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EDWARD A. BOKS
General Manager

July 26, 2007

Honorable Los Angeles City Council
C/O Los Angeles City Clerk
200 North Main Street
Los Angeles, California 90012

Subject: ORDINANCE REGRDING ANIMAL SPAY, NEUTER AND BREEDING

Ladies and Gentlemen:

At its meeting of July 23, 2007, the Board of Animal Services Commissioners voted to request that the City Council direct the City Attorney to draft an ordinance and submit it to the Council, for approval, amending the Los Angeles Municipal Code (LAMC) Section § 53.00. et. seq., to allow the Department of Animal Services (Department) to spay or neuter any animals taken in or subject to enforcement and to require microchipping of any animal to obtain a valid breeding permit. It is further recommended that the City Attorney draft language to strengthen breeding and transfer regulation, and other related enabling modifications, all as described below.

At its meeting of June 7, 2007, the Board approved a report which responded to a motion introduced by Councilmembers Richard Alarcon and Tony Cardenas, seconded by Councilmember Janice Hahn for Councilmember Herb Wesson, Jr., to mandate the spaying and neutering of domestic cats and dogs in the City, with exception for licensed breeders (Council File 07-1212). The motion was an outgrowth of the Council's discussion on April 17, 2007, regarding support for California Assembly Bill (AB) 1634, the California Healthy Pets Act. The motion by Councilmembers Alarcon and Cardenas, however, intended for the Department to work on legislation that would more immediately and precisely impact the City's pet overpopulation crisis. In accordance with the Motion, the proposed ordinance is to be consistent with provisions of AB 1634 but adapted to the specific needs of Los Angeles, including an expanded program to assist pet owners earning less than 300% of the Federal Poverty Level to spay and neuter their pets.

The Board's action on June 7, 2007, directed staff to work with the City Attorney on preparation of the Ordinance, to include provisions that strengthened current breeding and transfer regulations, and to report back on progress and details of any proposed legislation. Also, on June 25, 2007, the Board held a field meeting at the East Valley Animal Care Center to take public comment on proposals for a City spay/neuter ordinance. Much of the comments were reflective of positions on AB 1634, but also provided important input to staff and the City Attorney. AB 1634 has passed the California State

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Assembly, and is pending for consideration by the Senate Local Government Committee. Efforts to educate on the Bill and to consider modifications are still underway.

Public input, learning that has come from the AB 1634 experience, and discussion among staff, the City Attorney, and other agencies, have all condensed to suggest Ordinance changes that specifically target areas of greatest need in dealing with animal issues. The recommended provisions to be included in the LAMC amendment are embodied under three major objectives:

Increase Spay/Neuter

Under any state-wide or local mandatory spay/neuter law, the Department would enforce the regulation in connection with other regular patrol and enforcement duties, for example but not limited to when a stray animal is picked up, when an animal is alleged to have attacked another animal or a person, or when a person is neglecting an animal or refusing to license it. These are the animals that are the greatest source of problems both in safety and pet overpopulation, because animals which are unsterilized are generally more aggressive and more likely to stray, and of course are able to obey their biological drive to reproduce. The majority of all animals involved in acts of aggression or which come into our care centers are not spayed or neutered.

Therefore, we propose to focus the first phase of a City of Los Angeles mandatory spay/neuter effort on those animals that are most critical to improving the City for animal and human safety. Specifically, LAMC would be amended to require that:

- Any animal which is redeemed by an owner, and is not otherwise spayed or neutered, must be spayed or neutered before it can be redeemed, or it must be forfeited to the Department, and would then be sterilized prior to adoption; and,
- Any animal that is subject to enforcement action, including license revocation hearings for excessive barking, or behavior that while not deemed dangerous was an attack on another human being or animal as a result of improper or negligent training, handling, and maintenance, must be spayed or neutered.
- The exception to the above would be in the case that an intact animal license and a breeder's permit were in full force and effect. In such cases, the first time an animal was impounded, it would be redeemed to the owner without sterilization. The second time it came in the system, however, the animal would be sterilized.
- A pregnant animal taken into a shelter, without an owner with a valid breeder's permit and intact license, will be spayed and the unborn animals removed, if medically safe. If not medically possible, the animals born will become property of the City, and the mother will remain impounded until the babies are weaned and ready for adoption. After that time, the mother will be spayed and returned to the owner, or placed for adoption.

A person redeeming an animal which is not spayed or neutered would, in addition to any other applicable fees, reimburse the full price to the City for the spay or neuter services, instead of the subsidized price.

This strategy responds to concerns about making sufficient low cost spay/neuter available in connection with any mandatory requirements. While disabled, senior, and low income animal owners will continue to have access to the City's many existing subsidized and free spay/neuter programs, those owners who need to sterilize their animals prior to redemption will be able to do so at the extraordinary low cost that the City pays directly to veterinarians (\$60 for males, \$68 for females). This would be in contrast to the typical price paid privately to veterinarians for spay/neuter, which is nowhere lower than \$100 and in most practices well over \$200. But by reimbursing the City's direct cost, we make low cost spay/neuter available with only a negligible cost to the City, to administer the spay/neuter program.

Animals which would be subject to this mandatory spay/neuter would be two months or older, which is consistent with the Vincent bill. Because any animal, properly maintained, permitted, and licensed, would not be subject to mandatory sterilization under this provision, the concerns over the optimum spay/neuter age for various categories of show dogs, purebreds, service dogs, and the like would be less of an issue.

Mandatory Microchipping

The Board has already acted to request a change in LAMC so that redeemed animals, like adopted ones, must be microchipped. For purposes of tracking animals that are intact and have a breeder's permit, we propose that the animal must be microchipped as a condition for licensing and permit. An intact animal picked up without a microchip will pay the higher, non-adoption fee for microchip implantation, currently at \$25 versus the adoption-related fee of \$15.

Strengthen Breeding and Transfer Regulations

The City was typically progressive when amending the LAMC in 2000 to add breeding and animal transfer provisions, and an altered/unaltered license differential to motivate increased voluntary spay/neuter of dogs. As the Department has implemented these regulations, embodied in LAMC 53.12.5, some vulnerability has become obvious.

There is no permit requirement for those who sell or broker the sale of puppies, kittens, dogs or cats that are not bred on their premises. This lack of a permit has crippled enforcement and resulted in thousands of unaltered and unidentified puppies and kittens being bred and sold without any breeder permit. There is no provision for controlling a seller who claims that the puppies or kittens were bred outside the City limits, and there are no provisions for inspection of the property before/after the permit is issued or even when there is evidence that offspring and probable parents are present on the property. All the seller has to say is that the dog or cat was bred outside of the City of Los Angeles and officers may be left without options for any enforcement activity. No verification or follow-up on the maintenance condition/verifiable identification of animals being bred or produced through breeding is included within the current ordinance.

Neither is there currently any mandate for those who engage in the cottage industry of "hobby" or backyard breeding to obtain a business license and tax permit as is required of all other in-home businesses. Thus the financial burden for thousands of pets intentionally bred for profit and often

subsequently impounded and euthanized falls entirely upon the taxpayers. A review of any edition of the L.A. Times classified ads will reveal the enormous number of puppies/kittens continually offered for sale by backyard breeders. There is a disincentive for participation in voluntary spay/neuter programs among those who purposefully breed purebred animals because of the untaxed, cash revenue they garner.

Therefore, we propose changes to LAMC 53.15.2 as follows.

- Establish as a parallel to the Breeder's Permit a Transfer Permit which would be required for all those who sell, broker the sale, or in anyway transfer animals for profit, which animals were produced outside the City of Los Angeles and imported into the City for sale or are advertised for sale from a location within the City limits. This permit must also require that such animals are microchipped and licensed.
- Add requirements that any person with a Breeding or Transfer Permit also acquires appropriate state and local business and sales tax permits and licenses and complies with all tax laws and regulations.
- Breeding permits are to be required whether the production of offspring results from sexual activity or artificial insemination and whether or not such sexual activity was intended by the owner.
- Allow inspections of permitted breeding premises.
- Prohibit breeding of animals for fighting and allow revocation of permits upon evidence that breeding is for the purpose of fighting.

To recap, tens of thousands of pets are born each year in Los Angeles unwanted and abandoned. Left un-spayed and un-neutered, these animals propagate far beyond the capacity of the local animal care centers, animal rescue groups, and the community to accommodate them. Neighborhoods deal with roaming and sometimes dangerous animals while the Department grapples with the pressure to euthanize some animals to make room for more. The financial cost to taxpayers, and the emotional toll suffered by Department employees and the communities who take care of these animals, are extremely high. The recommendations above represent a prudent first step in dealing with this crisis and making a positive difference in our City.

FISCAL IMPACT:

The Department already manages a \$1.2 million spay/neuter program, redeems animals back to their owners at an unprecedented rate, processes licenses and permits, and handles animal-law enforcement and administrative hearings. The changes recommended would have minor costs related to perform a few additional steps to existing functions, but would be offset over time as the number of animals and animal-related calls dropped when more animals are unable to reproduce.

Sincerely,



Edward A. Boks
General Manager

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Animals Subject to Enforcement &
Revisions to LAMC § 53.0 et.seq.
July 26, 2007
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EB:LB:RP

cc: Dov Lesel. Deputy City Attorney
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