



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 6 4
AUG 1 8 2016

REPORT RE:

DRAFT ORDINANCE AMENDING SECTION 53.63 OF THE LOS ANGELES MUNICIPAL CODE BY DELETING TIME REQUIREMENTS FOR EXCESSIVE DOG BARKING, ADDING FACTORS TO ASSIST IN DETERMINING WHETHER THE BARKING CONSTITUTES EXCESSIVE NOISE AND CLARIFYING WHEN A SECOND COMPLAINT FOR EXCESSIVE BARKING MAY BE FILED

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. 14-0681

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 draft ordinance amends Section 53.63 of the Los Angeles Municipal Code (LAMC) by deleting the requirement that dog noise be continuously audible for ten minutes or intermittently audible for 30 minutes within a three-hour period and adding factors that may be considered in determining whether the noise constitutes excessive dog barking. The draft ordinance has been approved by the Board of Animal Services Commissioners.

The ordinance also corrects the language of LAMC Section 53.63(b)1 to reflect that a second complaint regarding the excessive barking may be filed after, rather than within, 15 days from the date of the original written notice from the Department of Animal Services (Department) to the dog owner regarding the excessive noise.

Background and Summary of Ordinance Provisions

In 2011, LAMC Section 53.63 was amended to require dog noise to be continuously audible for ten minutes or intermittently audible for 30 minutes within a three-hour period to be considered excessive barking. The Department indicates that the time requirements have proven to be an onerous burden on the public and an undue limitation on the Department's ability effectively to address complaints regarding excessive dog barking. The ordinance deletes the time requirements and instead adds factors that the Department may use to determine whether the noise constitutes excessive dog barking. These factors can include, but are not limited to, the frequency and volume of the noise, the tone, repetitiveness, time of day or night, distance from the complaining party, the number of neighbors affected by the noise and whether the dog was being provoked.

The draft ordinance includes a technical change to LAMC Section 53.63(b) to clarify that a second complaint for excessive barking may be filed no sooner than 15 days after a notice to the dog owner has been sent out by the Department.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services requesting that all comments, if any, be presented 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:ac
Transmittal