

TRANSMITTAL

To:

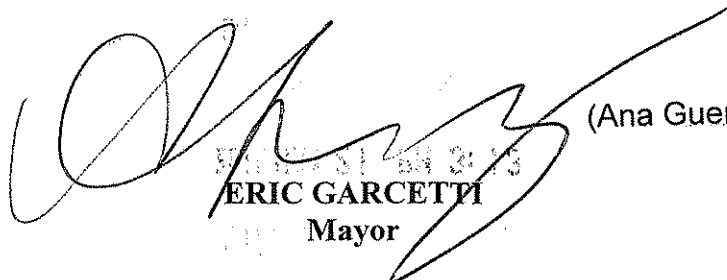
THE COUNCIL

Date: **MAY 21 2014**

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.


(Ana Guerrero)
MAY 21 2014
ERIC GARCETTI
Mayor

**BOARD OF
ANIMAL SERVICES
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City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

BRENDA BARNETTE
GENERAL MANAGER

JOHN D. CHAVEZ
ASSISTANT GENERAL MANAGER

April 22, 2014

Honorable Eric Garcetti
Mayor, City of Los Angeles
Room 303, City Hall
200 North Spring Street
Los Angeles, California 90012

CHANGES TO BARKING DOG NOISE REQUIREMENTS (LAMC 53.63)

Dear Mayor Garcetti,

At its meeting of April 8, 2014, the Board of Animal Services Commissioners approved Department recommendations to:

1. DELETE the language in Los Angeles Municipal Code (LAMC) Section 53.63 requiring dog noise to be continuously audible for 10 minutes or intermittently audible for 30 minutes within a three-hour period; and
2. AMEND the language in LAMC Section 53.63 (b)1. to reflect that the second complaint should be received after, rather than within, 15 days from the issuance of the written notice from the Department to the dog owner; and
3. DIRECT staff to transmit the proposed action concurrently to the Office of the Mayor and to the City Council, requesting City Council to direct the City Attorney to prepare an ordinance to amend LAMC Section 53.63 consistent with the above actions.

Section 53.63 of the LAMC was amended in December 2011, defining excessive dog noise as barking that was continuously audible for 10 minutes or intermittently audible for 30 minutes within a three-hour period. Over the past two years, this definition has proven to be a problem, unduly limiting the ability of the Department to effectively address concerns and complaints from the public regarding excessive dog barking.

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Subject: Transmittal to the Mayor's Office
Amend LAMC 53.63, Barking Dog Noise Requirements
April 22, 2014

The Department proposes changes to the LAMC that will make adjudicating dog barking hearings more effective (see the attached Board report).

In addition, LAMC Section 53.63 (b)1 requires a correction to the language of the Code with respect to *when* a second complaint can be filed with the Department. The December 2011 amendment erroneously added language that requires the second complaint to be received from the complainant within 15 days from the issuance of the written notice from the Department to the dog owner. The correct time requirement is that the second complaint may be filed after 15 days. This will also make the time period consistent with the long-standing practice of the Department.

If you or your staff require additional information, please contact Ross Pool, Management Analyst II, at (213) 482-9501 or ross.pool@lacity.org.

Sincerely,



BRENDA F. BARNETTE
General Manager

Attachment

CC:

David Zaft, President, Board of Animal Services Commissioners
Patricia Whelan, Office of the Mayor
Mandy Morales, Office of the Mayor
Dov Lesel, Assistant City Attorney
Ross Pool
File

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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: April 8, 2014 **PREPARED BY:** John Chavez

REPORT DATE: April 4, 2014

TITLE: Asst. General Manager

SUBJECT: CHANGES TO BARKING DOG NOISE REQUIREMENTS (LAMC SECTION 53.63)

BOARD ACTIONS RECOMMENDED:

1. DELETE the language in Los Angeles Municipal Code (LAMC) Section 53.63 requiring dog noise to be continuously audible for 10 minutes or intermittently audible for 30 minutes within a three-hour period; and
2. AMEND the language in LAMC Section 53.63 (b)1. to reflect that the second complaint should be received after, rather than within, 15 days from the issuance of the written notice from the Department to the dog owner; and
3. DIRECT staff to transmit the proposed action concurrently to the Office of the Mayor and to the City Council, requesting City Council to direct the City Attorney to prepare an ordinance to amend LAMC Section 53.63 consistent with the above actions.

SUMMARY

Section 53.63 of the LAMC was amended in December 2011, defining excessive dog noise as barking that was continuously audible for 10 minutes or intermittently audible for 30 minutes within a three-hour period. Over the past two years, this definition has proven to be a problem, unduly limiting the ability of the Department to effectively address concerns and complaints from the public regarding excessive dog barking.

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BARKING DOG NOISE LAMC SECTION 53.63

AMENDED LANGUAGE

LAMC Section 53.63 currently makes it unlawful for any person to permit any dog or dogs under their 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. 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 ...and is continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.

The specific requirements have proven to be an undue burden and limitation on the public and upon the Department's ability to effectively address excessive dog barking, which disturbs and unreasonably interferes with the comfortable enjoyment of life or property of members of the affected public and which in turn denies the public an effective remedy from their elected officials.

In addition, LAMC Section 53.63 (b)1. requires a correction to the language of the Code with respect to when a second complaint can be filed with the Department. The December 2011 amendment erroneously added language that requires the second complaint to be received from the complainant within 15 days from the issuance of the written notice from the Department to the dog owner. The correct time requirement is that the second complaint may be filed after 15 days. This will also make the time period consistent with the long-standing practice of the Department.

FISCAL IMPACT

There is no General Fund impact.

APPROVED



BRENDA BARNETTE, General Manager

Attachment: Draft Amendment language

BARKING DOG NOISE LAMC SECTION 53.63

BOARD ACTION:

_____ Passed

_____ Passed with noted modifications

_____ Tabled

Disapproved _____

Continued _____

New Date _____

BARKING DOG NOISE LAMC SECTION 53.63

SEC. 53.63. BARKING DOG 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. 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: (Amended by Ord. No. 181,930, Eff. 12/11/11.)

(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, 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.