



**DEPARTMENT OF
PUBLIC WORKS**

CITY OF SACRAMENTO
CALIFORNIA

2127 FRONT STREET
SACRAMENTO, CA
95818-1106

ANIMAL CONTROL DIVISION

916-449-5623

December 12, 1990

RUBEN MORA
CHIEF
ANIMAL CONTROL OFFICER

Law and Legislation Committee
Sacramento, California

Honorable Members in Session

**SUBJECT: AN ORDINANCE ADDING SECTION 6.49 TO THE SACRAMENTO CITY CODE
PROHIBITING THE USE OF STEEL-JAWED LEG-HOLD TRAPS**

SUMMARY

This report recommends that a new section be added to City Code Chapter 6, Animal Control Law, prohibiting the use of steel-jawed leg-hold traps in the City of Sacramento and that the Law and Legislative Committee forward this report to the full City Council with a recommendation for approval.

BACKGROUND

In October, 1990 Councilmember Fargo asked that the Animal Control Division and the City Attorney's Office draft an ordinance prohibiting the use of steel-jawed leg-hold traps within the City of Sacramento.

The attached ordinance would prohibit the use of such traps anywhere within the City. The ordinance states as its purpose the protection of health and safety for persons and domestic pets within the City. Although the State of California's Fish and Game regulations totally preempt local legislation with regard to hunting (including trapping), the California Attorney General has concluded that a local government may, by ordinance, ban the use of steel-jawed leg-hold traps within its jurisdiction where such action is necessary to protect the public health and safety and where the ordinance only incidentally affects the field of hunting preempted by the Fish and Game Code (70 Ops. Calif. Atty Gen. 210). Although we cannot be entirely sure, we are aware of no trapping activity undertaken within the city limits for hunting purposes. It is the opinion of the City Attorney that the proposed ordinance meets the test set forth by the Attorney General.

Background information on steel-jawed leg-hold traps from the United States Humane Society is attached. (attachment A)

FINANCIAL DATA

It is not anticipated that enforcement of the ordinance would require additional City funds.

POLICY CONSIDERATIONS

Adoption of this ordinance would implement new City policy.

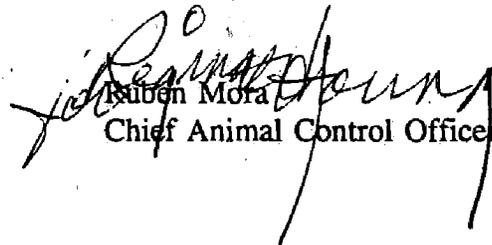
MBE/WBE

Not applicable as no goods or services are being purchased.

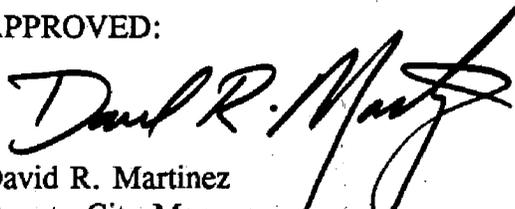
RECOMMENDATION

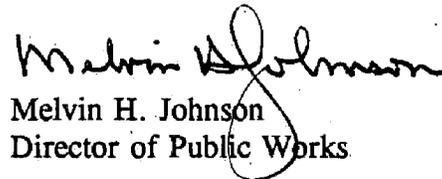
It is recommended that the Law and Legislation Committee review the proposed ordinance and recommend to the City Council that the attached ordinance be adopted.

Respectfully submitted,


Ruben Mora
Chief Animal Control Officer

APPROVED:


David R. Martinez
Deputy City Manager


Melvin H. Johnson
Director of Public Works

Contact Person
Diane B. Balter
Deputy City Attorney
449-5346

December 12, 1990
All Districts

ATTACHMENT A

UNITED STATES HUMANE SOCIETY

DATA AND INFORMATION

ON

STEEL JAW TRAPS



The Humane Society of the United States
2100 L Street, N.W.
Washington, D.C. 20037
(202) 452-1100

April 30, 1987

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Kurt Lapham
HSUS West Coast Regional Office
1713 J Street
Suite 211
Sacramento, CA 95814

Dear Kurt:

The Humane Society of the United States has identified in excess of twenty scientific studies on the efficacy of steel jaw traps. Many of these studies have been published in biology journals. There is a good deal of disparity between the statements from trappers and the conclusions of the biologists who investigated the selectivity and humaneness of steel jaw traps. The documents in my possession include the following references:

Anon. Fur and Trapping Ethics. Minneapolis, Minnesota. A review of 360 case reports of domestic pets caught in steel jaw traps. Only 7.5% of these animals did not sustain physical injuries as a result of being trapped. In 31.1% of the cases a limb was amputated; 8.9% of the animals sustained leg fractures; and, 21.7% of the caught animals suffered laceration, swelling or bruising of the trapped limb. Because of the severity of their injuries 8.6% of the animals were euthanized.

Atkeson, Z. "Incidence of Crippling Loss in Steel Trapping." Journal of Wildlife Management, Volume 20, Number 3, pp.323-324. A four year study of steel jaw traps set at Wheeler National Wildlife Refuge revealed that 27.6% of the mink, 24% of the raccoon, and 26% of the red and grey foxes caught were crippled by the traps.

Kurt Lapham
April 30, 1987
Page Two

Bailey, Robert O. and Robert E. Jones. "Mallard Mortality in Manitoba's Extended Spring Muskrat-Trapping Season." Wildlife Society Bulletin, 4(1): 26-28, Spring 1976. In the Minnedosa region of Canada 10.4% of the female breeding population of mallard ducks

Kurt Lapham
April 30, 1987
Page Three

caracaras and all but 1 vulture were released, while the 3 owls were dead when found. Eight of the Harris' hawks were killed and 12 released. The 2 domestic calves caught were released unhurt, and the roadrunner was released with one broken leg. Of 27 wild turkeys caught, 17 were dead when found, 5 were released with a broken foot or leg, and 5 with no apparent injuries."

Berchielli, Louis T. and Angelica B. Leubner. "A Technique for Capturing Red and Gray Foxes." Worldwide Furbearer Conference Proceedings. Frostburg, Maryland: Worldwide Furbearer Conference, Inc., 1981, pp. 1555-1559. In a study of steel jaw trap sets for taking foxes, non-target animals accounted for 11.5% of all animals caught. Secondary target animals (furbearers other than foxes) represented 45.7% of the total catch. The primary target animals ---red and gray foxes--- were only 42.8% of the total catch.

Berchielli, Louis T., Jr. and Benjamin F. Tullar, Jr. "Comparison of a Leg Snare with a Standard Leg-Gripping Trap." New York Fish and Game Journal, 27 (1): 63-71, 1981. In this study 59.8% of the animals caught in a standard No. 1 1/2, coil spring, steel jaw trap sustained visible injuries. Of the total animals taken in No. 1 1/2 traps, 19.5% had chewed their feet or toes, 17.2% sustained fractures, 2.3% suffered moderate lacerations, and 29.9% suffered minor skin lacerations.

Chapman, Joseph A., et al. "Differential Survival Rates Among Leg-Trapped and Live-Trapped Nutria." Journal of Wildlife Management, 42(4): 926-928, October 1978. Nutria on the Blackwater National Wildlife Refuge were caught either in cage traps or conventional steel jaw traps. All the animals were released. The subsequent mortality from the leg-trapped segment was 21% higher than the control segment (cage traps). Only 26% of the leg-trapped animals survived after being released back into the refuge.

Durham, Katherine. "Injuries to Birds of Prey Caught in Leghold Traps." *International Journal for the Study of Animal Problems* 2(6): 317-328, November-December 1981. From 1972 through 1980, 1,856 birds of prey were presented for treatment to the University of Minnesota Raptor Research and Rehabilitation Program within the College of Veterinary Medicine. Of these animals, 9.3% had sustained injuries in traps set for furbearers. Of the raptor admissions resulting from trap injuries, 44.6% of the birds died. The leading form of injury was leg fractures, accounting for 24.8% of the cases. The convalescence period for birds that were released average approximately 30 days. Based on veterinary examinations of the birds, the author concluded that "any raptor that has been in a leghold trap overnight should be considered seriously injured unless determined otherwise based on a period of medical observation, regardless of how innocuous the injury may appear when the bird is found."

England, Jan "A Comparison of Injuries to Leg-Hold Trapped and Foot-Snared Red Foxes." *Journal of Wildlife Management* 45(4):1982. Victor #2 and #3 steel jaw traps were used to capture 1,374 red foxes. Thirty-eight percent (38%) of the foxes sustained severe dental injuries from chewing the trap, 16% suffered moderate injuries, 40% had small injuries, and only did not suffer harm to their teeth. Thirty percent (30%) of the foxes sustained broken bones, in most cases the phalanges or metacarpals were affected. An additional 9% of the foxes suffered skin galls or disjointed toes.

Gashwiller, J.S. "The Effect of Spring Muskrat Trapping on Waterfowl in Maine". *Journal of Wildlife Management*, 13(2): 193-198, (or 183-188), 1949. In three study areas in Maine the author found that one duck was killed in a steel jaw trap for every 14.7 to 17.7 muskrats caught. Forty-seven percent of the birds were killed by the traps. Of the birds found alive, 19% had legs amputated above the ankle joint, 12.5% had feet amputated, 6% had toes amputated, 25% had leg or foot bones dislocated or broken, and 6% were damaged to an undetermined extent. The author emphasized that secondary mortalities could be

Kurt Lapham
April 30, 1987
Page Six

limbs, 15.9% suffered cut tendons or broken bones, 17% had cut skin, 9.1% sustained rubbed skin or nicks, and only 38.6 did not sustain visible injuries.

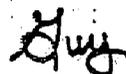
Robinson, Weldon B. "Population Changes of carnivores in Some Coyote-Control Areas." Journal of Mammalogy 42(4):510-515, November 1961. Non-target animals accounted for 78.0% of the total animals caught in steel jaw traps set for coyote and bobcat.

Stout, I.J. The Nature and Patterns of Non-Hunting Mortality in Fledged North American Waterfowl. M.S. Thesis. Blacksburg, Virginia: Virginia Polytechnic Institute, 1967, 329 pp. The author analyzed bird band recoveries in the continental United States. Among recoveries from waterfowl caught by devices other than banding traps, 69% of the spring recoveries were attributable to birds having been caught in traps set for muskrats.

Wright, Bruce S. High Tide and an East Wind: The Story of the Black Duck. Harrisburg, Pennsylvania: Stackpole Co., 1954, 162 pp. The author suggests that muskrat trapping is a major mortality factor for black ducks (pg. 26). He wrote, "A serious mortality factor which can be controlled by man is spring muskrat trapping. The total kill of ducks in muskrat traps in Maine in 1946 was conservatively estimated to be 1,945, with an additional 2,220 injured but released alive."

I hope that this information will be of use to you.

Sincerely,



Guy R. Hodge
Director
Data and Information Services

GRH/grh

FACT SHEET

The Steel-Jaw Leghold Trap

What Is the Steel-Jaw Leghold Trap?

The trap is a spring-powered device made up of a weight sensitive pan and two fixed metal jaws. When the pan is triggered by a paw, leg, or beak, the jaws snap shut on the body part with a force equal to a car door slamming on a human hand.

Who Uses the Steel-Jaw Leghold Trap?

Anyone can. No license is required to purchase a steel-jaw leghold trap. Some states do require a license to use a trap. However, no experience or knowledge in the use of the trap or the damage it can cause animals, birds, and humans is necessary.

Because the steel-jaw leghold trap is the basic tool of the amateur and professional trapper and is readily available on the market, it can easily come into the hands of juveniles and novices who set traps on private as well as public land.

Why Are Animals Trapped?

Most traps are set to catch wild furbearers so their skins can be sold to make fur coats. Trappers position traps along trails followed by their targeted species in hopes of catching those animals, or lure animals off the trail with baited traps. The trap's pressure-sensitive weight pan is designed to snap shut on any part of an animal or bird that touches it. Nontarget animals account for a substantial portion of the animals found in the traps. According to a study published in the *Journal of Wildlife Management*, vol. 38(4), (October 1974), for every ten target animals taken, fourteen nontarget animals are caught in the trap. Nontarget animals include endangered and nonendangered species and domestic pets. Nontarget animals are normally considered "trash" by the trapper, who most often either

kills the already maimed animal and tosses it aside, or releases the animal to die of exposure, shock, or the attack of a predator. Thus, by design of the trap, a trapper can never be sure he will find his desired species caught in the steel jaws of the trap.

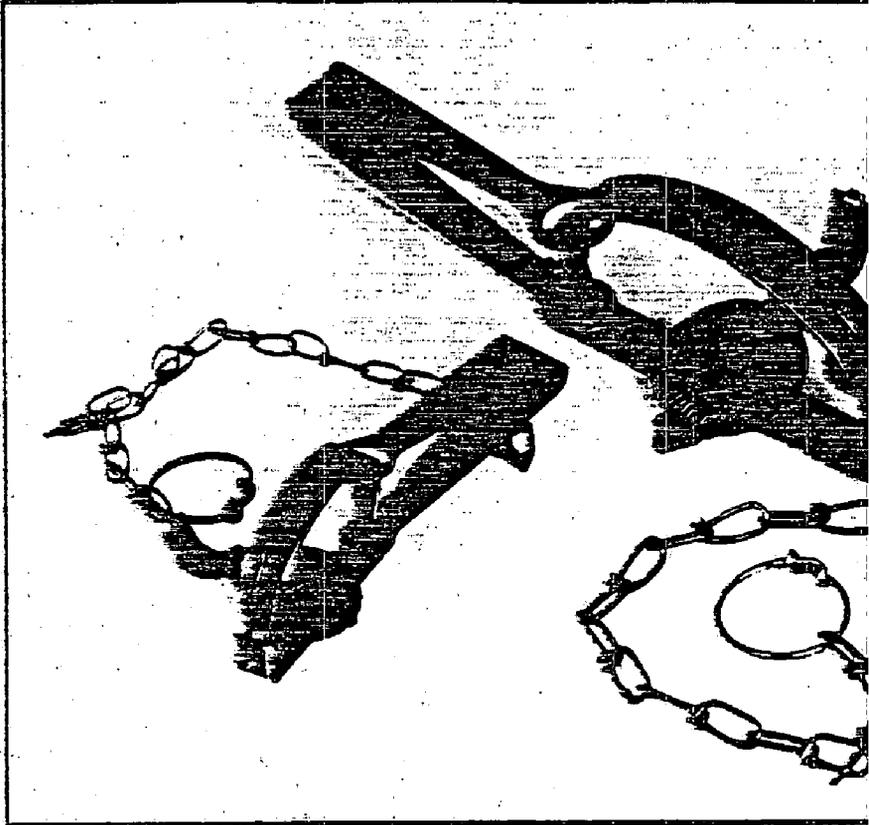
Does the Steel-Jaw Leghold Trap Cause Animals Distress or Pain?

Yes. According to a seven-year Canadian governmental study, the standard steel-jaw leghold trap "causes injury in all species studied, and results in observable distress and probably pain." A study published in the *New York Fish and Game Journal* (1981) reported that 59.8 percent of the animals caught in steel-jaw leghold trap sustained visible injuries. In their struggle to escape the cruel grip of the leghold traps, animals suffer from cut flesh, torn ligaments, broken bones, and more critical stress-related injuries. A four-year study published in *The Journal of Wildlife Management*, vol 20(23), found that one-quarter of the raccoon, mink, and foxes trapped suffered crippling injuries. A Minnesota veterinarian's study in the *International Journal for the Study of Animal Problems*, vol. 2(6), (November-December 1981) found that one out of every ten birds brought in for treatment had been injured in a steel-jaw leghold trap. Nearly 50 percent of these birds died from their injuries despite veterinarian aid.

Is the Steel-Jaw Leghold Trap Effective in Preventing Disease Epidemics, Particularly Rabies?

No. Trapping has been referred to as an "exercise in futility" by a district health director in New York State. Trapping may actually fuel rabies outbreaks by removing animals that have acquired a natural immunity to the virus. Trappers spend a majority of their time setting their traps for animals that are not prone to develop or transmit rabies: muskrat, nutria, and beaver. Animal species that are carriers of the rabies virus account for only 14 percent of the wild furbearers annually killed by trappers. Trapping techniques require that an animal be attracted to food bait or be caught while moving along an established path of travel. Because diseased animals often suffer lethargy, loss of appetite, and erratic behavior, it is not the sick animal that is caught in the trap, but healthy members of the species.

(Over)



Is the Steel-Jaw Leghold Trap An Effective Means of Predator Control?

No. Traps are nonselective. A federal government test (*Journal of Wildlife Management*, vol 38[4], October 1974) for the reduction of coyote populations showed that of 1,205 animals trapped, only 138 were coyotes. The remaining victims consisted of 21 nontarget species, including hawks, golden eagles, rabbits, deer, and 63 domestic animals. Ironically, the largest portion of animals caught were sheep. Although a rancher sets his trap for predator control, he cannot be sure he won't maim or kill even his own animals.

Will a Leghold Econo Fur In

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THE HUMANE SOCIETY
OF THE UNITED STATES
2100 L STREET, NW, WASHINGTON, DC 20037

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 6.49 TO THE SACRAMENTO CITY PROHIBITING THE USE OF STEEL-JAWED LEG-HOLD TRAPS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 6.49 is hereby added to the Sacramento City Code, to read as follows:

Sec. 6.49 Steel-Jawed Leg-Hold Traps Prohibited.

- (a) Purpose. The purpose of this section is to protect the public health and safety by prohibiting the use of steel-jawed leg-hold traps which pose great potential for injury to domestic pets and children.
- (b) Findings. The City Council finds as follows:
 - (1) In an urbanized area, steel-jawed leg-hold traps present a risk of injury or death to domestic pets and persons, especially small children.
 - (2) Steel-jawed leg-hold traps are inhumane. Studies cited by the Humane Society of the United States show that up to 59.8% of animals caught in steel-jawed leg-hold traps sustain visible injuries caused by the type of trap employed.
 - (3) Steel-jawed leg-hold traps do not discriminate between the target animal and nontarget animals. According to the Humane Society of the United States, by design of the trap, a trapper can never be sure of finding the desired animal caught in the steel jaws of the trap.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(4) Alternatives to steel-jawed leg-hold traps are available for those circumstances in which the need to trap an intruding animal is great.

(5) A prohibition on the use of steel-jawed leg-hold traps within the City of Sacramento is necessary to protect the public health and safety of the City's human and pet population.

(c) **Definition.** For purposes of this section, "steel-jawed leg-hold trap" shall mean any spring-powered device or trap which captures or holds an animal by exerting a lateral force with fix-mounted jaws on the leg, toe, paw, or any other part of the animal's body.

(d) **Use prohibited.** It shall be unlawful and a misdemeanor for any person to use, set, place, maintain or tend, or cause to be used, set, placed, maintained or tended, any steel-jawed leg-hold trap.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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