

ORDINANCE NO. 181353

An ordinance adding Subdivisions (9), (10), (11) and (12) to Subsection (e) of Section 53.15.2, Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to require an annual transfer permit in order to sell, advertise for sale, barter, broker the sale, or in any way transfer for compensation or otherwise, any animal under the age of six months in the City of Los Angeles.

WHEREAS, the City utilizes a breeder's permit to regulate the breeding of dogs and cats within the City;

WHEREAS, a transfer permit will strengthen measures to protect animals six months of age or younger by allowing the Department of Animal Services to regulate the sale of young animals in the City, protect public health and reduce pet overpopulation, reducing the number of dogs, cats and other animals entering the City shelter system every year; and

WHEREAS, the transfer permit also would require that pet sellers have appropriate state and local business sales tax permits and licenses.

NOW, THEREFORE,

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

Section 1. Subdivisions (9), (10), (11) and (12) are added to Subsection (e) of Section 53.15.2 of the Los Angeles Municipal Code to read as follows:

(9) No person shall sell, offer or advertise for sale or adoption, barter, transfer or broker the transfer or sale for compensation or otherwise, any dog, cat or other animal under the age of six months within the City of Los Angeles, without first obtaining a **transfer permit**. This requirement shall not apply to: (i) pet dealers who conform to the provisions of California Health & Safety Code Section 122125-122220 or pet stores or other commercial establishments permitted to sell or transfer dogs and cats and who are regulated by the Department; (ii) governmental agencies; (iii) non-profit animal rescue organizations exempt from taxation under Internal Revenue Code Section 501(c)(3) that do not breed animals, are registered with the Department and comply with the rules and regulations of the Department, including early age spaying and neutering; (iv) humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of the California Corporations Code Section 10400 and the Non-Profit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110; or (v) a person who has a valid breeding permit from the Department and is selling or transferring a puppy or kitten pursuant to the breeding permit.

(10) The term **transfer permit** means a written authorization issued annually in accordance with the permit process established in Sections 53.50 and 53.58, giving the permit holder permission to sell or transfer for compensation or otherwise, animals under the age of six months including dogs or cats. Each holder of a transfer permit shall pay an annual fee of \$120.00 or an amount as revised by the Board of Animal Services Commissioners and approved by the City Council, and abide by the rules and regulations promulgated by the General Manager, including but not limited to limitations on the number of animals that may be transferred annually.

(11) In addition to the criteria and procedures established by the General Manager and such information as the General Manager shall request, the permit holder shall:

A. Prominently display the transfer permit number for the sale, adoption, or transfer of any animal under the age of six months, in any advertisement including but not limited to newspapers, newsletters, flyers, magazines or other publications, electronic media, internet or the posting of signs;

B. Certify that he or she is over the age of eighteen years and has not been convicted of animal cruelty or neglect;

C. Provide to any person who purchases, adopts or receives an animal under the age of six months a statement signed by the permit holder attesting to the signatory's knowledge of the animal's health and immunization history, and include a copy of the City's license and permit requirements. The transfer permit number must appear on the sale or transfer document;

D. Provide the Department with the name, address and contact information for the breeder(s) and other source or origin of the animal, as well as the location at which the animal is located or will be kept if different from the address on the transfer permit;

E. Agree not to transfer a dog or cat until it has reached the age of eight weeks, has been weaned, micro-chipped, immunized against common diseases, and in the case of a dog four months of age or older, has received its rabies vaccination. Proof of the rabies and other vaccinations shall be provided to the new owner;

F. In the case of the sale, adoption or transfer of a dog, submit to the Department the name, address and telephone number of the new owner along with the micro-chip information on a Department approved form within five (5) days from the date of sale or transfer;

G. Agree not to transfer any dog, cat or other animal under the age of six months to any minor under the age of eighteen years;

H. Agree not to knowingly sell or transfer an animal for use in dog or animal fighting or in any other illegal activity;

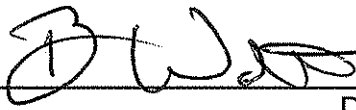
- I. Obtain a City business license and if applicable, a seller's permit or license and/or resale and tax identification number from the State Board of Equalization or any other required license or permit; and
- J. Comply with all tax laws and regulations.

(12) A violation of the transfer permit provisions of this Section may be prosecuted as a misdemeanor or an infraction or punishable by means of an administrative citation. Failure to comply with the terms and conditions of the transfer permit and applicable law shall also be grounds for the revocation or suspension of the transfer permit.


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 OCT 5 2010.

JUNE LAGMAY, City Clerk

By  Deputy

Approved OCT 13 2010

 Mayor

Approved as to Form and Legality:

CARMEN A. TRUTANICH, City Attorney

By 
DOV S. LESEL
Assistant City Attorney

Date 7/19/2010

File Nos. 08-1495 & 10-0290