

MEETING DATE: November 23, 2009

AGENDA ITEM: Consideration of the Introduction of an Ordinance
Adding Section 9.01 to the Culver City Municipal Code, Prohibiting the
Declawing of Cats or Other Animals in The City of Culver City

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance 2009-_____	1-3

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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.

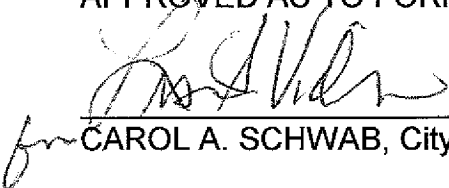
16 **APPROVED AND ADOPTED** this ____ day of _____, 2009.

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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  CAROL A. SCHWAB, City Attorney
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