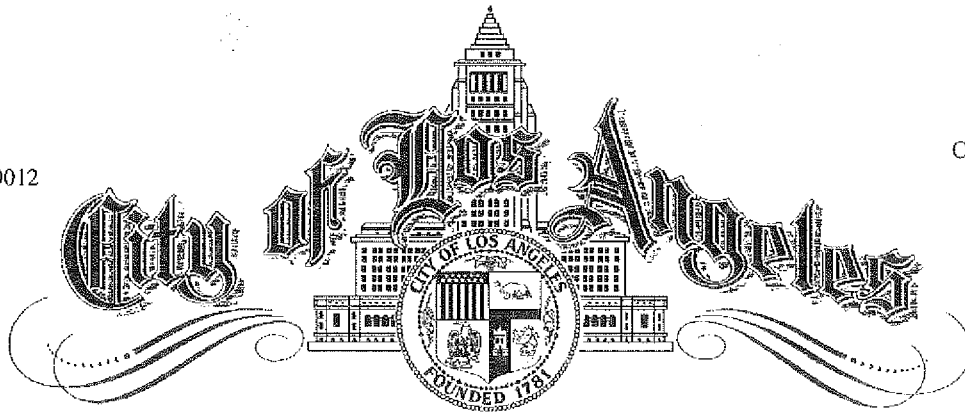


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 2 - 0 2 6 1
AUG 0 9 2012

REPORT RE:

**DRAFT ORDINANCE PROHIBITING THE SALE OF COMMERCIALY BRED
DOGS, CATS AND RABBITS IN PET STORES**

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. 11-0754

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The ordinance would add Section 53.73 to the Los Angeles Municipal Code (LAMC) to prohibit the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishment in the City of Los Angeles.

Background and Summary of Ordinance Provisions

The ordinance will make it unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City, or a non-profit rescue organization registered with the Department of Animal Services.

A violation of the new Section may be prosecuted as a misdemeanor. An administrative citation penalty has been added to permit the Section to be enforced with

penalties in the amount of \$250 for the first violation, \$500 for the second violation and \$1,000 for the third violation.

The ordinance will be operative on July 1, 2012, and expire (sunset) on June 30, 2015, unless extended by ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38 to the Department of Animal Services asking that they make 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:pb
Transmittal

ORDINANCE NO. _____

An ordinance adding Section 53.73 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to prohibit the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments in the City of Los Angeles.

WHEREAS, the sale of commercially bred dogs, cats and rabbits contributes to the proliferation of homeless or unwanted animals that end up in public animal shelters; and

WHEREAS, prohibiting the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments may lower the City's euthanasia rate and lead to a greater adoption rate of shelter animals.

NOW THEREFORE,

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

Section 1. Section 53.73 is added to Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

**Sec. 53.73. SALE OF COMMERCIALY BRED DOGS, CATS AND
RABBITS IN PET STORES - PROHIBITION**

It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services. For purposes of this Section, rescue and humane organizations are defined as California non-profit corporations that are exempt from taxation under Internal Revenue Code Section 501 (c) (3), participate in early age spay/neuter of animals, comply with State and local laws regarding the humane treatment of animals, and whose mission and practice is in whole or in significant part the rescue and placement of dogs, cats or rabbits.

A violation of this Section may be prosecuted as a misdemeanor. A violation of this Section also may be enforced by means of an administrative citation and penalty in the amount of \$250 for the first violation, \$500 for the second violation and \$1,000 for the third violation.

The ordinance will take effect July 1, 2012 and expire on June 30, 2015, unless extended by ordinance.

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 8/7/12

File No. CF 11-0754