



**Best Friends<sup>®</sup>**  
SAVE THEM ALL<sup>™</sup>

## Ledy VanKavage

Senior Legislative Attorney,  
Best Friends Animal Society

- 2014 American Bar Association's Excellence in the Advancement of Animal Law Award
- 2018 Wallace Award winner
- 2021 Women in Government Relations winner of Best State Gov Campaign- Pets in Housing
- Past Chair of the American Bar Association's Tort, Trial & Insurance Practice's Animal Law Committee
- Past Chair of the Illinois State Bar Association's Animal Law Section



YOU can make a difference thru ordinances & policies!



*“My question is: Are we making an impact?”*

# The 5<sup>th</sup> Wave

By Rich Tennant



“Okay, who wants to kick off a discussion about the importance of change?”

# Where do you start? DATA!

- **Complete a gap analysis for your shelter:**  
[resources.bestfriends.org/article/gap-analysis-tool](https://resources.bestfriends.org/article/gap-analysis-tool)
- **Getting the data:** At a minimum, you'll need animal intake and outcome data.



(a) It **shall** be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. ...

**The duty may include return, adoption, transfer to rescues or other animal shelters, and any other means of ensuring live outcomes of homeless dogs and cats and through sterilization, community outreach, impoundment of pets at risk and any other humane means deemed necessary to address strays and ensure live outcomes for dogs and cats that are not a danger to the community or suffering irremediably.**

## What is the actual problem?

- Reckless pet owners
- Poverty
- Lack of Education
- Lack of affordable veterinary services
- Lack of pet inclusive housing



# 4 Okl. St. 46 Regulation of Potentially Dangerous Dogs

- Through local, municipal and county authorities
- Provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.



# Stuckey v. City of Midwest City. 2009

- 1990 city ordinance making it unlawful to “keep, harbor, own or in any way possess “ wild or exotic animals, poisonous bite animal and pit bull dogs. Ordinance totally banned these dogs from the city
- 4.O.S.46 B 3
- Potentially dangerous or dangerous dog may be regulated through local, municipal and county authorities provided the regulations are NOT BREED SPECIFIC.
- Court of Appeals , Division No. 4 found that the city’s ordinance was clearly breed specific and runs counter to the statute. and may not be enforced.



# Lewis v. City Clerk and City of Oklahoma City ex rel. Animal Shelter of Oklahoma City 2007

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- Plaintiff noticed her neighbor's dog, a black and white Pit bull had been left chained to a tree without food or what. City's Animal Welfare Division pick up dog. Plaintiff wanted to adopt the dog but was told the City euthanized all unclaimed pit bulls.
- Plaintiff filed for an injunction to save the dog.
- City had a policy "Refusal to place pit bulls or their mixes". Court found that the city's regulation was breed specific and therefore unenforceable. The policy was in conflict with the statute and must fail.



# Creative Animal Ordinances

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- **Effective language**
- Different species should have different provisions
- **Language to avoid**



# Discretion is good! use “may” not “shall”

- ~~• It shall be the duty of the animal control officer, subject to the provisions of this chapter, to impound all dogs, cats and dangerous wild animals found at large upon any unfenced lot, tract or parcel of land within the corporate limits of the city.~~
- The animal services officer is hereby authorized to impound any dog found at large upon any unfenced lot, tract or parcel of land within the corporate limits of the city or the officer may contact the owner and return the dog to owner in the field.

# At-Large

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- Why are dogs at large?
- What is the risk?
- Penalties to habitual offenders
- make sure field officers can return dogs to their owners in the field instead of bringing them into the shelter



# Disposition- (Descretion) don't limit your options

- Make sure you can humanely hold the animal longer IF needed to increase lifesaving
- Return (to owner in field, or at the shelter, for Trap, Neuter, Vaccinate, Return)
- Transfer to another humane organization
- Adoption
- Working cat program
- Euthanasia (if necessary)



# Problematic Behavior

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- Spaying/Neutering. All owners of Nuisance Dogs or cats must, within 10 days of conviction, spay or neuter the dog or cat if such dog or cat has not previously been sterilized, and provide proof of sterilization to the City Clerk.
- Training Class. The owner of the dog shall attend and complete a training class or personal training sessions approved by the Municipal Court that is designed to teach the owner how to manage or correct problem behavior. The class must be completed and receipt thereof sent to the Municipal Court within 60 days following conviction.



# Avoiding Neighbor vs. Neighbor disputes

- Each separate occasion is considered a separate violation. The owner or custodian of the dog(s) may be charged with a violation of this sub-section when either the animal control officer or deputy has received, from at least two unrelated adult witnesses from different residences, or from one adult witness with a recorded video showing the alleged violation, a sworn affidavit attesting to the committing of a nuisance pursuant to this sub-section, or the animal control officer or deputy has witnessed the commission of such a nuisance. Affidavit(s) attesting to the nuisance must come from residents within a 1,000 foot radius of the property where the violation occurred.



# Barking ordinances

- No person shall own or keep any dog which by making excessive noise disturbs a neighbor.
  - (1) The phrase "excessive noise" shall mean and include any noise produced by an dog which is so loud and continuous or untimely as to disturb a neighbor.
  - (2) **The term "neighbor" shall mean an individual residing in a residence structure which is within 100 yards of the property on which the dog is kept or harbored and who does in writing state that he will testify under oath to the animal making excessive noise.**
  - (3) If a general ordinance summons is issued charging violation of this section, **a subpoena shall also be issued to the disturbed neighbor to testify in the matter.**
- This subsection shall not apply to dogs maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility.

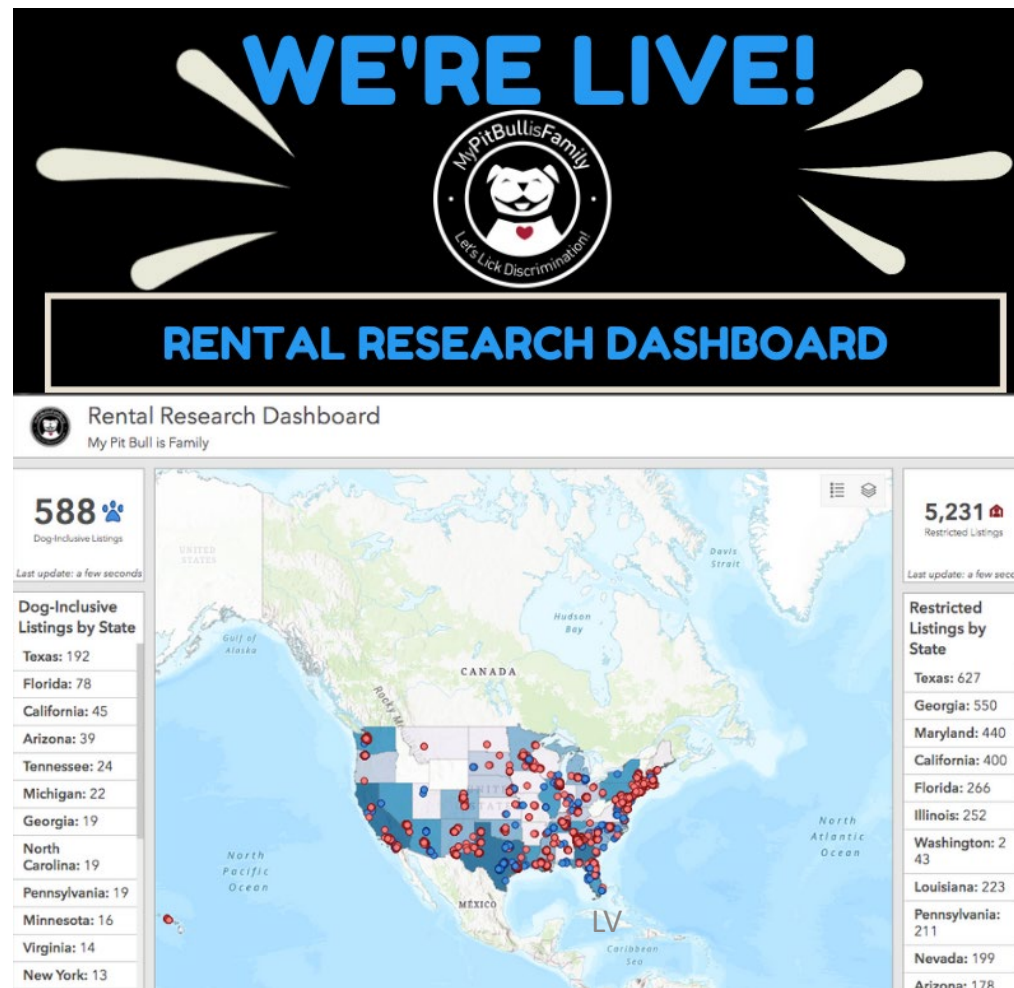


# Keep pets out of shelters in their homes- Save taxpayer dollars!

- Diversion programs
- Pet food pantries
- Help with veterinary care
  - Homeless population
    - 3 Ps (why they don't go to shelters -Pets, Partners, Possessions)
- Help with fencing
- Reach out to social service organizations & collaborate
- Use heat mapping to target certain areas where the most complaints are coming from
  
- BE CREATIVE!



Look up the housing situation in your area! Lobby for Pet-inclusive housing ordinances -  
<https://www.mypitbullisfamily.org/>  
<https://www.petsandhousing.org/>



# Sterilization prior to adoption

- Good intent
- Could create operational problems
  - cage space
- Use the term sterilization rather than spay/neuter

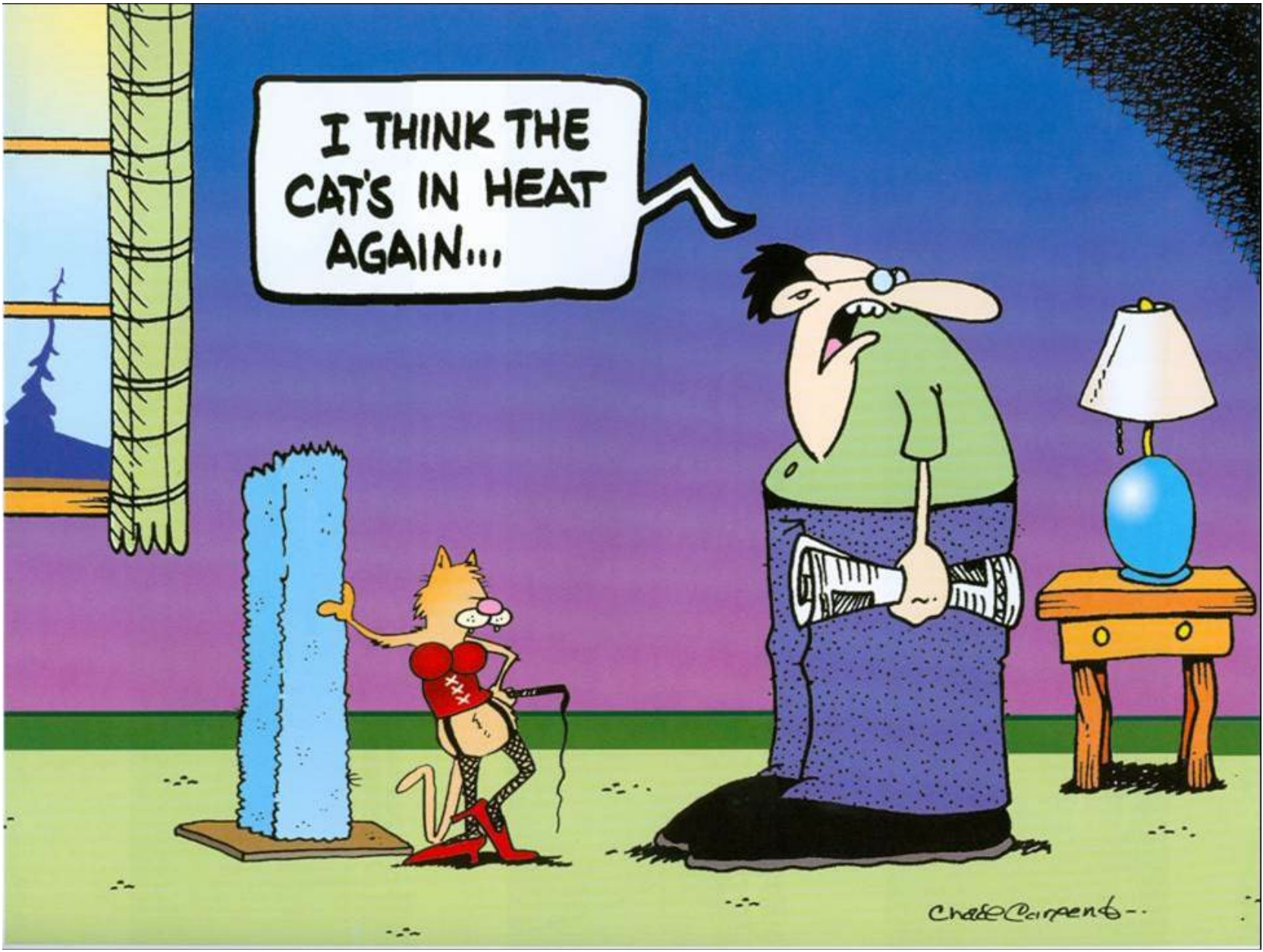


# Why pet limits? They don't prevent hoarding

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- **Pet Limits**
- What's the right number?
- If you must, have application for multi animal permit
  - Vaccines, adequate health
  - Spayed/neutered
- CHECK out your Zoning ordinance- pet limits may be contained there
- Fosters and community cat caretakers need to be exempted





# Female in Heat

- The owner of a female dog or cat in heat (estrus) shall humanely confine such dog or cat in a building or proper enclosure so as to make her inaccessible to any male dog or cat, except for controlled, intentional permitted breeding purposes.
- When not in a proper enclosure, such dogs or cats shall be under the direct supervision of a responsible individual so that the dog or cat is not allowed to unintentionally come into contact with a male dog or cat and breed.



# COMMUNITY CATS

Ever try  
putting one  
of these on  
a cat...?







The Mission:

To help make Tulsa a healthier place by working with local neighborhoods, businesses, and other animal welfare organizations to humanely manage Tulsa's unowned cat population with a focus on spay/neuter.

**Our mission is as much to support the community and its people as it is to help the cats.**

Founded in 2011  
with two women and two traps,

Seeking to reduce the unowned cat  
population after spending years adopting out  
cats with many more coming into the shelter  
system than leaving it alive.

A realization that we can't "adopt our way"  
out of the overpopulation problem.



# WHO CAN BE INVOLVED?

- **Community Cat Programs (CCPs)** can be carried out by many individuals
  - Municipal shelters/workers
  - Private shelters/workers
  - Private individuals engaged with proper veterinary support at a shelter or private veterinarian
  - Veterinarians
  - Contractors with municipal governments



# What is TNVR?

A **humane** approach to feline population management

T - TRAP

N - NEUTER

V - VACCINATE

R - RETURN (to their outdoor home)




Cats are **ALWAYS** returned to the same location from which they were trapped.



In 2019, the City of Tulsa conducted the Tulsa Animal Welfare Survey and 82.6% of the respondents indicated that they would like to see a program to Trap, Spay/Neuter and return stray cats.

(City of Tulsa, PLANITULSA)

Would you like to see the City of Tulsa have a program to Trap, Spay/Neuter and Release stray cats?

		Response Percent	Response Count
Yes		82.6%	644
No		4.7%	37
Not sure		12.7%	99

# Well-designed and implemented CCPs:

- Line up with public opinion
- Can mobilize an army of compassionate, dedicated people who care about the cats, wildlife and their communities
- Can attract local, state and national resources to fund the program



# DEFINITION AND SCOPE

- Community cats are cats
  - Without identifiable owners,
  - Who live primarily outside,
  - And who are
    - “Feral”, e.g., whose usual and consistent temperament is extreme fear and resistance to contact with people
    - Nonferal/ “friendly”, i.e., approachable and socialized



# WHY CODIFY COMMUNITY CAT PROGRAMS?

- Taxpayers deserve programs that are animal-friendly and cost-effective, that reduces the burdens placed on animal control – both fiscal and administrative
  - The cost of capture and euthanasia is roughly double the cost of performing a sterilization procedure.
  - Lower intake and euthanasia → reduced cost
  - Less need for cat housing
  - Increase in employee morale
  - Greater community goodwill
  - Reduced nuisance calls



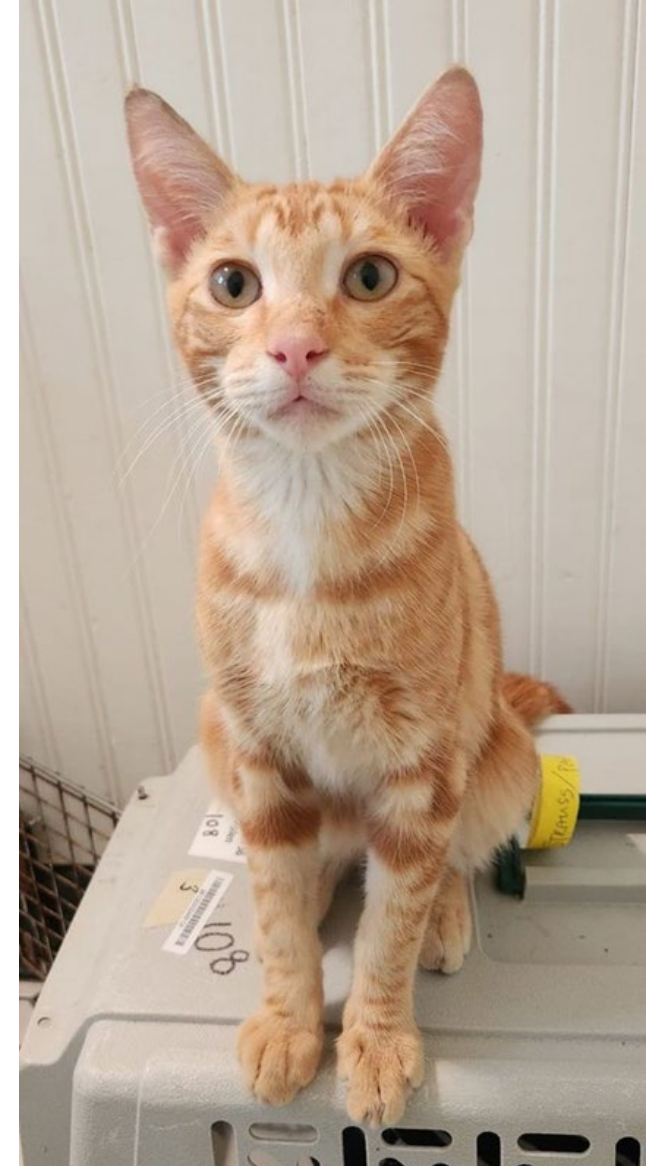
© Lynn Terry + Photography



# TNVR WORKS!

## Community cat programs as effective population management

- University of Central Florida 1991-2002: reduced cat population by 85% (Levy, Gale & Gale 2003)
- Newburyport, MA 1992-2009: eliminated 300 cat colony; Final cat died at age 16 (Spehar & Wolf 2017)
- TNR versus control (no action) over 2 years: (Stoskopf & Nutter 2004)
  - 36% mean **decrease** of TNR'd colonies (range 30-89%)
  - 47% mean **increase** of control colonies (actual 31% , 127%, 283%)
- Chicago 2007-2015: 67% decline in cat population in targeted neighborhood based on efforts of a single volunteer (Spehar & Wolf 2018)



# WHAT DOESN'T WORK

## **Trap and Kill**

- Temporary and ineffective
- Doesn't offset the root of the problem: ongoing reproduction
- Consumes very high levels of resources and manpower
- Required resources and public commitment don't exist

## **Trap and Relocate**

- There is no “elsewhere”

# NO INTENT TO HARM/ ABANDON



- Abandonment laws generally apply only to owners or those with a legally enforceable ownership/possessory right in the allegedly-abandoned animal)
- Humane actions to save cats do not constitute the crime of “abandonment”
- Returning animals home does not meet the intent or definition
- State by state, case by case
  - Consider if there is any legal obligation under state law to accept/impound healthy (owned or unowned) cats

# Community Cat Ordinances

## **Definitions:**

- Community Cat
- Ear Tipping
- Community Cat Caregiver
- Trap-Neuter-Return

## **Specific points to include:**

- Exempt community cats from at-large definition
- Exempt community cat caregivers from the owner definition
- Clarify that returning a cat to its original location will not be deemed abandonment



The eartip is the universal sign that a community cat has been neutered and vaccinated and is being cared for by those in the community.



# Ineffective Ordinance Language



## Ineffective cat ordinances

- Do you require a license, collar or tag for pet cats? Try a microchip instead.
- Is there a cat leash law? Why pick up healthy cats?
- What is the definition of "owner"?
- It should exempt a community cat keeper or caretaker and foster care providers
- Is there a feeding ban? Why criminalize kindness.

# Feeding Bans Don't Work

- Cats will only move closer to homes and businesses as they grow hungrier
- Create more nuisance complaint calls, greater public concern for the cats' welfare, and underground feeding by residents.
- Enforcement is extremely difficult, resource intensive, and unpopular.
- It does not reduce the number of cats



# Public Endorsements for TNVR



In 2017, The American Bar Association, Resolution 102B was passed and urges state, local, territorial, and tribal legislative bodies and governmental agencies to interpret existing laws and policies, and adopt laws and policies, to allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.

[https://www.abajournal.com/news/article/trap\\_neuter\\_vaccinate\\_return\\_community\\_cats\\_aba\\_delegates](https://www.abajournal.com/news/article/trap_neuter_vaccinate_return_community_cats_aba_delegates)



In 2016, the American Veterinary Medical Association (AVMA) shifted its official position on the issue in a direction more favorable to TNR. AVMA now “encourages the use of non-lethal strategies as the initial focus for control of free roaming abandoned and feral cat populations. Public, private, and not-for-profit humane organizations and individuals must make every effort to promote adoption of acceptable unowned cats and implement sterilization programs.”

<https://www.avma.org/resources-tools/avma-policies/free-roaming-abandoned-and-feral-cats>





*The National Animal Care & Control Association  
is committed to setting the standard of professionalism in animal  
welfare and public safety through training, networking, and  
advocacy.*



March 22, 2021

## **Animal Control Intake of Free-Roaming Cats**

It is the position [policy] of the National Animal Care & Control Association that, at every opportunity, officers should [will] work to educate the public regarding humane and responsible co-existence and care of pet and community cats, to include education on the benefits and resources for spay/neuter and vaccination; responsible feeding and management practices for those choosing to care for community cats; and effective methods to humanely deter and exclude animals from homes, structures and targeted areas. It is the position of NACA that indiscriminate pick up or admission of healthy, free-roaming cats, regardless of temperament, for any purpose other than TNR/SNR, **fails to serve commonly held goals of community animal management and protection programs and, as such, is a misuse of time and public funds and should be avoided.**

**(City of Jenks) Code 1972, § 3- 15)**

**Sec. 3- 3- 5. - Community Cats; Community Cat Caregivers**

- A) Community cats are exempted from stray, at large and other provisions of this Chapter that apply to owned animals.
- B) All community cats may be managed and maintained by a community cat caregiver. Any person may provide care for a community cat, including but not limited to the following:
  - 1) Food maintained in a feeding container.
  - 2) Clean, potable water that is free from debris and algae.
  - 3) Unobtrusive and safe shelter that is the proper size for the cat( s).
  - 4) Trapping community cats ( except by City Animal Control) is permitted only for the purpose of TNR unless a community cat is injured and veterinary care is required.
  - 5) A community cat received by the Jenks animal shelter or a local veterinarian may be returned to the location where the cat was trapped or found with no hold period unless veterinary care is required.
  - 6) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of the implementation of TNR and/ or returning eartipped community cats to their original location.
  - 7) A community cat caregiver who returns a community cat to its original location when conducting TNR is not deemed to have abandoned the cat.
  - 8) TNR is permitted to be practiced by community cat caregivers and 501( c)( 3) nonprofit corporations in good standing with a TNR program in compliance with applicable federal or state law. As part of TNR, spay or neuter and vaccination for rabies must take place under the supervision of a licensed veterinarian. Animal Control is authorized to direct impounded community cats to a TNR program.



Working with Caregivers to implement best practices:

- Provide clean water
- Do not overfeed
- Remove trash and clean daily
- **Do not leave the food out overnight as it will** encourage wildlife
- Keep feeding stations and shelters in unobtrusive areas to protect cats and appease neighbors

***Sometimes mitigation devices may be utilized to help deter nuisance complaints, along with education about the benefits of TNVR.***

# Cat Nuisances

A cat that disturbs the peace by habitually or repeatedly destroying, desecrating, or soiling public or private property shall constitute a public nuisance.

- Animal Services shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint in a form provided by Animal Services, signed by two (2) unrelated County residents living in separate dwellings in the close vicinity of the alleged violation. One (1) of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.
- If, upon investigation, Animal Services, determines the complainant(s) have taken reasonable abatement measures to resolve or mitigate the nuisance behavior of the cat, Animal Services may request the caregiver, if any, assist in resolving the nuisance or may remove the cat causing the nuisance.

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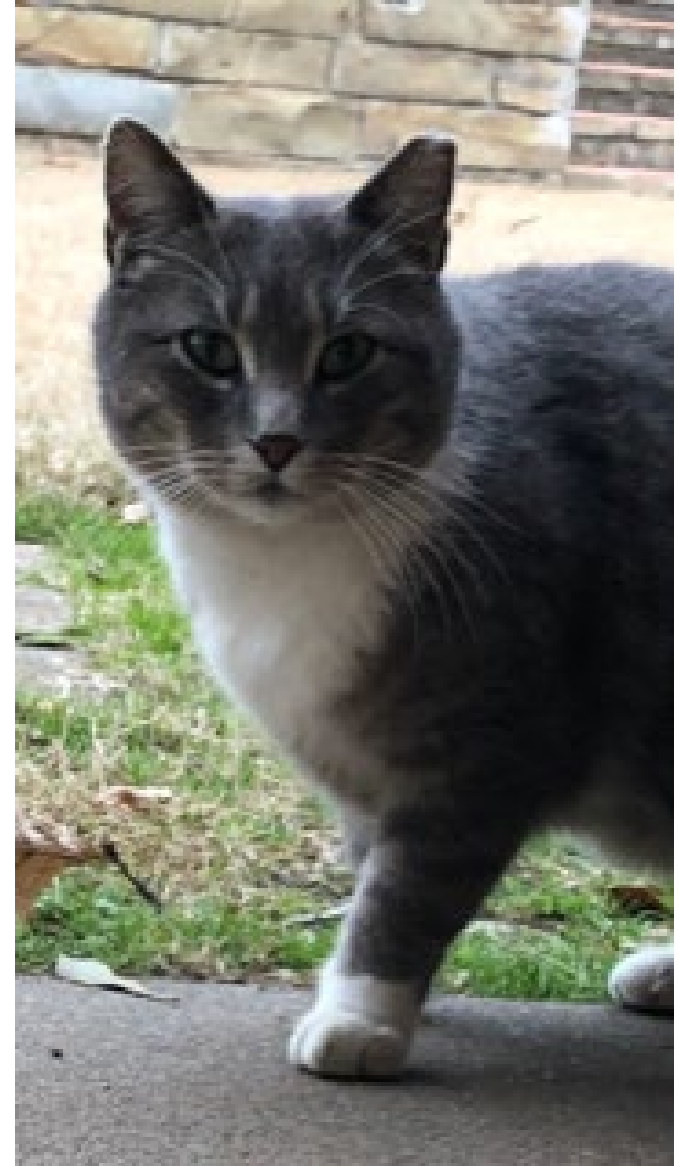
## T-Town TNR:

- Receives an average of thirty-five (35) requests for help per month

- Has processed more than 11,000 cats since 2015

- Processes an average of 120 cats per month

(limited by spay/neuter resources in Tulsa)





**2023**

**Total Expenses: \$137,343**

**70% subsidized by donations (\$87 average)**

**15% Grants, 13% Fundraising, 2% other**

**1764 – No longer reproducing**

**637 are no longer community cats**

**36% off the street**

**1164 Adults - 600 kittens**

**774 Male -- 920 Female**

# Making an IMPACT at the shelter Saving \$\$\$ and Lives!

Decrease in intake of stray cats since 2014

## ALL stray cats

2014 – 2664

2022 – 1227 54% decrease

2023 – 1029 61.4% decrease

## ADULT stray cats

2014 – 1,380

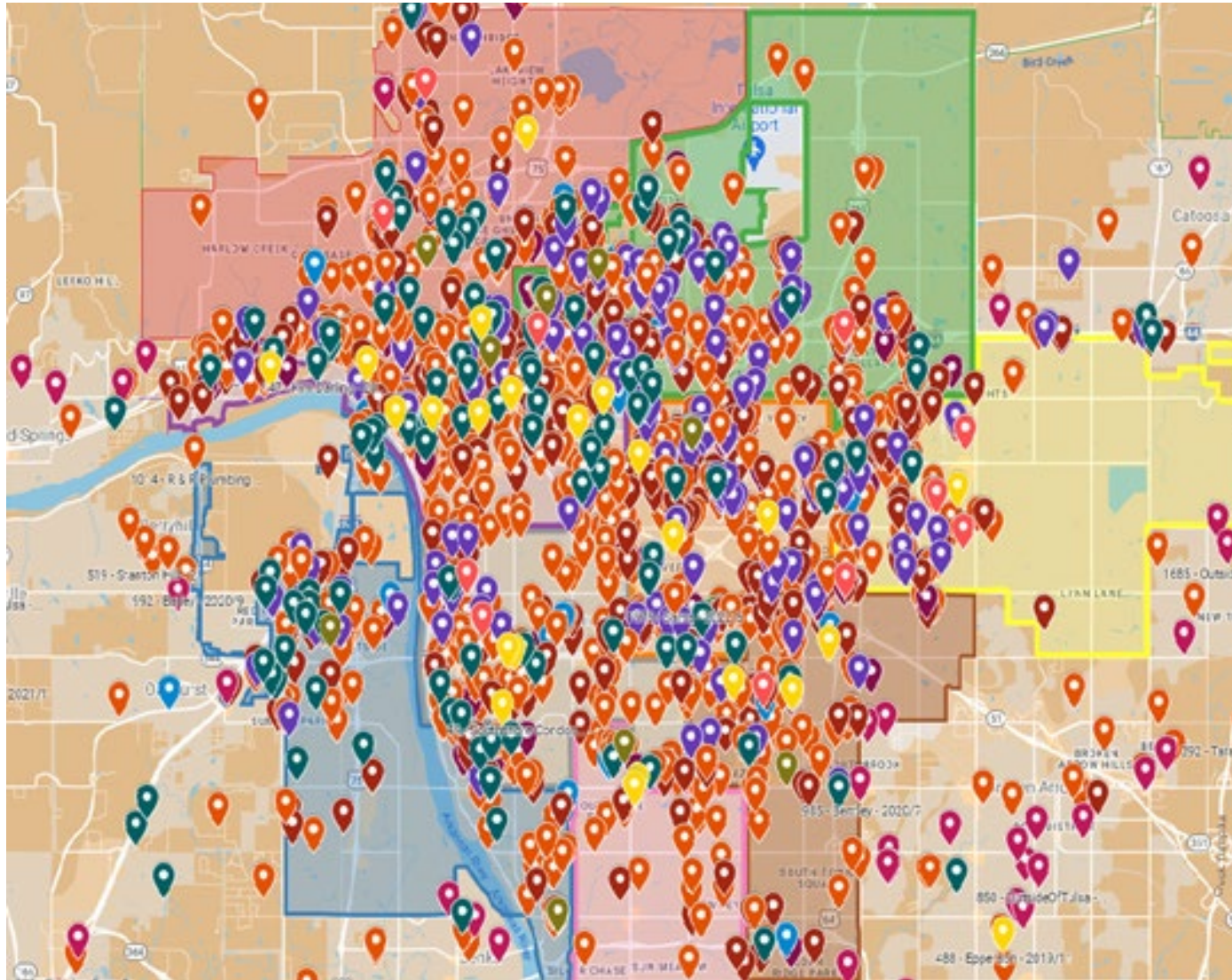
2022 – 448 67.5% decrease

2023 – 408 **70.4% decrease**

Nuisance calls on cats are minimal (2023)

# Data Collection

- Data is collected on every group of cats, including location, medical records, caregiver and team member(s) involved.
- All groups of cats are tracked by city council district.
- We maintain a heat map of all projects.





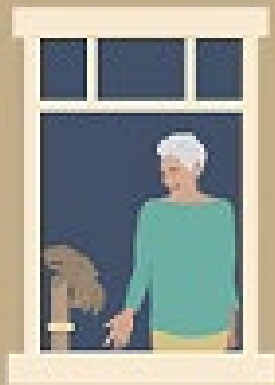
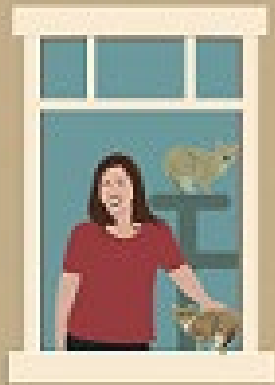
# KEY TASKS FOR MUNICIPAL LAWYERS TO SERVE THE COMMUNITY



- Review ordinances carefully for potential barriers to, or conflicts with, CCP activities.
- Solutions for overcoming barriers:
  - Waiver from governing bodies
  - Amendments to ordinances
  - Executive order/exemptions for CCP
  - Establish “pilot program” for CCP without expiration
- *Feel free to contact Best Friends for ordinance review*

# PEOPLE, PETS, AND POLICIES:

*Towards Community  
Supported Animal Sheltering*



Become a Best Friends Network Partner!

- <https://network.bestfriends.org>
- Download People, Pets and Policies from the IMLA or Best Friends website.

[www.bestfriends.org](http://www.bestfriends.org)

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