

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to implementation of Los Angeles Municipal Code (LAMC) Section 53.73 to prohibit the sale of commercially bred animals by amending the LAMC to exclude pet shops.

Recommendation for Council action:

DIRECT the City Planning Department, in consultation with the City Attorney, to prepare and present an Ordinance to amend LAMC Section 12.03 to exclude the term pet shops from the definition of kennel.

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

Community Impact Statement: None submitted.

Summary:

On February 3, 2016, your Committee considered a December 16, 2015 City Attorney report relative to implantation of LAMC Section 53.73 to prohibit the sale of commercially bred animals by amending the LAMC to exclude pet shops. According to the City Attorney, pet shops that sell four or more adult dogs fall within the definition of "kennel" in the Zoning Code. The definition of "kennel" in LAMC Section 12.03 only refers to dogs, unlike LAMC Section 53.73 which specifically regulates the sale of dogs, cats and rabbits in pet shops.

Pet shops are allowed by right in the C2 Zone, but kennels are only allowed by right in industrial zones (LAMC Sections 12.14A(1)(a)(3) and 12.17.5B(4)(o)). To ensure that pet shops that keep four or more dogs for sale are not treated as kennels, the Planning Department issued a Zoning Administrator Interpretation (ZAI) on October 30, 2013, to clarify that the definition of "kennel" in LAMC Section 12.03 does not include pet shops.

However, the ZAI was invalidated in a recent lawsuit - *Daugherty v. City of Los Angeles*, Superior Court Case No. BS147232. In order to clarify the definition of kennel, the City Council could amend the definition of kennel in the Zoning Code to exclude pet shops.

In 2013, the City Council adopted LAMC Section 53.73, which made it unlawful to sell animals in pet shops that were not acquired from an animal shelter, a humane society or a non-profit rescue organization. The law became effective June 17, 2013. At the time LAMC Section 53.73 was enacted, pet shops that kept or maintained four or more adult animals would have met the definition of "kennel" in LAMC Section 53.00 and thus be required to obtain a kennel permit from the Department of Animal Services (DAS).

LAMC Section 53.00 defined a kennel as "any lot, building, structure, enclosure or premises where four or more dogs or cats are kept or maintained for any purpose." Similarly, pet shops that kept or maintained four or more adult dogs would also have met the definition of "kennel" in the Zoning Code which broadly defines kennels as "any lot or premises where four or more dogs at least four months of age are kept" per LAMC Section 12.03.

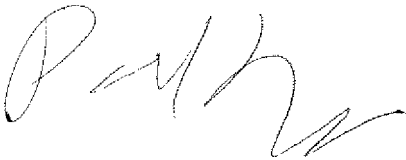
allowed by-right in areas zoned for industrial uses. LAMC Sections 12.14A(1)(a)(3) and 12.17.5B(4)(o). Therefore, a pet shop that falls within the definition of a kennel would not be allowed to operate by-right in a commercial zone. To ensure that pet shops keeping or maintaining four or more adult dogs would not be required to obtain a kennel permit from the DAS.

Subsequently, Council amended the definition of "kennel" in LAMC Section 53.00 (Ordinance No. 182816) to exclude pet shops. The definition of "pet shops" and "pet stores" was also amended to allow the keeping of adult animals for sale. Ordinance No. 182816 became effective January 19, 2014. However, to resolve the ambiguity in the Zoning Code, Council did not amend the definition of kennel in LAMC Section 12.03 by way of an ordinance. Instead, the City Planning Department issued Zoning Administrator Interpretation No. ZA-2013-3104- ZAI on October 30, 2013, to clarify that the definition of "kennel" in LAMC Section 12.03 does not include pet shops.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend directing the City Planning Department, in consultation with the City Attorney, to prepare and present an ordinance to amending LAMC Section 12.03 to exclude the term pet shops from the definition of kennel. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
RYU:	YES
HARRIS - DAWSON:	YES

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2/3/16

-NOT OFFICIAL UNTIL COUNCIL ACTS-