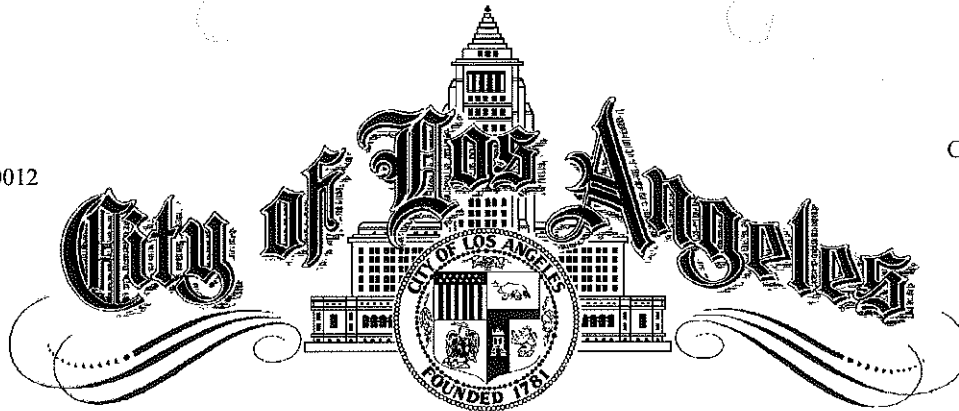


City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT RE: R 10 - 0 1 8 6

JUN 24 2010

REPORT RE:

**BUDGET RELATED DRAFT ORDINANCE AMENDING SECTION 53.15.3 OF THE
LOS ANGELES MUNICIPAL CODE TO INCREASE THE DOG LICENSE FEES
CHARGED AND COLLECTED BY THE DEPARTMENT OF ANIMAL SERVICES
FOR ALTERED DOGS FROM \$15.00 TO \$20.00**

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. 10-0600

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality. The draft ordinance would amend Section 53.15.3 of the Los Angeles Municipal Code (LAMC) to increase the dog license for altered dogs from \$15.00 to \$20.00.

Background and Summary of Ordinance Provisions

The fee amount for an altered dog will be increased from \$11.50 to \$16.50, which, when added to the license tax of \$3.50, will increase the tax and fee for an altered dog from \$15.00 to \$20.00, as requested.

Fee Notice Requirement

We note that because this ordinance would effectuate increases in existing fees, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services and the City Administrative Officer, asking that the Department direct any comments that they may have directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:DSL:fa
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 53.15.3, Article 3, Chapter V of the Los Angeles Municipal Code (LAMC) to increase the cost of a license for an altered dog from \$15.00 to \$20.00.

WHEREAS, State law allows the City to collect a license fee to recover the cost of dog-related services;

WHEREAS, the Department of Animal Services (Department) currently charges \$11.50 in fees in addition to the \$3.50 tax for a total of \$15.00 to license an altered dog; and

WHEREAS, the \$5.00 increase in fees from \$11.50 to \$16.50, along with the existing \$3.50 tax will increase the total cost to license an altered dog to \$20.00, which is still significantly less than the cost incurred by the Department for the care, feeding and handling of an altered dog.

NOW THEREFORE,

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

Section 1. Section 53.15.3, Article 3, Chapter V of the Los Angeles Municipal Code is amended to read as follows:

(a) Any person owning or having custody or control of any dog shall pay, in addition to a license tax, a fee in the sum of \$91.50 for the processing and related costs of issuance of a dog license, except that for spayed female or neutered male dogs, or any dog certified by a licensed veterinarian to be incapable of breeding or being bred, a fee of \$16.50 shall be paid. The provisions of Section 53.15 of this Code with respect to eligibility for the lower license tax specified there shall be equally applicable to eligibility for the lower fee specified in this Section. Any person exempt under the provisions of Section 53.15 of this Code from paying the license tax, shall be exempt from paying any license fee imposed by this Section. License fees shall be paid annually or biannually on the expiration date of the license at the same time and in the same manner as the license tax. In the event any dog license fee required by this Section is not paid within 45 days from the date of expiration of any previously issued dog license, or within 45 days from the date of mailing of notice to secure a license to the owner or custodian of any previously unlicensed dog, the following penalties shall apply:

(1) If the owner fails to obtain the license required in this Section, upon the expiration of the 45 days compliance period mentioned above, the Department

shall impose a \$500.00 civil penalty on the owner. Notice of this penalty shall be served by the Department on the dog owner in the manner allowed by Section 11.00 (i) of this Code. This penalty shall not be waived by the Department upon the transfer or abandonment of the dog by the non-compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

(2) If the civil penalty mentioned in Subsection (a)(1) above, is not paid, and the owner fails to obtain the license required under Subsection (a) of this Section within fifteen days from the date when the Department first notified the dog owner of the imposition of the civil penalty mentioned in Section (a)(1) above, the continuing violation of the license requirement of this Section becomes a misdemeanor and may be so prosecuted.

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 _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality:

CARMEN A. TRUTANICH, City Attorney

By  _____
DOV S. LESEL
Assistant City Attorney

Date 6/18/2010

File No. CF 10-0600