City Hall East
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Los Angeles, CA 90012

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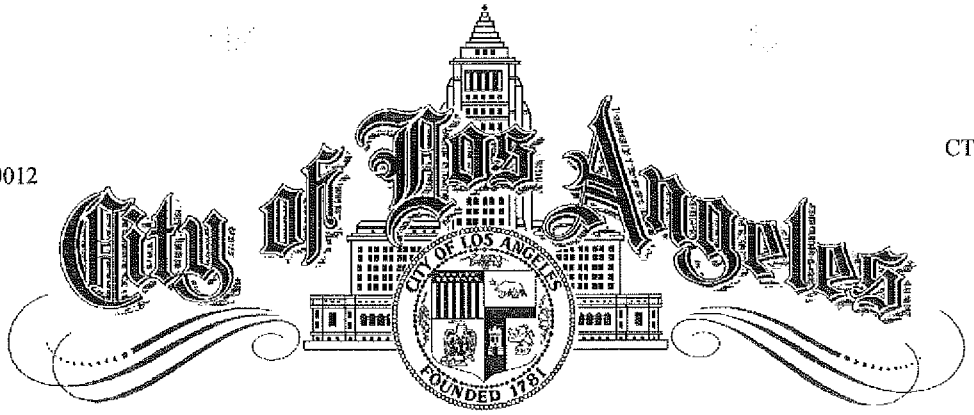

CARMEN A. TRUTANICH
City Attorney

REPORT NO. R11-0215

JUN 16 2011

REPORT RE:

DRAFT ORDINANCE PROHIBITING THE PURCHASE OF ANIMALS ON PUBLIC STREETS

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. 09-0632

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality. The ordinance would amend Section 53.42 of the Los Angeles Municipal Code (LAMC) by adding the prohibition on the purchase of animals on public streets or sidewalks in the City of Los Angeles to the existing prohibition on the sale of animals on public streets or sidewalks.

Background and Summary of Ordinance Provisions

The illegal sale of live animals, especially in the Santee Alley area of the Downtown Fashion District, is a growing problem. The purpose of the ordinance is to augment the existing prohibition on the sale of live animals on public streets and sidewalks. The ordinance will make it unlawful for any person to purchase, offer to purchase, barter or receive without cost, live animals on public streets and sidewalks. In addition, an administrative citation penalty has been added to Section 53.42.

The Department of Animal Services (Department) reports that sales of animals on public streets or sidewalks contributes to the proliferation of homeless or unwanted animals that end up in the City's animal shelters. In addition, these animals are often held in substandard conditions, deprived of adequate food and water and exposed to the elements.

Subsection (i) which has been added to Section 53.42 will allow a violation of this Section prohibiting the sale or purchase of animals on public streets or sidewalks to be enforced by means of administrative citations in addition to misdemeanor charges. The penalties of $250 for the first violation, $500 for the second violation and $1,000 for the third violation are consistent with those in the administrative citations enforcement program.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38 to the Department of Animal Services asking that they make any comments that they may have directly to the City Council when you consider this matter.

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,

CARMEN A. TRUTANICH, City Attorney

By Pedro B. Echeverria

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:DSL:pb
Transmittal

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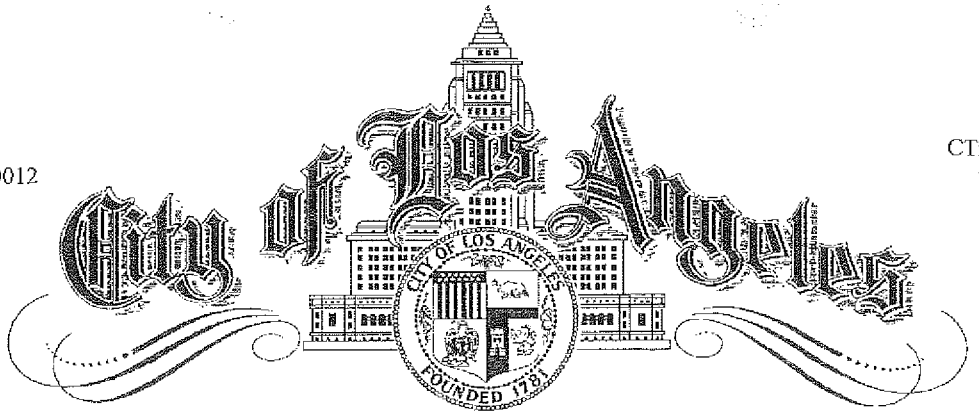

CARMEN A. TRUTANICH
City Attorney

June 13, 2011

Ms. Brenda Barnette, General Manager
Department of Animal Services
221 North Figueroa Street, 5th Floor
Los Angeles, California 90012

Re: An Ordinance Amending Section 53.42 of Article 3, Chapter 5 of the Los Angeles Municipal Code to Prohibit the Purchase of Animals on Public Streets

Council File No. 09-0632

Dear Ms. Barnette:

This Office has transmitted a draft ordinance to the City Council amending Section 53.42 of the Los Angeles Municipal Code (LAMC) to prohibit the purchase of animals on public streets or sidewalks and to incorporate an administrative citation program for violation of the ban on the illegal sale or purchase of animals.

Pursuant to Council Rule 38, this Office is transmitting a copy of the draft ordinance to you for your review and comment. Please review the draft ordinance and make any comments you might have directly to the City Council.

If you have any questions concerning this draft ordinance, please contact me at (213) 978-8154.

Sincerely,

DOV S. LESEL
Assistant City Attorney

DSL:pb
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 53.42 of Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to add a prohibition on the purchase of animals on public streets and sidewalks to the existing prohibition on the sale of animals on public streets and sidewalks in the City of Los Angeles.

WHEREAS, the sale of live animals on public streets or sidewalks is a growing problem in certain parts of the City, and the Department of Animal Services reports that such sales contribute to the proliferation of homeless or unwanted animals that end up in public animal shelters; and

WHEREAS, animals sold or purchased on public streets or sidewalks are sometimes subjected to substandard care, lack of food and water and exposure to adverse weather conditions; and

WHEREAS, prohibiting the purchase, bartering or receiving without cost, of animals on public streets or sidewalks will augment the existing prohibition on the sale or giving away of animals on public streets.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subsection (h) is added to Section 53.42 of the Los Angeles Municipal Code to read as follows:

(h) It shall be unlawful for any person to purchase, offer to purchase, barter or receive without cost, upon any street or sidewalk of the City of Los Angeles or other public place in the City of Los Angeles: (1) any baby chicks, ducklings, birds or other fowl; (2) any fish, turtle, snake, lizard, chameleon or other reptile; or (3) any rabbit, cat, dog, guinea pig, rodent or other animal.

Sec. 2. Subsection (i) is added to Section 53.42 of the Los Angeles Municipal Code to read as follows:

(i) A violation of this Section may also be enforced by means of an administrative citation and penalty in the amount of $250 for the first violation, $500 for the second violation and $1,000 for the third violation.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

_____
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By _____
DOV S. LESEL
Deputy City Attorney

Date 5/23/2011

File No. _____

M:\General Counsel (GC)\DOV LESEL\ORDINANCES\AS Ordinance LAMC 53.42 SALE OF ANIMALS ON PUBLIC STREETS April 13, 2011.doc