

MEETING DATE: 11/30/09
AGENDA ITEM: Adoption of an Ordinance Adding Section 9.01.600 to
the Culver City Municipal Code, Prohibiting the
Declawing of Cats or Other Animals in the City of Culver
City

ATTACHMENTS

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ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, ADDING SECTION 9.01.600 TO THE CULVER
CITY MUNICIPAL CODE PROHIBITING THE DECLAWING OF
CATS OR OTHER ANIMALS IN THE CITY OF CULVER CITY.

WHEREAS, in 2003, the City of West Hollywood, California determined to
adopt a local ordinance that, among other things, prohibited the practice commonly known
as animal declawing within its corporate limits; and

WHEREAS, after trial and upon final and conclusive appellate review, the
City of West Hollywood's ordinance was determined to be valid and enforceable as part of
a city's police powers given the statutory language in effect at that time; and

WHEREAS, the State Legislature has determined to enact and the Governor
has signed into law Senate Bill 762, which pre-empts current local authority to enact
ordinances similar to that enacted by the City of West Hollywood, but specifically allows for
the continued enforcement of any ordinance in effect on or before December 31, 2009;
and

WHEREAS, there is evidence that links onychectomy (declawing) and flexor
tendonectomy to a high risk of painful adverse and long lasting effects on animals, and that
complications may include damage to nerves, lameness, and chronic pain; and these
procedures may prevent a cat or other animal from being able to extend its claws, leaving it
unable to scratch, and rendering it at a disadvantage in defending itself; and

WHEREAS, there are a number of alternatives to declawing that involve no
physical harm to the animal, including training the pet to use a scratch post, use of
deterrent pheromone sprays, covering furniture, restricting the pet's access to certain areas
of the home, use of plastic nail covers, and more; and

WHEREAS, the City of Culver City enacts this ordinance pursuant to the
authority vested in the City by Article XI, Section 7 of the California Constitution allowing a

1 city to make and enforce within its limits all local, police, sanitary, and other ordinances and
2 regulations not in conflict with general laws. At present the State of California does not
3 prohibit the City from acting to prohibit onychectomy and flexor tendonectomy, and
4 therefore the City is not preempted by Business and Professions Code Section 460 from
5 adopting this ordinance; and

6 **WHEREAS**, the City Council finds that prohibiting these procedures will
7 protect and promote the general health, safety and welfare of animals and humans alike.

8 **NOW, THEREFORE**, the City Council of the City of Culver City, California,
9 **DOES HEREBY ORDAIN** as follows:

10 **SECTION 1.** Section 9.01.600 of the Culver City Municipal Code is hereby
11 added to read as follows:

12 **Declawing of Animals**

13 **9.01.600 Onychectomy (Declawing) and Flexor Tendonectomy Prohibited.**

14 A. No person, licensed medical professional or otherwise, shall perform or
15 cause to be performed an onychectomy (declawing) or flexor tendonectomy procedure by
16 any means on any animal within the City of Culver City, except when necessary for a
17 therapeutic purpose. "Therapeutic purpose" means the necessity to address the medical
18 condition of the animal, such as an existing or recurring illness, infection, disease, injury or
19 abnormal condition in the claw that compromises the animal's health. "Therapeutic
20 purpose" does not include cosmetic or aesthetic reasons or reasons of convenience in
21 keeping or handling the animal. In the event that an onychectomy or flexor tendonectomy
22 procedure is performed on any animal within the city in violation of this section, each of the
23 following persons shall be guilty of a violation of this section: (1) the person or persons
24 performing the procedure, (2) all persons assisting in the physical performance of the
25 procedure, and (3) the animal guardian that ordered or requested the procedure.

1 B. Section 9.01.005 of the Culver City Municipal Code shall not apply to this
2 section. Any violation of this section shall constitute a misdemeanor; however, any
3 violation may be prosecuted as an infraction, at the discretion of the City Attorney.

4 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
5 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
6 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
7 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
8 Culver City News and shall post this Ordinance or a summary thereof in at least three
9 places within the City.

10 **SECTION 3.** The City Council hereby declares that, if any provision, section,
11 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
12 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
13 reason of any preemptive legislation, then the City Council would have independently
14 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
15 or words of this ordinance and as such they shall remain in full force and effect.

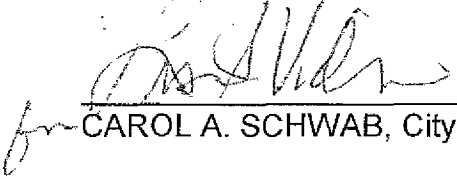
16 **APPROVED AND ADOPTED** this ____ day of _____, 2009.

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20 ANDREW WEISSMAN, Mayor
City of Culver City, California

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22 ATTEST:

APPROVED AS TO FORM:

23
24 MARTIN R. COLE, City Clerk

25 
for CAROL A. SCHWAB, City Attorney