

**LEGISTAR – File No. 67344 – Substitute Body**

DRAFTER'S ANALYSIS: This ordinance creates a ban on removing or disabling a cat's claws by performing a declawing procedure, except as necessary for therapeutic purposes, and creates bail deposits for violations of the ordinance.

This substitute removes the exception for wild cats and any references to a licensed veterinarian.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.66 entitled "Prohibiting Declawing Procedures" of the Madison General Ordinances is created as follows:

**"23.66 Prohibiting Declawing Procedures**

(1) Definitions.

Cat means an animal of the taxonomic family felidae, ~~except an animal that is a member of an exotic or native wild cat species.~~

Declawing procedure means an onychectomy, partial or complete phalangectomy, partial digital amputation, tendonectomy, or other procedure to alter a cat's toes, claws, or paws to prevent the normal functioning of the cat's toes, claws, or paws. "Declawing procedure" does not include the trimming of nonviable claw husk or placing nonpermanent nail caps.

Onychectomy means a procedure in which a portion of the paw of a cat is amputated to remove or disable a claw, including, without limitation, procedures commonly referred to as declawing.

Partial digital amputation means a procedure for the excision of some or all of one or more of the phalanges of the paw of a cat.

Phalangectomy means a procedure for the excision of one or more of the phalanges of the paw of a cat.

Tendonectomy means a procedure in which the tendons to the limbs, paws, or toes of a cat are cut or modified so that the cat's claws cannot function normally.

Therapeutic purpose means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat's physical health and only when addressing that infection, disease, injury, or abnormal condition is determined ~~by a licensed veterinarian to be a medical necessity.~~ "Therapeutic purpose" does not include cosmetic or aesthetic purposes or the purpose of making a cat more convenient to keep or handle.

(2) It shall be unlawful to remove or disable a cat's claws by performing a declawing procedure, except as specified in subdivision (3).

(3) Exception. This section does not apply to a partial or complete phalangectomy performed solely for a therapeutic purpose. ~~A licensed veterinarian determines if~~

it is determined that it is necessary to perform a phalangectomy for a therapeutic purpose, ~~the licensed veterinarian, shall document the purpose for performing the phalangectomy shall be documented.~~

(4) Any person violating this section shall be subject to a forfeiture of up to two thousand dollars (\$2000). Each and every day of violation may be considered a separate offense.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Removing or disabling a cat’s claws	23.66(2)	\$300, 1 <sup>st</sup>
		\$500, 2 <sup>nd</sup>
		\$1,000, 3 <sup>rd</sup>
		\$1,500, 4 <sup>th</sup>
		\$2,000, 5 <sup>th</sup> & sub.”

3. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended as follows:

<u>“Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Director of Public Health Madison and Dane County or her/his designee and Police Department.	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; Section 23.12, Transient Hotels and Motels Regulated; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbidden; Section 23.44, Consumers to Be Offered Selection of Containers; Section 23.61, Internet Solicitation of Unlicensed Regulated Businesses, Section 23.65, Prohibiting Breeding or Selling Animals for Experimentation, <u>Section 23.66, Prohibiting Declawing Procedures.”</u>

EDITOR’S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. This revision has been so approved.