

TRANSMITTAL

To:

THE COUNCIL


Date:

FEB 17 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

February 10, 2010

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

Subject: Penalties for Violation of Proposed Animal Transfer Permit Requirements

Dear Mayor Villaraigosa:

At its meeting of February 9, 2010, the Board of Animal Services Commissioners (Board) voted to request that the Mayor, and subsequently the City Council, direct the City Attorney to include in the ordinance creating an Animal Transfer Permit that violators may be prosecuted as an infraction subject to criminal penalty, or subject to a civil penalty of \$250 for the first violation and \$500 for the second violation, or be prosecuted as a misdemeanor.

At the meeting of November 13, 2007, the Board approved forwarding to the Mayor and City Council a recommendation to amend Los Angeles Municipal Code (LAMC) Section 53.15.2 to establish as a parallel to the Breeder's Permit an annual Transfer Permit which would be required for all those who sell, advertise for sale, broker the sale, or in anyway transfer for compensation or otherwise, any animal in the City of Los Angeles regardless of where the animal was bred. This permit would also require that such animals are micro-chipped and that name and address information be provided to the Department for persons taking transfer of dogs for licensing, and that appropriate business and tax permits be obtained by persons transferring animals.

The Mayor endorsed the recommendations and the City Council acted on September 16, 2008, to direct the City Attorney to prepare an ordinance that would amend the LAMC as recommended. The Council's action also directed that the ordinance include a prohibition against issuing permits for persons transferring animals that would be used for fighting, and that rescue groups would be exempted (Council File 08-1945).

Exact fees for a Transfer Permit and fines for failure to obtain a Transfer Permit were not specified in the original recommendation, but were described as being parallel to existing Breeder's Permit fees and fines. Violations of the Breeder's Permit provisions require

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sterilization of the breeding animal, eventually becoming a misdemeanor for failure to sterilize. Therefore, when the City Council acted to approve the recommendation for the Transfer Permit they included the direction that violation be treated as a misdemeanor. As the Department staff and interested members of the public have discussed plans for implementation, however, it has become clear that the Department would be best able to enforce the requirements by means of the typical escalating penalties, and with misdemeanor prosecution for continuing violation. In practical terms, for example, a person may post an advertisement in a local pet store for sale of an animal, which as a first offense particularly is a violation more promptly and effectively handled as a civil penalty, rather than awaiting City Attorney availability to prosecute as a crime.

The specific language to effectuate the penalty should be subject to technical changes by the City Attorney.

The purpose of the Transfer Permit is to improve the City's control of the population of animals coming into the City both as a tool to decrease pet over-population and to safeguard against inhumane or improper treatment of animals sold or transferred. Some revenue will accrue to the Department with the Transfer Permit program, but the proposed civil penalties are aimed at insuring compliance, not increasing revenue.

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

Attachment

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