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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 0 9 - 0 2 9 4
AUG 1 8 2009

SUPPLEMENTAL REPORT RE:

**DRAFT ORDINANCE ADDING SECTION 53.71 TO THE LOS ANGELES MUNICIPAL
CODE LIMITING THE NUMBER OF ROOSTERS ON ANY ONE PROPERTY WITHIN
THE CITY OF LOS ANGELES – REVISED ORDINANCE**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 07-3492 and 07-3491

Honorable Members:

Pursuant to a recommendation from the Public Safety Committee meeting of July 20, 2009, attached is a revised draft ordinance, approved as to form and legality.

The revised draft 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 (“Department”) to remove such roosters immediately. The draft ordinance also adds the words “or sooner” in the same subsection to allow the Department greater flexibility to remove roosters creating a nuisance.

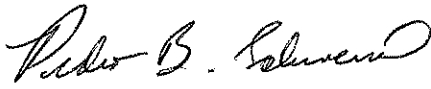
Los Angeles Municipal Code section 53.30 already provides that no person “shall have, keep, or harbor any animal which is known or believed by him to be infected with any dangerous or communicable disease....” As a result, the Department already has the authority to remove any rooster that might pose a health hazard without limitation, and the language is best deleted from the proposed ordinance.

Rule 38 letters were previously sent to the Department of Animal Services and the Planning Department requesting that they address any comments that they may have directly to the City Council when this matter is considered. The revision is technical in nature, and should not require a second letter to either department.

If you have any questions regarding this matter, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. He or another member of this office will be available when you consider this matter in order to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:DSL:fa
Transmittal

ORDINANCE NO. _____

An ordinance adding Section 53.71 to Articles 3 of Chapter V of the Los Angeles Municipal Code (LAMC) limiting the number of roosters on any one property within the City of Los Angeles.

WHEREAS, the noise, odors, health and sanitation issues caused by the keeping of multiple roosters creates a serious public nuisance which disturbs the comfort and peaceful enjoyment of neighbors, and negatively impacts the values of properties and quality of life in many communities; and

WHEREAS, a great many roosters bred, raised or kept within the City of Los Angeles are used for the illegal blood sport called cockfighting; and

WHEREAS, maintaining, transporting or importing uninspected birds for the purpose of illegal fighting can cause the spread of deadly avian diseases, including Avian Flu and Newcastle Disease, to birds and poultry within the City; and

WHEREAS, cockfighting events promote illegal gambling operations and attract other criminal and gang activities into residential communities, endangering law abiding residents who are often fearful to report cockfighting in their communities for fear of retaliation, and making it difficult for law enforcement to enforce the laws against this cruel and illegal blood sport; and

WHEREAS, many cities in the Los Angeles area have banned roosters within their city limits and other communities have limited the number of roosters allowed on any one property in order to successfully abate the nuisances created by roosters and give law enforcement a powerful tool in the prevention of cockfighting; and

WHEREAS, in limiting the number of roosters on any one property, the City wishes to balance the desires of individuals to keep roosters with the rights of their neighbors to live in peace and tranquility.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 53.71 is added to Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 53.71. ROOSTERS - LIMIT

No person shall own, possess or have custody of more than one rooster on any lot, building, structure, property or premises within the City of Los Angeles, subject to the following exceptions:

(a) This section shall not prohibit any business, educational facility or lawful animal exhibition from having or maintaining roosters, provided that such business, educational facility or animal exhibition: (i) has appropriate and valid permits and licenses; (ii) operates in appropriately zoned areas; and (iii) maintains roosters as an integral and otherwise lawful part of such business or activity.

(b) This section shall not prohibit more than one rooster on a property for filming purposes, pursuant to a properly issued City filming permit, for the limited purpose of being used in a film, television or other media production. A rooster or roosters creating a nuisance shall be removed from the City at the completion of each workday or sooner, once filming ceases for the day or night.

(c) Persons owning more than one pet rooster may seek a permit from the Department to keep up to three of the roosters as pets for the remainder of the roosters' lives; provided that the roosters do not create a nuisance or health hazard, are microchipped or fitted with a legband approved by the Department for permanent identification and are maintained in accordance with other laws governing the possession of fowl in the City. No replacement roosters shall be allowed under this permit. The Department may charge an administrative fee not to exceed \$50.00 for up to two additional roosters as a one-time permit fee. No application for a permit shall be accepted under this exception after December 31, 2009.

(d) A notice to correct or a citation shall be issued by the Department of Animal Services for the first violation of this Section at any one location or by any one person owning or possessing more than one rooster per property without the appropriate permits. The notice to correct or citation shall result in the imposition by the General Manager of the Department of a \$50.00 civil penalty for the first violation, a \$100.00 civil penalty for the second violation and a \$250.00 civil penalty for the third violation. Repeated failure to comply or continuing violations of this Section may also be prosecuted as a misdemeanor.

(e) Nothing in this section shall be interpreted to limit or affect any zoning or land use requirements or regulations or any distance requirements or affect any other local, State or Federal law relating to roosters, fighting roosters, game cocks or other fowl or poultry.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

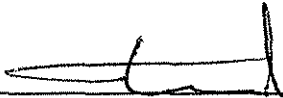
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
DOV S. LESEL
Assistant City Attorney

Date 8/14/09

File No. 07-3492