



MODEL ORDINANCE



Ordinance No. _____

AN ORDINANCE OF THE CITY OF _____ PROHIBITING THE USE OF BODY-GRIPPING DEVICES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF _____:

NEW SECTION Sec. 1 Intent

It is the intent of the City of _____ to protect public health and safety, and animal welfare by prohibiting the use of body-gripping devices. The ordinance is necessary to preserve wild animals and prevent the unselective catching, maiming of wild animals including birds, endangered and threatened species, and companion animals, as well as injury to children and adults that come into contact with these devices.

NEW SECTION Sec. 2 Definitions

- A. "Body-gripping device" includes, but is not limited to, any snare (neck, body, or leg), killtype trap (Conibear), leghold trap (steel-jaw, padded, and offset), and any other device designed to grip a body or body part. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping devices.
- B. "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity and any officer, member, shareholder, director, employee, agent or representative thereof.

NEW SECTION Sec. 3 Prohibitions

- A. It shall be unlawful for any person to set or use, or attempt to set or use, a body-gripping device of any kind designed or intended to take hold of, capture or kill any animal within city/county limits.
- B. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within city/county limits or any residence or business premises situated thereon to knowingly permit the use of a body-gripping device upon the property, residence or premises.

NEW SECTION Sec. 4 Exemptions

- A. The provisions of this act shall not prohibit federal, state, county, or municipal government employees or their duly authorized agents from using a Conibear trap in water, padded-jaw leghold trap, or non-strangling type foot snare where use of such device is the only method available to protect human health and safety.
- B. The provisions of this act shall not prohibit federal or state employees or their duly authorized agents from using a Conibear trap in water, padded-jaw leghold trap, or non-strangling type foot snare where use of such device is the only means of protecting threatened and endangered species, as listed under the Federal and State Endangered Species Act.

NEW SECTION Sec. 5 Impounding of Body-Gripping Devices

Whenever a body-gripping device is used contrary to the prohibitions outlined in this Act within the confines of the city/county, the same may be impounded by any duly authorized police officer or by any State Fish & Game Warden until judicial action occurs.

NEW SECTION Sec. 6 Violations – Penalties

Conduct made unlawful by Section 3 of this ordinance constitutes a crime subject to the provisions set forth in (city/county's penalty section).

Note: This provision will be specific to the imposed penalties in the individual city/county. As such, one must determine whether violation of Section 3 will be a civil or criminal infraction or misdemeanor and then cite to the specific city/county law addressing civil/criminal violations.