

urgent

f a c s i m i l e

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Pages: 6
Date/Time: 8/23/2010 12:51:29 PM
Subject: Rebttal #2 of Daugherty's Protest #2

Please insert in file 10-0982, proposed increase in number of animals owned.

Edward Muzika, Ph.D.
8956 Geysler Ave., Northridge, CA 91324

Eric Garcetti
Paul Koretz
Robert Rosendahl
Ed Smith
%John White

Dear Sirs:

Re: Proposal to increased number of animals owned. Please insert in Council File #10-0982

On August 11, 2010, Phyllis Daugherty submitted a second protest of the proposed legislation to raise the pet limit from 3 dogs and 3 cats, to 5 dogs and 5 cats.

Her second protest has been submitted, and this letter is a rebuttal of that second protest.

Much of her second protest is a list of LA County municipalities wherein she alleges what the pet limits are. She stated she got the information via the municipalities' websites or by phone call. She also lists false information for Santa Monica which I will discuss below.

I have not been able to duplicate much of Phyllis Daugherty's information as available from websites or phone calls at this time, leading me to question her figures credibility. However, she is totally in error in her report regarding the situation in Santa Monica, and has provided you with misinformation regarding that city's pet limits, this undermining the credibility of any of her assertions as to fact. I will leave this to a bolded discussion at the end of this letter.

However, I will note that once again, her arguments are neither reasonable nor rational, in the sense she creates multiple worst-case scenarios to support her objections to raising the pet limits, while also stating over and over, that there is no guarantee that raising the limits will have good effect for the animals. There is no guarantee on anything in life, including the effects of legislation, so this is not a rational or credible argument against this legislation.

Daugherty Protest #2:

ANIMAL ISSUES MOVEMENT (213) 413-6428/413-SPA Y(PH/FAX) animalissu@aol.com

August 11, 2010

Honorable Councilmembers:

C F #10-0982 – OPPOSITION to Increased Animal Limits (dog cats) in the City of Los Angeles

Attached is a chart showing the animal limits of cities/jurisdictions in the immediate Los Angeles area and is submitted as a part of this file, which has been referred to LA Animal Services, the CAO and CIA. (Updated on 8/11/10 to add West Hollywood.)

Increasing the legal limit of dogs, in particular, to this number would have a serious impact on the quality of life for both animals and humans in the community and also a negative impact on property values throughout the City, and we believe it should be opposed. It must be remembered that most pets are unaltered. Here are some of the concerns that have been expressed to Council and committees and in opposition by members of the public through the media:

(Comment by Ed M.: This is pure speculation on Phyllis's part, with no proof other than specious arguments with no evidence to back them.)

- Animal safety will be endangered by "pack" behavior by dogs, which commonly develops when they are in large multiples.

(Comment by Ed M.: Again, pure, unproven speculation. She also has not shown how a 5 dog pack behavior would be any more violent than a 3 dog "pack.")

- Barking/noise will be increased, not only within each residence which increases the number of pets, but throughout the community, because barking is "contagious." (One of the most frequent causes of dog barking is the presence of cats or squirrels in their sight.)

- Cats may be allowed to roam and create a nuisance on surrounding properties (including health/waste issues.)

(Comment by Ed: This is already the case and is a separate issue. However, implicit in her argument is the idea that many or most people will increase the number of cats and dogs owned just because the limit is raised. Santa Monica has no indoor pet limit, but there is no evidence this has led to a huge number of households having large numbers of cats or dogs.)

- Emergency services and public-service personnel will be impaired from entering properties.

(Comment: Is this a rational argument? Three dogs do not present an entrance impairment, but five do?)

- Law-enforcement officers may face increased danger from aggressive-breed dogs maintained to protect criminal activity locations,

(Comment: "may face" is a hypothetical. They already may face similar problems now with a 3 dog limit.)

- It is reasonable to assume attacks by escaping dogs will increase.

(Comment: It may be a reasonable assumption, but only if you can prove that it is currently a large problem that will be made "Much" worse because "everybody" has now increased the number of dogs they have to 5.)

- Sanitation/odor problems can be created by this large number of animals.

(Comment by Ed M.: Again, a hypothetical problem. "Can be created." Again, this already "can be the case with a 3 cat limit or even 1 cat." This is a separate issue.)

- Parasite/disease control (including airborne/contagious diseases) will increase.

(Comment: Wow!! Let me see her proof for this one. Here she does not say "Can be," she says "Will be.")

- There will be increased risk for children, adults and motorists from unconfined dogs in the community and streets because of the difficulty of properly controlling/confining this number of animals. (We do not have fencing requirements specific to dogs.)

(Comment: This is another bogus, hypothetical issue. If the problem will exist for 5 dogs and cats, it will exist for 3. Unconfined dogs are already illegal. This is an enforcement issue.)

- Most pets in Los Angeles are not altered (spay/neuter ordinance is enforced only on complaint) and this could create increased accidental/intentional breeding in many backyards—creating, in essence, numerous "kennels" in residential zones.

(Ed M. Comment. I do not believe "most pets in Los Angeles are not altered. In any event, we now have a mandatory S/N law on adult cats and dogs.)

- There is no guarantee that dogs/cats in these large numbers can live together without serious injury to each other.

(Ed M. This is nonsense. The proof is in the pudding, as I know many people with more than 5 cats or dogs. Sometimes precautions need to be taken. And of course, there is no "guarantee." Nothing is guaranteed, but to assume the worst is not logical, but shows a profound bias.)

It is an unnecessary and unwise proposal to place this large number of pets per residence and per block throughout the City, where many lots are less than 4,000 sq/ft. Some pet owners exceed the three dog/three cat limit already and there is no problem and no complaint; thus, no action is taken by the City, so there is really no compelling reason to increase the allowance for ALL pet owners to five dogs (or ten total dogs and cats) per resident.

(Ed's Comment: The compelling reason is that such an increase will allow people with 2-3 cats or dogs to adopt more from the shelters, which they cannot do now without violating the law, whether enforced or not.)

There is no guarantee that this will increase adoption of shelter animals as indicated in the motion; and, because the majority of those who relinquish animals to city shelters report it is because they cannot afford care, there is

no reason to assume that having more animals will guarantee greater quality care and longer retention.

(Ed's Comment: Of course there is no guarantee. Phyllis uses this argument a lot, but there is no "guarantee" either that people with 3 dogs or cats will not adopt an extra animal or two.

The current G.M. of animal services, Brenda Barnette has stated on facebook, that:

"In communities where pet limits have increased, shelter deaths have decreased and there has been no increase in hoarding or dog bites that I can find. On the surface it looks like more lives saved and more licensing revenue and both seem like the right answers.")

DOG & CAT LIMITS (Cities surrounding Los Angeles.) A few jurisdictions allow more animals with a kennel permit; however, the City of Los Angeles requires kennels to be 500 feet from any residence) Note: Information obtained by phone calls to AC or Code Enforcement or by visiting websites (August 2010).

(Ed's Comment: I have not been able to duplicate any of Phyllis' findings on pet limits in surrounding cities by searching on the Internet the M.C. or animal control sites of each except for West LA. I will begin a phone search Monday.)

TOTAL NO. OF DOGS/CATS ALLOWED PER PROPERTY

(COMMENT BY ED M. Phyllis then provides a chart with the city name on the left and pet limits on the right. However, I could not cut the list of cities to put it next to the limits. However, she supplies a long list of cities in the County with very small combined pet limits. I could not duplicate her findings by looking at websites of any of the locations she cites, although, so far, I have checked only 4. However, she specifically cites Santa Monica, a community where I lived for 23 years, and she says regarding that city:

Phyllis:

SANTA MONICA - Although they have no limit in their MC, their City Attorney advises them they can implement the LA County limits automatically: Three (3) dogs/three (3) cats.. (Santa Monica requires a kennel permit and city business license for anyone having above the "average" number of pets.)

(Ed's Comment: I have called animal Control there twice. Currently they have no director. I talked to Officer Stan Hernaki who has worked at the shelter there for over 20 years. He states currently Santa Monica HAS NO LIMITS ON THE NUMBER OF INDOOR CATS OR DOGS.

THERE IS NO KENNEL LAW FOR PEOPLE WITH AN "ABOVE AVERAGE" NUMBER OF ANIMALS. The term "kennel" refers only to those who keep dogs as part of a business, such as a breeder, veterinarian, retail store, boarding home, etc. There are no kennel requirements or business license for residents regarding their own

animals. Phyllis just made this up, which decreases the credibility of all the information she has supplied.

However, Hernacki did tell me that as a result of some phone calls on the issue, the City manager has initiated a review process regarding limits on animals in Santa Monica. He stated it could be that the review process in Los Angeles, plus the calls they have received from Phyllis, have led S.M. to begin a review process of their own.

However, I have just emailed my good friend Kevin Mckeown, a councilmember of 12 years who I recently talked to, as well as Marsha Moutrie, the City Attorney who I have known since 1997, to see if anything Phyllis Daugherty wrote about Santa Monica's limits is true.

COUNTY OF L.A. Three (3) dogs and three (3) cats. (In unincorporated areas, county owners can have up to five cats if they're all spayed or neutered and live inside." (This requires a vet examination or sterilization certificate for each cat, plus they must have rabies shots.)

ORANGE COUNTY Animal permits required

You are allowed no more than 3 dogs and 3 cats over 4 months of age per residence. If you have more than that you need to apply for an animal permit.

(Ed's comment: which seems to mean that more than 3 each are allowed with a permit.)

<http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=10-0982>

John White at (213) 978-1079.