



# The Cat Fanciers' Association, Inc.

*"World's Largest Registry of Pedigreed Cats"*

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## You Might Be a Criminal If ....

Few cat fanciers set out to be law breakers. It ordinarily starts out simply enough: a cat lover purchases a cat to show, perhaps in Premiership, discovers the appeal of this hobby, and one thing leads to another. He or she can go on for years, never running afoul of the laws in his local jurisdiction, or perhaps escape notice forever.

Unfortunately, there are people and organizations who believe that cat breeding is immoral. They would like to shut down all cat breeders, no matter how conscientious, loving and scrupulous the individual breeder might be. Additionally, there might be a disgruntled kitten buyer, an ex boyfriend or girlfriend, bad neighbors, or any one of a number of people who could force fanciers into the gauntlet of any number of laws that could cause no small amount of grief.

First, an important note about process. Every fancier is horror-stricken by the idea that the authorities might seize his or her cats. Animals can be seized when a warrant is obtained from a judge upon evidence of cruelty or neglect according to the individual state's laws. Are some of those cases railroad jobs? Perhaps. A search can also occur if an owner gives consent, and/or cats can be seized if there are exigent circumstances, i.e., if the animal control or police officer sees something that would require emergency intervention, such as an animal suffering.

Wildly exaggerated stories are sometimes circulated that people are being arrested, handcuffed and their cats seized *only* on the basis of a) violating limit laws; b) operating a business from her home contrary to zoning laws; and/or c) violating subdivision covenants (Homeowners Association rules). Laws governing these types of violations rarely if ever give the police the authority to seize cats, and even if they did, the police and animal control would far rather issue citations to force the homeowner into compliance. It is possible that an arrest or seizure can occur in situations that "begin" with these allegations, but only when aggravating factors are also involved.

The first two items above can, indeed, be violations of a city ordinance, punishable by fine and/or other misdemeanor penalties. The person who is cited has the opportunity to appear in court to give evidence that he or she is not in violation, and/or to abate that violation by coming into compliance. Failure to do so can result in more fines or even in jail time, as well as other court orders. Yes, cities can get pretty stubborn about wanting their laws obeyed. Subdivision covenants are a civil matter, however, enforced by the Association filing suit to force a resident to comply.

The best advice of all is to *know the laws of your jurisdiction!* A quick read-through of the animal ordinance is not enough. Local ordinances, especially, will contain provisions in other sections of their laws that can jump up and bite you. Use the Internet. Even if you read your local laws at some point in the past, there may have been changes. Be thoroughly familiar with:

a) Your state's animal cruelty law. Chances are that you will not run afoul of this law, but it is always helpful to be familiar with it. <http://www.animal-law.org/statutes/>.

b) Your city or county's Animal Ordinance. A numbers limit, provisions about odor and other nuisance caused by animals could be found there, as well as any licensing or neuter/spay requirements.

c) Your city's Zoning Code. Often the city's numbers' limits are contained there. If so, the city's Code Enforcement Officer would probably knock on your door instead of the Animal Control Officer, and these two agencies are interested in different things. Within your city's Zoning Code look for the definition of "kennel" or "cattery." It is common for "kennel" to be defined as, for instance, "any place where 4 or more dogs, cats or other household pets are kept." It doesn't matter if they are neutered or spayed; it doesn't matter if they are kept clean and healthy ... a simple number often defines "kennel." An additional item in the Zoning Code could read something like, "commercial kennel or cattery - a facility where dogs or cats are

kept for boarding, training, breeding or sale." Under that definition, a fancier is defined as commercial whether you have ever made a dime's profit from sales of cats.

d) Home occupation. This could also be included in Zoning, or elsewhere in the City ordinances. It will define what types of business can or cannot be conducted in residential areas. Profit is rarely required to be defined as a business.

e) Other, even more obscure ordinance provisions. Animal activists in Dallas, TX turned in breeders to the city under an ordinance prohibiting more than two "garage or occasional sales" at any residence. If a breeder placed a third classified ad in the paper, he or she was turned in. In this particular instance, the judge threw out citations issued because advertising, in and of itself, was not proof of sales.

It is entirely possible for cat fanciers to be in violation of any number of these ordinances and to remain "under the radar" of enforcement. Likewise, similar provisions or prohibitions could be contained within your property deed restrictions or development covenants. It behooves fanciers to remain low-key in order to avoid problems that could mean at the very least being forced to place many of your cats or else pay a hefty fine.

If, in response to a complaint, a city is making a case that you are in violation of a numbers limit or other zoning code such as operating a business from a residential area, the Code Enforcement personnel could very well take a look at your web site. Normally, sale of "an occasional litter" would not be a problem, but if a web site, or an advertisement gives the impression by look or feel that you are at all commercial in nature you may become a target for enforcement. There was one instance in which a city recorded the message on a breeder's telephone answering machine and used the fact that the message gave her cattery name and said "kittens usually available" to prove that she was operating a business.

While responsible cat breeders are justifiably proud of their place in society, and for preserving the beautiful and unique breeds of cat, it is always better to avoid unwanted attention. A word to the wise is to play down any aspect that would tend to depict business practices, and to play up that you are proud of your cats and accomplishments. Spend some time looking at your advertisements, both in publications such as the CFA *Almanac* and *Cat Fancy Magazine*, and your web site trying to visualize how the information contained therein would be seen or interpreted by someone whose interest was to build a case against you.

Discuss with your veterinarian what information is required from veterinary records to be turned over to Animal Control. That information can be used by Animal Control in a sweep to enforce licensing compliance or numbers limits.

Be alert and work on the grass roots level with the CFA Legislative Group to help forestall restrictive laws from being passed.

As cities have become less tolerant of nuisances associated with animals, dog fanciers have long ago begun moving into rural or semi-rural outlying areas. Unfortunately, some rural areas are even more restrictive than some cities, so a move to the country alone might not solve the problem. Cat fanciers might have to take a hard look at their priorities and consider moving to more animal friendly locations.

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**To correspond with the CFA Legislative Committee, please email [Legislation@CFA.org](mailto:Legislation@CFA.org)**