

## ANIMAL ISSUES MOVEMENT

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June 10, 2018

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City of Los Angeles  
200 N. Spring Street  
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Los Angeles City Council  
City of Los Angeles  
200 N. Spring Street  
Los Angeles CA 90012

Planning and Land Use Mngmt. Committee  
City of Los Angeles  
200 N. Spring Street  
Los Angeles CA 90012

### **OPPOSITION: CF 17-0079 Animal Rescue / Animal Adoption Facility / Definition AND CF 17-1237-S1 Kennel / Delete Definition / Amendment)**

**Planning Dept. Case CPC-2017-4075-CA, ENV-2017-2076-EAF *Pet Shop Ordinance*; CF 17-1237-S1 Definition of Kennel / Business Purposes / Los Angeles Planning and Zoning Code / Amendment; INCLUDED ALSO ARE (CF 11-0754, 11-0754-S1, 11-0754-S2 AND 11-0754-S3 and CF 17-1237)**

Animal Issues Movement, a 501(c)3 animal-protection organization, maintains its OPPOSITION to passage of this irresponsible, destructive and inhumane ordinance introduced and promoted by Councilman Paul Koretz and Councilman Bob Blumenfield--neither of which have either planning or animal welfare experience, education or expertise--then developed and recommended by the Planning Department and approved by the City Planning Commission (which also obviously have no experience in any related field) on April 12, 2018, with no discussion or apparent interest in the negative elements and impact on businesses and residential communities in surrounding areas.

Opposition Comments CASE: CPC-2017-4075-CA , ENV-2017-4076-EAF (OPPOSITION: CF 17-1237 Kennel / Delete Definition / Amendment) were submitted on April 10, 2018, preceded by opposition letters to all of the above files, beginning with CF 11-0754) and are hereby included in their entirety by reference.

The discriminatory benefits of this Ordinance will be available to any "retail-rescue pet stores/shops" citywide, which will be legally allowed in C- zones adjacent to or across the street from residential zoning; however, identical non-tax-exempt business will remain subject to the traditional provisions of zoning and Conditional Use Permits.

The definition of a "retail-rescue pet shop" is any non-profit group which merely registers with a shelter or humane society in L.A. to remove animals. Such tax-exempt entity can then sell these animal--obtained free or at a discounted rate from a shelter/humane society or purchased from puppy mills or other sources--for any price and with unlimited untaxed profit, as long as the puppies, kittens, bunnies, dogs, cats or rabbits are called "rescues." There is no legal "adoption" of any animal, and this is misstated in the Ordinance. "Adoption" is a legal term reserved for human children. Transfer of ownership for a prescribe price may be termed an "adoption" or a "fee," but it is a "sale." A prescribed amount paid for an animal also is NOT a "donation," because it involves "a good or service" provided for the exchange of money.

However, a licensed and regulated training/boarding facility providing security and safety for owned pets while an owner is away, and disposing of the same amount of waste under strict laws--and with LESS noise and barking because the public is not allowed to constantly enter and stimulate the dogs--cannot exist in the same C- zones without a Conditional Use Permit (CUP). Therefore, the City is granting a "favor" to one certain class of equally profitable businesses (retail-rescue pet shops/stores.)

In Appendix B / Page 2, the Planning Department found that there "is no substantial evidence that the proposed ordinance (Appendix A) will have a negative effect on the environment." This is the urine and fecal matter of up to 40 dogs of any size or 40 cats kept in a totally indoor store--with no requirements for air exchange or fresh air under established guidelines and which may share walls and air ducts with adjacent businesses. And, such massive toxic waste is to be deposited in the sewage system of a shopping/residential community and then flow into CA waterways without treatment.

The size-limits on kenneling in this ordinance allows up to 40 dogs of any age/breed/size/health condition/behavioral challenge (i.e., aggressive and/or dangerous) "rescued" or purchased from any source inside or outside Los Angeles, to be maintained under conditions that would not be permitted under LAMC animal codes as adequate and may violate State animal-cruelty laws. A 40/45-square-foot (approx. 4 x 10 or 5 x 9) will not allow some large dogs to completely stretch out and move freely and certainly will not allow any exercise or play space and there is no limit on the number of days, months or years that a dog may be caged in this manner.

For high-energy dogs (and it is assumed most of the "rescues" will be Pit Bulls, since they constitute 70% of L.A. shelters' population), it is tortuous to be maintained in such confinement and with no outside areas for sun and fresh air. It will cause the dog to deteriorate physically (diseases cannot be controlled and will be recycled) and psychologically. Many dogs kept in this manner begin to "spin" (continually turn in circles) or self-mutilate from the boredom and stress.

Up to three dogs may be walked through local communities and by businesses by one volunteer or "caretaker," but limited to the number that can be safely controlled. **Who is to make this determination?** One aggressive dog that is stimulated can become uncontrollable instantly and break a leash, escape and/or maim or kill another animal or a human. Now this will be with the blessing of the City.

Odor and noise control, sound-proofing and/or air-filtration systems will be determined by the Department of Animal Services, which has NO legal authority to set such standards nor enforce anything other than a barking-dog complaint.

Attached is an article which proves that puppy mills are merely establishing highly profitable non-profit entities to sell their puppies as "rescues," and can cut out the middleman (former pet shops.) They can also sell more profitably over the Internet without the competition of pet shops, which were highly regulated under CA state laws (Locker-Planck-Farr Act.)

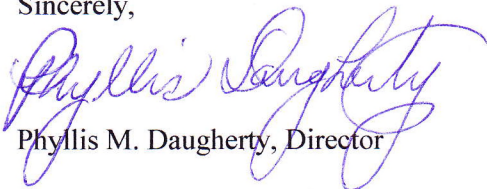
Some of the most sacred safeguards of investment are planning and zoning codes, which preserve the value of property and intrinsic availability of customers (for businesses) and safety and services (for homeowners and consumers.) Under this careless ordinance, that will be destroyed.

There are no legal standards, permits, education or experience requirements, nor any qualifications or licenses to become a "rescuer." And, County animal-health code compliance is not even considered. This can result in animals being brought into the city from foreign countries or other states. Even with recent rabies vaccinations, there is no guarantee that these animals are not already harboring serious and contagious diseases; and they will be placed without restrictions in the midst of densely populated areas (by both pets and people.)

L.A.'s elected officials nor Planning staff will not see the suffering nor pay for the lawsuits that ensue, as businesses are destroyed and local residents injured either directly or by the damage to their community-- but L.A. city taxpayers will pay repeatedly, because this ordinance provides approval of dangerous conditions and makes the City liable.

Any Los Angeles official who cares about the City's animals or humans and has even the slightest concern for public/animal health and safety must vote "No" on this disastrous ordinance.

Sincerely,



Phyllis M. Daugherty, Director

Attachment-1

# 'Puppy Mill' Breeders Become 'Rescues'- Are Pet Shop Bans a Political Hoax?

PHYLLIS M. DAUGHERTY

11 JUNE 2018



ANIMAL WATCH-"Puppy-mill" bans are increasingly being exposed as unable to stop the commerce of mill-bred animals in cities/states where they have been passed.

An in-depth *Chicago Tribune* investigation revealed on May 18, 2018, that several large-scale commercial breeders have also been operating as "rescues" which offer puppies in restricted cities from the same litter as those supplied to pet shops where bans do not exist.

Councilman Paul Koretz and Los Angeles Animal Services General Manager Brenda Barnette have taken the city's "puppy mill ban" to the limit with legislative efforts to remove public-health and safety zoning limitations on where "retail rescue" pet shops with dozens of adult and/or juvenile animals can be housed, because five years after passage of the LA puppy-mill ban, city shelters are still overflowing.

The Planning Department is just completing a five-year effort to transform traditional "kennel" laws in order to allow quasi-animal shelters ("retail-rescue" pet shops) housing up to 40 animals in indoor cages, adjacent to businesses, in shopping malls and/or abutting Los Angeles residential dwellings. The primary organizations urging this are well-funded Best Friends Animal Society and Found Animals Foundation.

It is being revealed across the U.S. that, after closing down local and/or state regulated pet stores, the purebred puppies sought by many breed aficionados are now merely brought into cities with "bans" through unregulated sources. So far, there has been little interest by Los Angeles City Attorney Mike Feuer in examining this practice, because it is not illegal -- which begs the question, "Are the heart-tugging 'puppy-mill' bans merely a political ploy to gain attention and garner votes?"

## COMPARING LOS ANGELES TO CHICAGO

On November 9, 2012, Councilman Koretz and LAAS GM Brenda Barnette announced that the Mayor had signed the city's Puppy-Mill Pet Shop Ban, prohibiting the sale of dogs, cats or rabbits in pet shops within the city, "unless

the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services." (Council File [11-0754](#).) There is no restriction on where these rescue organizations obtain their animals nor that they be homeless, abandoned or impounded or even in Los Angeles.

The original [MOTION](#), introduced on May 6, 2012, (with no factual studies supporting it) contended that "factory farms," called puppy or kitten mills, both within the U.S. and abroad, supply pet shops with live animals, and those not sold to the shops often end up in animal shelters and are euthanized. This ban promised to "break the link between the mills and pet shops."

## **CHICAGO 'PUPPY-MILL' PET STORE BAN**

On December 21, 2015, the Chicago City Council adopted Municipal Code §4-384-015 to regulate "Retail Sales of Dogs, Cats, and Rabbits" in Chicago. Under the Ordinance, retail pet stores in Chicago are only permitted to sell dogs and cats that come from "an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or a humane society or rescue organization." In addition, any dog or cat offered for sale in Chicago must have basic background information disclosed and displayed on the animal's cage. (Source: Illinois State Bar Association Animal Law Newsletter.)

On May 18, 2018, the [Chicago Tribune](#) posted the results of their investigation which determined some breeders merely formed their own "rescue" organizations.

**"Designer and purebred puppies from other states sold as rescue dogs in Chicago, outsmarting city ordinance,"** the in-depth investigation by *Tribune* reporters Stacy St. Clair and Christy Gutowski, reminds readers, "When the ordinance went into effect in 2015 to prevent Chicago pet shops from obtaining dogs from puppy mills, pet shop owners warned that typical rescue groups could never provide the kind of high-end, purebred and designer-mix puppies customers wanted."

As in Los Angeles, a loophole in the city's ordinance places no restrictions on how pets may be supplied to rescues--both only require that "pet shops" must obtain animals from shelters, humane societies or "rescues." (The LA ban adds that the "rescue" must be registered with LA Animal Services, which only requires that it has a 501(c)3 tax-exempt status with the IRS and engages in early-age spay/neuter. It does not limit where the 'rescue' may obtain pets.)

## **MIDWEST BREEDERS ESTABLISH THEIR OWN 'RESCUES'**

Records uncovered by the *Chicago Tribune* showed that, "rescues provide city shops each year with hundreds of purebred and designer-mix puppies — all of which come through kennels and properties owned by for-profit businesses or dealers."

The *Tribune* identified two dealers which established their own nonprofit rescues right after the ordinance's passage and began supplying puppies to three Chicago pet stores. "In the past two years, Hobo K-9 Rescue in Britt, Iowa, and Missouri-based Dog Mother Rescue Society have sent more than 1,200 dogs to the city stores but nowhere else in Illinois," they write.

At the same time, the commercial businesses belonging to the same owners--Iowa's J.A.K.'S Puppies and Missouri's Lonewolf Kennels--send pets from the same litters to stores outside the city limits which are not bound by the "ban." The *Tribune* reports identifying two dozen instances over the past year when puppies of the same breed and birthdate arrived in Illinois on the same day, with one tagged as a commercially bred dog and the other a 'rescue.'

The *Tribune* states it shared its findings with the city's Department of Business Affairs and Consumer Protection, which responded that it does not have the power to investigate whether out-of-state businesses are rescue operations. As long as they are properly registered nonprofit organizations, they can provide dogs to Chicago pet shops."

“BACP ... does not have the authority to reach out of state nonprofits,” a spokesperson told reporters. “The animals being sold at the Pet Luv Pet Center, Pocket Puppies and Park Pet Shop ... were provided by two legally registered out-of-state nonprofits.

The Humane Society of the United States now plans to work with the City Council to revise the ordinance and close the loophole detailed in the *Tribune*'s investigation. The newly worded measure would expressly prohibit stores from selling rescued animals connected to commercial breeders or dealers. However, there have been concerns expressed that this could violate federal law.

### **'RESCUERS' BUYING PUPPY-MILL DOGS FOR RESALE**

An April 18, 2018, [Washington Post](#) article, "**Dog rescuers, flush with donations, buy animals from the breeders they scorn**," sent shock waves through the animal rescue and sheltering world. It also prompted a call by the Pet Industry Joint Advisory Council (PIJAC) for federal investigation and regulation.

[CityWatch](#) examined this growing practice in **Rescuers Buying Puppy-Mill Dogs for Resale ... Federal Investigation Urged**, Kim Kavin, author of "The Dog Merchants: Inside the Big Business of Breeders, Pet Stores, and Rescuers," explains how more than a decade ago animal rescuers began buying discarded dogs for as little as \$5 or \$10 each from the commercial breeders they disparage as "puppy mills."

That practice has now grown into what she calls "a nationwide shadow market," fueled by the rescuers' ability to raise enormous funding over the Internet, and the practice no longer applies to over-bred, injured or sick dogs, but extends to pregnant purebreds and litters of puppies. She writes that unending streams of Internet crowdfunding donations to "save" these dogs now allow some "rescuers" to pay breeders \$5,000, or more, for a single dog.

"The rescuers call many breeders heartless operators of inhumane 'puppy mills' and work to ban the sale of their dogs in brick-and-mortar pet stores. The breeders call 'retail rescuers' hypocritical dilettantes who hide behind nonprofit status while doing business as unregulated, online pet stores," Kavin writes, adding that some breeders say an increasing number of puppies are being bred for sale to rescuers.

*The Post* article reveals that, according to actual records of sales, 86 rescue/advocacy groups -- including some in California -- and shelters throughout the United States and Canada have spent \$2.68 million buying 5,761 dogs and puppies from breeders since 2009 at the nation's two government-regulated dog auctions. Most of the dogs were then offered to the public for adoption as "rescued" or "saved." (Read more [CityWatch](#).)

### **DANGERS OF "RETAIL RESCUES" BEING EXEMPT FROM REGULATION**

[The Phenomenon called "Retail Rescue" | Animal Law Update](#), (2014) by Nancy E. Halpern, D.V.M., provides some disturbing but important facts and warnings:

"Movement and sales of dogs through 'rescue channels' continues to explode," she writes, "While more and more cities and states are restricting sales of dogs in pet stores to those obtained from animal shelters and rescue groups, the actual source of these dogs remains obscure. Yet, there is mounting evidence that movement through 'rescue channels' includes individuals or organizations involved merely for the profit, hence the name 'Retail Rescue.' The dogs may be coming from the very same unscrupulous dog breeders these laws are intended to put out of business."

Dr. Halpern states that in the states that actually tracked the importation of dogs for adoption nationwide in 2012<sup>[1]</sup>, the following figures were astounding: 15,000 dogs imported to Connecticut through "rescue channels"; 90,000 were received in Colorado; and 130,000 were received in Virginia.

She opines, "Some commercial breeders deserve the name "puppy mills" and should be closed down. Others do not. Many rescue groups are trying to do the right thing. Others are only in it for the money, often buying dogs from the very same puppy mills."

And, the article analyzes the potential negative outcomes of continuing this phenomenon; including, the risk of actually increasing dog breeding; evading federal regulations and "puppy lemon laws," and ignoring the need in "rescue channels" to insure proper care and disease prevention:

*The National Association of State Public Health Veterinarians ("NASPHV") recently recommended that the CDC revise and expand its current animal importation regulations "to reduce the risk of introduction of zoonotic diseases, particularly rabies, into the U.S. . . .over 287,000 dogs were imported into the US in 2006, many with falsified or inadequate animal health documentation. At least 25% of those dogs were too young to be vaccinated for rabies." [1] Data obtained from [NAIA Shelter Project](#).*

## **LOSS OF PROTECTION UNDER STATE LAWS**

Purebred puppies in LA are easily bought/sold by "rescuers" or breeders through Craigslist, the Recycler or other internet sources. A current ad in the LA Recycler lists (and shows photos of) eight purebred litters and designer mixed pups of various breeds available "in Beverly Hills," all around eight weeks of age. Columns of such ads follow--and the quick delivery time implies they come from somewhere in the U.S. A similar ad identifies its puppies as "from zip code 92806," in nearby Orange County.

Some LA storefront pet-supply shops merely show photos of poodles and various other small breeds inside the store and a local phone number where they can be obtained. Although these sales strategies skirt the "ban," they also rob both the buyer and pet from the protection of the CA State [laws](#) (including health) which govern sales of puppies directly by pet stores.

## **WHAT ABOUT THE WELFARE OF THESE PUPPIES?**

We cannot ignore that there is no oversight of animals in "rescue," no monitoring, no license or experience with animal health/handling required, and hoarding is rampant across the U.S. These animals -- regardless of their origin -- are being released to the public, which has a right to be able to trust "rescues" endorsed by local laws.

Politicians throughout the country that are eager to jump on the "ban puppy-mills" wagon, need to take a closer look at the source and movement of dogs through "rescue channels," as Dr. Halpern advises.

In view of the revelations regarding the sourcing of puppies from "puppy mills" by rescuers and the *Chicago Tribune's* identification of the sale of puppies through "puppy-mill rescues," legislators must focus their good intentions on health regulations and regular veterinary visits as a prime concern to help ensure the proper care of these vulnerable animals and to prevent the spread of disease.

This must be made part of an overall initiative by elected and appointed officials to protect the health and well-being of all pets and their humans in the U.S. And, it should start NOW -- unless "puppy-mill bans" are just a self-aggrandizing hoax!

*(Phyllis M. Daugherty is a former City of LA employee and a contributor to CityWatch.) Edited for CityWatch by Linda Abrams.*