

MEETING DATE July 10, 2006

AGENDA ITEM Discussion of Los Angeles County Ordinance Amending
Title 10 – Animals, of the Los Angeles County Code,
Establishing a Mandatory Spay and Neuter Program for
Dogs and Requiring that all Dogs over the Age of Four
Months be Implanted with an Identifying Microchip

ATTACHMENTS	Pages
Ordinance Amending Title 10 – Animals of the Los Angeles County Code	1-14

ANALYSIS

This ordinance amends Title 10 - Animals of the Los Angeles County Code to establish a mandatory spay and neuter program for dogs and to require that all dogs over the age of four months be implanted with an identifying microchip

The ordinance includes amendments to Chapter 10 08 - Definitions amends "Hobby breeder " adds definitions for "Competition dog" and "Unaltered" adds a microchip requirement in Chapter 10 20 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)(A) 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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DCR ec

ORDINANCE NO _____

An ordinance amending Title 10 - Animals of the Los Angeles County Code to establish a mandatory spay and neuter program for dogs to require microchipping of dogs, and to establish new fees for 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 Section 10 08 095 is hereby added to read as follows

10 08 095 Competition dog

"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 approved 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 a national registry or approved by the department within the last 365 days

B The dog has earned a conformation 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 4 Section 10 20 185 is hereby added to read as follows

10 20 185 Microchipping of Dogs Required

All dogs over the age of four months must be implanted with an identifying microchip The owner or custodian is required to provide the microchip number to the department and shall notify the department and the national registry applicable to the implanted chip of a change of ownership of the dog or a change of address or telephone number

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 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 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 apply for an unaltered dog license.

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 the department has determined that all of the following conditions are met:

A The 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; or 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)(A) and

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.

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 violating a state law county code or other municipal provision relating to the care and control of animals

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 or

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 and the applicant shall pay the full fee upon re-application

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 and microchip numbers must appear on a document transferring the dog to the new owner

B Transfer of unaltered dog The owner or custodian of an unaltered dog over the age of four months which is not a competition dog as defined in Section 10 08 095 must demonstrate compliance with Section 10 20 350 and 10 20 185 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 or

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, which shall include daily board costs

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)(A) 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.

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	<u>Unaltered (Unspayed/unneutered)</u> <u>(\$5 of each fee received is designated for</u> <u>low cost spay/neuter program)</u>	\$ 30.00	<u>\$60.00</u>
2	<u>Altered (Spayed/neutered)</u> <u>(\$5 of each fee received is designated for</u> <u>low cost spay/neuter program)</u>	45.00	<u>20.00</u>
3	Omitted by Ord 2000-0075		
4 <u>3</u>	Senior citizen -- Spayed/neutered dog	7.50	
5 <u>4</u>	Delinquency charge for annual license renewal not obtained on or before date of expiration	20.00	
6 <u>5</u>	Replacement of tag or official license receipt	5.00	
7 <u>6</u>	Transfer of ownership	5.00	
8 <u>7</u>	Discharged military dogs (one-time	5.00	

registration fee)

9-8 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

[Title10 SNRD DCRCC]