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**DEPARTMENT OF  
ANIMAL SERVICES**  
221 N. Figueroa Street  
6<sup>TH</sup> Floor, Suite #600  
Los Angeles, CA 90012

(888) 452-7381  
FAX (213) 482-9511

BRENDA F. BARNETTE  
GENERAL MANAGER

DANA H. BROWN  
ASSISTANT GENERAL MANAGER

DR. JEREMY PRUPAS  
CHIEF VETERINARIAN

February 2, 2016

Honorable City Council  
c/o Office of the City Clerk  
200 North Spring Street  
Room 395, City Hall  
Los Angeles, CA 90012

## **RE: CHANGES TO BARKING DOG NOISE REQUIREMENTS (LAMC 53.63)**

### **RECOMMENDATION**

That the City Council, subject to approval of the Mayor:

- 1) **APPROVE** the attached revisions to LAMC 53.63 related to the requirements for barking dog noise and the filing of complaints;
- 2) **DIRECT** the City Attorney to prepare an ordinance to amend LAMC Section 53.63 consistent with the above action.

### **BACKGROUND**

At its meeting of October 27, 2015, the Board of Animal Services Commissioners approved Department recommendations to:

1. **APPROVE** revisions to LAMC 53.63 as described in this report; and
2. **INSTRUCT** the General Manager, or designee, to transmit the draft language to the Mayor and City Council to request that the City Attorney draft an ordinance amending Section 53.63 of the Los Angeles Municipal Code generally consistent with the proposed draft language.

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On April 8, 2014, the Board adopted a similar action to amend Section 53.63 by deleting the requirement that for dog noise to be excessive, it must be continuously audible for ten minutes or intermittently audible for thirty minutes within a three hour period.

The Board Report was transmitted to the Mayor and Council, and on September 10, 2014, the Council adopted the report of the PAW Committee requesting the City Attorney to draft an ordinance with the changes. Subsequently, there was a request by staff and the City Attorney to include additional factors in the ordinance and these are being forwarded for your consideration. If approved, the General Manager will transmit the language to the Mayor and City Council to request that the City Attorney draft an ordinance along these lines.

### **PROPOSED REVISIONS TO LAMC 53.63 (BARKING DOG NOISE REQUIREMENTS)**

In 2011, LAMC Section 53.63 was amended to require dog noise to be continuously audible for ten minutes or intermittently audible for thirty minutes within a three hour period. This requirement has proven to be onerous and imposes an undue limitation on the ability of the Department to effectively address concerns from the public regarding excessive dog barking.

The proposed ordinance replaces the specific time requirements in determining whether the noise constitutes excessive dog barking with factors such as 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, the location, health or working habits of the complaining party and whether the dog was being provoked. The revised language (underlined) states as follows:

*"It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise after the Department has issued a written notice advising the owner or custodian of the alleged noise and the procedures as set forth below have been followed. For purposes of this section, the term **"excessive noise"** shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. Factors to be considered in determining whether the barking is excessive may include but are not limited to: (i) the nature, frequency and volume of the noise, (ii) the tone and repetitiveness, (iii) the time of day or night, (iv) the distance from the complaining or affected party or parties, (v) the number of neighbors affected by or complaining about the noise, (vi) any other relevant evidence demonstrating that the barking is unduly disruptive, such as the working or sleeping habits of the complaining party, and (vii) whether the dog is being provoked....."*

The ordinance also corrects the language of Section 53.63 (b) 1 to reflect that a second complaint regarding the excessive barking can only 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. The pertinent language of Section 53.63 (b) 1 is amended as follows (changed language is underlined):

*"If, after 15 days from the issuance of the written notice pursuant to (a) above, a second complaint is received from the complainant along with a written complaint from an additional complainant residing in a separate residence within reasonable proximity to the dog(s), the Department shall, ...."*

**FISCAL IMPACT**

There is no fiscal impact to the City.

If you or your staff require additional information regarding this transmittal, please contact Assistant General Manager Dana Brown at 213-760-1025 or [dana.brown@lacity.org](mailto:dana.brown@lacity.org).

Sincerely,



BRENDA F. BARNETTE  
General Manager



## **PROPOSED REVISIONS TO LAMC SECTION 53.63 – BARKING DOG NOISE**

The revisions below are prepared in standard “crossout/underline” format to denote the proposed deletions (crossout) and proposed additions (underline).

### **SEC. 53.63. BARKING NOISE.**

*It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise after the Department has issued a written notice advising the owner or custodian of the alleged noise and the procedures as set forth below have been followed. For purposes of this section, the term **"excessive noise"** shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. ~~The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.~~ Factors to be considered in determining whether the barking is excessive may include but are not limited to: (i) the nature, frequency and volume of the noise, (ii) the tone and repetitiveness, (iii) the time of day or night, (iv) the distance from the complaining or affected party or parties, (v) the number of neighbors affected by or complaining about the noise, (vi) any other relevant evidence demonstrating that the barking is unduly disruptive, such as the working or sleeping habits of the complaining party, and (vii) whether the dog is being provoked. However, the provisions of this section shall not apply to any commercial animal establishment permitted by zoning law where located. The Department is responsible for enforcement of the provisions of this Section as follows:*

#### **(a) First Complaint. (Amended by Ord. No. 181,930, Eff. 12/11/11.)**

1. Upon receiving a written complaint involving a whining, barking, howling, or similar dog noise, the Department shall issue a written notice to the owner or person having charge, care, or custody (hereinafter in this Section referred to as the owner) of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.

2. Complaints to the Department must be submitted in writing, and shall include the name, address and telephone number of the complainant(s) as well as the address of the dog owner and a description of the noise.

#### **(b) Second Complaint. (Amended by Ord. No. 181,930, Eff. 12/11/11.)**

1. If, ~~within~~ after 15 days from the issuance of the written notice pursuant to (a) above, a second complaint is received from the complainant along with a written complaint from an additional complainant residing in a separate residence within reasonable proximity to the dog(s), the Department shall, by written notice, require the complainant or complainants and the owner of the dog or dogs to appear at a meeting before a Department representative to discuss possible ways and means to resolve the problem. The Department may proceed with a meeting based on a second complaint from only one complainant if the Department determines that the noise affects that complainant. If the problem remains unresolved, the matter shall be set for hearing as provided by Section [53.18.5](#).

2. If the owner fails to appear before the Department representative, and there is evidence that the dog or dogs have emitted excessive noise, the problem shall be deemed unresolved, and the matter set for hearing as provided by Section [53.18.5](#).

(c) **New License Prohibited.** (Amended by Ord. No. 165,507, Eff. 3/25/90.) Any person whose dog license has been revoked pursuant to this section shall not have the privilege to own, possess, control or be in charge of any dog for a period of one (1) year from the date the decision becomes final and the Department shall not issue, reissue or renew any license except as provided by Section [53.18.5\(r\)](#).

(d) **Notice Requirements.** Notice required pursuant to this section shall be given in the manner provided by Section [53.18.5\(g\)](#)

(e) **Exemption.** (Added by Ord. No. 172,735, Eff. 9/9/99.) This section shall not apply to any person using guard and/or sentry dogs on lots zoned CCS, M1, M2, MR1, and MR2, as long as that person, at the time when the complaint of excessive noise is lodged with the Department, is in full compliance with the requirements of Sections [53.64](#) and [53.66](#) of this Code.