

**AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING
CHAPTER 9.49 TO THE WEST HOLLYWOOD MUNICIPAL CODE
BANNING ONYCHECTOMY (DECLAWING) AND FLEXOR
TENDONECTOMY PROCEDURES WITHIN THE CITY**

The City Council of the City of West Hollywood does hereby ordain as follows:

Section 1. A new Chapter 9.49 is hereby added to Title 9, Article 4 of the West Hollywood Municipal Code to read as follows:

Chapter 9.49

BAN ON ONYCHECTOMY (DECLAWING)

Sections:

9.49.010 Findings

9.49.020 Onychectomy (Declawing) Prohibited

“9.49.010 Findings

a. There is a widespread misunderstanding in the community regarding a commonly performed surgical procedure known as onychectomy, or “declawing.” Contrary to most people’s understanding, declawing consists of amputating not just the claws but the whole phalanx (up to the joint), including bones, ligaments, and tendons.

b. Declawing is not a simple cosmetic procedure akin to a manicure or a pedicure. On the contrary, to remove a claw, the bone, nerve, joint capsule, collateral ligaments, and the extensor and flexor tendons must all be amputated. Thus, declawing is not a “simple,” single surgery but ten separate, painful amputations of the third phalanx up to the last joint of each toe. In human terms, this is akin to cutting off the last joint of each finger.

c. Declawing robs an animal of an integral means of movement and defense. Because they cannot defend themselves adequately against attacks by other animals, declawed animals that are allowed outdoors are at increased risk of injury or death. Likewise, animals subjected to flexor tendonectomy, a procedure in which the animal’s toes are cut so that the claws cannot be extended, are also robbed of an integral means of defense.

d. Research has demonstrated that the rate of complication with onychectomy is relatively high compared to other procedures considered “routine.” Complications can include excruciating pain, damage to the radial nerve, hemorrhage, bone chips that prevent healing, painful re-growth of deformed claw inside of the paw which is not visible to the eye, necrosis, lameness, and chronic back and joint pain as shoulder, leg and back muscles weaken.

e. Although there is a widespread belief that declawing makes cats more “house-friendly” and, therefore, less likely to be abandoned and subsequently euthanized, a survey conducted by

Forgotten Felines and Friends of Caddo Parish in Louisiana found that approximately 70% of cats surrendered to the city shelter were declawed.

f. There are a number of alternatives to onychectomy (declawing) and flexor tendonectomy that involve no physical harm to the animal. Harmless alternatives include training the pet to use a scratchpost, 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.

g. Considering the wide array of alternatives, the City Council finds that the mere convenience of the onychectomy (declawing) and/or flexor tendonectomy procedures to the pet's guardian does not justify the unnecessary pain, anguish and permanent disability caused the animal.

h. The City of West Hollywood enacts this ordinance pursuant to the authority vested in the City by article XI, section 7 of the California Constitution allowing a city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

i. The State Legislature has not endeavored to regulate, or delegate to any specified agency the authority to regulate, the types of veterinary procedures that may be performed within the State of California. Until the Legislature chooses to regulate these procedures, local governments are free to limit the types of procedures that may be performed within their jurisdiction for the protection of the public health, safety and general welfare.

9.49.020 Onychectomy (Declawing) Prohibited

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

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2003

MAYOR

ATTEST:

City Clerk