

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JUNE LAGMAY
City Clerk

KAREN E. KALFAYAN
Executive Officer

HOLLY L. WOLCOTT
Executive Officer

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CITY CLERK

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KONRAD CARTER
Acting Chief, Council and Public Services
Division

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September 29, 2009

To All Interested Parties:

The City Council adopted the action(s), as attached, under
Council file No. 07-3492, at its meeting held September 22, 2009.

City Clerk
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TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2009 SEP 23 PM 3:08
CITY OF LOS ANGELES

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City Clerk's Time Stamp
CITY CLERK'S OFFICE
2009 SEP 23 PM 3:05
CITY CLERK
BY _____ DEPUTY

COUNCIL FILE NUMBER 07-3491 & 07-3492 COUNCIL DISTRICT 10
 COUNCIL APPROVAL DATE SEPTEMBER 22, 2009 LAST DAY FOR MAYOR TO ACT OCT 05 2009
 ORDINANCE TYPE: Ord of Intent Zoning Personnel General
 Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: ADDING SECTION 53.71 TO THE LOS ANGELES MUNICIPAL CODE TO LIMIT THE NUMBER OF ROOSTERS ON ANY ONE PROPERTY LOCATED IN THE CITY OF LOS ANGELES

	APPROVED	DISAPPROVED
PLANNING COMMISSION	_____	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	<u>X</u>	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
OTHER	_____	_____

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CITY CLERK'S OFFICE
2009 SEP 28 AM 8:46
CITY CLERK
BY _____ DEPUTY
SEP 25 2009

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO _____
 (*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR SEP 28 2009 ORDINANCE NO. 180889
 DATE PUBLISHED SEP 30 2009 DATE POSTED _____ EFFECTIVE DATE OCT 31 2009
 ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____
 ORDINANCE FOR DISTRIBUTION: YES NO

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 07-3491, 07-3492

Your PUBLIC SAFETY COMMITTEE

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to limiting the number of roosters on any property located in the city of Los Angeles.

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

1. PRESENT and ADOPT accompanying ORDINANCE dated August 14, 2009, adding Section 53.71 to the Los Angeles Municipal Code (LAMC) to limit the number of roosters on any one property located in the city of Los Angeles.
2. DIRECT the Department of Animal Services to report back to the Public Safety Committee in 60 days relative to:
 - a. In conjunction with the City Administrative Officer (CAO) and other appropriate City departments, develop a fund for the receipt of citation revenue for use by the Department of Animal Services in its rooster noise and cock fighting enforcement and outreach activities, and to support an administrative citation program.
 - b. Recommendations for a permit fee waiver or reduction for members of recognized agricultural and science youth leadership organizations that keep and exhibit roosters.
3. NOT PRESENT and ORDER FILED Ordinance dated June 12, 2009 relative to limiting the number of roosters on any one property located in the city of Los Angeles.

Fiscal Impact Statement: None submitted by the Department of Animal Services. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement Submitted: None

SUMMARY

On June 18, 2009, the City Attorney transmitted to Council an ordinance amending the LAMC to limit the number of roosters on any property located in the city of Los Angeles, pursuant to Council action. As written, the draft ordinance would prohibit any person from owning, possessing, or having custody of more than one rooster on any property within the City, except where the roosters are an integral and lawful part of a permitted and licensed commercial, agricultural, or industrial business with proper zoning. The ordinance would also permit more than one rooster on a property for filming purposes, with a proper permit. The City Attorney states that the draft ordinance may alleviate the need for a mechanism to respond to repeated incidents of noise complaints regarding roosters.

At its meeting held July 20, 2009, the Public Safety Committee discussed this matter with representatives of the Department of Animal Services and the City Attorney. At that time,

Committee requested that the draft ordinance be revised to clarify technical language concerning movie shoots and the removal of animals that are deemed a health hazard.

Accompanying a report to Council dated August 18, 2009 (attached to the Council file), the City Attorney transmits revised Ordinance dated August 14, 2009, pursuant to the request of the Public Safety Committee. The City Attorney reports that the revised Ordinance deletes the term "or health hazard" from Subsection (b) of the ordinance. Subsection (b) allows more than one rooster on a property for filming purposes, and the additional language could have been interpreted to allow roosters creating a health hazard to be used for filming, and limiting the ability of the Department of Animal Services to remove such roosters immediately. The revised Ordinance also adds the words "or sooner" in the same subsection to allow the Department greater flexibility to remove roosters creating a nuisance.

The City Attorney goes on to report that the LAMC already provides that no person "shall have, keep, or harbor any animal which is known or believed by him to be infected with any dangerous or communicable disease . . ." As a result, the Department already has the authority to remove any rooster that might pose a health hazard without limitation, and the language is best deleted from the proposed Ordinance.

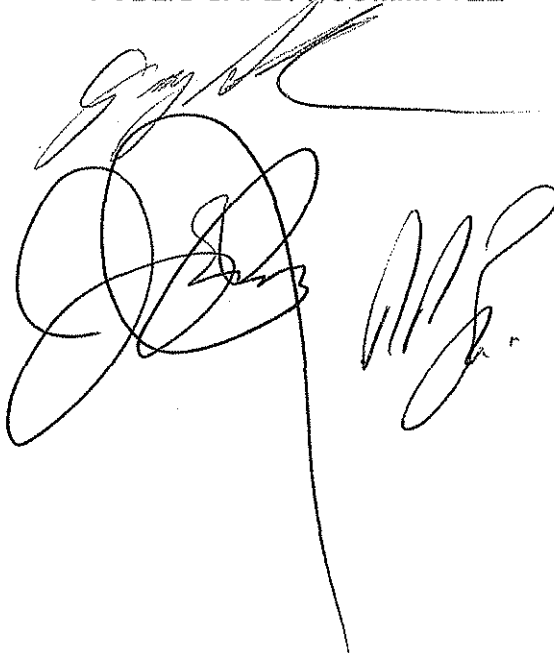
At its meeting held August 14, 2009, the Public Safety Committee discussed this matter with representatives of the City Attorney and the Department of Animal Services. At that time, the Department of Animal Services representative expressed support for the proposed Ordinance. The Ordinance was developed in response to concerns regarding rooster noise and cock fighting. During the public comment period, members of the public in support of the Ordinance stated that the proposed regulation will address public health issues, the nuisance of excessive noise, and cock fighting. Concerns were expressed by other members of the public regarding the Ordinance's impact on legitimate chicken keeping. The Committee recommended that Council approve the ordinance dated August 14, 2009, limiting the number of roosters on any one property located in the city of Los Angeles. The Committee further recommended that Council direct the Department of Animal Services to report back on the use of citation revenue to further enforcement activities and with recommendations to establish a permit fee waiver or reduction for members of recognized agricultural and science youth leadership organizations that keep and exhibit roosters.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

MEMBER	VOTE
SMITH:	YES
CADENAS:	YES
PERRY:	YES
REYES:	ABSENT
ZINE:	YES

JAW
07-3491_rpt_ps_9-17-2009



ADOPTED

SEP 22 2009

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE