

DRAFT

ANALYSIS

This ordinance amends Title 10 – Animals of the Los Angeles County Code, relating to the licensing, care and breeding of animals.

The purpose of the ordinance is to add requirements relating primarily to the breeding of dogs and cats to ensure the health and safety of breeding dogs and cats. Related changes were made to add violations of the breeding and hobby breeding provisions to the list of misdemeanors, to add additional prerequisites for the licensing and record keeping of animal facilities, and to the definition of "person." The ordinance also deletes references to "kennels" and "establishments" and clarifies the meaning of relevant provisions.

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DCR:ec

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DRAFT

ORDINANCE NO. _____

An ordinance amending Title 10 - Animals of the Los Angeles County Code, relating to the licensing, care and breeding of animals.

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

SECTION 1. Section 10.04.060 is hereby amended to read as follows:

10.04.060 Violation -- Penalty.

A. Any person violating any of the provisions of this title is guilty of an infraction, unless another penalty is provided for in this title.

B. Violation of Sections

10.12.190

10.12.200

10.20.045

10.20.280

10.20.310

10.28.060

10.28.280(C)

10.32.020

10.32.070

10.32.080

10.37.030

10.37.050(C)

10.37.060(F)

10.40.010

10.40.040

10.40.200

10.86.010

of this title is a misdemeanor, punishable as set forth in Penal Code section 19.

...

SECTION 2. Section 10.08.190 is hereby amended to read as follows:

10.08.190 Person.

"Person" means and includes an individual, a company, firm, partnership, corporation, trust, limited liability company, and any association of persons or legal entity.

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SECTION 3. Chapter 10.28 is hereby amended to read as follows:

10.28 OTHER LICENSES FOR OTHER ANIMALS

SECTION 4. Section 10.28.010 is hereby amended to read as follows:

10.28.010 Application of Chapter 10.28 provisions.

This chapter applies to all licenses required by this Division 1 except licenses for individual dogs and cats.

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SECTION 5. Section 10.28.050 is hereby amended to read as follows:

10.28.050 License requirements – Inspection Pprerequisites to issuance and renewal.

Upon the filing of any license or renewal application covered by this chapter, the director shall inspect and make such investigation as he deems proper. The director may issue a new license or renew the license if the following requirements are met:

A. The maintenance of the animal or animals at the location set forth in the application will not violate any law or ordinance of the county of Los Angeles, federal law or any law of the state of California, or constitute a menace to the health, peace or safety of the community;

B. The applicant has received approval from the director of the regional planning department that the maintenance of the animal or animals as defined in this chapter, at the location specified in the application for the license therefore, will not violate any provision of any zoning ordinance or other specific plan of land use; and

C. The applicant has not had a license, covered by this chapter, denied or revoked within the county of Los Angeles within twelve months prior to the application. However, the director may issue a license within the twelve month waiting period if the applicant is able to make the showing required by Section 10.28.150-; and

D. The director may approve an application for a facility of more than fifty (50) dogs or cats if the following additional criterion are met:

1. The animal facility has operated as a licensed animal facility with fifty (50) or fewer dogs or cats for at least twelve (12) months and has had no violations of Title 10 or Title 22 within the past twelve (12) months;

2. The animal facility states on its application the maximum number of dogs and/or cats to be housed at the facility during the term of the license;

3. The animal facility demonstrates that it is able to house and care for the number of dogs or cats in compliance with the requirements of this section and all applicable requirements of Title 10;

4. The animal facility obtains approval from the director for an emergency evacuation plan, which is updated annually; and

5. The animal facility maintains adequate staffing at the facility twenty-four (24) hours a day to attend to the animals.

E. Any applicant applying for a breeding license, shall also comply with all of the requirements of 10.40.200 and obtain approval from the Department of Public Health, Veterinary Services, following an on-site inspection. The applicant shall also obtain approval from the Environmental Health division or any other division of the Department of Public Health, if deemed necessary, due to environmental or other public health concerns.

SECTION 6. Section 10.28.060 is hereby amended to read as follows:

10.28.060 License -- Required for certain activities and animals -- Certain animals exempt.

A.—Any person, including a new owner of an existing organization or business, shall not conduct or operate any animal facility listed in Section 10.90.010.H, or keep any wild animal, within the unincorporated area of Los Angeles, without first obtaining a license from the department, except as otherwise provided in this Section 10.28.060. Any person who has not applied for a license within 30 days after the expiration date of a license must obtain a new license, in place of a renewal license.

A license is not required for the keeping of the following animals for personal use:

1. Canaries;
2. Chinchillas;
3. Chipmunks;
4. Finches;
5. Gopher snakes;
6. Guinea pigs;
7. Hamsters;
8. Hawks;
9. King snakes;
10. Marmoset monkeys;
11. Mynah birds;
12. Parrots, parakeets, amazons, cockatiels, cockatoos, lories, lorikeets, love

birds, macaws, and similar birds of the psittacine family;

13. Pigeons;
14. Ravens;

15. Squirrel monkeys;
16. Steppe eagles;
17. Toucans;
18. Turtles;
19. White doves;
20. Tropical fish excluding caribe;
21. Domesticated mice and rats.

~~B. Notwithstanding any other provision of this Division 1, the director shall waive the license requirement for a cat kennel (as defined in Section 10.08.090) or dog kennel (as defined in Section 10.08.130) when an animal permit has been obtained pursuant to Ordinance 1494, the Zoning Ordinance, (Los Angeles County Code Sections 22.52.330 and 22.56.420 through 22.56.530).~~

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SECTION 7. Section 10.28.090 is hereby amended to read as follows:

10.28.090 License – Expiration date.

All licenses covered by this chapter shall automatically expire twelve (12) months following the date of issue, unless sooner revoked or terminated by any of the following actions: unless the licensee changes the location of his establishment the animal facility or the animal for which the license was issued, or the licensee sells, assigns, transfers or otherwise disposes of such establishment the animal facility or animal or his or her interest therein.

...

SECTION 8. Section 10.32.070 is hereby amended to read as follows:

10.32.070 Requirements for animal facility keeping cats. ~~Cat kennel~~

~~requirements.~~ Every person owning or operating any animal facility used to keep cats,
~~cat kennel~~ shall keep all cats therein under proper confinement on the premises and
shall not cause, permit or allow such cats to be or to run at large.

...

SECTION 9. Section 10.36.080 is hereby amended to read as follows:

10.36.080 Impounded animals -- Recordkeeping requirements.

The director shall keep a record of each animal impounded ~~by him,~~ the date of
impounding ~~thereof,~~ the date and name and address of the person ~~by whom~~ redeemed,
reclaimed or purchased the animal, and the amount of all fees received or collected for
or because of the impounding, reclaiming or purchasing of the animal. ~~thereof, together~~
~~with the number of any license tag exhibited or purchased upon the redemption or sale~~
~~of any such dog, as well as the number and the date of any kennel license exhibited~~
~~upon the redemption of any dog.~~ When a dog or cat is redeemed by an owner or is
adopted, the director shall keep the dog or cat license number or the animal facility
license number under which the dog or cat was released.

...

SECTION 10. Section 10.37.100 is hereby amended to read as follows:

**10.37.100 Authority to seize and impound animal posing an immediate
threat to public safety.**

A. If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to this chapter. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated potentially dangerous or vicious. Such costs and expenses shall be paid prior to the release of the dog.

B. When a dog has been impounded pursuant to subsection A and it is not contrary to public safety, the director of the department of animal care and control shall permit the animal to be confined at the owner's expense in a department-approved kennel animal or veterinary facility.

...

SECTION 11. Section 10.40.010 is hereby amended to read as follows:

10.40.010 Animal care – Requirements for animal owners and animal establishments facilities.

Every person, within the county of Los Angeles, who owns any animal or who owns, conducts, manages or operates any animal facility establishment for which a license is required by this Division 1, shall comply with each of the following conditions:

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals. Housing facilities must be equipped with

working smoke alarms and have means of fire suppression, such as functioning fire extinguishers or a sprinkler system in each room where animals are kept.

B. All animals shall be supplied with sufficient good and wholesome food and potable water that is free from debris and is readily accessible and available as often as the feeding habits of the respective animals require.

C. ~~All animals~~ Animals shall be groomed and kept in a manner which is not injurious to their health. and ~~a~~All animal buildings or enclosures shall be maintained in a clean and sanitary condition to control odors and to prevent the spread of disease.

D. All animals shall be so maintained as to eliminate excessive and nighttime noise.

E. No animals shall be without attention more than 12 consecutive hours;
~~Whenever an animal is left unattended at a commercial animal facility, the telephone number of the department of animal care and control, or the name, address and telephone number of the responsible person, shall be posted in a conspicuous place at the front of the property.~~ animal facilities shall comply with the applicable minimum staffing requirements set forth in Section 10.28.050 and in 10.40.010 Z.

F. ~~Every reasonable precaution shall be used to insure that a~~Animals are shall not be neglected, teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.

G. No condition shall be maintained or permitted that is or could be injurious to the animals. Tethering of animals is prohibited except as permitted under California Health and Safety Code section 122335.

H. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

I. Every animal establishment facility shall isolate sick animals sufficiently so as not to endanger the health of other animals. ~~Sick animals shall at all times be isolated from the other animals.~~

J. Every building or enclosure wherein animals are maintained shall be constructed of material easily cleaned and shall be kept in a sanitary condition and in good repair. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

K. An animal shall be taken ~~Such person shall take any animal~~ to a veterinarian for examination or treatment, if the director finds it this is necessary in order to maintain the health of the animal, and orders the owner or custodian to do so.

L. All animal enclosures, including, but not limited to rooms, cages, kennels and kennel runs, shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall comply with the following:

1. The enclosure shall be large enough for the animal to easily sit, stand, turn around, fully stretch and lie down in a normal manner and have a solid floor surface, not metal strand or wire flooring;

2. The enclosure shall be of sufficient height so that the animal's head does not touch the ceiling of the enclosure when the animal is standing normally; and

3. The enclosure shall not be placed on top of another animal enclosure.

M. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.

N. ~~Such person shall provide proper~~Proper shelter and protection from the weather shall be provided at all times.

O. An animal shall not be given~~Such person shall not give an animal~~ any alcoholic beverage, unless prescribed by a veterinarian.

P. ~~Such person shall not allow a~~Animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, shall not ~~to~~ be quartered together, or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.

Q. ~~Such person shall not allow the use of a~~Any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal shall not be used.

R. Rest periods and exercise.

1. ~~Such person shall give working animals proper~~ Working animals shall be given adequate rest periods. ~~Confined or restrained animals shall be given exercise proper for the individual animal under particular conditions.~~

2. Confined or restrained animals.

a. Dogs and Cats: A dog or cat that is confined or restrained to an area no larger on all sides than three (3) times its size from the tip of its nose to the end of its tail shall be given adequate exercise in accordance with one of the following requirements: Each dog and cat over the age of eight (8) weeks shall be provided with minimum exercise period(s) during each twenty-four (24) hour period for a total of at least one (1) hour of exercise each day. The exercise regimen shall include: removing the dog or cat from its primary enclosure; leash walking or giving the dog or cat access to an enclosure at least four (4) times the size of the primary enclosure; and allowing the dog or cat free mobility for the entire exercise period. In the alternative, the dog or cat may be housed in an enclosure that provides unfettered access to a separate outdoor exercise area at least four (4) times the size of the primary enclosure.

b. All other animals shall be given adequate exercise proper for the individual animal under the particular conditions.

~~S. Such person shall not work, use or rent any animal~~An animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit shall not be worked, used or rented.

~~T. Such person shall not allow a~~Any animal which the department has suspended from use may not ~~to be~~ worked or used until released by the department.

~~U. Such person shall not display a~~Animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition shall not be displayed.

V. ~~Such person shall not display a~~Any animal whose appearance is or may be offensive or contrary to public decency shall not be displayed.

W. ~~Such person shall not allow any~~No animal shall be allowed to constitute or cause a hazard, or be a menace to the health, peace or safety of the community.

X. ~~Such~~A person shall not violate any condition imposed by the director on any license issued by the department.

Y. A person operating an animal facility shall not own, possess, control or otherwise have charge or custody of more than a combined total of fifty (50) dogs or cats, except as provided in Section 10.28.050 D, and shall sell, transfer or relinquish the excess number of dogs or cats to comply with this section within thirty (30) days following notification by the department.

Z. An animal facility having fifty (50) or fewer animals shall have adequate staffing on the premises of the animal facility to attend to the animals at least eight (8) hours in every twenty-four (24) hour period. Whenever an animal is left unattended in an animal facility, the telephone number of the department of animal care and control, or the name, address and telephone number of the responsible person, shall be posted in a conspicuous place at the front of the property.

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SECTION 12. Section 10.40.040 is hereby amended to read as follows:

10.40.040 ~~Dog kennels~~Animal Facilities -- Records required for each animal.

A. The holder of ~~aan~~ an animal facility dog-kennel license shall maintain the following current records, which shall be keep available for inspection on the premises, ~~a record that shall show:~~

1. The name, current address and telephone number of the owner of each animal kept at the animal facility kennel;
2. The date such animal entered and left the animal facility kennel;
3. The reason for such animal being at the ~~kennel~~animal facility, such as for boarding, sale, breeding or grooming;
4. The description of the animal, including its age, breed, sex, and color and other available identifying information such as an animal license number, tattoo or microchip registration number.

B. ~~As a part of such record,~~ a current, valid rabies certificate shall be maintained for every dog over four months of age ~~so long as such~~while the dog is kept at the ~~kennel~~ animal facility.

C. Any animal facility selling dogs and cats to the public shall post a conspicuous notice containing the following information on each dog or cat's cage: the breeder's name, address and license number. If the breeder's name is not known, then the name and address of the person from whom the dog or cat was obtained shall be displayed.

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SECTION 13. Section 10.40.100 is hereby amended to read as follows:

10.40.100 Animal facility~~Kennel or pet shop~~ license holders to provide lists of animals sold ~~–Advertisement and~~ vVaccination requirements.

A. Each holder of a ~~kennel or pet shop~~ animal facility license within the authority of Los Angeles County ~~shall is required to~~ provide the department of animal care and control with a regular listing of all animals sold, including the name and address of the owner, according to the procedure and form as provided by the director.

B. An advertisement for the sale of an animal shall include the animal facility license number or breeding license number of the seller.

C. Every ~~kennel and/or pet shop~~ animal facility shall obtain a rabies vaccination for each dog within its custody or control in accordance with the provisions of Section 10.20.220. Upon the sale of any dog for which a ~~kennel or pet shop~~ animal facility has obtained a vaccination pursuant to this, the owner of such ~~kennel or pet shop~~ the animal facility shall provide the purchaser of such dog with the certificate of vaccination.

SECTION 14. Section 10.40.200 is hereby added to read as follows:

10.40.200 Breeding license, restrictions and requirements.

A. Breeding license: A person, as defined in section 10.08.190, applying for a breeding license shall comply with all licensing requirements set forth in 10.28.050. In addition, the size category of the dog or cat bred (Adult size: 1-20 lbs.; 21-50 lbs.; 51-100 lbs.; and 101 + lbs.) shall be noted on the license. A change in the size category of dogs or cats bred requires reinspection and a new license application.

B. Health of breeding dogs and cats:

1. A female unaltered dog or cat shall be at least twelve (12) months old before being bred and may have no more than one litter per year and no more than five (5) litters in her lifetime. Records of litters birthed are required to be maintained pursuant to Subsection D below;

2. After giving birth to five (5) litters or upon reaching the age of eight (8) years, whichever is first, a female dog or cat shall be retired. A retired dog or cat shall be spayed unless a licensed veterinarian confirms in writing that she is unable to be spayed without a high likelihood of suffering serious bodily harm or death due to age or infirmity. Any dog or cat which has been retired from breeding shall be licensed in accordance with Section 10.20.010 et seq;

3. All breeding dogs and cats shall be examined by a licensed California veterinarian at least once a year to ensure fitness for breeding;

4. A breeder shall provide dogs and cats adequate daily socialization through physical contact with other dogs, or cats or with human beings, in addition to contact through the acts of being fed and cleaned;

5. Offspring shall not be weaned or otherwise removed from their natural mothers earlier than six (6) weeks of age except for medical reasons ordered by a California licensed veterinarian. The order shall be in writing, state the medical reason for early separation, and be provided to the department upon demand up to two (2) years after its issuance.

C. Housing requirements:

1. The animals shall be housed in accordance with Section 10.40.010;
2. Females shall be housed separately from unneutered males except for breeding purposes;
3. Each pregnant dog or cat shall be housed separately at least three (3) days before giving birth and be monitored at reasonable intervals;
4. A dog or cat which has just given birth shall be provided with a whelping or queening box and housed with her litter in their own run or enclosure until the newborns are weaned.

D. Dog and cat identification and record keeping:

1. The following current records shall be maintained and produced upon request to determine licensing compliance or for any other purpose relating to the public health, safety or welfare. These records shall be provided to a purchaser of any dog or cat sold or transferred to another person by the facility:
 - a. All dogs and cats shall be microchipped upon reaching the age of eight (8) weeks or prior to sale or transfer, whichever is earlier. Microchip registration records shall be kept on all dogs and cats.
 - b. In addition to the records required by California Health and Safety Code sections 122050 and 122055 relating to dogs, breeding facilities shall keep the following records for all dogs and cats: the date and from whom the dog or cat was acquired; the date of each litter birthed by each female animal; veterinary records; and the cause of death and the method of disposal.

2. Providing false information or records relating to any animal is a misdemeanor.

E. Reasonable restrictions on the breeding of animals other than dogs and cats: Breeders of animals other than dogs or cats, which are normally kept as pets for sale or exchange in return for consideration, shall comply with all applicable requirements of Section 10.40.010. In addition, the director may impose reasonable conditions on a breeding license, including a limitation on the number of animals permitted at a facility and may impose record keeping requirements, in the interest of the health and safety of the public and of the animals.

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