

ORDINANCE NO. 182605

An ordinance amending Section 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code (LAMC) amending the spay/neuter exemptions for dogs and cats over the age of four months, modifying the breeding permit provisions, requiring the sterilization of stray dogs and cats impounded by the Department of Animal Service, and deleting the reference in the LAMC to the Spay/Neuter Advisory Committee.

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

Section 1. Subsection (b)(2)A of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is amended to read as follows:

A. The dog or cat is a breed approved by and registered with a national or international breed registry or association which, at a minimum, requires identification of the breed, date of birth, names of registered sire and dam, the name of the breeder and recordkeeping relating to breeding, transfer of ownership and death. In addition, the animal must actively show or compete and shall have competed in at least one show or sporting competition hosted or staged by, or under the approval of, a national association, unless it is too young to compete. The owner shall provide verified proof to the satisfaction of the General Manager of the Department with each application for a new or renewal license. The Board of Animal Services Commissioners may issue further guidelines for enforcement of this Subsection.

Sec. 2. Subsection (b)(2)B of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is deleted.

Sec. 3. Subsection (b)(2)E of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is amended to read as follows:

E. The owner of the dog or cat provides a letter to the Department from a California licensed veterinarian certifying that arrangements have been made to spay or neuter the dog or cat within 60 days after the animal reaches the age of four months; that the dog or cat is too sick or injured to be spayed or neutered and that the animal's health would be best served by spaying or neutering after a specified date; or that it is unsafe to spay or neuter the animal due to old age, a permanent and serious medical condition or permanent infirmity that would prevent the animal from reproducing. The letter shall include the veterinarian's license number.

Except for a letter certifying that arrangements have been made to spay or neuter the dog or cat within 60 days after the animal reaches the age of four months, any letter from a veterinarian requesting a temporary or permanent extension, including updates, shall specify the animal's medical condition and the diagnosis which justifies the exemption and be supported by diagnostic reports. If the cat or dog has not been spayed or neutered by the date specified in the veterinarian's letter, the owner shall obtain an updated letter from the veterinarian specifying the new date by which the animal may be safely spayed or neutered. An updated letter for a temporary or permanent extension shall be submitted at the time of each license renewal. If the letter from the veterinarian certifies that arrangements have been made to spay or neuter the dog within 60 days from the date the dog reaches the age of four months and the Department has been notified that the dog has in fact been spayed or neutered within that 60-day period, the owner shall qualify for the lower license fee and license tax for an altered dog.

Sec. 4. The second paragraph of Subsection (b)(7) of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is amended to read as follows:

If after 60 days from the date of notification of a third violation, the \$500.00 civil penalty is not paid or the 40 hours of community service is not performed, and/or the owner still has not spayed/neutered the dog or cat as required, the continuing violation of this Subsection may also be deemed a misdemeanor. The penalties provided herein shall not be waived by the Department upon the transfer or abandonment of the dog or cat by the owner or custodian and shall be in addition to any other applicable civil or criminal penalties that may be imposed.

~~Sec. 5. Subsection (b)(8) of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is deleted.~~

Sec. 6. New Subsections (b)(8), (9) and (10) are added to Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

(8) An unaltered dog or cat found running at large and impounded as a lost or stray animal shall be spayed or neutered and shall be implanted with a microchip before being redeemed by its owner, and the owner shall pay the amount established by the Department for spaying or neutering the dog or cat and implanting the microchip.

The Department shall waive the sterilization requirement the first time the unaltered dog or cat is impounded if the animal is exempt from the spay/neuter requirement, vaccinated and implanted with a microchip, and in the case of a dog, licensed, or the owner obtains a license and is in compliance with all other applicable provisions of this Article. The owner shall be responsible for paying

the impound fees established by the Department, including the reasonable cost of feeding and caring, implanting the microchip, vaccinations, medication and any diagnostic or therapeutic applications as may be required in the reasonable discretion of the Department. Payment of the impound fees shall not be waived by the Department upon the abandonment of the dog or cat by the owner and shall be in addition to any other applicable civil or criminal penalties that may be imposed. If the owner chooses to have the animal sterilized prior to or in conjunction with the redemption and pays for the dog license, sterilization and implanting the microchip, the Department shall waive the impound fees.

An animal impounded for a second or subsequent time shall be spayed or neutered. The owner shall pay the amount established by the Department for the sterilization as part of the impound fees. If the owner chooses to have the animal sterilized prior to or in conjunction with the redemption and pays for the sterilization, the Department shall waive the impound fees. If the owner fails to pay the impound fees and costs as required, the animal shall be deemed to have been abandoned, unless the owner consents to and pays for the sterilization.

(9) Prior to sterilizing an animal pursuant to the provisions of Subdivision (8) of this Subsection, the Department shall serve upon the owner in the manner provided for giving of notice in Section 11.00 (i) of this Code, written notice of the intent to sterilize. If the owner does not want the Department to sterilize the animal, the owner, on a form provided by the Department, may file a written request for an administrative hearing within ten (10) days of such service. The decision of the Department to sterilize is final and effective when served on the owner, unless an appeal is filed within fifteen (15) days of said service.

If the Department receives a timely written request for an administrative hearing, it shall hold a hearing within twenty (20) days of receiving the request. ~~Notice shall be served at least ten (10) days prior to the date set for the hearing.~~ The hearing shall be conducted in accordance with the provisions of Subsections (a) through (m) inclusive, of Section 53.18.5. Prior to the hearing, the impound fees and costs accruing to the date of the hearing shall be paid by the owner.

(10) The decision of the General Manager may be appealed to the Board of Animal Services Commissioners by the owner. The appeal shall be in writing on an appeal form provided by the Department and scheduled for the first available Board meeting following receipt of the appeal in accordance with the procedures in Section 53.18.5 (q) 2 through 10, which govern the appeal process to the Board. The fees and costs to be charged to the owner from the time the appeal is received by the Department to the time that the Board decision is served on the owner shall not exceed fifteen (15) days of fees and costs for feeding and caring of the animal, unless, by written consent of the owner, the hearing date is continued to the next Board meeting and the owner agrees to pay for a not-to-exceed additional fourteen (14) days of fees and costs. If the Board reverses the decision of the General Manager and orders the animal returned

without sterilization, the fees and costs for the feeding and caring of the animal accruing after the time the appeal is received by the Department to the time the Board decision is served on the owner shall be waived. Payment of the impound fees and costs shall not be waived by the Department upon the abandonment of the dog or cat by the owner and shall be in addition to any other applicable civil or criminal penalties that may be imposed.

Sec. 7. Subsection (c)(3) of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code is amended to read as follows:

(3) The Department shall administer an animal breeding permit program to allow the breeding of unaltered dogs and cats consistent with the criteria and procedures established by the Department pursuant to Section 53.58 of this Article. A breeding permit shall not be issued to a person who has been convicted of animal cruelty, neglect or abuse or to a person who has failed to obtain appropriate licenses or permits for the animal for which the breeding permit is being sought. Animals receiving a breeding permit shall be implanted with an electronic animal identification device (microchip) identifying the owner. The microchip number shall be verified by the Department.

Sec. 8. A new sub-Subsection H is added to Subsection (c)(4) of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

H. A breeding permit holder shall implant each offspring born to a permitted animal with an electronic animal identification device identifying the breeder. The identity of the breeder shall remain on the electronic animal identification device along with the identity of the new owner upon the sale or transfer of the animal.

Sec. 9. A new sub-Subsection I is added to Subsection (c)(4) of Section 53.15.2 of Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

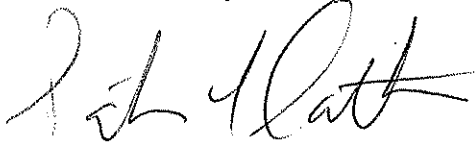
I. A breeding permit holder shall comply with all applicable local, state and federal requirements for humane standards of operation, maintenance and housing of animals and shall be subject to inspection by the Department.

Sec. 10. **Severability.** If any section, subsection, clause, phrase, or provision of this ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, clause, phrase, or provision thereof irrespective of the fact that one or more other sections, subsections, sub-subsections, clause, phrases, or provisions may be declared to be invalid or unconstitutional.

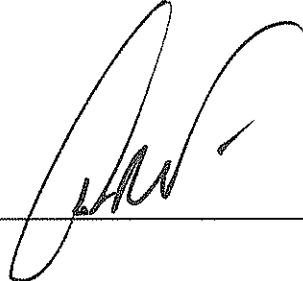
Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board 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 JUN 18 2013.

JUNE LAGMAY, City Clerk

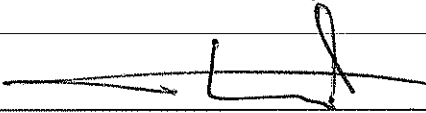
By  Deputy

Approved JUN 25 2013

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
DOV S. LESEL
Assistant City Attorney

Date 5-20-13

File No. CF 12-1147

DECLARATION OF POSTING ORDINANCE

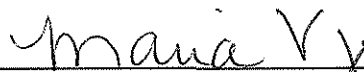
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 182605 – Amending Section 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code amending the spay/neuter exemptions for dogs and cats over the age of four months- a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on June 18, 2013, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on June 27, 2013 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on June 27, 2013 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27th day of June, 2013 at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: August 6, 2013
Rev. (2/21/06)

Council File No. 12-1147