

Trap-Neuter-Return Ordinances and Policies in the United States: The Future of Animal Control

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Trap-Neuter-Return Ordinances and Policies in the United States: The Future of Animal Control

Elizabeth Holtz, JD

A substantial number of cities and counties across the United States practice or promote Trap-Neuter-Return (TNR) as a method of animal control for feral cats. Alley Cat Allies' survey of city and county ordinances and animal control practices revealed that at least 331 local governments incorporate TNR into their animal control policies and practices. This number does not include the thousands of feral cat groups and countless individual caregivers conducting TNR privately. Many cities, counties, police departments, and animal control agencies recognize that TNR is the most humane and effective approach for stray and feral cats. Trap-Neuter-Return is poised to become the predominant method of feral cat management in the United States.

ABOUT THE RESEARCH

Alley Cat Allies staff attorney Elizabeth Holtz, JD reviewed hundreds of municipal and county codes and animal control policy statements. This research was then reviewed by other staff attorneys. A local government was deemed to participate in TNR if it: (1) has a TNR ordinance; (2) has an animal control department that supports TNR; or (3) has an animal control department that condones TNR. Animal control was considered supportive of TNR if its website or other informational materials explicitly endorsed it. Animal control was considered to condone TNR if the municipal website acknowledged TNR as a valid method of animal control but also offered "catch and kill" services.

Local governments were assessed only on the basis of their ordinances and animal control websites and materials. This analysis does not include local governments that support TNR but do not have an ordinance or materials documenting that fact. This methodology excludes some jurisdictions we know support TNR. For instance, the county animal control in Arlington and Albemarle counties in Virginia have active TNR programs. But because they are not listed on the county website—as opposed to the shelter website—they, and other jurisdictions like them, are not included in this analysis.



Alley Cat Allies President Becky Robinson with Ron Cash, celebrating 10 years of success of the Boardwalk Cats Project in Atlantic City.

The Public Health Perspective

Ron Cash is the Business Administrator of Atlantic City, which oversees the Department of Health and Human Services. Beginning in 1991 as a Licensed Health Officer, Cash has worked on many issues affecting public health from HIV to environmental health.⁴ Cash has collaborated with Alley Cat Allies for over a decade to manage the feral cat colonies living under the Atlantic City Boardwalk. He says, “**TNR is good public health policy.**” Before the boardwalk colonies were managed, he received many calls from the public about the cats. But today he says, “The [cat] population that’s here is much healthier. They’re coexisting with people very well now. Most people don’t even know the cats are there.”⁵ Trap-Neuter-Return is not only the humane solution but it also makes for good public policy.

HISTORY OF TRAP-NEUTER-RETURN

Trap-Neuter-Return is successfully practiced in thousands of communities and in every landscape and setting. With Trap-Neuter-Return, cats are humanely trapped and taken to a veterinarian to be neutered, vaccinated, and eartipped. After recovery, the cats are returned to their home—their colony—outdoors. Kittens and cats who are friendly and socialized to people may be adopted into homes.

Trap-Neuter-Return can trace its beginnings to England during the 1950s.¹ It then migrated to the United States and took hold in the 1990s. As awareness of feral cats grew, animal protection organizations began holding workshops and conferences to address the feral cat population’s special needs.

Grounded in science, TNR stops the breeding cycle of feral cats and therefore improves their lives. Feral cats, just like pet cats, are members of the domestic cat species, but they are not adoptable. The term “feral” means that the cats are not socialized to people and generally avoid contact with humans. Feral cats have been living in close proximity to people for over 10,000 years, and have lived outside in the United States for centuries.² Feral cat caregivers care for outdoor cats but are not owners of these cats. Caregivers neither create nor maintain the stray and feral cat population. Rather, they are Good Samaritans stepping forward to help the community.

Historically, the ineffective and costly “catch and kill” approach was used to control the feral cat population.³ But attempts to permanently clear an area of cats are futile because of the scientifically documented phenomenon known as the “vacuum effect”: in basic terms, whenever cats are removed, new cats move in to take advantage of the now-available resources (like food and shelter), or the surviving cats left behind breed to capacity. Today, there is robust support for TNR both at the grassroots level and within traditional political structures.

THERE IS BROAD SUPPORT FOR TNR

At least 240 local governments have enacted ordinances (policies) supporting TNR. Ninety-one cities and counties support or condone TNR as a valid method of animal control. Out of these, 63 endorse TNR as the *only* effective way to address feral cat populations. The three states with the highest number of TNR ordinances are New Jersey (58), California (33), and Texas (29). Major municipalities and counties that support TNR include: San Francisco, the District of Columbia, New York City, Sacramento County (California), San Jose, Palm Beach County (Florida), Clark County (Nevada), Philadelphia, Pittsburgh, Las Vegas, Broward County (Florida), Cook County (Illinois), Oklahoma City, Dallas, Omaha, St. Paul, Milwaukee, Salt Lake City, Fairfax County (Virginia), Maricopa County (Arizona), and Suffolk County (New York).

TRAP-NEUTER-RETURN COMMUNITIES ARE DIVERSE

Trap-Neuter-Return is endorsed by local governments ranging from conservative **Colorado Springs, Colorado** to the liberal bastion of **Berkeley, California**. Because TNR decreases the size of colonies, decreases animal control calls from citizens, improves public health, and is humane and economical, it is an appealing method of care for feral cats to many different interest groups and organizations, not all of them related to animal protection. This has resulted in an extraordinary diversity of communities with TNR that vary in population, region of the country, and political orientation.

For example, **Cook County, Illinois**—a major metropolitan area that includes the 2.7 million residents of Chicago—has a TNR ordinance. At the other end of the spectrum, **Elko New Market, Minnesota**—home to less than 1,500 residents—does, also. Other small, rural towns like **Espanola, New Mexico** and **Hermann, Missouri** employ TNR alongside urban landscapes like **New York City**.

Support for TNR runs the gamut from a simple animal control department declaration to a complex ordinance enacted by a local government. For example, **Oakland, California** Animal Services states:

“Oakland Animal Services supports trap, neuter, return as a means of controlling the feral cat population... Trap-and-Remove doesn’t work. ‘Trap-and-Remove’ is a euphemism for trapping and euthanizing cats. It may seem like a logical solution, but the fact is that it is not effective... Catch and euthanize is an endless, costly cycle.”⁶

The **Rancho Cucamonga, California** Animal Care & Services echoes this sentiment, stating on the city’s website:

“Sadly, many communities still opt to control populations using outdated methods, including lethal elimination or relocation. Not only are some of these methods horribly cruel, they are ineffective.”⁷

The **Brunswick, Georgia** police department notes in a brochure, “The best way to handle a feral cat problem is with a Trap, Spay/Neuter, Release and Manage Program.”⁸

Some animal control departments work closely with local feral cat organizations to provide TNR services to the community. For example, in **Somerville, Massachusetts** the animal control agency urges residents concerned about feral cat colonies in their neighborhoods to call animal control and either an officer or a volunteer with Charles River AlleyCats will respond to the call and trap, sterilize, and return the cats.⁹

Other animal control departments merely opt not to impound cats that are at-large, and instead refer concerned citizens to private organizations. **Carbondale, Colorado** uses this approach. Carbondale does not impound cats, but instead has a feral cat program managed by a resident.¹⁰ The government’s website states, “This has been a very successful program. We have seen a significant drop in feral cats in Carbondale.”



JASON PUTSCHKE

The primary goal is for TNR to be a regular and accepted practice in communities. An ordinance is one tool among many to achieve this objective.

TRAP-NEUTER-RETURN ORDINANCES: LESS CAN SOMETIMES BE MORE

While this paper focuses on broad support for TNR at the municipal level, this isn't the only—or best—way to implement a Trap-Neuter-Return program. It is not always necessary or even advantageous to pursue an ordinance if the local codes present no obstacle for the neutering and returning of unowned feral cats.

This approach may seem counterintuitive because animal advocates usually regard laws that protect animals as positive. However, even well-intentioned laws can end up causing more harm than good if they create regulations and restrictions—and subsequently, penalties and liabilities—where there were none. For example, detailed and unnecessary regulations regarding the care of feral cats could result in caregivers being fined if they fail to follow them exactly. Another example: feral cats could be impounded and killed—even if they already have been neutered and vaccinated—if they are not part of what could be deemed “sanctioned” or “registered” colonies.

Often, brief ordinances that simply communicate the city's support are best. For example, the Washington, D.C. ordinance underscores the city's commitment to TNR instead of regulating the practice of TNR. It states that the animal control agency “shall promote: (1) the reduction of euthanasia of animals for which medical treatment or adoption is possible; and (2) the utilization of trap, spay or neuter, and return practices as a means of controlling the feral cat population.”¹¹

Finally, it is important to note that an ordinance, or the lack thereof, may not provide a clear picture of actual TNR practices in a community. A municipality may have an admirable TNR ordinance, but without education and support from animal control services and community members, the cats are unlikely to benefit. Conversely, there may be a thriving TNR program but no TNR ordinance.

The primary goal is for TNR to be a regular and accepted practice in communities. An ordinance is one tool among many to achieve this objective. There are guidelines to follow to ensure any ordinance passed best protects cats and caregivers.

SAMPLE ORDINANCE PROVISIONS

Ordinances should not be vague or use words inappropriately. Clarifying the meaning of local ordinances and writing them for a lay audience ensures there is no room for misinterpretation.

Below are key components that should be included to best support feral cats in a TNR ordinance. Note that these components include important protections for impounded feral cats, such as mandating the return of cats to their colony, as well as protections for caregivers of the cats.

Definitions:

- A. **“Eartip”** A mark identifying a feral cat as being in a TNR program, specifically, the removal of approximately $\frac{3}{8}$ of an inch off the tip of the cat's left ear in a straight line, while the cat is anesthetized.
- B. **“Feral cat”** A cat that is unsocialized to people and typically avoids contact with humans.
- C. **“Feral cat caregiver”** Any person, who in accordance with a good faith effort to trap, neuter, vaccinate and return the feral cat, provides volunteer care to a feral cat.
- D. **“Feral cat colony”** means a group of feral cats that congregate, more or less, together as a unit and share a common food source.
- E. **“Owner”** Does not include a person caring for a feral cat as a feral cat caregiver.
- F. **“Trap-Neuter-Return/TNR”** A nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, eartipped, and then returned to the location where they were originally trapped.

Additional Provisions:

1. Trap-Neuter-Return shall be permitted, and feral cat caregivers, organizations and animal control, are allowed to carry out TNR.
2. An eartipped feral cat received by animal services or local shelters will be returned to the location where trapped unless veterinary care is required. An eartipped cat trapped by animal services will be released on site unless veterinary care is required.
3. Feral cat caregivers are empowered to reclaim impounded feral cats without proof of ownership.
4. A feral cat caregiver who returns a feral cat in conjunction with TNR is not deemed to have abandoned the feral cat.



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REMOVING EXISTING LEGAL BARRIERS TO TNR

Another powerful way to promote and support TNR in some communities is to remove the parts of an existing animal control ordinance that interfere with it or make it unlawful to carry out. For example, if there is an ordinance banning at-large cats, consider working to strike that provision or add an exemption for cats who are eartipped.

Additionally, protect feral cat caregivers by exempting caregivers from the definition of “owner.” In some locales, ownership of an animal brings with it a host of requirements like licensing and registration that are inappropriate for caregivers of feral cats. Accordingly, the **Kern County, California** code defines “owner” as “any person who owns, possesses, controls, keeps, cares for, harbors, or has custody of the animal for fifteen (15) or more consecutive days, except feral cat caretakers...”¹² This exemption for caretakers in Kern clarifies that caregiving is not the same as owning the cats.

Trap-Neuter-Return is the most effective and humane approach to feral cats (for a more thorough explanation please refer to “Why Trap-Neuter-Return Feral Cats?: The Case for TNR” available at www.alleycat.org/CaseforTNR) but there is no one-size-fits-all recommendation for **how** cities and counties in the U.S. implement it. Prior to opening a dialogue about a TNR or feral cat ordinance with your city or county council, Alley Cat Allies strongly recommends contacting us first at info@alleycat.org.

The Animal Control Perspective

Jon Cicirelli has worked in animal control for nearly two decades and is presently the Director of San Jose Animal Care and Services in California. Cicirelli explains why San Jose uses TNR: “We use TNR as a humane alternative to the more traditional approach of trap and euthanize. Our focus is on reducing the number of cats being born in the community, which will reduce the number of cats in the shelter and the number of cat nuisances we must respond to.” As a result of San Jose’s program, **Cicirelli and his team have reduced cat and kitten shelter intake by 25% over the last three years.**¹³

Norman Brice is the animal control supervisor for the Peoria Police Department in Arizona. Like many other cities, the Peoria Police Department’s previous trap and kill policy resulted in large numbers of cats being killed with no reduction in the feral cat population. The city of Peoria implemented a TNR policy because, as Brice says, TNR is “**the best and most cost efficient way to control feral/free roaming cat populations.**” Brice explains, “TNR, when properly combined with vaccinations, stabilizes feral/free roaming cat populations while reducing the spread of feline disease. When combined with public education, feral/free roaming cat populations can be reduced over time.”¹⁴

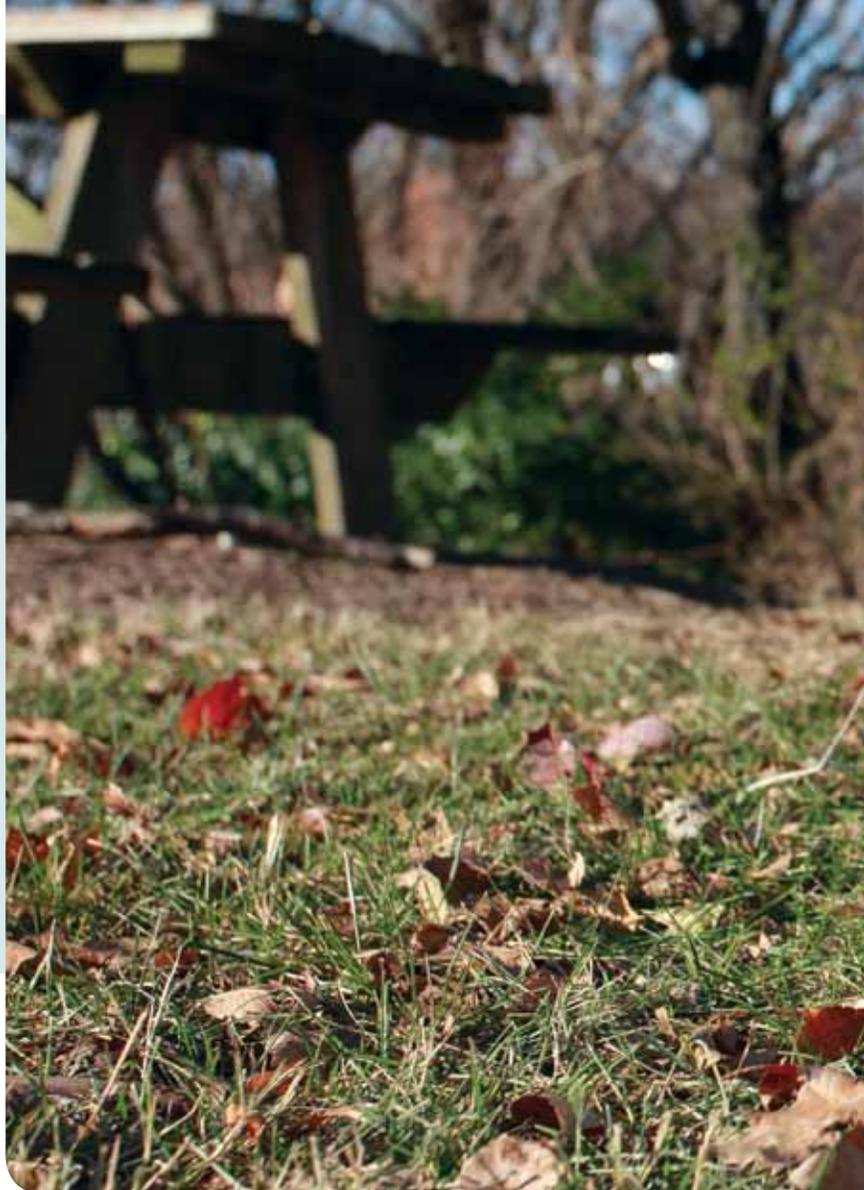
Spotlight on Communities with Successful TNR Programs

From local government officials to animal control officers to your neighbors, TNR works best when all stakeholders are educated about feral cats. Successful implementation of TNR requires community support. Affordable, accessible spay/neuter services and community outreach are also important components of any feral cat program. Below are highlights of just a few of the communities with successful TNR programs.

COMMUNITIES WITH NON-ORDINANCE TNR PROGRAMS

Fairfax County, Virginia endorsed a TNR program in the fall of 2008. Four years later, the county shelter had experienced a 58% drop in the number of feral kittens in its foster care program.¹⁵ Former Shelter Director Dr. Karen Diviney, noted, “Trap, neuter, and return works. It is a humane solution and we are thrilled that in such a short time the TNR program is showing significant results in Fairfax County.” Similarly, **Orange County, Florida** implemented a TNR program in conjunction with the nonprofit CARE Feline TNR, Inc.¹⁶ After six years, the county euthanasia rate for cats dropped by 18%.¹⁷

Santa Clara County, California launched a TNR program in 2011 with the help of county residents.¹⁸ A year into the program, there has been a 65% reduction in cat euthanasia and a 15% reduction in cat intake.¹⁹



COMMUNITIES WITH ORDINANCES

In 2011, **Sea Bright, New Jersey** passed a pilot TNR ordinance, and within a year the number of kittens born to feral cats was reduced to virtually zero.²⁰ The **Clark County, Nevada** ordinance has also proved successful. One year after implementing the ordinance, the local animal shelter impounded 1,600 fewer stray cats.²¹ The **Washington, D.C.** ordinance is implemented through a program called the Cat Neighborhood Partnership Program (“CatNiPP”).²² The CatNiPP program not only assists with the trapping and sterilizing of feral cats, but also runs community meetings to educate citizens about feral cats and works with specific neighborhoods to create a TNR program appropriate for them.



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Fairfax County: A Model Community

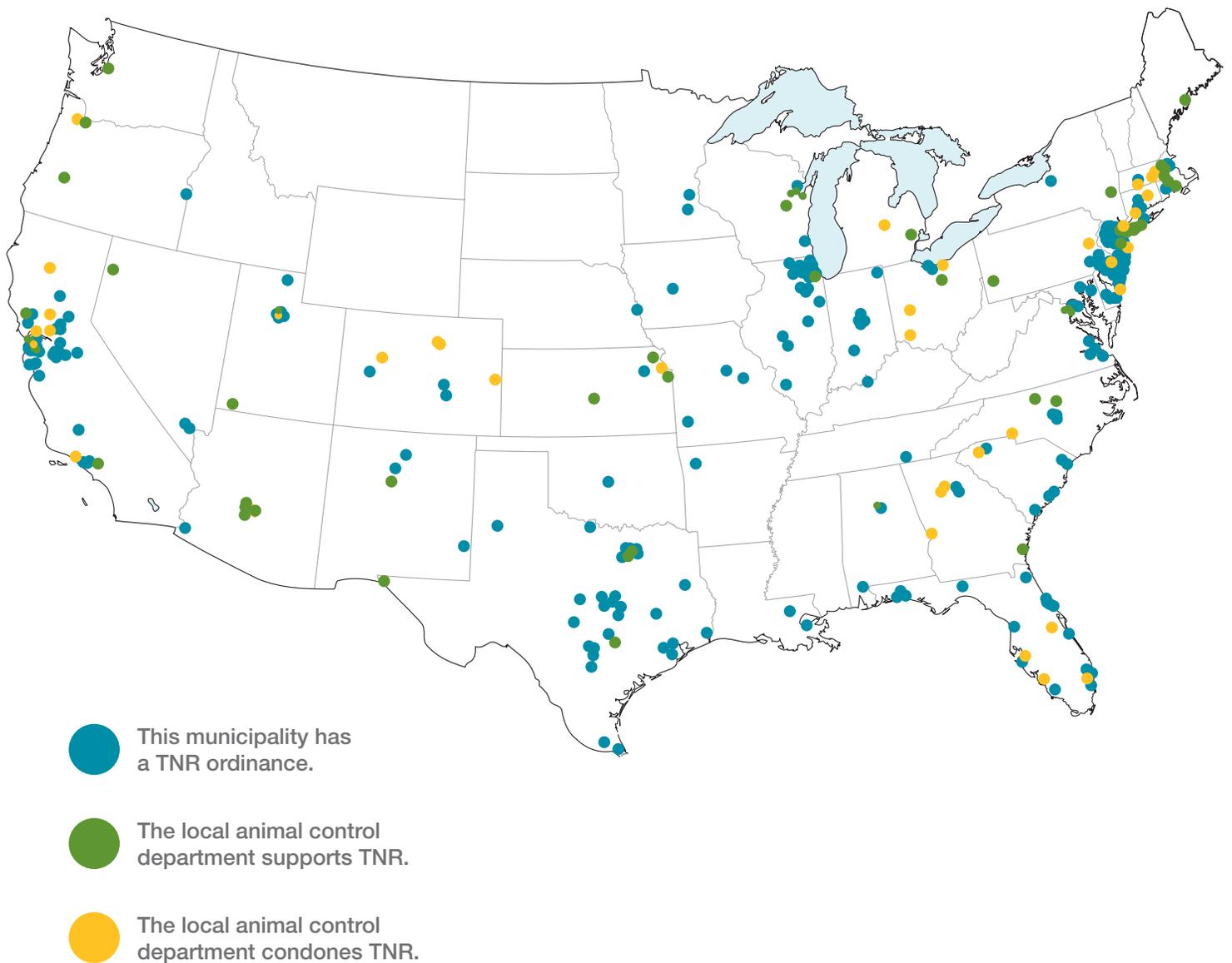
In 2007, tired of the endless influx of cats and kittens into its shelter, the Fairfax County Animal Shelter in Virginia decided to make a change. Karen Diviney, former director of the shelter, chose TNR because “it works and...is the humane solution to a problem that we human beings created in the first place.”²³ Since officially launching a TNR program in October 2008, the shelter has achieved a 58% decrease in the number of feral kittens in its foster care program. By January 2012, 1,800 feral cats had been through the program with the assistance of more than 330 Fairfax citizens.²⁴ The shelter has received numerous accolades, including the Community Impact Award from the Metropolitan Washington Council of Governments for its good work in the area of feral cats.²⁵ Michelle Hankins, former Community Outreach Program Manager for the shelter, explains that the shelter is “working toward a day when no healthy, treatable, or rehabilitatable animal is euthanized for lack of space or resource. TNR has been an important part of that initiative.”²⁶ Diviney adds, “Someday we will look back on the days before TNR and wonder how we did anything else!”²⁷

Fairfax County Animal Shelter’s Karen Diviney and Michelle Hankins.

CONCLUDING REMARKS

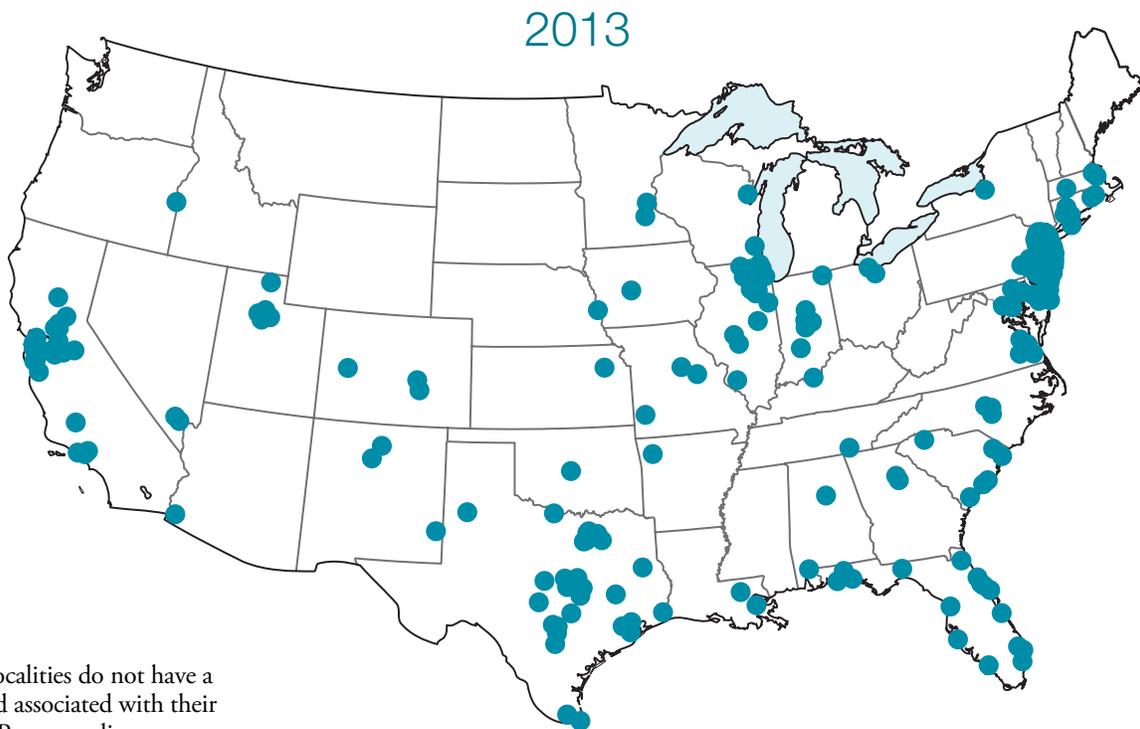
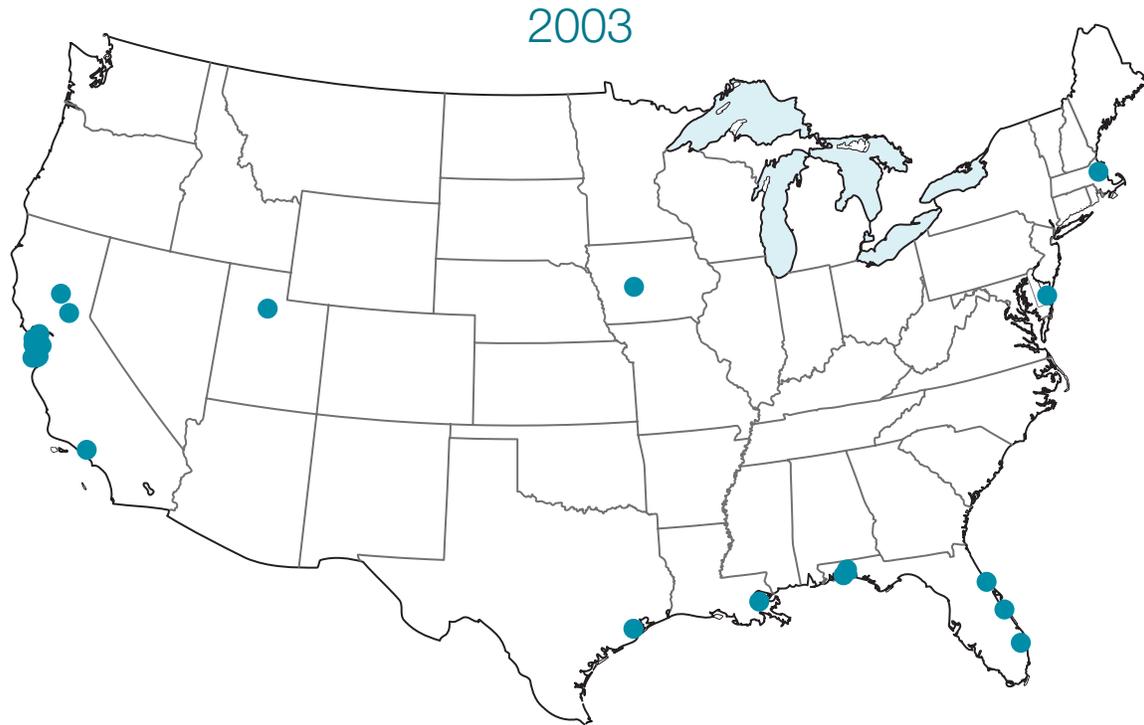
The research is clear—Trap-Neuter-Return is the future of animal control and sheltering. Trap-Neuter-Return is embraced by hundreds of local governments in the United States and is becoming the primary method of feral cat management.

TNR ORDINANCES AND POLICIES ACROSS THE UNITED STATES



TRAP-NEUTER-RETURN ORDINANCES ACROSS THE UNITED STATES: 2003 TO 2013

In 2003, 23 municipalities had ordinances supporting Trap-Neuter-Return.* Just ten years later, in 2013, support has increased ten-fold: 245 communities now have TNR ordinances, and that number increases monthly. Hundreds of communities support TNR because it works: it's the effective and humane approach for cats.



*Note: Some localities do not have a date on record associated with their Trap-Neuter-Return ordinance.



ENDNOTES

1. Berkeley, Ellen Perry, *TNR: Past, Present, and Future* (Washington, DC: Alley Cat Allies, 2004), 1.
2. Alley Cat Allies. "The Natural History of the Cat." <http://www.alleycat.org/page.aspx?pid=1010> (accessed March 22, 2103)
3. Karyen Chu and Wendy M. Anderson, "U.S. Public Opinion on Humane Treatment of Stray Cats," *Law & Policy Brief* (Bethesda, MD: Alley Cat Allies, September 2007).
4. Alley Cat Allies. "Feral Cats and the Public—A Healthy Relationship." <http://www.alleycat.org/page.aspx?pid=937> (accessed March 8, 2013).
5. City of Atlantic City. "Business Administrator Ron Cash." <http://www.cityofatlanticcity.org/directordetail.aspx?did=3> (accessed March 8, 2013)
6. Oakland Animal Services, "Feral Cats." <http://oaklandanimalservices.org/educate/feral-cats/> (accessed March 7, 2013).
7. City of Rancho Cucamonga California. "TNR Program." Community Programs, <http://www.cityofrc.us/cityhall/animalcare/programs/tnr/default.asp> (accessed March 7, 2013).
8. Brunswick Police Department. "Animal Control Unit." http://brunswickpolice.org/AssociatedDocuments/animal_control_brochure.pdf (accessed March 7, 2013).
9. Somerville, MA. "Animal Control-Cats." City of Somerville's Information Center, <http://faqs.somervillema.intelligovsoftware.com/feral.aspx> (accessed March 7, 2013).
10. Town of Carbondale, CO. "Frequently Asked Questions-Police." http://www.carbondalegov.org/index.asp?Type=B_LIST&SEC={2AB43FFB-6EB7-4CFB-9CF5-9408AA63B088} (accessed March 7, 2013).
11. "Animal Care and Control Agency." D.C. Official Code, sec. 8-1802.
12. *Kern County Code*. <http://library.municode.com/index.aspx?clientId=16251> (accessed March 8, 2013).
13. Cicirelli, Jon. e-mail message to Elizabeth Holtz, July 5, 2012.
14. Brice, Norman. e-mail message to Elizabeth Holtz, July 9, 2012.
15. Fairfax County, VA. "Trap, Neuter, Return Program Decreases Homeless Feral Cat Population." Fairfax County Police Department, January 19, 2012. <http://www.fairfaxcounty.gov/police/news-releases/2012/011912trapneuterreturn.htm> (accessed March 7, 2013).
16. Orange County Government, Florida. "Feral Cats: Living with community cats." <http://www.ocfl.net/AnimalsPets/FeralCats.aspx> (accessed March 7, 2013).
17. Hughes, Kathy L., Margaret R. Slater, and Linda Haller. "The Effects of Implementing a Feral Cat Spay/Neuter Program in a Florida County Animal Control Service." *Journal of Applied Animal Welfare Science* 5, no. 4 (2002): 292.
18. County of Santa Clara. "County of Santa Clara Animal Care & Control Places 100% of Healthy Dogs and Cats in 2011." January 25, 2012. <http://www.sccgov.org/sites/ac/inthenews/Documents/SCC%20Animal%20Care%20Places%201-24-12.pdf> (accessed March 7, 2013).
19. Ibid.
20. Ward, John T. "Sea Bright Strays Yield No Kittens." [redbankgreen.com](http://www.redbankgreen.com/2012/02/sea-bright-strays-yield-no-kittens.html), February 3, 2012. <http://www.redbankgreen.com/2012/02/sea-bright-strays-yield-no-kittens.html> (accessed March 7, 2013).
21. Clark County, Nevada. "Trap, Neuter, and Return (TNR) Program for Feral and Free-Roaming Cats Working." District A Newsletters, April 2012. <http://www.clarkcountynv.gov/Depts/newsletters/districta/Pages/SisolakApril2012.aspx#TNR9> (accessed March 7, 2013).
22. Washington Humane Society. "CatNiPP" Programs and Services. http://support.washhumane.org/site/PageServer?pagename=programs_communitycatresources_catnipp (accessed March 7, 2013).
23. Diviney, Karen. e-mail message to Elizabeth Holtz, July 13, 2012.
24. Fairfax County, VA. "Trap, Neuter, Return Program Decreases Homeless Feral Cat Population."
25. Larson, Susan. "Fairfax County Recognized for Animal Programs and Rescue." Lorton Patch, April 24, 2010. <http://lorton.patch.com/articles/fairfax-county-recognized-for-animal-programs-and-rescue> (accessed March 8, 2013).
26. Hankins, Michelle. e-mail message to Elizabeth Holtz, July 13, 2012.
27. Diviney, Karen. e-mail message to Elizabeth Holtz, July 13, 2012.



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