

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your

PERSONNEL AND ANIMAL WELFARE

Committee

reports as follows:

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT and ORDINANCE relative to the addition of 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.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE, dated September 10, 2012, which would add Section 53.73 to Article 3, Chapter 5 of the 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.
2. REQUEST that the City Attorney work with the Department of Animal Services to incorporate additional recommended changes relative to the definition of kennels at the beginning of Section 53 of the LAMC.

Fiscal Impact Statement: None submitted by the City Attorney. 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 October 2, 2012 the Personnel and Animal Welfare (PAW) Committee considered a City Attorney report and a revised draft ordinance relative to the addition of Section 53.73 to Article 3, Chapter 5 of the 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. As instructed, the ordinance includes an exception for dogs, cats and rabbits that were 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 which also may include a penalty in the amount of \$250 for the first violation, \$500 for the second and \$1,000 for the third.

The draft ordinance was revised to adhere to Council's instruction that the ordinance commence six months after the effective date and expire three years from its implementation date. The first draft ordinance submitted by the City Attorney, dated August 7, 2012, did not meet that instruction and was continued by the PAW Committee on August 21, 2012. The revised draft ordinance, dated September 10, 2012, will become operative six months after its effective date and expire on June 30, 2016, unless extended by ordinance.

During the discussion of this item, a representative from the Mayor's office encouraged the Committee to request that the City Attorney add language to the draft ordinance to resolve a problem that has very recently arisen relative to the citation of pet shops that would be operating on the model that the ordinance creates due to permitting difficulties currently associated with obtaining kennel permits in commercial zones. Under the current codes, even though a pet shop can be in a commercial district, those shops that feature adult animals, which are the ones that are most likely to die in a shelter, would also be required to obtain a kennel permit; and a kennel permit cannot be obtained without going through the cumbersome conditional use permitting process. This requirement has the potential to force pet shops out of retail districts where they would have the best chance at being successful.

It was suggested that the simplest way to resolve this is by altering the definition of kennel at the beginning of Section 53 of the LAMC, so that its description of the uses of a kennel are compatible and comparable to those contained in Section 12.17.5 B 4 (o) of the LAMC, where the need for a conditional use permit for kennels outside the industrial zones is spelled out. By doing this, the new business model for pet shops that calls for them to get their animals, including adult dogs, from shelters and rescues would be more feasible. At the same time, it would not be any easier for boarding kennels to locate outside of industrial use areas. Without such a change, the Department of Building and Safety is more than likely going to continue requiring pet shops to also obtain kennel permits.

After additional public comment, the Committee recommended approval of the ordinance and that the City Attorney be requested to work with the Department of Animal Services to incorporate the additional recommended changes mentioned above. 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
ALARCON	ABSENT
ZINE:	YES

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- Not Official Until Council Acts -