

TRANSMITTAL

To:

THE COUNCIL

Date: MAR 25 2010

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.



ANTONIO R. VILLARAIGOSA
Mayor

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ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

KATHLEEN J. DAVIS
INTERIM GENERAL MANAGER

LINDA J. BARTH
ASST. GENERAL MANAGER

OFFICE OF THE MAYOR
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CITY OF LOS ANGELES

February 24, 2010

Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 303, City Hall
200 North Spring Street
Los Angeles, California 90012

Subject: Amending the Los Angeles Municipal Code to Expand the Ban on Sales of Animals
to Include Banning Purchase

Dear Mayor Villaraigosa:

At its meeting of February 23, 2010, the Board of Animal Services Commissioners (Board) voted to request that the Mayor, and subsequently the City Council, direct the City Attorney to amend the Los Angeles Municipal Code (LAMC) Section 53.42 to augment as necessary and appropriate all current prohibitions on the sale or giving away of animals on public streets and/or sidewalks with a prohibition on purchasing, or receiving without cost, animals under the same circumstances currently enumerated in Section 53.42

The sale of animals, either as a business or a method for dispersing litters of puppies or kittens born to household pets, is all too commonplace in Los Angeles (as it is in many communities). It also can contribute to the proliferation of homeless or unwanted animals ending up in public animal shelters. Additionally, the dogs, cats, rabbits, turtles, lizards, birds, and other types of animals peddled in these contexts sometimes are subjected to substandard care, lack of food and/or water, and exposure to harsh weather conditions.

Such sales currently are prohibited in various outdoor locations (LAMC 53.42) and in commercial outlets (pet shops) without certain permits (LAMC 53.15.2(e)(2) and 53.50). Additionally there are specific state and federal regulations prohibiting sale of animals less than four months of age and young turtles; others protect both animal and human health and safety (U.S. Code of Federal Regulations, Chap. 1, Sec. 1240.62; California Code of Regulations Sec. 2612.1). These animal sellers rarely comply with any existing permit requirements or tax laws.

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At the February 9, 2010, Board meeting, Commissioner Kathy Riordan introduced a motion to add a prohibition on buying animals in the same outdoor locations where sales are currently prohibited under Section 53.42, thereby enhancing the enforcement by specifically rendering both sale and purchase illegal.

This recommendation is one outcome of continuing efforts in Los Angeles to eliminate such sales. On October 9, 2007, representatives of the Department, the Los Angeles Police Department and the office of the City Attorney discussed the issues associated with ongoing efforts to enforce City laws pertaining to animal sales with the Board. Subsequently, a multi-agency Illegal Animal Sales Task Force was formed comprised of LAPD, the City Attorney, the District Attorney, the County Department of Public Health, the Downtown Fashion District Business Improvement District, Council Districts 1 and 9 and the Mayor's office.

On August 24, 2009, the Board devoted its entire meeting agenda to a discussion of the illegal animal sales issue and concluded with a unanimously supported recommendation that LA Animal Services, LAPD, the City Attorney and the District Attorney continue to pursue remedies to address the difficult problems associated with enforcement against such sales.

Since then LAPD, the City Attorney, the District Attorney, the Animal Cruelty Task Force, and the Mayor's office have been regular participants in an ongoing effort to step up enforcement at both Santee Alley and Ocean Front Walk in Venice. Arrests have been made at both locations since the Board's last hearing on the topic.

One early recommendation of the Illegal Animal Sales Task Force – to develop and post signs in targeted locations alerting the public about laws regulating animal sales – was memorialized in a motion (CF 09-0632) introduced by Councilwoman Jan Perry on March 24, 2009, calling for the posting of such signs in Santee Alley. Action on this motion is still pending due to jurisdictional concerns and budget constraints. However, opportunities recently have arisen to get such signs manufactured and posted with outside assistance.

The Task Force considered the educational potential for such signs for alerting the public to the applicable laws and enhancing opportunities for law enforcement officials to act. It was determined that the existing ban on outdoor sales was insufficient to discourage unaware members of the public from continuing to be unwitting accomplices in supporting illegal sales. A ban on purchasing animals in the same outdoor public locations cited in LAMC 53.42's ban on sales was deemed a necessary complement. Such information could then be disseminated to the public on signage and by other means so that the City could improve its effort to discourage the market for illegally sold animals.


Participation to date in the strategies noted above has been handled as a component of daily enforcement responsibilities. For the foreseeable future, this work will continue to be handled in balance with other crucial enforcement activity. However, success in reducing illegal animal sales will likely produce some savings to the Department over time, as we would see fewer impoundments of animals in general and lessening of dog and cat overpopulation with reductions in pets sold outside official processes remaining unsterilized.

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Amending Section 53.42 to ban the purchase of animals in various public locations will enhance enforcement activities without substantively impacting Department expenditures. The posting of signage to alert the public to the subject Codes is a separate matter whose costs will be considered in another context.

It is therefore requested that the aforementioned recommendation be forwarded to the Council for their consideration. If you require additional information regarding this action of the Board, please have your staff call Ms. Linda Barth, Assistant General Manager, at (213) 482-9558 or Ross Pool, Management Analyst II, at (213) 482-9501.

Sincerely,


Kathleen J. Davis
Interim General Manager

KJD:LB:RP

cc: Gerry L. Miller, CLA
Jim Bickhart, Office of the Mayor
Dov Lesel, Assistant City Attorney
Christopher Bishop, CAO
Linda Barth
Ross Pool
File