get good, fair information if you don’t supply it to them. Remember that letters to the editor are an effective tool for getting information to your community.
- ◆ If hearings are held, carefully choose who will testify for your bill. It should be someone who is comfortable with public speaking and who can adequately handle any questions that come up. Testimony should be kept brief. Try to pack the room with your supporters. They can wear badges or carry signs of support.
- ◆ When lobbying legislators or city council members to support your bill, always be polite. Even if they don’t support you on this bill, they may work with you in the future on another issue.
- ◆ Always identify yourself to city council members and legislators and make it clear what issue you are discussing.
- ◆ If you don’t think your bill will pass, a strategy to make the bill more acceptable may be to add a “sunset” provision. This would limit your bill’s effect to a two-three-, or five-year period.

Adapted from, Facts About Cat Law, by The Humane Society of the United States, 1995.

For more information, contact:

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