

## **ANALYSIS**

This ordinance amends Title 10 - Animals, of the Los Angeles County Code to establish a mandatory spay and neuter program for dogs. The ordinance is authorized by the police power of the county.

The ordinance includes amendments to Chapter 10.08 - Definitions: amends "Hobby breeder," adds definitions for "Competition dog" and "Unaltered;" and adds Part 4 - Mandatory Spay and Neuter Program for Dogs to Chapter 10.20 - Dogs and Cats; and amends Chapter 10.90 - Fees for Services and Activities, Section 10.90.010(VI)(F) to increase the fee to \$60 per year for an unaltered dog license and to \$20 per year for an altered dog license.

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By  
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DCR:vn

Requested 2/1/06  
Revised 2/15/06

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 10 - Animals of the Los Angeles County Code, to establish a mandatory spay and neuter program, to require microchipping of dogs, and to establish new fees both altered and unaltered dog licenses.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 10.08.155 is hereby amended to read as follows:

**10.08.155 Hobby breeder.**

"Hobby breeder" is any person, except for a person possessing a valid kennel license, who owns and breeds a ~~female~~ dog or cat and sells the offspring for pay or for other compensation.

**SECTION 2.** is hereby added to read as follows:

**10.08.095.**

"Competition Dog" includes a dog which is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), or other valid registry, as determined by the Department and meets one of the following requirements:

- A. The dog has competed in at least one dog show or sporting competition sanctioned by the National Registry or approved by the Department;

within the last 365 days;

- B. The dog has earned a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above or other registry or dog sport association approved by the Department; or .
- C. The owner or custodian of the dog is a member of a purebred dog breed club, approved by the Department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

**SECTION 3.** Section 10.08.225 is hereby added to read as follows:

**10.08.225 Unaltered.**

"Unaltered" means an animal which has not been spayed or neutered.

**SECTION 5.** Chapter 10.20, Dogs and Cats, is hereby amended to add Part 4 Mandatory Spay and Neuter Program for Dogs to read as follows:

**Part 4**

**Mandatory Spay and Neuter Program for Dogs**

**Sections:**

- 10.20.350 Mandatory spaying, neutering and microchipping of dogs.
- 10.20.355 Unaltered dog license - requirements.
- 10.20.360 Denial or revocation of unaltered dog license-grounds

and re-application.

10.20.365 Appeal of denial or revocation of unaltered dog license.

10.20.370 Transfer, sale and breeding of unaltered dog. 10.20.375

Penalties.

10.20.380 Impoundment of unaltered dog.

10.20.385 Allocation of fees and fines collected.

**10.20.350 Mandatory spaying, neutering and microchipping of dogs.**

A. No person may own, keep, or harbor a dog over the age of four months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered or obtain an unaltered dog license in accordance with Section 10.20.355

B. The owner or custodian of a dog which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog may be safely spayed or neutered. If the dog is unable to be spayed or neutered within 30 days, the owner or custodian must obtain an unaltered dog license.

C. . All dogs over the age of four months must be implanted with an identifying microchip by a private veterinary facility, by the department or by another animal care and control agency. The owner or custodian is required to provide the microchip number to the department, and shall notify the department of change of address of

telephone number.

**10.20.355 Unaltered dog license-requirements.**

An owner or custodian of an unaltered dog over the age of four months must obtain an annual unaltered dog license for the dog. The license shall be issued if all the following conditions are met:

A. Dog is one of the following: a competition dog as defined in Section 10.08.095; a dog used by a law enforcement agency for law enforcement purposes; a qualified service or assistance dog as defined in Section 10.20.090; a dog which is unable to be spayed or neutered as set forth in Section 10.20.350 B.

B. The owner or custodian has submitted the required application and has paid the fee set forth in Section 10.90.010(VI)(F);

C. The unaltered dog will be maintained in accordance with the provisions of Los Angeles County Code Section 10.40.010, and with applicable state animal care and control laws.

D. The department has evaluated the application and has made a finding that the dog meets the requirements necessary to obtain an unaltered dog license

**10.20.360 Denial or revocation of unaltered dog license-grounds and re-application.**

A. The department may deny or revoke an unaltered dog license for one or more of the following reasons:

1. The applicant or licensee is not in compliance with all of the requirements of Section 10.20.355;

2. The department has received at least one complaint verified by the complainant under penalty of perjury, that the applicant or licensee has allowed a dog to run loose or escape, or has otherwise been found to be neglectful of his or her dog or other animals;

3. The applicant or licensee has been previously cited for a violation of any provision of Title 10 of the Los Angeles County Code;

4. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction, to be a potentially dangerous or vicious dog, or to be a nuisance within the meaning of the Los Angeles County Code or under state law;

5. Any unaltered dog license held by the applicant has been revoked;

6. A female unaltered dog has had more than one litter per year, or five or more litters in her lifetime;

7. The license application is discovered to contain a material misrepresentation of fact.

B. Re-application for unaltered dog license:

1. When an unaltered dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 10.20.355 have been met. The department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.

2. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty day waiting period upon a showing that

the requirements of Section 10.20.355 have been met. No part of an unaltered dog license fee is refundable when a license is revoked.

**10.20.365 Appeal of denial or revocation of unaltered dog license.**

A. Request for hearing.

1. Notice of intent to deny or revoke. The department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

2. Hearing officer. The hearing shall be conducted by the director's designee.

3. Notice and conduct of hearing. The department shall mail a written notice of the date, time, and place for the hearing not less than ten days before the hearing date. The hearing date shall be no more than thirty days after the department's receipt of the request for a hearing. Failure of the owner or custodian or his or her agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The department shall mail a written decision to the owner or custodian within ten days after the hearing. The decision of the hearing officer shall be the final administrative

decision.

B. Change in location of dog. If the dog is moved after the department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

#### **10.20.370 Transfer, sale and breeding of unaltered dog.**

A. Offer for sale or transfer of unaltered dog: An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with Section 10.20.350. The license number must also be supplied as part of a written agreement for the transaction to the person acquiring the dog.

B. Transfer of unaltered dog: The owner or custodian of an unaltered dog over the age of four months, which does not have the registration papers identified in Section 10.20.355(C)(1), must demonstrate compliance with Section 10.20.350 prior to the transfer, and must notify the department of the name and address of the transferee within ten days after the transfer.

C. Notification of litter and sale or transfer of puppies: Within thirty days after a litter is born to a female dog, the owner or custodian of the female dog shall advise the department in writing of the number of live born puppies. When a puppy



under the age of four months is sold or otherwise transferred to another person, the owner or custodian shall advise the department of the name and address of the new owner or custodian, and the microchip number of the puppy, if applicable, within ten days after the transfer.

#### **10.20.375 Penalties.**

The penalties for violations of any provision of this part are as follows:

A. First violation. A first violation shall be an infraction punishable by a fine not to exceed \$250. If the owner or custodian fails to correct the underlying cause of the violation within 30 days after being notified of the violation, it shall be deemed a second violation.

B. Second violation. A violation within a year of a first violation shall be deemed a second violation. A second violation is a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six months or by a fine not to exceed \$1,000, or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional misdemeanor.

#### **10.20.380 Impoundment of unaltered dog.**

A. When an unaltered dog is impounded, the owner or custodian may reclaim the unaltered dog when one of the following occurs:

1. The dog is spayed or neutered by a department veterinarian at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required.

2. The dog is spayed or neutered by another department approved veterinarian. The owner or custodian may arrange for another department approved veterinarian to spay or neuter the dog, and shall pay to the department the cost to deliver the dog to the chosen veterinarian. The cost to deliver the dog shall be based on the department's hourly rate established by the Auditor-Controller, billed in minimum one hour increments. The veterinarian shall complete and return to the department within ten days, a statement confirming that the dog has been spayed or neutered and shall release the dog to the owner or custodian only after the spay or neuter procedure is complete.

3. At the discretion of the director, the dog may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog will be spayed or neutered and that he or she will submit a statement within ten days, signed by the veterinarian, confirming that the dog has been spayed or neutered.

4. If the owner or custodian demonstrates compliance with Section 10.20.350.

B. Costs of Impoundment.

1. The owner or custodian of the unaltered dog shall be responsible for the costs of impoundment, including daily board costs if it is determined that the owner or custodian is in violation of Section 10.20.350.

2. The costs of impoundment shall be a lien on the dog, and the unaltered dog shall not be returned to its owner or custodian until the costs

are paid. If the owner or custodian of an impounded unaltered dog does not pay the lien against the dog in full within fourteen days, the dog shall be deemed abandoned to the department in accordance with Section 10.36.310.

**10.20.385 Allocation of fees and fines collected.**

All costs and fines collected under this part and the fees collected under Section 10.90.010 (VI)(F) shall be paid to the department for the purpose of defraying the cost of the implementation and enforcement of this Part 4.

**SECTION 6.** Section 10.90.010 (VI) is hereby amended to read as follows:

**10.90.010 Fee schedule.**

The fees required to be paid for all services and activities set forth in Title 10 are as follows, except that the director may waive any fees in cases of undue hardship:

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VI. Individual Animal Licenses. Fees

Every person owning a dog or cat over the age of four months shall obtain an annual license and tag for each such dog or cat; except, there shall be a one-time-only fee for registration of discharged military dogs, for guide dogs or Seeing Eye dogs, for signal dogs trained to assist the hearing impaired, and for service dogs trained to perform tasks to assist the physically handicapped, upon payment of the following fees:

A. Dog license and tag fees:

Dogs over four months:

1.	Unspayed/unneutered	<del>\$ 30.00</del> <u>\$60.00</u>
2.	Spayed/neutered	<del>15.00</del> 20.00
3.	Omitted by Ord. 2000-0075.	
4.	Senior citizen -- Spayed/neutered dog	7.50
5.	Delinquency charge for annual license renewal not obtained on or before date of expiration	20.00
6.	Replacement of tag or official license receipt	5.00
7.	Transfer of ownership	5.00
8.	Discharged military dogs (one-time registration fee)	5.00
9.	Guide dogs or Seeing Eye dogs, signal dogs, and service dogs (one-time registration fee)	5.00

B. Cat license fees:

1. Unspayed/unneutered	10.00
2. Spayed/neutered	5.00
3. Replacement cat tag	5.00
4. Transfer of ownership	5.00

C. Cat licensing, kennel exception:

Up to five cats may be kept at any residence without a kennel license, provided the cats' owner or custodian licenses each individual animal, has each animal spayed or neutered and keeps all cats primarily indoors.

D. Other animals -- Licenses required:

1. Pygmy pigs	50.00
2. Wild animals	100.00

E. Voluntary identification and registration:

Any dog or cat may be registered in the department's Voluntary Identification Program. Such animal shall be assigned an identification number by tattoo, microchip or other available means of identification, at the owner's request, upon the payment of the following fees:

- 1. Initial identification and registration 20.00
- 2. Annual renewal 10.00
- 3. Transfer of ownership 5.00

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