

Your

PUBLIC SAFETY COMMITTEE

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT relative to establishing penalties for violations of proposed Animal Transfer Permit requirements.

Recommendation for Council action:

REQUEST the City Attorney to prepare an ordinance to establish an Animal Transfer Permit, including the following provisions:

1. Violation of the transfer permit provisions of this section may be punishable by the Department of Animal Services as a civil penalty of \$250 for the first violation and \$500 for the second violation in a twelve month period.
2. Notice of this penalty shall be served in the manner allowed pursuant to the applicable code of the Los Angeles Municipal Code.
3. Transfer permit provisions may also be punishable as an infraction or as a misdemeanor.
4. Failure to comply with the terms and conditions of the Transfer Permit and applicable law shall also be grounds for the revocation or suspension of the Transfer Permit.

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

Community Impact Statement: None submitted.

Summary:

In its report dated February 10, 2010, the Department of Animal Services requests that penalties be included in the previously proposed Animal Transfer Permit ordinance. The Department recommends that violations of the Animal Transfer Permit ordinance be prosecuted as an infraction subject to criminal penalty, or subject to a civil penalty of \$250 for the first violation and \$500 for the second violation, or be prosecuted as a misdemeanor.

As proposed by the Department, the Animal Transfer Permit would be required of all those who sell, advertise for sale, broker the sale, or in any way transfer for compensation or otherwise, any animal in the City of Los Angeles regardless of where the animal was bred. The permit would require that such animals are micro-chipped and that name and address information be provided to the Department for persons taking transfer of dogs for licensing, and that appropriate business and tax permits be obtained by persons transferring animals.

The Department reports that exact fees for a Transfer Permit and fines for failure to obtain a Transfer Permit were not specified in the original recommendation, but were described as being parallel to existing Breeder's Permit fees and fines. Violations of the Breeder's Permit provisions

require sterilization of the breeding animal, eventually becoming a misdemeanor for failure to sterilize. Therefore, when Council acted to approve the recommendation for the Transfer Permit they included the direction that violation be treated as a misdemeanor. Since that time, it has become apparent that the Department would be best able to enforce the requirements by means of the typical escalating penalties, and with misdemeanor prosecution for continuing violation. In practical terms, for example, a person may post an advertisement in a local pet store for sale of an animal, which as a first offense particularly is a violation more promptly and effectively handled as a civil penalty, rather than awaiting City Attorney availability to prosecute as a crime.

The Department goes on to report that the purpose of the Transfer Permit is to improve the City's control of the population of animals coming into the City both as a tool to decrease pet over-population and to safeguard against inhumane or improper treatment of animals sold or transferred. Some revenue will accrue to the Department with the Transfer Permit program, but the proposed civil penalties are aimed at insuring compliance, not increasing revenue.

On February 9, 2010, the Board of Animal Services Commissioners approved the Department's recommendation to impose specific fees for violations of the proposed Animal Transfer Permit.

At its regular meeting held March 22, 2010, the Public Safety Committee discussed this matter with City staff. At that time, the Committee recommended that Council request that the City Attorney prepare an ordinance to establish an Animal Transfer Permit which includes penalties for violations, as described above and as recommended by the Department of Animal Services and the Board of Animal Services Commissioners. The Committee further recommended that said ordinance include the additional provisions listed above.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
SMITH	YES
CÁRDENAS	YES
PERRY	YES
REYES	ABSENT
ZINE	YES

**- NOT OFFICIAL UNTIL COUNCIL ACTS-**