



CITY OF LOS ANGELES  
**L A ANIMAL SERVICES**



Date: January 14, 2008  
To: Board of Animal Services Commissioners  
From: Edward A. Boks, General Manager  
Subject: UPDATE ON CITY ATTORNEY'S DRAFT OF REVISED PROPOSED TRANSFER PERMIT ORDINANCE

On November 13, 2007, the Board approved a report requesting that the City Council direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) 53.15.2 to add a required animal transfer permit and related regulations. Key provisions of the proposed ordinance were:

- Establish as a parallel to the Breeder's Permit an annual Transfer Permit which would be required for all those who sell, advertise for sale, broker the sale, or in anyway transfer for compensation or otherwise, a dog or cat in the City of Los Angeles regardless of where the animal was bred. This permit must also require that such animals are microchipped and that name and address information be provided to the Department for persons taking transfer of dogs for licensing.
- Add requirements that any person with a Breeding or Transfer Permit must also acquire appropriate state and local business and sales tax permits and licenses and comply with all tax laws and regulations. Copies of Breeder and Transfer Permits should be supplied to the City of Los Angeles, Office of Finance, for their follow-up in regard to tax registration.
- Transfer Permit numbers, along with appropriate state or local tax permit numbers, must be included in any advertising of dogs or cats for sale and must be written on receipts for any sale or transfer of any kind.
- Rules will be promulgated by the General Manager and must be followed by permit holders, including but not limited to limitations on the number of animals that may be transferred annually.
- Persons applying for a transfer permit must be 18 years of age and animals sold or otherwise transferred must be at minimum eight weeks of age.
- Fees and fines for failure to obtain a permit would be parallel to current breeding permit fee and fines, however those fees and fines are currently under study and increases will be presented to the Board at a later date.

At the meeting, the Board modified the staff recommendation to make the regulations apply to all animals, rather than only dogs and cats, and added two requirements: that no transfer permit would be issued for animals involved in fighting and that violation of the ordinance would result in a misdemeanor.

The proposed ordinance has not been considered yet by City Council, however the Board also requested that the City Attorney provide a draft of the ordinance which encompasses the Board's proposed regulations. For information purposes, this preliminary draft follows.

New Subsections (9), (10) and (11) are added to Section 53.15.2 (e) "**Sale, Adoption and Other Transfers of Animals:**" of the Los Angeles Municipal Code as follows:

(9) No person shall sell, advertise for sale, transfer or broker the transfer or sale for compensation or otherwise, any animal within the City of Los Angeles, without first obtaining a **transfer permit**, except for pet stores or other commercial establishments. This requirement shall not apply to governmental agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c) (3), who do not breed animals and who comply with the rules and regulations of the Department, including early age spaying and neutering; humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of the California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110; persons who have a valid breeding permit from the Department; or an individual placing a personal or occasional rescued pet and capable of providing documentation that the transfer of such animal is not part of an on-going business or of a breeding activity.

(10) The term **transfer permit** means a written authorization, giving its lawful holder permission to sell or transfer, whether for compensation or otherwise, a maximum number and types of animals under the age of one year which are produced from any source other than breeding in the City of Los Angeles pursuant to a valid breeder's permit by the holder of the transfer permit, consistent with the permit process established in Section 53.50 and 53.58. In addition to the criteria and procedures established by the General Manager, including such information as the General Manager, by rule or regulation, shall require, all transfer permits shall contain the following terms and conditions:

A. Each transfer permit shall be valid for one year from the date of issuance by the Department and may be renewed annually, before its expiration date. Each applicant for a transfer permit shall pay an annual fee established by the Department following review by the City Administrative Officer.

B. Any holder of a transfer permit who advertises to the public the availability of any animal for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the transfer permit number(s) in any such advertisement.

C. If the animals are being sold, the transfer permit holder must also obtain a City business license and if applicable, a resale number and tax identification number from the State Board of Equalization.

D. The transfer permit holder must provide the City transfer permit number, and disclose license and permit requirements of the City applicable to the transferred animal, and upon request, the City business license number, if applicable, to any person who purchases, adopts or receives any animal from the permit holder and shall include the permit and business license numbers on any receipt of sale or transfer document.

E. The transfer permit holder shall submit the name, address and telephone number of the animal's new owner to the Department within five (5) days from the sale or transfer, on a Department-approved form.

F. The sale or transfer of animals shall be prohibited until they have reached the age of at least eight weeks and until immunized against common diseases where feasible and appropriate.

G. No transfer permit shall be issued to any person under the age of eighteen years or to any person who has been convicted of animal cruelty or neglect. No animal shall be transferred to any minor under the age of eighteen years without the written permission of one of the minor's parents or legal guardians.

H. No transfer permit shall be issued to any person who sells or transfers fighting dogs or who knowingly sells or transfer a dog for purposes of staged animal fighting.

(11) A person found to be in violation of the transfer permit by the Department or who has failed to obtain a transfer permit, shall comply with the provisions therein or if not in possession of a transfer permit, obtain a transfer permit, within forty-five days from the date first notified by the Department of the violation. After serving notice on the person in the manner allowed by Section 11(i) of this Code, if the person so notified has is not in compliance with the transfer permit or has not obtained a transfer permit, the Department shall impose a \$500 civil penalty. This penalty shall not be waived by the Department, and shall be imposed in addition to any other applicable civil or criminal penalties. Failure to obtain a transfer permit within forty-five days after notification by the Department or failure to comply with the terms and conditions of the transfer permit, shall be a misdemeanor. Failure to comply with the terms and conditions of the transfer permit and applicable law shall also be grounds for the revocation or suspension of the transfer permit.