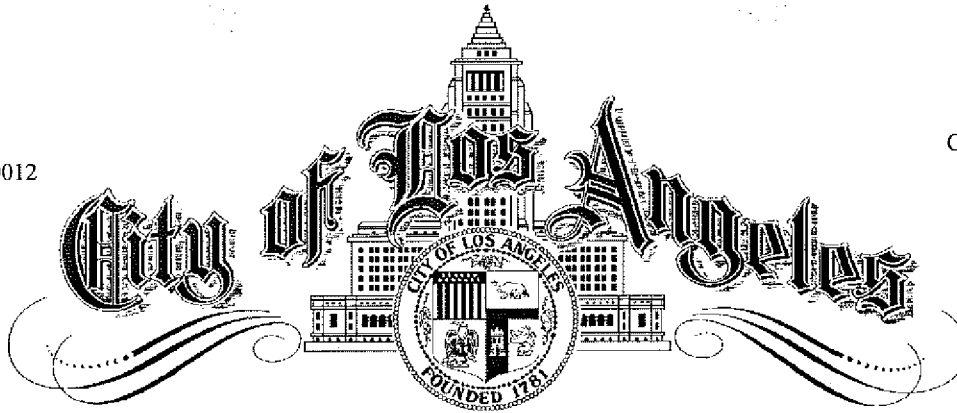


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 3 - 0 0 8 6
MAR 2 6 2013

REPORT RE:

**DRAFT ORDINANCE MODIFYING THE DEFINITIONS OF DOG AND CAT KENNEL
AND PET SHOP IN SECTION 53.00 OF THE LOS ANGELES MUNICIPAL CODE**

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. The ordinance would amend the definition of "Kennel," "Cat Kennel," "Dog Kennel" and "Pet Shop" in Section 53.00 of the Los Angeles Municipal Code (LAMC) as a partial step to exempt pet shops, including existing pet shops, from the requirements of obtaining a kennel permit to sell animals acquired from an animal shelter, humane or rescue group.

The definition of "Kennel" in Section 12.03 of the LAMC must also be amended in order to allow pet shops to keep four or more dogs, four months of age or older, on their premises. In addition, it may be necessary to address LAMC Section 12.17.5 B. 4, subsection (o), which contains guidelines regarding animals kept outside of a structure or kennels located within 500 feet of residential zones. Amendments to the Planning Code must be referred to the Planning Department pursuant to the City Charter. LAMC Sections 12.03 and 12.17.5 are in the Planning Code.

Background and Summary of Ordinance Provisions

The City recently enacted Ordinance No. 182309, making it unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City, unless the dog, cat or rabbit was acquired from an animal shelter or a humane society located in the City or a non-profit rescue organization registered with the Department of Animal Services.

LAMC Section 53.00 defines a kennel as any lot, building, structure, enclosure or premises where four or more dogs or cats are kept or maintained, for any purpose. The ordinance modifies the definition of kennel to exempt pet shops from a kennel permit so they may maintain four or more dogs, four months of age or older, on the premises.

Section 12.03 of the LAMC also defines kennel as any lot or premises on which four or more dogs at least four months of age are kept, and allows kennels by-right only in areas zoned for industrial uses. Section 12.03 must be amended in order to allow pet stores, including existing pet stores, to maintain three or more dogs, four months of age or older, on their premises. Absent such amendment, the ability of the City to carry out the intended purpose of Ordinance No. 182309 would be severely limited.

While the ordinance refines the definition of pet store in Section 53.00, we would also suggest that Section 53.50 of the LAMC, which deals with the issuance of pet store permits, be amended to reflect some of the restrictions on kennels found in Section 12.17.5 B. 4, subsection (o), dealing with conditional use permits for kennels in non-industrial zones to protect the public from unwarranted noise and odors.

Finally, we suggest that the Planning Department be directed to make the necessary changes in the definition of "Kennel" in LAMC Section 12.03 in order to allow pet shops to operate in areas not presently zoned for kennels, without seeking a conditional use permit. This Office will work with the Planning Department to revise the draft ordinance as requested by your Honorable Body.

Council Rule 38 Referral

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

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,

CARMEN A. TRUTANICH, City Attorney

By  (for)

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE: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" as a first step in authorizing pet shops or pet stores to operate without a kennel permit.

WHEREAS, the City recently enacted an ordinance making it unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles or a non-profit rescue; and

WHEREAS, animals obtained from an animal shelter, humane or rescue group are often older than four months of age, which would require the pet shop to obtain a kennel permit, which is allowed by-right only in areas zoned for manufacturing, and this would therefore prohibit many pet stores, including existing pet stores, from selling such shelter or rescue animals, thus severely limiting the ability of the City to carry out the intended purpose of the recently enacted pet shop ordinance; and

WHEREAS, these changes, to be fully effective, must be accompanied by a change to the definition of "Kennel" in Section 12.03 of the LAMC, to allow pet shops to maintain and sell four or more dogs four months of age or older.

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 for any purpose, 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 for any purpose, with the exception of a Pet Shop or Pet Store.

"Pet Shop" or "Pet Store" shall mean any retail establishment, store or department of any store, or any permanent place of business open to the public where dogs, cats, 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 or pet store

permit issued by the Department, and that the facility is not used for the commercial boarding or breeding of animals. All dogs, cats or rabbits offered for sale or adoption must be suitable as indoor house pets and must be spayed or neutered.

“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 for any purpose, with the exception of a Pet Shop or Pet Store.

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

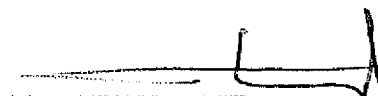
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
DOV S. LESEL
Assistant City Attorney

Date 3-22-13

File No. CF 11-0754-S1