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BRENDA F. BARNETTE  
General Manager

## Report to the Board of Animal Services Commissioners

**BRENDA F. BARNETTE, General Manager**

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**COMMISSION MEETING DATE:** November 9, 2010 **PREPARED BY:** Brenda Barnette

**REPORT DATE:** November 5, 2010

**TITLE:** General Manager

**SUBJECT:** Modifications on Recommendations to Increase Limits on Cats from Three to Five (Indoors)

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### BOARD ACTION RECOMMENDED:

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney, when preparing the ordinance amending the Los Angeles Municipal Code (LAMC) Section 53.00 Definitions, to provide that Cat Kennel is defined as six or more cats and Dog Kennel is six or more dogs, to:

1. Further specify that only three cats are permitted on a premises unless if more than three cats up to a maximum of five are all owned cats and are all kept indoors at all times;
  2. To exclude feral cats; and,
  3. To defer an exemption for animals in foster care under this proposal.
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### SUMMARY:

On October 6, 2010, the Board considered and approved recommendations to the City Council in response to a motion (Rosendahl-Koretz, Council File No. 10-0982) to increase the number of dogs and cats an owner may have from three to five. Currently, a pet owner in Los Angeles is permitted to keep a maximum of three dogs and three cats over four months of age on a premises (LAMC Section 53.00 defines a kennel as having four or more dogs or four or more cats). The list of recommendations approved by the Board to convey to Council in regard to increasing the limits are as follows.

- Section 53.00 Definitions, should be amended so that "Cat Kennel" is defined as six or more cats and "Dog Kennel" is defined as six or more dogs.

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Subject: Modifications on Recommendations to Increase Limits on Cats from Three to Five (Indoors)

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- Provide that the cats must be kept indoors.
- Exempt animals in foster care by permitting more than five dogs or cats at one time.
- Section 53.66 Guard Dogs, should be amended to limit the number guard dogs which can be licensed at one premises to two and provide that no other dogs can be licensed on a premises where one or two guard dogs are licensed.
- The Planning Department should be requested to identify other LAMC amendments necessary to ensure consistency with the Council's final decisions.

At the October 6, 2010, Board meeting, the City Attorney stated that the Department would also need to provide clearance on what actions should be recommended relative to compliance with the California Environmental Quality Act (CEQA). We expect that CEQA clearance will be effectuated prior to or in the report transmitting the actual ordinance to City Council, based on the Department's determination of the facts. While conferring with the City Attorney in preparation for transmitting the recommendations to the Council's Public Safety Committee, we identified the need to clarify details on the original recommendations and to provide additional information in preparation for compliance with CEQA at the appropriate point in the legislative process.

One clarification is in regard to cats and keeping them indoors. Under current law (LAMC Section 53.06) cats not in heat may roam out-of-doors in the City. The change in pet limits is fundamentally a life-saving measure and keeping cats indoors is one of the most effective steps cat owners can take to protect their cats. For that reason, the Department would prefer to modify the law to require that all cats be kept indoors, whether one cat or more, up to the limit approved. However, that is beyond the scope of the pet limit change proposed in the Council motion and presents impacts on enforcement procedures and resources. At the same time, increasing the number of roaming cats is an unacceptable consequence and itself in conflict with the goal of saving more cats' lives. The recommendation and resulting ordinance must be clear that persons with three or fewer cats are subject to all existing rules without any change, and that persons who desire to take in a fourth cat or a fourth and fifth cat must then agree to keep all four or five cats indoors. The language must also make clear that changes to the number of cats permitted per property do not apply to non-owned roaming stray cats which may be feral. This proposed modification simplifies enforcement, since either the four or five cats are kept indoors or one or more can be seen by an Officer outside, and it simplifies compliance for residents who have more than three cats.

Among the recommendations in the October 6, 2010, report was one about exempting animals fostered from the Department. Concurrent with the October Board report we launched a new program for volunteers to foster healthy, sterilized, juvenile, adult, and senior stray animals to alleviate crowding of animals in care centers, give animals a break from the tension of a kennel environment, and in some cases, to provide animals

Subject: Modifications on Recommendations to Increase Limits on Cats from Three to Five (Indoors)

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discussion of exempting dogs and cats fostered under an agreement with the Department and not proceeding with any exemption of fosters as part of the pet limit change at this time.

The Department concludes that the proposed ordinance may be exempt from environmental review under CEQA because it is subject to the CEQA common sense exemption: it can be seen with certainty that there is no possibility the ordinance may have a significant environmental effect because the potentially increased number of dogs at a premises remain subject to the same public health and safety laws such as vaccinations and confinement to property without a leash, and in the case of cats, feral cats are excluded from the proposed changes and persons who elect to have more than the currently allowed three cats must keep all cats owned indoors at all times, effectively reducing the total number of cats roaming outside in the environment. [State CEQA Guidelines 15061(b)(3).] The proposed ordinance also may be exempt from CEQA environmental review under the Class 5 Categorical Exemption, which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. [State CEQA Guidelines 15305; City CEQA Guidelines Art.III, 1.e]. The proposed ordinance may also fall within this exemption because the Planning Code changes are limited to the change in kennel definitions and as stated above there is no change to the manner of keeping dogs while for cats the LAMC amendment will result in either no change or a reduction in the number of cats outside on public and private land.

**FISCAL IMPACT:**

This clarification on cats, modifying the earlier recommendations, will have no direct major revenue or expenditure implications, but may help mitigate some expenses. The cost of resources needed to enforce the ordinance and some small number of complaints about too many cats would be slightly less if all persons with five animals had to keep them indoors.

Approved:

Brenda F. Barnette  
**Brenda F. Barnette, General Manager**

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**BOARD ACTION:**

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____