



**OFFICE OF THE CITY ATTORNEY**  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

REPORT NO. R 0 8 - 0 0 2 8

JAN 29 2008

**REPORT RE:**

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE  
SECTION 53.15.2 (b) REQUIRING ALL DOGS AND CATS IN THE CITY TO BE  
SPAYED OR NEUTERED UNLESS EXEMPTED AS PROVIDED**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 07-1212

Honorable Members:

As requested, this office has prepared and is transmitting for your action the attached draft ordinance, approved as to form and legality. The draft ordinance amends Los Angeles Municipal Code (LAMC) Section 53.15.2 (b) by adding new Subdivisions (2) through (8), which would require all dogs and cats in the City of Los Angeles over four months of age to be spayed or neutered unless exempted as provided in the ordinance. It also provides that all intact dogs and cats must be implanted with an animal identification device.

The ordinance also establishes a temporary Spay/Neuter Advisory Committee (Committee) to advise the Board of Animal Services Commissioners on the impact of the new spay/neuter ordinance on the City's low-income residents.

The provisions of the ordinance will not become operative until October 1, 2008, in order to give the Department of Animal Services (Department) time to publicize the requirements and insure that sufficient resources are available to provide adequate spay and neuter services to the community.

**JAN 31 2008  
PUBLIC SAFETY**

### Background and Summary of Ordinance Provisions

By requiring that all dogs and cats be spayed or neutered, the proposed ordinance attempts to humanely decrease the tens of thousands of unwanted and abandoned dogs and cats that are discarded or euthanized every year.

The proposed ordinance exempts show dogs and cats that compete or are being trained or groomed to compete in competitions hosted by or under the approval of a registry or association recognized by the Department. It exempts working dogs, rescue dogs and service dogs, as well as cats and dogs that have a breeding permit from the Department, without regard to whether the animal is a purebred or mutt.

The proposed ordinance also allows a licensed veterinarian to determine the best time to spay or neuter a cat or dog under their care based on the health of the animal.

The ordinance does not provide for any increases to existing permit or license fees and no additional fees are created.

A person violating the spay/neuter law will be cited, provided with information regarding free and subsidized spay and neuter services, and given 60 days to comply. Failure to comply will result in a civil penalty in the amount of \$100 or the person shall be allowed to perform eight hours of community service in lieu of the penalty. If the owner fails to comply after an additional 60-day period, the penalty increases to a fine of \$500 or 40 hours of community service. After July 1, 2009, failure to pay the \$500 penalty or perform the 40 hours community service and/or failure to spay or neuter the dog or cat may be prosecuted as a misdemeanor.

Subdivision (8) establishes a Spay/Neuter Advisory Committee to advise the Board of Animal Services Commissioners on the impact of the new spay/neuter ordinance on the City's low-income residents, by, among things, reviewing the spay/neuter services, their quality, funding and any impediments to effective service. The Committee is to make recommendations and provide a written report to the Commission by March 15, 2009, and a final report by October 30, 2009. The Committee is to complete its work and dissolve by October 30, 2009.

At its meeting of January 28, 2008, the Board of Animal Service Commissioners adopted a report from the General Manager approving the proposed amendment to LAMC Section 53.15.2 (b). The Public Safety Committee also approved the draft ordinance on January 28, 2008, and requested that the City Attorney's Office prepare an ordinance amending Section 53.15.2 (b) of the Los Angeles Municipal Code.


Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services asking that the Department make any comments directly to the City Council when it hears this matter.

If you have any questions, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. Either he or another member of this office will be available when you consider this matter in order to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By   
CLAUDIA CULLING  
Special Counsel – Municipal

CC:DL:fa

ORDINANCE NO. \_\_\_\_\_

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,

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (b) of Section 53.15.2 of the Los Angeles Municipal Code is amended to read:

(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 365.5 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 60 days after the compliance deadline and the dog or cat is spayed or neutered within that 60-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 60-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.



Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
DOV S. LESEL  
Assistant City Attorney

Date Jan 29, 2008

File No. 07-1212