

SEC. 53.15.2. BREEDING AND TRANSFER OF DOGS AND CATS.

(Amended by Ord. No. 173,168, Eff. 5/18/00, Oper. 11/15/00.)

The City Council finds that there exists a serious pet overpopulation problem within the City, that has resulted in a threat to public safety and health, inhumane treatment of animals, mass euthanasia of dogs/cats at the local animal shelters and escalating costs for animal care and control. Further, the Board of Animal Services Commissioners has found that uncontrolled breeding is the cause and, without action aimed at the source, this problem and its serious consequences will remain unabated. Council finds that part of the solution is for all dogs and cats over the age of four months to be spayed or neutered, unless their owners purchase the appropriate licenses/permits for the privilege of maintaining the animal intact and allowing it to breed. Council also finds that an increase in the license fee for unaltered dogs will encourage the owners to spay/neuter their dog(s), in order to qualify for the much lower altered dog license fee. Further, Council finds that tighter regulation of the transfer of dogs and cats will help alleviate the City's pet overpopulation crisis by allowing increased City control over the transfer of dogs and cats.

(a) Animal Ownership:

Animal Owner, for purposes of this section, shall mean any person harboring, keeping or providing care or sustenance to a domestic animal for 30 or more consecutive days on property which he/she owns, rents or leases. Such a person shall be subject to the requirements of this chapter. This definition does not apply to government agencies, animal rescue organizations which have demonstrated to the Department that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections.

February 12, 2008 Amendments, underscored, description and findings italicized and shaded:

An ordinance amending Subsection (b) of Section 53.15.2 of the Los Angeles Municipal Code to require all dogs and cats within the City of Los Angeles to be spayed or neutered unless the owner has obtained a breeding permit or unless the dog or cat is exempt by reason of one of the listed exemptions and is implanted with an animal identification device and to establish a Spay/Neuter Advisory Committee to advise the Board of Animal Services Commissioners on the impact of the spay/neuter policies on the City's low income residents.

WHEREAS, tens of thousands of unwanted and abandoned dogs and cats are euthanized every year; and

WHEREAS, the proposed ordinance attempts to decrease the number of these unwanted pets in a humane way by requiring that all dogs and cats be spayed or neutered; and

WHEREAS, the proposed ordinance exempts show dogs, working dogs and service dogs, as well as cats and dogs who have a breeding permit from the City, without regard to whether the animal is a purebred or mutt; and

WHEREAS, the proposed ordinance will also allow a veterinarian to determine the best time to spay or neuter a cat or dog under their care based on the health of the animal,

(b) Intact Dogs and Cats:

(1) No person who owns a cat over the age of four months shall cause, permit, or allow the cat to be in a public place unsupervised, unless the cat is spayed or neutered. The term public place shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This requirement applies to all unaltered cats, whether or not their owner(s) have obtained breeding permits pursuant to Subsection (c), below.

(2) No person, within the City of Los Angeles, shall own a dog or cat over the age of four months that has not been spayed or neutered, unless valid written documentation is provided to show proof that the animal is exempt from the requirement to be spayed or neutered by reason of one of the following, and is in compliance with Subdivisions (3) and (4) below:

A. The dog or cat is a breed approved by and is registered with a registry or association recognized by the Department through its Commission, whose program and practices are consistent with the humane treatment of animals, and the dog or cat is actively used to show or compete and has competed in at least one show or sporting competition hosted by or under the approval of the recognized registry or association within the last two years, or is being trained or groomed to show or compete and is too young to have yet competed.

B. The dog has earned, or if under three years old, is actively being trained and in the process of earning, an agility, carting, herding, protection, rally, hunting, working, or other title from a registry or association approved by the Department through its Commission.

C. The dog is being trained or has been appropriately trained and is actively used in a manner that meets the definition of guide, signal or service dog as set forth in Subdivisions (d), (e), and (f) of Section 355.5 of the Penal Code, or the dog is enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code.

D. The dog is appropriately trained or is in the process of being trained and is actively used by law enforcement agencies or the military for law enforcement, military or rescue activities.

E. The owner of the dog or cat provides a letter to the Department from a licensed veterinarian certifying that the animal's health would be best served by spaying or neutering after a specified date; or that due to age, poor health, or illness it is unsafe to spay or neuter the animal; or that arrangements have been made to spay or neuter the dog or cat within 50 days after the compliance deadline and the dog or cat is spayed or neutered within that 50-day period. This letter shall include the veterinarian's license number, the date by which the animal may be safely spayed or neutered, and updated periodically as necessary. In addition, if the letter from the licensed veterinarian certifies that arrangements have been made to spay or neuter the dog within 60 days from the date the dog reaches the age of four months, and the dog is spayed or neutered within that 50-day period, the owner shall qualify for the lower license fee and license tax for an altered dog. It shall be the owner's responsibility to comply with the spay/neuter provisions of this chapter, including paying the license fee and license tax.

F. The dog or cat has a valid breeding permit issued to the owner pursuant to Subsection (c) below.

(3) An unaltered dog or cat shall be implanted with an animal identification device identifying the owner of the animal.

(4) In addition to meeting one of the exemptions in this section, the dog license application for an unaltered dog shall contain the information requested by the Department, including the identification number of the implanted animal identification device, the name and address of the owner, and the location at which the dog will be maintained.

(5) A license for an unaltered dog shall not be transferable, and shall not be issued to any person under the age of eighteen years.

(6) The provisions of this subsection become operative on October 1, 2008. However, an unaltered dog that has a valid dog license from the Department shall not be subject to this subsection until the dog license expires, or October 1, 2009, whichever occurs first.

(7) Any person owning, possessing, harboring or having custody and control of a cat or dog in violation of this subsection shall be given a notice to comply and information regarding free and subsidized spay and neuter services. If the violation is not corrected within 60 days, it shall be deemed a second violation and in addition to correcting the violation, the person shall pay a civil penalty in the amount of \$100.00 or shall be allowed to perform eight hours of community service. Failure to pay the civil penalty or perform the community service and/or failure to correct the violation within the 60-day period, or any extension of that period permitted by the Department, shall be deemed a third violation. The Department shall impose a civil penalty in the amount of \$500.00 or allow the person to perform 40 hours of community service, in addition to spaying or neutering the dog or cat.

After July 1, 2009, if after 60 days from the date of notification of a third violation, the \$500.00 civil penalty is not paid or the 40 hours of community service is not performed and/or the owner still has not spayed/neutered his/her dog(s) or cat(s) as required under Subsection (b) above, the continuing violation of this subsection may also be deemed a misdemeanor.

(8) There is hereby established an Animal Services Spay/Neuter Advisory Committee (Committee) for the purpose of advising the Board of Animal Services Commissioners on the impact of the City's spay/neuter policies on the City's low income residents. The Committee shall seek regular and systematic input on its recommendations, especially from low-income residents.

A. The membership of the Committee shall consist of 15 persons appointed by the City Council, with each Councilmember appointing one person to the Committee.

B. The General Manager of the Department, or his or her designee, shall serve as a non-voting Secretary of the Committee.

C. The Committee shall select one of its members to be the chair of the Committee. The chair will also be the conduit between the Committee and the Commission, and if needed, with the Mayor and the City Council.

D. All proceedings of the Committee shall be subject to the provisions of California Government Code Section 54950, et seq., as amended (Brown Act).

E. The Committee shall meet as frequently as necessary but at least four times during the year. The meetings of the Committee may be conducted by teleconference as provided in the Brown Act.

F. The members of the Committee shall serve without compensation, including any travel or per diem expenses.

G. The Committee shall complete its work and dissolve by October 30, 2009.

H. The Committee shall do the following:

(1) Review the impact of the spay/neuter policies on the City's low income residents.

(2) Review the number of animals spayed/neutered, total exemptions provided, the waiting list if any for the spay/neuter services, the amount and timing of committed funding, and recommendations for legislative and administrative action needed to ensure that funding is allocated promptly to qualified providers of the spay/neuter programs.

(3) Review the quality of services and accountability measures.

(4) Review challenges faced by the spay/neuter program that impede the provision of best possible services.

(5) Make recommendations on any improvements and changes to the spay/neuter program that will enhance its services and reduce the financial burden of the program on residents in low-income areas.

(6) Provide a preliminary written report containing an evaluation of the program and any recommendations to the Commission, and provide a copy to the Mayor and the City Council by March 30, 2009, and a final report by October 30, 2009.

(c) **Breeding Permit:**

(1) No person shall cause or allow any dog or cat owned, harbored or kept within the City of Los Angeles to breed without first obtaining a breeding permit, as described below. The term breeding permit means a written authorization, issued annually by the General Manager, giving its lawful holder permission to breed a dog or a cat.

(2) Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually, before its expiration date. Each applicant for such a permit shall pay an annual fee of \$100.00. A separate permit must be obtained for each owned dog or cat which is allowed to breed.

(3) The Department shall administer an animal breeding permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the General Manager pursuant to Section 53.58 of this Code. Under no circumstances shall such a permit be issued to a person who has been convicted of animal cruelty or neglect.

(4) In addition to the criteria and procedures established by the General Manager pursuant to Paragraph 3 of this subsection, all breeding permits shall contain the following terms and conditions:

A. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the General Manager is hereby authorized, upon application of a permittee, to allow on a one time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee establishes, according to regulations promulgated by the General Manager, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs or cats, the General Manager may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;

B. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks;

C. No offspring may be sold or adopted until immunized against common diseases. The sale or adoption of a dog or cat shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

D. Any holder of a breeding permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

E. Commercial establishments selling locally bred dogs or cats shall prominently display the breeding permit number(s) of the breeder(s) whose dogs and cats are sold in said establishments and any other pertinent information required by the General Manager; Commercial establishments selling dogs and cats which were not bred within the City of Los Angeles shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the General Manager;

F. Any breeding permit holder selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the Los Angeles Department of Animal Services the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer, on a Department approved form; and

G. Any breeding permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner City application(s) for a license and permit as well as written information regarding the license and permit requirements of the City of Los Angeles applicable to such animal.

(5) The following animals are exempt from the breeding permit requirements:

A. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

B. Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (e) & (f) and successor sections;

C. Dogs and cats certified by a licensed veterinarian as not being suitable subjects for spaying and neutering due to health reasons;

D. Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to the Department that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections; and

E. Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code.

(d) **Penalties:**

(1) Any cat or dog owner found by the Department to be in violation of the breeding permit provisions of this section may correct the violation(s) by providing conclusive proof to the Department that the dog(s) or cat(s) have been spayed or neutered, or by obtaining the necessary permit(s) mentioned in this section, no later than forty five days from the date when the Department had first notified the owner of the violation. Should the owner fail to correct the violation(s) in the manner described above, the Department shall impose a \$500.00 civil penalty on the dog or cat owner. Notice of this penalty shall be served by the Department on the dog or cat owner in the manner allowed by Section 11(i) of this Code. This penalty shall not be waived by the Department upon the transfer or abandonment of the dog or cat by the non compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

If the civil penalty mentioned above is not paid and the owner does not spay/neuter his/her dog(s) or cat(s) or obtains the breeding permit(s) required under Subsection (c), above, within fifteen days from the date when the Department first notified the owner of the imposition of the civil penalty mention in Section (d)(1), the continuing violation of the breeding

permit requirement of this section becomes a misdemeanor and may be prosecuted as such.

(2) The Department may revoke any permit issued pursuant to this section upon a finding that the permit holder has violated its terms and conditions. Such a finding shall be made after an administrative hearing conducted in accordance with the provisions of Section 53.18.5 of this Code; provided, however, that a finding by the Department's hearing examiner that such violation had occurred, if this finding is sustained by the General Manager, shall result in the permit's revocation, notwithstanding the provisions of Section 53.18.5(1) of this Code.

(3) Except as specifically mentioned in Subsection (d)(1) and (2), above, failure to comply with any of the requirements mentioned in Subsections (b) and (c) of Section 53.15.2 of this Code is an infraction punishable by a \$50.00 fine for the first occurrence, \$75.00 for the second occurrence and \$100.00 for each subsequent occurrence.

(e) Sale, Adoption and Other Transfers of Dogs and Cats:

(1) Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose to the transferee information regarding the license and permit requirements of the City of Los Angeles applicable to the transferred animal.

(2) No person shall present any dog or cat for sale, adoption, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a permit pursuant to Los Angeles Municipal Code section 53.50. The term public place shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This prohibition shall not apply to:

A. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

B. Permitted dog or cat shows; or

C. Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

(3) No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

(4) No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

(5) No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years, without the written permission of one of the minor's parents or legal guardians.

(6) Commercial establishments selling dogs and cats which were not bred within the City of Los Angeles shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the General Manager.

(7) Failure to display the breeding permit number or include it in any advertisement for sale, adoption or other transfer of dogs and cats is an infraction punishable by a \$50.00 fine for the first occurrence, \$75.00 for the second occurrence and \$100.00 for each subsequent occurrence.

(8) Possession of a valid permit under this section of the Code does not entitle the permit holder to engage in an activity which is otherwise prohibited by law.