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EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: January 28, 2008 **PREPARED BY:** Linda Barth

REPORT DATE: January 25, 2008

TITLE: Assistant General
Manager

SUBJECT: Proposal to Amend the Los Angeles Municipal Code to Require Dogs and Cats to be Sterilized

BOARD ACTION RECOMMENDED:

That the Board:

1. Approve, substantially as submitted by the City Attorney, an ordinance amending the Los Angeles Municipal Code (LAMC) to require mandatory spay/neuter of any dog or cat unless specifically exempted by the ordinance, to require microchipping of any animal legally remaining intact, and to establish an Animal Services Spay/Neuter Advisory Committee, as described below; and,
 2. Support the enactment of the ordinance by Council.
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SUMMARY:

On the meeting of June 7, 2007, the Board approved a report which responded to a motion introduced by Councilmembers Richard Alarcon and Tony Cardenas, seconded by Councilmember Janice Hahn for Councilmember Herb Wesson, Jr., to mandate the spaying and neutering of domestic cats and dogs in the City, with exception for licensed breeders (Council File 07-1212). The motion was an outgrowth of the Council's discussion on April 17, 2007, regarding support for California Assembly Bill (AB) 1634, the California Healthy Pets Act. The motion by Councilmembers Alarcon and Cardenas, however, intended for the Department to work on legislation that would more

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immediately and precisely impact the City's pet overpopulation crisis. In accordance with the Motion, the proposed ordinance is to be consistent with provisions of AB 1634 but adapted to the specific needs of Los Angeles, including an expanded program to assist pet owners earning less than 300% of the Federal Poverty Level to spay and neuter their pets.

The Board's action on June 7, 2007, directed staff to work with the City Attorney on preparation of the Ordinance, to include provisions that strengthened current breeding and transfer regulations, and to report back on progress and details of any proposed legislation. Also, on June 25, 2007, the Board held a field meeting at the East Valley Animal Care Center to take public comment on proposals for a City spay/neuter ordinance. Much of the comments were reflective of positions on AB 1634, but also provided important input to staff and the City Attorney. On July 23, 2007, the Board approved recommended amendments to the LAMC which were developed from this process of public input, plus information learned in AB 1634-inspired dialog, and experience of staff and the City Attorney. That proposal targeted areas of greatest need in dealing with animal issues and recommended, broadly:

- Mandatory Spay/Neuter- Requires spay/neuter of any dog or cat redeemed by owner or subject to any enforcement action of the Department, unless properly permitted to be intact or if it is the case that sterilization is not possible for medical reasons.
- Mandatory Microchipping – Adds to the previous recommendation of the Board, that LAMC be amended to require any redeemed animal to be microchipped, to also require any animal exempted from mandatory spay/neuter to be microchipped for tracking purposes.
- Strengthen Breeding and Transfer Regulations – Amends LAMC to establish a Transfer Permit which would be a parallel program to the Breeding Permit program, thereby regulating the sale or other transfer of dogs and cats to owners in the City, when the dog or cat is bred outside the City. A revised and stronger version of this recommendation has moved forward for Mayor and Council consideration separately, as approved by the Board at the meeting of November 13, 2007.

Launching from that point, the City Attorney has worked with staff from supporting Council offices and with Department staff to prepare a proposed Ordinance which captures much of the Board's original recommendations and accomplishes more. Specifically, and for consideration of the Board today, is an ordinance which proposes additions to Subsection (b) of Section 53.15.2 of the Los Angeles Municipal Code, summarized as follows.

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- No person, within the City of Los Angeles, shall own a dog or cat over the age of four months that has not been spayed or neutered, unless meeting certain exemptions:
 - A. The dog or cat is a breed approved by and is registered with a registry or association, and the dog or cat is actively used to show or compete or is being groomed for that purpose and is too young to have yet competed.
 - B. The dog has earned, or if under three years old, is actively being trained and in the process of earning, an agility, carting, herding, protection, rally, hunting, working, or other title.
 - C. The dog is being, or has been appropriately trained and is actively used in a manner that meets the definition of guide, signal or service dog.
 - D. The dog is appropriately trained or is in the process of being trained and is actively used by law enforcement agencies or the military for law enforcement, military or rescue activities.
 - E. The owner of the dog or cat provides a letter to the Department from a licensed veterinarian certifying that the animal would be best served by spaying after a specified date; that due to age, poor health, or illness it is unsafe to spay or neuter the animal at that time; or that arrangements have been made to spay or neuter the dog or cat within 60 days after the compliance deadline and the dog or cat is spayed or neutered within that 60-day period.
 - F. The dog or cat has a valid breeding permit issued to the owner pursuant to existing City ordinance.

- The Department through its Commission shall approve all registries or associations for which registration is a qualification for exemption.

- An unaltered dog or cat shall be implanted with a microchip identifying the owner of the animal, and for a dog, the owner must include the microchip number along with other requested information in the license application.

- A license for an unaltered dog shall not be transferable, and shall not be issued to any person under the age of eighteen years.

- An unaltered dog that has a valid dog license from the Department shall not be subject to this ordinance until the dog license expires, or July 1, 2009, which ever occurs first.

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- Violations are subject to notice and escalating penalties:
 - First Violation - Persons in violation of this ordinance shall be given a notice to comply, and information regarding free and subsidized spay and neuter services.
 - Second Violation – If not corrected within 60 days, the person shall pay a \$100.00 civil penalty or be allowed to perform eight hours of community service. The person must still spay or neuter the dog or cat.
 - Third Violation – For failure to pay the civil penalty or perform the community service and/or failure to comply with the spay or neuter requirements within the next 60 day period, the person shall pay a \$500.00 civil penalty or be allowed to perform forty hours of community service, in addition to spaying or neutering the dog or cat.
 - Misdemeanor – Continuing violation may be deemed a misdemeanor, after July 1, 2009, if 60 days after the third violation, the \$500.00 civil penalty is not paid or the forty hours of community service is not performed and/or the owner still has not spayed/neutered his/her dog or cat.

- An Animal Services Spay/Neuter Advisory Committee (Committee) is established, for the purpose of advising the Board on the impact of the City's spay/neuter policies on the City's low income residents.
 - The Committee will be fifteen persons, one appointed by each Council member.
 - The General Manager or his designee shall serve as a non-voting Secretary of the Committee.
 - All proceedings of the Committee shall be subject to the Brown Act.
 - The Committee shall meet at least four times, or more frequently as necessary, to do the following.
 - (1) Review the impact of the spay/neuter policies on pets owned by the City's low income residents.
 - (2) Review the number of animals spayed/neutered, total exemptions provided, the waiting list if any for the spay/neuter services, the amount and timing of committed funding, and recommendations for legislative and administrative action needed to ensure that funding is allocated promptly to qualified providers of the spay/neuter programs.
 - (3) Review the quality of services and accountability measures.
 - (4) Review challenges faced by the spay/neuter program that impede the provision of best possible services.
 - (5) Make recommendations on any improvements and changes to the spay/neuter program that will enhance its services and reduce the financial burden of the program on residents in low income areas.

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- The Committee shall prepare a final report to the Mayor and Council and dissolve by June 30, 2009.

To recap, tens of thousands of pets are born each year in Los Angeles unwanted and abandoned. Left un-spayed and un-neutered, these animals propagate far beyond the capacity of the local animal care centers, animal rescue groups, and the community to accommodate them. Neighborhoods deal with roaming and sometimes dangerous animals while the Department grapples with the pressure to euthanize some animals to make room for more. The financial cost to taxpayers, and the emotional toll suffered by Department employees and the communities who take care of these animals, are extremely high. The recommendations above represent a prudent step in dealing with this crisis and making a positive difference in our City.

FISCAL IMPACT:

The Department already manages a \$1.2 million spay/neuter program and processes licenses and permits. To enforce and administer the ordinance as proposed will result in changes to both programs.

Absent additional funding for subsidy of spay/neuter surgeries, the Department will need to analyze the return on investments of the various program elements (coupon subsidies, free surgeries, and mobile van surgeries), most likely shifting more funds to subsidy programs in order to provide help to the largest group of people. This may result in minor administrative costs to handle a higher volume of paperwork, and would require significant analysis to avoid adverse impacts on some populations.

In regard to the cost of licensing and permitting, the Department will have to create a new cat registration program to manage cats whose owners claim exemption under the ordinance. Existing breeding permit and dog licensing programs will be heavily impacted to input and monitor necessary exemption information. These factors suggest the need for additional human resource which could be up to four animal control officers and a like number of additional clerical staff (approximately \$380K). Over time, the overall impact to the Department would diminish as the number of animals and animal-related calls drop when more animals are unable to reproduce. In the short term, the City could explore surcharging revenue increases to fund the needed staff.

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Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____