

## Appendix B

---

### Model TNR Ordinance (Sponsor-based) <sup>1</sup>

ORDINANCE # \_\_\_\_\_

AN ORDINANCE OF \_\_\_\_\_

#### TO PERMIT THE MANAGED CARE OF FERAL CATS

##### **Section 1. Purpose.**

To permit implementation of a Trap-Neuter-Return (TNR) program in \_\_\_\_\_ (“Municipality”) for the purpose of reducing the population of feral cats, benefiting public health, improving the quality of life for residents, and ensuring the humane treatment of feral cats.

##### **Section 2. Definitions.**

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future and the past, words in the plural number include the singular, and words in the singular number include the plural.

---

<sup>1</sup> Footnotes contained in this ordinance are explanatory only and should not be included in any final legislation.

**Animal Control Agency** means any agency or person, including an animal control officer, authorized by law to implement animal control laws and provide animal care and control on behalf of the Municipality.

**Animal Welfare Organization** means any charitable corporation whose purpose includes promotion of animal welfare and that has been granted 501c3 nonprofit status by the Internal Revenue Service.

**Caretaker** means any person who regularly provides food and water to a feral cat colony.

**Eartip** means a mark identifying a feral or stray cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's left ear in a straight line cut while the cat is anesthetized.<sup>2</sup>

**Feral cat** means a cat that is not socialized to humans and is not an owned cat.

**Feral cat colony** and **colony** mean a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

**Foster home** means a household in which a cat or kitten is temporarily placed for the purpose of providing indoor shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

**Kitten** means a member of the species *felis catus* under the age of eight weeks.

**Nuisance** means conduct by feral or stray cats that disturbs the peace, including (a) habitually or continually howling or making loud noises and (b) habitually and significantly destroying property.<sup>3</sup>

**Owned cat** means a cat that is a companion to a person, is regularly fed and sheltered in that same person's habitation and carries visible indicia of ownership, including a collar or tag.<sup>4</sup>

**Shelter** means a structure that provides feral and stray cats with protection from cold, rain and other weather-related elements.

**Sponsor** means any Animal Welfare Organization that agrees to comply with the requirements of sponsorship set forth in this Ordinance, provides written notice to the Municipality that it desires to serve as a Sponsor and is approved by the Municipality within its discretion.

**Sterilize** means to spay or neuter.

**Stray cat** means a cat that is socialized to humans and is not an owned cat.

---

<sup>2</sup> Eartipping is preferred over other methods of identification, such as tattooing or microchipping, because it is easily seen from a distance and does not require trapping to observe. A tipped left ear is generally recognized as the universal sign of a sterilized feral cat. However, most communities on the West Coast tip the right ear instead; these communities should alter the ordinance's definition of "eartip" accordingly.

<sup>3</sup> To avoid discrepancies in understanding and enforcement, it is suggested the definition of "nuisance" be adapted, if necessary, so that it is consistent with definitions provided within any other relevant state or municipal laws.

<sup>4</sup> For purposes of this ordinance, an "owned cat" is defined as one carrying visible indicia of ownership in order to provide Caretakers participating in the TNR program with a clear and simple way to distinguish feral and stray cats, who they should TNR, from pet cats who they should not. Without such a clear visual marker, it would be overly burdensome for Caretakers to determine whether a particular cat is owned.

**TNR** means the method of managing feral and stray cats known as Trap-Neuter-Return.

**TNR Program** means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies,<sup>5</sup> eartipped, returned to the location where they were captured and provided with long-term care by a Caretaker in accordance with this Ordinance.

### **Section 3. Management of Feral Cat Colonies.**

3.1. A TNR Program shall be permitted and Caretakers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this Ordinance.

3.2. **Sponsorship of TNR Program.** Any Animal Welfare Organization that agrees and is able to comply with the requirements of this Ordinance shall be eligible to act as a Sponsor of the TNR Program upon approval by the Municipality within its discretion. Any Animal Welfare Organization intending to undertake the responsibilities of sponsorship shall provide to the Municipality a written letter of intention containing its address or location, telephone number and, if applicable, electronic mailing address.

3.3. **Sponsor Requirements.** It shall be the duty of a Sponsor to:

- a. register all feral cat colonies managed by Caretakers pursuant to the requirements of Section 3.5;
- b. ensure the ongoing compliance of Caretakers of registered colonies with the requirements of Section 3.4;
- c. maintain records provided by Caretakers on the size and location of registered colonies, as well as vaccination and sterilization records of cats in the colonies;
- d. help to resolve any complaints over the conduct of Caretakers of registered colonies or of cats belonging to registered colonies;
- e. report annually to the Municipality on the following:
  - i. number of colonies in the Municipality that are registered with the Sponsor;
  - ii. total number of cats in colonies in the Municipality that are registered with the Sponsor;
  - iii. number of cats sterilized and vaccinated pursuant to the TNR Program in the past year; and
  - iv. number of cats and kittens removed for purposes of foster or adoptive placement in the past year.

3.4. **Caretaker Requirements.** It shall be the responsibility of a Caretaker to:

---

<sup>5</sup> Requiring vaccination against rabies may be optional where not required by other state or municipal laws.

- a. submit all feral cat colonies managed by the Caretaker for registration with a Sponsor pursuant to the requirements of Section 3.5;
- b. make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- c. make reasonable efforts to recapture all cats to update rabies vaccinations as required by law;
- d. keep and maintain vaccination, sterilization, and medical records for all trapped cats and provide the Sponsor with copies of vaccination and sterilization records for all trapped cats;
- e. provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;
- f. make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- g. make reasonable efforts to remove and find permanent adoptive homes or foster homes for kittens born to colony cats;
- h. make reasonable efforts to work with the Sponsor to resolve any complaints over the conduct of the Caretaker or of colony cats managed by the Caretaker;
- i. report annually in writing to the Sponsor on the status of the Caretaker's colony, including:
  - i. total number of cats in the colony and total number of cats in the colony that are sterilized;
  - ii. number of cats in the colony sterilized and vaccinated pursuant to the TNR Program in the past year;
  - iii. number of cats that have died or otherwise ceased to be a part of the colony in the past year;
  - iv. number of kittens born to colony cats in the past year and their disposition; and
  - v. number of cats and kittens removed for purposes of foster or adoptive placement in the past year.

3.5. **Feral Cat Colony Registration.** Upon registration of a feral cat colony, the Caretaker shall provide his or her Sponsor with:

- a. address, telephone number and, if applicable, electronic mailing address of the Caretaker;

- b. location of the colony;
- c. total number of cats in the colony;
- d. total number of cats in the colony that are sterilized, total number of cats in the colony that are vaccinated against rabies, and records of such vaccinations and sterilizations.

**3.6. Withdrawal of Caretaker or Sponsor.**

- a. In the event that a Caretaker of a registered colony is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor in writing and shall make reasonable efforts to secure a replacement Caretaker.
- b. In the event that a Sponsor is unable or unwilling to continue to perform its role, it shall provide sixty (60) days written notice to the Municipality and shall make reasonable efforts to secure a replacement Sponsor.

**3.7. Disposition of Colony Cats.** An Animal Control Agency that has trapped or received an eartipped cat from within the Municipality shall take reasonable steps to notify all Sponsors of the description and sex of the cat and of the address or location where the cat was captured. Sponsors shall have up to five (5) business days<sup>6</sup> after notification to arrange for the cat to be retrieved. If the cat is retrieved by arrangement of a Sponsor and the Caretaker of the colony from which the cat was removed can be located with reasonable efforts, the cat shall be returned to the Caretaker.

**Section 4. Ordinance Enforcement.**

4.1. Nothing in this Ordinance shall interfere with the right of the Municipality or an Animal Control Agency to:

- a. investigate any nuisance complaint allegedly caused by a feral or stray cat or feral cat colony;
  - i. If it is found that a feral or stray cat or feral cat colony within the Municipality is causing a nuisance, the Animal Control Agency or the Municipality shall provide all Sponsors with written notice delineating the nuisance and location of the cat or colony with specificity.
  - ii. If a cat or cats belonging to a registered feral cat colony is causing a nuisance, then the Sponsor of the colony shall have sixty (60) days from the date that written notice was provided pursuant to Section 4.1(a)(i) to cure the nuisance. If the Sponsor fails to cure the nuisance within sixty (60) days, an Animal Control Agency or the Municipality shall have the right to remove the offending cat or cats.

---

<sup>6</sup> The length of time designated as a holding period by an Animal Control Agency for eartipped cats, if altered, should continue to allow for an adequate opportunity for the cats to be retrieved.

- b. seize and remove a registered feral cat colony if the Caretaker regularly fails to comply with the requirements of Section 3.4 and the Sponsor does not correct the situation within sixty (60) days of being given written notice by the Municipality delineating the Caretaker's failures with specificity;
- c. reassign sponsorship of a Sponsor's registered feral cat colonies if the Sponsor regularly fails to comply with the requirements of Section 3.3 and the Sponsor does not correct the situation within sixty (60) days of being given written notice by the Municipality delineating its failures with specificity.

4.2. A Caretaker in compliance with this Ordinance shall be exempt from all other ordinances of the Municipality that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.<sup>7</sup>

**4.3. Grace Period.**

- a. If an Animal Control Agency or the Municipality locates or otherwise becomes knowledgeable about an unregistered feral cat colony, reasonable efforts shall be made by the Animal Control Agency or the Municipality to provide written notice to the Caretaker of the colony of the registration requirements of Sections 3.4(a) and 3.5 of this Ordinance.
- b. Upon receipt of written notice as set forth in Section 4.3(a), a Caretaker of an unregistered feral cat colony shall have thirty (30) days to comply with Sections 3.4(a) and 3.5 of this Ordinance. During the thirty (30) day period, no cat from the colony shall be removed by an Animal Control Agency or the Municipality for reason of causing a nuisance.
- c. Upon registration within the thirty (30) day period, a Caretaker in receipt of written notice as set forth in Section 4.3(a) shall be entitled to the protections of Sections 3.7, 4.1(a), and 4.2. If the Caretaker fails to register the colony within the thirty (30) day period, the Caretaker shall not be entitled to any protections under this Ordinance until registration is complete.

---

<sup>7</sup> To promote registration of feral cat colonies and the practice of TNR, Caretakers should be exempt from any requirements imposed by other ordinances of the Municipality detailing responsibilities of owners of pet cats. These may include, for example, ordinances requiring the licensing of cats, restricting the running at large of cats, or limiting the number of cats that may be owned per household.

## **Appendix C**

**2010 Association of Shelter Veterinarians Guidelines for Standards of Care in Animal Shelters**

## **Appendix D**

**2008 Association of Shelter Veterinarians Medical Care Guidelines for Spay/Neuter Programs**