



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 0 8 9
MAR 2 5 2014

REPORT RE:

**DRAFT ORDINANCE ADDING SECTIONS 53.06.3(d) AND (e) TO THE
LOS ANGELES MUNICIPAL CODE TO OUTLAW THE USE OF ANIMAL TRAPS OR
SNARES THAT MAIM, KILL OR CAUSE INHUMANE SUFFERING, AND AUTHORIZE
THE DEPARTMENT OF ANIMAL SERVICES TO PROMULGATE REASONABLE
RULES AND REGULATIONS REGARDING THE USE OF HUMANE TRAPS**

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. 13-1284

Honorable Members:

Pursuant to the request of the Honorable Personnel and Animal Welfare Committee (Committee), this Office now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The ordinance adds Sections 53.06.3(d) and 53.06.3(e) to the Los Angeles Municipal Code (LAMC). Section 53.06.3(d) prohibits the use of inhumane animal traps or snares in the City of Los Angeles. Section 53.06.3(e) authorizes the Department of Animal Services (Department) to promulgate reasonably necessary rules and regulations to minimize the suffering of animals trapped in humane traps, such as box, culvert or cage traps, which rules and regulations may include trap placement, identification and contact information and visitation schedules for traps, the type and use of permissible bait, and the treatment of the trapped animals.

Background

Various types of animal traps or snares can maim, kill or cause inhumane suffering for the trapped animals. These traps or snares generally capture an animal by means of a wire noose or clamping and gripping parts of the animal's body, causing the animal to struggle in pain, sometimes for days, before dying a slow agonizing death or falling prey to other animals.

In addition to banning these types of inhumane traps, the Department is requesting the authority to establish reasonable rules and regulations regarding the use of humane traps and the treatment of the trapped animals.

Summary of Ordinance Provisions

(1) Adding Subsection (d) to Section 53.06.3

The ordinance adds LAMC Section 53.06.3(d), which prohibits the use of inhumane traps such as a snare, body gripping trap, body crushing trap, deadfall trap, leg hold trap, or any other trap or snare that captures an animal by gripping or snaring any part of the animal. The subsection would not apply to pests such as rodents.

(2) Adding Subsection (e) to Section 53.06.3

The ordinance also adds LAMC Section 53.06.3(e), which authorizes the Department to promulgate necessary and reasonable rules and regulations for humane traps such as box, culvert or cage traps. These reasonably necessary rules and regulation would be for the purpose of minimizing the suffering of the animals, and may require traps to have identification and contact information for the person or entity responsible for the trap. The rules might include reasonable times for the visitation schedules to check on the traps and may provide guidelines regarding the placement of the traps, the type and use of permissible bait and the treatment of the trapped animals.

CEQA Determination

Regarding a finding to satisfy the requirements of the California Environmental Quality Act (CEQA), we believe that adoption of this ordinance is an exempt action under State CEQA Guidelines Sections 15060(c)(2) and (3) and City CEQA Guidelines Article II, Section 1 (General Exemption) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If you concur, you should adopt this finding prior to, or concurrent with, taking action on the ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services with a request that it make any comments directly to the City Council when this matter is considered.

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,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:DSL:fc
Transmittal

ORDINANCE NO. _____

An ordinance adding Subsections (d) and (e) to Section 53.06.3 of Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to prohibit the use of inhumane animal traps or snares in the City of Los Angeles and permit the Department of Animal Services to promulgate reasonable rules and regulations with respect to the visitation schedules and placement of traps, type and use of permissible bait and the treatment of trapped animals to minimize the suffering of the animals.

NOW THEREFORE,

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

Section 1. Subsection (d) is added to Section 53.06.3 of Article 3 of Chapter 5 of the Los Angeles Municipal Code to read as follows:

(d) No person shall set, or cause to be set, any snare, body gripping trap, body crushing trap, deadfall trap, leg hold trap, or any trap or snare that captures an animal other than rats, mice, pocket gophers, ground squirrels and moles, by gripping or snaring any part of the animal including its body, head, neck or limb, or that maims or causes the inhumane death or suffering of any animal.

Sec. 2. Subsection (e) is added to Section 53.06.3 of Article 3 of Chapter 5 of the Los Angeles Municipal Code to read as follows:

(e) The Department shall promulgate rules and regulations which are reasonably necessary to minimize the suffering of animals trapped in humane traps such as box, culvert or cage traps. These rules and regulations may include the placement of the traps and visitation schedules, identification and contact information for the trap, the type and use of permissible bait, and the treatment of the trapped animals.

Sec. 3. 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 _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
DOV S. LESEL
Assistant City Attorney

Date 3/25/14

File No. CF 13-1284