

5-2-601: 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 (10) 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 and thus imperils its health and safety.
- 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 regrowth 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 seventy percent (70%) of cats surrendered to the city shelter were declawed. Declawed cats are generally not adoptable from shelters because of their behavioral and other problems, and they are therefore usually euthanized.
- 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 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.

- G. In addition to the harm these procedures cause to cats, they also have detrimental consequences for humans. Declawing unnecessarily increases public health and safety risks. Research indicates that a substantial number of declawed cats become more prone to biting as a form of defense. Research has also shown that declawed cats tend to avoid use of litter boxes because the rough surface hurts their paws, and this causes sanitation problems.
- H. 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 to the animal.
- I. The city of Beverly Hills enacts this article 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. At present, the law of the state of California does not prohibit the city from acting to prohibit onychectomy and flexor tendonectomy and therefore the city is not preempted by Business and Professions Code section 460 from adopting this article. See also, California Veterinary Medical Ass'n v. City of West Hollywood, 152 Cal.App.4th 536 (2007) (court of appeal held that the city of West Hollywood's ordinance prohibiting onychectomy and flexor tendonectomy was within the city's police power to prevent animal cruelty and such an ordinance was not preempted by state law).
- J. The city council finds that prohibiting these procedures will protect and promote the general health, safety and welfare of cats and humans alike. (Ord. 09-O-2573, eff. 12-18-2009)