

## Will San Antonio's Proposed New Pet Laws Keep Us From Reaching No Kill?

As part of our Animal Care Strategic Plan to reach No Kill by 2012, San Antonio has embraced Nathan Winograd's "No Kill Equation", an intensive and comprehensive set of programs intended to stop the killing even at open-door shelters like our city Animal Care Services (ACS). At the same time, we are considering a proposed revision of San Antonio's municipal animal code, known as Chapter 5.

Winograd cautions that laws can be counterproductive, resulting in the killing of *more* of the cats and dogs the laws were enacted to protect. And now local opponents of any government role in protecting our companion animals are pointing to Winograd's position as "evidence" that the proposed new laws mean sure disaster.

But saying "laws are bad" – or even "laws are good" – is just too broad a statement to be useful. Almost any good intervention can be made bad. Laws that punish noncompliant families by confiscating and killing their pets are clearly "bad" in the pursuit of No Kill. But if a shelter didn't screen applicants and adopted hundreds of puppies and kittens each month to people who used those pets as dog-fight training bait, then high-volume adoptions – one component of the No Kill equation – would certainly be "bad". And high-volume low-cost spay/neuter, another component of the No Kill Equation, would result in high-volume death if too much anesthesia were given. Very bad, no question.

So are our proposed laws "bad", destined to increase the killing we're trying to end? Let's look at the proposal's provisions in light of Winograd's primary concerns.

1. ***Punitive laws that levy heavy fines or call for seizing the noncompliant family's pets increase intake and/or abandonment and thus killing.*** In the past, this is exactly the effect that our local laws had. But ACS has made a fundamental shift to working with families to bring them into compliance so that they can keep their pets. ACS uses the "void of citation" approach in situations that can be corrected, connecting families with education and resources and giving them a window of time to come into compliance with the law, at which point their citation is voided. It's like taking defensive driving to get a speeding ticket dismissed, except that no fee is assessed at all when the citation is voided.
2. ***Laws divert needed resources away from proven programs like adoption, trap-neuter-return (TNR), foster care, and spay/neuter.*** There'd be no quibble with this argument if we were expecting ACS staff to enforce all our animal laws. However, if you've ever gotten in trouble for feeding stray cats or when your dog jumped the fence, you know that it's Code Compliance officers, not ACS, who issue you a warning or citation. Code Compliance has a separate budget from ACS, and six Code Compliance officers were added for the October 2007 to September 2008 fiscal year without taking anything away from ACS. And even without animal laws, Code Compliance officers are going to be out in the neighborhoods enforcing whatever the city code is – not staffing off-site adoptions, trapping feral cats, recruiting foster care volunteers, or performing spay/neuter surgeries.
3. ***Arbitrary pet limit laws keep homeless animals from going to good homes.*** The Committee that drafted San Antonio's code revision looked hard at removing pet limits, because everyone agreed that any particular number would be an arbitrary choice, and that some families can take great care of 30 pets while other families can't handle even one. A repeal of the pet limit would be a pretty hard sell to mainstream San Antonio, which tends to envision total chaos ensuing without a pet limit. But more important, Committee members

learned that pet limits are an important tool allowing cruelty investigators to remove large numbers of animals immediately from severe cruelty or neglect situations. San Antonio's proposal sets the pet limit at eight. But the Excess Animal Permit provision in the proposal allows families who take good care of their pets to pay a nominal fee – \$25 a year, less than the cost of one tank of gas – and keep more pets than the limit allows.

4. **Licensing laws cost money to enforce, create a hardship if fees are high, and don't do any good.** Winograd's "Companion Animal Protection Act", his model ordinance, would require that licensing fees go directly to spay/neuter and vet care instead of into the city's general fund. But San Antonio has gone a step farther, making licensing entirely free while still funding spay/neuter and vet care. Free licensing can become a powerful resource for reuniting lost pets with their owners. And under San Antonio's proposal, microchipping will be offered at low or no cost and can serve as the license.
5. **Cat leash laws and prohibitions on feeding strays punish "good Samaritans" for feeding homeless cats and make trap-neuter-return (TNR) illegal.** And yes, San Antonio's current law does just this. Volunteers who feed or do TNR – humanely trapping, vaccinating, sterilizing, and releasing cats too wild to adopt – do so under the threat of fines and prosecution. But we can probably all agree that although we don't see too many cats on leashes, joggers still aren't complaining of being chased by orange tabbies. So San Antonio's proposal repeals the cat leash law and allows TNR, extending protections to cat colonies and to volunteer colony caretakers. The proposal requires outdoor cats to be sterilized, addressing the concerns of unhappy neighbors who are afraid of a population explosion if stray cats are fed.

**Winograd's model ordinance calls for a number of other life-saving provisions that are also in San Antonio's proposal**, such as prohibiting pound seizure, protecting rabbits and other animals, and requiring that homeless pets being adopted out be spayed or neutered. In other cases where it doesn't really make sense to write the provision into law, Winograd's "wish list" items are part of ACS department policy, including using volunteers for foster care, socialization, and adoptions; scanning for microchips to reunite lost pets with their families; up-to-date posting of the number of animals taken in, saved, and killed; and using a shelter database that uploads animal intakes in "real time" to a searchable public website.

San Antonio's proposal isn't perfect, and even if we worked on it clear through until 2012, it still wouldn't be. But it's a vast improvement over what we have, and perhaps more important, **it complements rather than undercuts the programs and services of Winograd's No Kill Equation.**

So what's left to complain about? Well, what you'll hear is that because the proposal would require an owner to get a permit to keep his or her pet unsterilized, the government is *forcing* people to spay/neuter and the "animal rights" conspiracy is trying to eliminate pets forever. But we have a lot of similar everyday situations where a permit is required, like holding garage sales and driving a car. So you're essentially being asked to believe that garage sales are forbidden and that car registration laws are intended to eliminate cars. For more information on just why the proposal's spay/neuter incentives aren't mandatory, check out our *Mandatorily Optional? Optionally Mandatory? Huh?* fact sheet at <http://www.changethesapound.org>.

Scare tactics and distortions of the facts definitely don't help us reach No Kill, so let's focus on the proposal that's actually on the table. **To read the Chapter 5 proposal and find out how to support it, please visit Citizens for Pound Reform at <http://www.changethesapound.org> .**