

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 3 0 6
OCT 23 2013

REPORT RE:

DRAFT ORDINANCE MODIFYING THE DEFINITIONS OF DOG KENNEL, CAT KENNEL AND PET SHOP IN SECTION 53.00 OF THE LOS ANGELES MUNICIPAL CODE (LAMC) AND AMENDING THE GUIDELINES FOR ISSUING A PET SHOP PERMIT IN SECTION 53.50 (e) OF THE LAMC

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

Council File No. 11-0754-S1

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, amending the definitions of "kennel" and "pet shop" in Section 53.00 of the Los Angeles Municipal Code (LAMC) to exempt pet shops, including existing pet shops, from the definition of kennel. The new definition will allow four or more adult dogs or cats obtained from an animal shelter, humane society or rescue group to be kept in a pet store without a kennel permit. The ordinance also clarifies that a pet shop is prohibited from boarding or breeding any animal.

To protect the public and neighboring businesses, the draft ordinance amends the guidelines for the issuance of a pet shop permit in LAMC Section 53.50. Section 53.50 will require the Department of Animal Services (Department) to consider public health and safety issues such as noise and odor. Section 53.50 also places a limit on the number of animals permitted on the premises, prior to issuing a pet shop permit.

Background and Summary of Ordinance Provisions

The City Council recently enacted Section 53.73 of the LAMC (Ordinance No. 182309), making it unlawful to sell a dog, cat or rabbit in a pet shop unless the dog, cat or rabbit was acquired from an animal shelter, a humane society or a non-profit rescue organization. LAMC Section 53.73 became effective June 17, 2013.

Presently, keeping or maintaining four or more dogs or cats four months of age or older on any premises requires a kennel permit, which is a "by-right" use only in a manufacturing zone. Amending the kennel definition to allow a pet shop to keep four or more dogs or cats four months of age or older and obtained from shelters, rescue organizations or humane societies will support the City's effort to promote the adoption of shelter and rescue pets, limit the breeding of dogs and cats and lower the euthanasia rate in the City's animal shelters.

The ordinance also clarifies that a pet shop is a retail business that sells animals and pet supplies. The ordinance prohibits a pet shop from boarding or breeding an animal. The ordinance requires the Department to consider the pet shop location, size, operations and other significant features including but not limited to the number of animals on the premises. The ordinance imposes reasonable restrictions as part of the pet shop permit to protect the public health, welfare and safety, and to ensure the pet shop does not unreasonably subject adjacent businesses or the surrounding neighborhood to unwarranted noise and odor.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to City Planning, the Department of Building & Safety and to the Department of Animal Services, asking that they make any comments that they may have directly to the City Council when you consider this matter.

The City Planning Department is currently clarifying the definition of Kennel in the Planning Code to conform to the enclosed ordinance.

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 present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:DSL:fc
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 53.00 of Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to modify the definitions of "Kennel," "Cat Kennel," "Dog Kennel" and "Pet Shop" and Section 53.50 of Article 3, Chapter 5 of the LAMC regarding the issuance of a pet shop permit by the Department of Animal Services (Department).

WHEREAS, the proposed ordinance will enable the City to more effectively carry out the intended purpose of the recently enacted LAMC Section 53.73, which prohibits a pet shop from selling a dog, cat or rabbit unless the dog, cat or rabbit was obtained from an animal shelter, a humane society located in the City of Los Angeles, or a non-profit rescue organization registered with the Department, to support the City's' efforts to promote the adoption of shelter and rescue pets, to limit the breeding of dogs and cats and to lower the euthanasia rate in the City's animal shelters; and

WHEREAS, the proposed ordinance permits a pet shop to allow four or more dogs or cats, four months of age or older, obtained from an animal shelter, humane society or rescue group, to remain on premises while still protecting the health and safety of the public and neighboring businesses.

NOW, THEREFORE,

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

Section 1. The following definitions in Section 53.00 of the Los Angeles Municipal Code are amended to read as follows:

"Cat Kennel" shall mean any lot, building, structure, enclosure or premises where four or more cats at least four (4) months of age are kept or maintained, with the exception of a pet shop.

"Dog Kennel" shall mean any lot, building, structure, enclosure or premises where four or more dogs at least four (4) months of age are kept or maintained, with the exception of a pet shop.

"Kennel" shall mean any lot, building, structure, enclosure or premises where four or more dogs at least four (4) months of age are kept or maintained, with the exception of a pet shop.

"Pet Shop" or **"Pet Store"** shall mean any retail or commercial establishment, store or department of any store, or any place of business open to the public where dogs, cats, rabbits, monkeys, birds, reptiles or any other animals are kept and offered for adoption or sale, for hire, or sold, irrespective of the age of the animals, provided

that the facility operates pursuant to a pet shop permit issued by the Department, and is not used for the breeding of dogs, cats or rabbits or the commercial boarding of animals.

Sec. 2. Subsection (e) of Section 53.50 of the Los Angeles Municipal Code is amended to read as follows:

(e) **Rules and Regulations.** The General Manager is hereby authorized and empowered to adopt such rules and regulations reasonably necessary to carry out the purpose of this Article, and to ensure the maintenance of approved and humane conditions at any place for which a permit is granted hereunder. Before granting a permit for a pet shop, the General Manager shall consider the pet shop's location, size, operations and other significant features including but not limited to the number and type of animals present and that the dogs, cats or rabbits have been or will be obtained from an animal shelter, humane society or rescue group. The General Manager shall impose reasonable restrictions as part of the pet shop permit to ensure that the pet shop will not unreasonably subject adjacent businesses or the surrounding neighborhood to unwarranted noise and odor, and will protect the public health, welfare and safety. A copy of such rules and regulations shall be furnished to each applicant upon the filing of a permit application.

Sec. 3. 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 _____.

HOLLY L. WOLCOTT, Interim City Clerk


By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
DOV S. LESEL
Assistant City Attorney

Date Oct 23, 2013

File No. CF 11-0754-S1