

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to the matter of Daugherty v. City of Los Angeles and implementation of Ordinance No. 182309.

Recommendation for Council action, pursuant to Motion (Koretz - Huizar):

REQUEST the City Attorney to review the matter of Daugherty v. City of Los Angeles (BS147723) and make recommendations to City Council on how the City should proceed in regard to the implementation of Ordinance No. 182309.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On September 2, 2015, your Committee considered a Motion (Koretz - Huizar) relative to the matter of Daugherty v. City of Los Angeles (BS14723) and implantation of Ordinance No. 182309. According to the Motion, on October 31, 2012, Council adopted Ordinance No. 182309 (Council File No. 11-0754) to add Section 53.73 to the Los Angeles Municipal Code (LAMC) which would prohibit the sale of commercially bred dogs, cats and rabbits in pet stores. Additionally, Council requested the City Attorney to draft an Ordinance modifying the definition of kennel and pet shop in the LAMC to clarify that a pet shop need not obtain a kennel permit to comply with the new Ordinance.

On October 24, 2013, the draft Ordinance was submitted to the Personnel and Animal Welfare Committee and Ordinance No. 182816 with the above changes was adopted by Council on December 11, 2013 (Council File No. 11-0754-S1). Ordinance No. 182816 amended the definition of cat kennels, dog kennels and kennels found in LAMC Section 53.00 to explicitly exclude "pet shops" and "pet stores" (pet shops) and amended the definition of pet shops to allow for the housing of adult animals for sale without being considered a kennel.

Additionally, the matter was also referred to the Planning Department which issued ZA-2013-3104-ZAI on October 30, 2013 (ZAI). The ZAI clarified that the definition of kennels found in LAMC Section 12.03 that excludes pet shops that operate expressly in compliance with LAMC Section 53.00 and are lawfully permitted by the Department of Animal Services (DAS).

On February 10, 2014, a Writ of Mandate petition (BS14723) was filed in the case of "Daugherty v. City of Los Angeles" seeking to invalidate the ZAI and Ordinance No. 182816. The Los Angeles Superior Court upheld Ordinance No. 182816, but issued an order on May 27, 2015, directing the City to rescind the ZAI. In its ruling, the Court stated that the "City of Los Angeles Zoning Administrator's Interpretation which excludes 'pet shops' from the definition of 'kennels' set forth in LAMC Section 12.03 (No. ZA-2013-3104-ZAI) exceeds the Zoning Administrator's authority and is thus an abuse of discretion.

In light of the invalidation of the ZAI and in order to clarify that a pet shop need not obtain a kennel permit to comply with the new ordinance, the Planning Department should be directed to work with the City Attorney's Office to develop a methodology to address the zoning status of pet shops that operate in compliance with LAMC Section 53.00 and are lawfully permitted by the DAS. This may

include a draft ordinance amending the definition of kennels found in LAMC Section 12.03.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
RYU:	YES
HARRIS - DAWSON:	YES

ARL  
9/2/15

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**