



Legal Information



UNDERSTANDING YOUR LOCAL GOVERNMENT & ANIMAL CONTROL

Understanding how your local government and animal control work is an important part of effectively advocating for cats in your community.

Your local government can make laws and policies that impact cats and how you care for them, and local government, animal control, agencies or contractors can enforce those laws and policies. As you advocate and care for cats, you'll no doubt interact with your local government and animal control, so understanding what they're all about is key.

Local governments—counties, townships, special districts, and municipalities (cities, towns, and boroughs)—administer animal control in various ways. It is important to understand how animal control is managed in your community so you can effectively advocate for laws and policies that protect and improve the lives of cats. To launch a successful campaign to create positive changes for cats, you'll need to:

- Identify your local animal control structure
- Research animal control contracts, laws, and shelter reports
- Get to know your animal control and shelter providers

Animal control service providers can help the people and animals in your community in a variety of ways, including rescuing animals in distress, reuniting lost pets and their owners, and responding to nuisance complaints. Animal control officers are important decision makers when laws and policies are developed that impact community cats and Trap-Neuter-Return (TNR) programs, and policymakers often look to them for guidance on best practices. However, it's important to remember that animal control officers also work for local governments to enforce their laws. In other words, legislators set the parameters in which animal control officers work. So, taking the time to learn how your animal control works—this should include visiting the shelter and introducing yourself to animal control officers and shelter staff—will pay off in your future advocacy efforts!



IDENTIFY YOUR LOCAL ANIMAL CONTROL STRUCTURE WORKSHEET

First, you'll want to determine how your local government is structured to provide animal control services. Below is a worksheet that you can use as a starting point that is based on the most common structures, but it's possible your community operates differently or does not provide animal control services at all. By filling out this worksheet, you will answer three important questions:

- Who oversees your animal control services?
- Who provides your animal control services?
- Who funds your animal control services?

To find this information, start by checking your local government's website. You can either locate the "government" section of the website and review the "departments" and/or "agencies" pages, or, if available, simply use the search tool and type in "animal control." You can also get this information by:

- Asking the help desk at your local library
- Contacting your local elected representative(s)
- Calling, visiting, or emailing City Hall and/or the county clerk

Step One: Who oversees your animal control services? (Circle all that apply)

Animal control is run by a group of elected officials in a:

County

Township

Special District

City

Town

Borough

These officials are organized into a:

Council

Board

Commission

Committee

Other: _____

They hold regular meetings at the:

City Hall

Council Office

Other: _____

They report to the:

Mayor

County Executive

Other: _____

Elected local officials administer animal control by deciding who will provide the services, how much money they can spend, and what laws they must follow. While elected officials may not work with animals directly or have any animal control and shelter experience, it is their responsibility to make sure animal control services meet the needs of their community.

IDENTIFY YOUR LOCAL ANIMAL CONTROL STRUCTURE WORKSHEET

Step Two: Who provides your animal control services? (Fill in all that apply)

There are a variety of individuals and organizations who can provide animal control services to a community. To determine all the stakeholders in your local animal control system, fill in the questions in the boxes below by selecting from the list of options on the left of the page. There may be multiple answers to these questions so select all the options that apply.

GOVERNMENT AGENCY

Public safety
Code compliance
Public health
Health and human services
Environment
Agriculture
Animal services/control
Public works

Who provides shelter for stray animals?

Who enforces animal control laws, such as leash laws or licensing laws?

Who rescues animals in distress?

Who responds to nuisance complaints?

FOR-PROFIT

Veterinary clinic
Local business
Private animal control contractor

Who helps people who have been injured by an animal?

Who investigates animal cruelty cases?

NONPROFIT

Animal welfare league
Humane society
SPCA
Animal rescue

Step Three: Who funds your animal control services? (Circle all that apply)

It's important to know who provides the funds for animal control and how much money is provided. There are two main sources of funding for animal control: your local government (tax dollars) and third-party donors (grants, foundations, and donations).

Animal control is funded by:

Tax Dollars

Grants

Foundations

Donations

Other: _____

If the animal control provider is a government agency or for-profit contractor, tax dollars are being used to pay for the services. However, if the provider is a nonprofit contractor, the funding could come from tax dollars and/or third-party donors. This distinction can get confusing because a local government may contract with a nonprofit that receives tax dollars for animal control services and receives donations for other community services. Government agencies can also create their own nonprofit entities so they can obtain funding from both sources.

RESEARCH ANIMAL CONTROL CONTRACTS, LAWS, AND SHELTER REPORTS

Once you understand how your local government is structured, your next step is to research the contracts, laws, and shelter reports that hold animal control accountable to your community.

Contracts & Laws

Contracts and laws provide information that will help you better understand your local animal control system. First, contracts and laws will reveal which person or department is specifically in charge of animal control. There should be something written that explains if animal control is managed by an elected body of officials or an agency of the government, and defines the roles and responsibilities of animal control if the services are provided by a nonprofit or for-profit organization or individual. For example, when animal control officers are police officers, their oversight is explained in the law because they are government employees. When animal control officers work for a humane society, their oversight is explained in a contract between the organization and the government. That is why you need to research both contracts and laws.

Contracts are also important in determining how your animal control is funded. If animal control is contracted to a nonprofit organization, they may receive funding from the local government through a written contract and from the public through grants and donations. Government agencies and for-profit contractors sometimes have nonprofit entities so they can apply and qualify for grants and donations. Since animal control contracts are at the discretion of local government officials, there is significant variation between jurisdictions. Regardless of the source of your animal control's funding, it's important to remember that your local elected officials are ultimately responsible for approving the budget for animal control programs and services. So, if you want your animal control to start a TNR program, you may need to convince your elected officials to account for it in their animal control budget.



CATS AND THE LAW: FINDING AND UNDERSTANDING YOUR LAWS

If you own a cat, you need to know the laws that govern their lives. The laws that govern them, whether you own them or not, can affect their lives in many ways. Understanding the laws that govern them can help you make the best decisions for your cat's health and safety.



Understanding the laws that govern your cat's life can help you make the best decisions for your cat's health and safety. This resource provides information on the laws that govern cats in the United States.

STATE LAWS

State laws vary by state. Some states have laws that require cat owners to spay or neuter their cats. Other states have laws that require cat owners to register their cats. Some states have laws that require cat owners to wear leashes when walking their cats. Some states have laws that require cat owners to clean up after their cats.

How to Find Your State's Laws

1. Visit the website of your state's Department of Agriculture or Department of Health. These websites often have information on the laws that govern cats in your state.

2. Contact your local animal control agency. They may have information on the laws that govern cats in your area.

3. Contact your local humane society. They may have information on the laws that govern cats in your area.

State and local laws define how animal control services are provided to your community. For example, state law defines the number of days a stray animal must be held at a shelter before being available for adoption. Each state government has a website where you can find its current laws. Local governments may also have animal control laws or policies posted online, or instructions for how to request the information. To locate your state and local laws that impact community cats and TNR programs, check out our *Cats and the Law: Finding and Understanding Your Laws* resource at alleycat.org/FindingLaws.

Lastly, if a nonprofit organization provides part or all of your animal control services, you can review their Form 990. The Internal Revenue Service (IRS) requires tax-exempt organizations, non-exempt charitable trusts, and section 527 political organizations to file a Form 990, or Return of Organization Exempt from Income Tax. Form 990s are publicly accessible reports that list an organization's activities and governance (including its mission and number of employees and volunteers), revenue (including contributions and grants), and expenses (including salaries and benefits). We recommend you pay particular attention to the Statement of Program Service Accomplishments section of the form. Here, the organization must describe the accomplishments for its three largest (i.e., most expensive) program services. To learn more about Form 990 requirements, visit irs.gov and search for "form 990".

Shelter Reports

Animal control records provide information on what happened to each animal who was impounded and brought to the shelter. Shelter records typically note the number of animals who entered the shelter (intake), who are adopted (save rate or live release rate), who are euthanized (for reasons such as illness, injury, or owner request), and who are killed (for reasons such as space constraints or time spent at the shelter). Your shelter's performance can be measured by these shelter reports, so it's important to obtain as many records as possible.

Some states require animal shelters to report to the state. Many states and local governments also require shelters to maintain records on individual animals. Other shelters have decided to keep such records on their own. To obtain your local shelter's reports, first confirm if reporting is required in your state. If it is, you will be prepared to respond if your local government denies or ignores your request. If reporting is not required, you should still ask for them, but understand that these records may not exist.

You have a right to information about how your government operates. Do not be discouraged if you do not get what you want right away. We suggest you try to get the information in this order:

1. Look for laws on your state and local government websites
2. Ask the help desk at your local library
3. Contact your local elected representative(s)
4. Call, visit, or email City Hall and/or the county clerk and ask for the government agency responsible for the animal control services contract
5. Call, visit, or email the government agency responsible for the animal control services contract and ask for a copy of the contract and shelter reports
6. Call the mayor's office
7. Submit a public records request to the government agency and request a copy of the contract for animal control services (see below for more information)

Public Records Request

If your efforts to gather copies of contracts, laws, and shelter reports are unsuccessful, your next step is to submit a public records request to the government agency that oversees your local animal control services. All 50 states and the District of Columbia have public records laws similar, though not identical, to the federal Freedom of Information Act (FOIA). State public records laws allow members of the public to get documents and other public records from state and local governments. The laws are not all the same, so it is important to understand the specific state law that you must follow.



Be aware that communities differ on what information must be recorded by their government agencies. Keep in mind that the government has no obligation to create a record that does not exist to respond to a public record request. For more information, see our guide on animal shelter records at [alleycat.org/GetShelterRecords](https://www.alleycat.org/GetShelterRecords).

Be prepared to be persistent. You have a right to this information.

GET TO KNOW YOUR ANIMAL CONTROL AND SHELTER PROVIDERS

Animal control and shelter services are delivered through various arrangements in the public, nonprofit, and private sectors. Animal control and animal sheltering are government responsibilities, so local officials decide if these services will be provided by a government agency or contractor, unless local law or charter provisions determine the decision. Sometimes different entities provide these services, so an animal control officer and a shelter manager in the same community may have very different points of view.

While the tasks performed by animal control and shelters are similar regardless of who is responsible for them, there are differences in how they are run, the amount of resources available, and their goals. Understanding the differences between these arrangements will help you develop an effective strategy to advocate for cats in your community. There is an advantage to arrangements in which animal control officers work in a shelter environment—oftentimes these officers approach the public with a focus on community outreach and education, versus a punitive approach with a focus on enforcement.

Animal Control and Shelter Arrangements



How animal control and sheltering fits in your local government can be just as important as who is providing the services to your community.

Individual Agency or Department

When animal control is an individual entity, it may benefit from greater independence and flexibility. Directors of standalone animal control agencies are typically given more freedom to make management decisions but, like with any other government agency, budget cuts are always possible. This arrangement may be a disadvantage when there are operational problems, since a standalone agency may not have the same support and resources as agencies that are part of a larger department.

Example: [CITY NAME] Animal Control Services and Adoption Center.

Part of Another Agency or Department

When animal control is part of a larger entity, it may benefit from more resources and management skills from the other agencies and departments. However, it may be managed by people who don't have a background in animal control. For example, if animal control is a part of the health department, it will have direct access to veterinarians and other professionals who are skilled at addressing disease outbreak concerns. But the head of the department may not have experience responding to animal cruelty crimes or resolving nuisance complaints.

Example: [CITY NAME] Police Department includes a branch for animal control.

Split Between Two or More Providers

Animal control services may be assigned to multiple providers due to costs, availability of resources, and a community's specific needs. Providers of field and shelter services may include local humane societies, SPCAs, veterinary clinics, and other government entities. Another approach is to split animal control services between two or more local governments. While this arrangement can make sure all animal control needs are covered, the successful coordination between governments requires clear communication of roles and responsibilities.

Example: Field services are provided by [CITY NAME] animal control officers, who are government employees, and shelter services are provided by [CITY NAME] Humane Society, a nonprofit group.

Partnership with Other Governments

Rather than split up animal control services, a community may decide to partner with other local governments to create a regional animal control agency. The benefits of this arrangement include more resources and coverage of a larger area. While a regional agency may provide a more uniform and improved level of service, a plan is needed to address potential conflicts between all partners.

Example: Regional Animal Control Services includes [CITY #1], [CITY #2], and [CITY #3].

Animal Control by a Government Agency

Your local animal control may be managed by a government agency and funded by tax dollars. This is important to know because you can increase your leverage to change programs and policies by pointing to your animal control's public funding source. The following is a description of the most common agencies and departments responsible for animal control, and how the characteristics of each one impact the way animal control services are provided.



Public Safety (Police/Sheriff's Department)

Law enforcement is a top priority when a public safety agency oversees animal control services. There are many benefits to this arrangement, including resources (police departments tend to be funded better than other government agencies), response time (there is always someone on duty to answer calls), support (they are visible within the community), and structure (the environment tends to be procedurally driven).

While enforcing animal control laws is important, the prevention of and response to crimes that involve people is a top priority. There are many ways this arrangement can be organized. For example, animal control officers may be civilian employees who report to a police officer, animal control officers may also be police officers, or both animal control officers and police officers may enforce animal control laws.

Code Compliance

Code compliance is a community outreach program in which officers enforce local laws to keep neighborhoods clean, functioning, and peaceful. When animal control services are assigned to code compliance, their top priority is addressing animal issues that negatively impact neighborhoods. Officers typically focus on loose pets, noise complaints, damage to property, and disruptions caused by having too many pets. Code compliance officers can issue citations and prosecute cases. Even if animal control does not have this arrangement, animal control officers may work with code compliance, since animal and resident concerns may be related.

Health Agency or Department (Public Health, Environmental Health, Agriculture Department)

If disease control is a top priority for your animal control officers, a health agency or department likely oversees their services. This arrangement focuses on rabies prevention, pet vaccinations, and animal bite investigations in addition to standard animal control services. A benefit of animal control programs run by health agencies is a more stable budget, since some of their responsibilities are required by state law. They are also able to quickly respond to disease concerns.

Animal Control by a Contractor

Local governments may outsource animal control services to the private sector due to their budget, their community's priorities, and the size of their local cat and dog population. Though these partnerships can provide a cost-saving opportunity, the arrangement may be temporary. You may be able to take advantage of a temporary arrangement because the contract expiration date creates an opportunity to change your animal control policies and provider.

Nonprofit

Nonprofit animal welfare organizations, such as humane societies, SPCAs, and animal welfare leagues, can be important resources to local governments that need assistance with animal control services. These organizations may want to increase their revenue, donors, and presence in the community. While partnerships between local governments and nonprofits can be successful, often the differences between the two entities' missions, priorities, and oversight can be challenging to manage. Ultimately, it's important to understand that nonprofits do not set policy. Their power to provide animal control services is determined by a contract or law, and they are not government employees.

For-Profit

If a community needs minimal animal control services due to a small population of animals, local governments may employ an animal control officer and contract with a private operator, like a local veterinary clinic, to provide other services. Typically, for-profit individuals or businesses will impound sick, injured, or dangerous animals, while other animal control services like adoptions and spay and neuter surgeries are provided by a nonprofit animal welfare organization. For-profit operators are like nonprofits in that their services are based on a contract, so their partnership with a local government may be temporary.

TRANSFORMING KNOWLEDGE INTO ACTION

Congratulations! By learning more about how your local government and animal control work, you have taken a huge step toward protecting cats in your community. Now you can start developing a plan to create and change laws and policies—and we are here to help you every step of the way. Check out the *Alley Cat Allies Advocacy Toolkit* at alleycat.org/AdvocacyToolkit to learn about lobbying your legislators, building an advocacy network, reaching out to the media, and more!



We understand how complex local politics can be. Alley Cat Allies is rooting for you and the cats are counting on you!

SOURCES:

Aronson, S. (2010). *Animal control management: A new look at a public responsibility*. Purdue University.
Miller, L., & Zawistowski, S. (2013). *Shelter Medicine for Veterinarians and Staff* (2nd ed.). John Wiley & Sons, Inc.

ABOUT ALLEY CAT ALLIES

Alley Cat Allies is the global engine of change for cats. We protect and improve cats' lives through our innovative, cutting-edge programs. We are seen around the world as a champion for the humane treatment of all cats. Founded in 1990, today Alley Cat Allies has grown into a powerful force with more than 650,000 supporters. Together, we've helped and inspired countless individuals, communities, and organizations save and improve the lives of millions of cats and kittens worldwide. We work with lawmakers, animal shelters, and the public to change attitudes and advance lifesaving policies that best serve the interests of cats. Learn more about our work at alleycat.org. Connect with us on Facebook (facebook.com/AlleyCatAllies). Join us on Twitter (@AlleyCatAllies). Follow us on Instagram (@AlleyCatAllies).