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CITY ATTORNEY

REPORT NO. R 15 - 0 0 6 3
MAR 0 3 2015

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 53.15.5 OF THE LOS ANGELES
MUNICIPAL CODE WITH RESPECT TO AN ELECTRONIC ANIMAL
IDENTIFICATION DEVICE (MICROCHIP) FOR RABBITS**

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. 14-1249

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 draft ordinance amends Section 53.15.5 of the Los Angeles Municipal Code (LAMC) by including rabbits in the list of animals receiving microchip identification. Currently, dogs and cats are the only animals subject to this Code section. The cost to provide and implant a rabbit with a microchip shall be \$15 when implanted in connection with an adoption, increasing the adoption fee for a rabbit from \$56 to \$71. An owner of a rabbit may voluntarily microchip his or her rabbit and request the Department of Animal Services (Department) to insert the microchip for a fee of \$25.

No action is necessary to direct that the funds generated from the microchip sales be deposited into the Electronic Animal Identification Device Revolving Fund, as Los Angeles Administrative Code Section 5.150 already requires that all microchip fees collected by the Department or its authorized agent are to be deposited into the Fund.

Background and Summary of Ordinance Provisions

Currently, most rabbits are not implanted with microchips, making difficult the reunification of a lost rabbit with its owner. Microchipping will help the reunification effort. The draft ordinance requires the Department to microchip each rabbit at the time of adoption or when an owner redeems a lost rabbit from the Department shelter. A \$15 microchip fee will be charged to the owner redeeming a lost rabbit and added to the adoption fee, increasing the total adoption fee for a rabbit from \$56 to \$71. The fees to provide and implant the identification device (microchip) are the same fees charged for dogs and cats. An owner of a rabbit can also come into a shelter and have his or her rabbit implanted with a microchip for a \$25 fee.

The substance of the draft ordinance was approved by the Board of Animal Services Commissioners on August 12, 2014, subject to Council approval, and by the Personnel and Animal Welfare (PAW) Committee on October 7, 2014. The PAW Committee recommendations were approved by City Council on October 28, 2014.

Fee Notice Requirement

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of state law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral


A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services with a request that all comments, if any, be presented directly to City Council when this matter is consider.

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

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Transmittal