

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Los Angeles Municipal Code (LAMC) Section 53.63 in regard to barking dog noise requirements.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE dated August 17, 2016 to amend LAMC Section 53.63 to:

- a. Delete specific time requirements for: excessive dog barking.
- b. Add factors that the Los Angeles Department of Animal Services (DAS) may use to determine whether the barking constitutes excessive noise.
- c. Clarify that a second complaint for excessive barking may only be filed 15 days or more after the date of issuance of a written notice from the DAS to the dog owner.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On August 26, 2016, your Committee considered an August 18, 2016 City Attorney report and Ordinance relative to amending LAMC Section 53.63 in regard to barking dog noise requirements. On September 10, 2014, Council requested the City Attorney to prepare and present an Ordinance to amend LAMC Section 53.63 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. Finally, 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 DAS to the dog owner regarding the excessive noise.

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 DAS indicates that the time requirements have proven to be an onerous burden on the public and an undue limitation on the DAS'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. Finally, the 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 DAS.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Ordinance as detailed in the above recommendation and the August 18, 2016 City Attorney report. This matter is now submitted to Council.



Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
RYU:	YES
HARRIS - DAWSON:	YES
ARL	

8/26/16

-NOT OFFICIAL UNTIL COUNCIL ACTS-