

City Council Meeting: 11-10-2009

Santa Monica, California

## ORDINANCE NUMBER (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SANTA MONICA ADDING SECTION 4.04.275 TO  
THE SANTA MONICA MUNICIPAL CODE BANNING  
ONYCHECTOMY AND FLEXOR TENDONECTOMY PROCEDURES

WHEREAS, onychectomy, or declawing, and flexor tendonectomy procedures are routinely performed on cats even though the procedures are painful, cruel and dangerous to the cats and are very seldom medically necessary; and

WHEREAS, onychectomy is not a "cosmetic" procedure but is instead akin to amputation in that it involves removing not just claws, but also bones, nerves, joint capsules, collateral ligaments and extensor and flexor tendons up to the joint; and

WHEREAS, in human terms, this procedure is akin to cutting off the last joint of all ten fingers; and

WHEREAS, at least twenty-one European countries have concluded that declawing cats is inhumane and have therefore banned or condemned the procedure; and

WHEREAS, research has demonstrated that the rate of complications from onychectomies is relatively high as compared to other "routine" procedures, with one study reporting acute short term complications in 50% of cases and long-term complications in 20% of cases; and

WHEREAS, these complications include excruciating pain, damage to the radial nerve, hemorrhage, bone chips, chronic back and joint pain resulting from weakened shoulders, legs and back muscles and painful re-growth of a deformed claws inside the paws; and

WHEREAS, this procedure robs cats of integral means of movement and defense, normal posture, normal use of toes in walking and running, and their ability to satisfy instinctive impulses to climb, exercise and mark territory; and

WHEREAS, consequently, declawing causes serious secondary health risks to cats such as arthritis

and other complications associated with postural and skeletal changes; and

WHEREAS, declawing also leaves cats unable to defend itself against attacks by other animals, placing cats at risk of serious injury or death; and

WHEREAS, flexor tendonectomy, a procedure in which cats' toes are cut so that the claws cannot be extended, likewise deprives cats the ability to engage in normal behaviors and defend themselves against attack and thereby imperils its health and safety; and

WHEREAS, these procedures are usually undertaken not for the welfare of cats, but for the perceived convenience of owners, caretakers and other persons who often procure the procedures to protect their furniture and other personal property and without adequate information about complications and consequences; and

WHEREAS, alternatives that involve no harm or risk to cats are readily available to protect furniture and other property; they include regular nail trimming, training cats to use scratch posts, using deterrent pheromone spray, covering furniture, restricting access to certain areas of homes, using plastic nail covers, and more; and

WHEREAS, in addition to the harm these procedures cause to cats, they also have detrimental consequences for humans; and

WHEREAS, research has shown that declawed cats are more prone to defend themselves by biting people and other animals, and cat bites are associated with higher infection rates than scratches; and

WHEREAS, research has shown that declawed cats tend to avoid use of litter boxes because the rough surface hurts their paws, and this causes sanitation problems and attendant health risks to humans and other animals; and

WHEREAS, behavioral problems of declawed cats, such as increased biting and litter-box aversion, frequently result in declawed cats being relegated to an outdoor existence to which they are ill-suited because, among other things, they cannot adequately defend themselves;

WHEREAS, cats living outdoors in urban environments often end up on roadways where they are in danger themselves and where they cause accidents and thereby imperile people; and

WHEREAS, declawing cats and attendant behavioral problems also increase the number of cats relinquished to animal shelters; and

WHEREAS, declawed cats are generally not adoptable from shelters because of their behavioral and other problems, and they are therefore usually euthanized; and

WHEREAS, the public bears the burden of increased costs of shelter operation and euthanasia; and

WHEREAS, the California Constitution, Article XI, Section 7, empowers the City of Santa Monica to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with the general law; and

WHEREAS, at present, the law of the State of California does not prohibit the City from acting to prohibit onychectomy and flexor tendonectomy: and

WHEREAS, the City Council finds that prohibiting these procedures, subject to exceptions necessary to protect the health of individual cats, will protect and promote the general health, safety and welfare of cats and humans alike.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 4.04.275 is hereby added to read as follows:

**Section 4.04.275 Prohibition Against Procuring, Performing Or Assisting in Performing Onychectomy (Declawing) or Flexor Tendonectomy**

(a) **Prohibition** – No licensed medical professional or other person shall perform, assist in the performance of, or procure the performance of an onychectomy (declawing) or flexor tendonectomy procedure by any means on any cat within the City.

(b) **Exception** - Notwithstanding subsection (a), an onychectomy (declawing) or flexor tendonectomy procedure may be performed within the City if the procedure is necessary to address a medical condition of the cat, such as an existing or recurring illness, infection, disease, injury or abnormal condition in the claw, that compromises the animal's health. This exception does not allow procedures undertaken for cosmetic or aesthetic reasons or for any person's convenience.

(c) **Penalty** – Any person who violates this section shall be guilty of misdemeanor and shall be fined in an amount not to exceed \$500.00 or be imprisoned for a period of six months, or both.

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SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent

with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

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MARSHA JONES MOUTRIE  
City Attorney