

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.

(b) Intact Cats:

No person who owns a cat over the age of four months shall cause, permit, or allow such 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.

(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

LAMC through 2006 – Breeding & Transfer of Dogs & Cats

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.