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DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: November 13, 2007 **PREPARED BY:** Linda Barth

REPORT DATE: November 6, 2007

TITLE: Assistant General
Manager

SUBJECT: Amendments to Los Angeles Municipal Code Specific to Animal Transfer
Regulations

BOARD ACTION RECOMMENDED:

That the Board request 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, as described in the body of the report, in place of previously recommended amendments to add transfer permits to LAMC.

SUMMARY:

At the meeting of July 23, 2007, the Board approved forwarding to the Mayor and City Council a series of recommended amendments to LAMC 53.00 et. seq. that would require any animal which is taken in by the City or subject to enforcement activity under the code to be spayed or neutered, and to require microchipping of any animal legally remaining intact, and to strengthen breeding and transfer regulations. This report and its recommendations were a response 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 proposal transmitted by the Department is under discussion at the Council committee level, and may well reflect modifications when ultimately presented for action. To be included in the legislation will be the mandatory microchipping that was one of the three major recommendations of the July 23, 2007, action. However, given the need to expedite changes to LAMC to close the loophole that exists when an animal

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is transferred from a broker or breeder outside the City, to a new owner within the City, staff proposes that the Board consider and approve separate and specific amendments to the LAMC section on breeding and transfer to proceed outside the continuing spay/neuter legislation.

The City was typically progressive when amending the LAMC in 2000 to add breeding and animal transfer provisions, and an altered/unaltered license differential to motivate increased voluntary spay/neuter of dogs. As the Department has implemented these regulations, embodied in LAMC 53.15.2, some vulnerability has become obvious.

There is no permit requirement for those who sell or broker the sale of puppies, kittens, dogs or cats which are not bred on their premises. This lack of a permit has crippled enforcement and resulted in thousands of unaltered and unidentified puppies and kittens being bred and sold without any breeder permit. There is no provision for controlling a seller who claims that the puppies or kittens were bred outside the limits, and there are no provisions for inspection of the property before/after the permit is issued or even when there is evidence that offspring and probable parents are present on the property. All the seller has to say is that the dog or cat was bred outside of the City of Los Angeles and officers may be left without options for any enforcement activity. No verification or follow-up on the maintenance/condition/verifiable identification of animals being bred or produced through breeding is included within the current ordinance.

Neither is there currently any mandate for those who engage in the cottage industry of “hobby” or backyard breeding to obtain a business license and tax permit as is required of all other in-home businesses. Thus the financial burden for thousands of pets intentionally bred for profit and often subsequently impounded and euthanized falls entirely upon the taxpayers. A review of any edition of the L.A. Times classified ads will reveal the enormous number of puppies/kittens continually offered for sale by backyard breeders. There is a disincentive for participation in voluntary spay/neuter programs among those who purposefully breed purebred animals because of the untaxed, cash revenue they garner.

Therefore, we propose changes to LAMC 53.15.2 as follows.

- 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

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- 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 will be in 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. The previous recommendations differ from those above in that spay/neuter would not be required; permit information will be forwarded to the Office of Finance; and, permittees are required to supply address information for licensing follow up.

FISCAL IMPACT:

The changes recommended would have minor costs related to processing additional permits, offset by the typical \$100 per year fee currently charged. Curtailing transfers in general, and capturing more information about transferred dogs for licensing purposes, will have an undetermined positive effect on the flow of licensing revenue and may result in a decrease in unwanted animals turned into the City.

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____