

AGENDA

BOARD OF ANIMAL REGULATION COMMISSIONERS CITY OF LOS ANGELES

KFHB News
KAT



Al Avila, Vice President/Acting President
Linda Harris Forster, Commissioner
Florence Jackson, Commissioner
Kathleen Riordan, Commissioner



Monday, September 25, 2000, 10:00 A.M.

419 S. Spring Street, 12th Floor
Los Angeles, CA 90013

NOTE: Public may comment for one minute on Agenda items. Please fill out Speaker's Card.

- I. Call to Order/Roll
- II. Approval of Minutes
- III. Presentation of Certificates to New Animal Control Officers
- IV. Department Goals and Objectives. Annual update. General Manager Dan C. Knapp
- V. Bernson Motion. Report and Recommendation. General Manager Dan C. Knapp
- VI. Pet Overpopulation Ordinance. Implementation Schedule and Related Programs. Chief Management Analyst Margaret Sullivan.
- VII. Public Comments. Public may comment for three minutes on any item within Commission's authority
- XI. General Manager's Report: General Manager Dan C. Knapp
- XII. Comments by Board Members on Items not on the Agenda
- XIII. Adjournment

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend. For additional information, please contact the Commission Executive Assistant at (213) 473-8253. Please join us at our website: www.cityofla.org/ANI/index.htm

5-10 min

PUBLIC EDUCATION CAMPAIGN : PET OVERPOPULATION ORDINANCE

granted & be used
by CEPO & Copp's
(Committee to
End Pet Overpopulation)
Advisory

SUMMARY REPORT

GOAL: To encourage pet owners to spay/neuter their companion animals.

Block common
\$40k. P&B
work to mobilize
resources.
60% Approx. low cost
+ recycling - low cost
workers S.T. +
- half market.
document
committee -
city ATG's desk

PROGRAMS IMPLEMENTED TO DATE	TARGET AUDIENCE	OTHER	START DATE	TOTAL REACH	TOTAL GROSS IMPRESSIONS
Grass Roots Public Education Campaign - literature, coupons, vet appls.	South L.A. Northeast Valley East L.A.	Churches Special Events	July 2000	23,268	38,537
Bilingual Public Service Announcements	Los Angeles	CityView/Ch 35 KRLA Radio Fox TV/Ch 11	Various	Qualitative Measurement	Qualitative Measurement
200,000 Bilingual Postcards	S. Central L.A. Northeast Valley	Mailout	August 2000	200,000	600,000
20,000 Bumper Stickers (10K English and 10K Spanish)	Los Angeles	Distribution: Shelters Council Offices Vet Clinics Grooming Parlors Pet Supply Stores Markets Special Events Support Groups	Sept. 2000	20,000	760,000
160,000 Bilingual Flyers	Los Angeles	Shelters Council Offices Vet Clinics Grooming Parlors Pet Supply Stores Markets Special Events Support Groups Canvassers License Renewals	August 2000	160,000	480,000
TOTAL				403,268	1,878,537

* Get Bunker info for committee

PUBLIC EDUCATION CAMPAIGN : PET OVERPOPULATION ORDINANCE

SUMMARY REPORT

GOAL: To encourage pet owners to spay/neuter their companion animals.

ADDITIONAL PROGRAMS FOR IMPLEMENTATION	TARGET AUDIENCE	OTHER	START DATE	TOTAL REACH	TOTAL GROSS IMPRESSIONS
Grass Roots Public Education Campaign – literature, coupons, veterinary appointments, Hispanic Media, other	South L.A. Northeast Valley East L.A. <i>ORC</i>	First AME Church LAUSD Senior Centers Youth Centers Hispanic Media	Nov 2000	Quantitative & Qualitative Measurement	Quantitative & Qualitative Measurement
Bilingual Posters on Animal Regulation Trucks	Los Angeles		Nov 2000	Quantitative Measurement	Quantitative Measurement
Bilingual Posters on City Sanitation Trucks	S. Central L.A. Northeast Valley Other		Nov 2000	Quantitative	Quantitative
10,000 Bilingual Posters	Los Angeles	Distribution: Shelters Council Offices Vet Clinics Grooming Parlors Pet Supply Stores Markets Special Events Support Groups	Nov 2000	10,000	380,000
Department of Water & Power Bilingual Inserts	Los Angeles	Mailout	Negotiation Stage Year 2001	1.5 Million	4.5 Million

vet outreach/marketing.

1st Act - Oct 15 notices for Nov 15
Lic. Renewals - "you owe on
\$100" + letter

30 days to decide

once determined - canvassers to give info
(3x per pers.)

∴ 4 eggs ← with
3 canvassers.

all the info
parents want
give address
- 5 hits per
egg collector.

SHU TAKE FILE - voucher +
citation
after cit., have
30 court days after
citation to shu & show
proof to judge:
- judge dismisses citation
compliance.

~ 40% come to shelter to seek
license

- everyone will be treated the same way.
- will have a full yr. for any license to be
informed.
- 30 days in advance.

Quarterly Reports - compliance

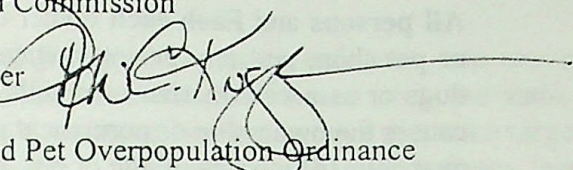
\$200,000 - subsidy for adoption to stay only.

\$2/day lic. to pay for discount work.
- sh. citizens for shu

+ \$300,000 - free surgeries.

City Of Los Angeles
Department of Animal Services

July 13, 2000

To: Board of Animal Regulation Commission
From: Dan Knapp, General Manager 
Subject: Amendments to the Proposed Pet Overpopulation Ordinance
Honorable Hal Bernson's Motion

RECOMMENDATIONS

On March 3, 2000, Councilmember Bernson introduced a motion (Attachment 1) to amend the proposed Pet Overpopulation Ordinance. The Pet Overpopulation Ordinance (comprising amendments to LAMC §53.15.2 and §53.15.3) was adopted by the Council and will be effective November 15, 2000. The Department has had an opportunity to complete an analysis of Councilman Bernson's motion and present to the Commission the following recommendations that:

- The Los Angeles Municipal Code §53.27 be amended to read that any person or business that transfers ownership of a dog to a person outside the City boundaries notify the Department of Animal Services of the name and address of the person who takes possession of the animal.
- LAMC §56.06.02 be amended to increase the fines for leash violations from \$25 (first offense) \$45 (second offense) and \$65 (third offense) to \$75, \$150 and \$200. Further that the LAMC §53.06.02 and §53.18.5 be amended to authorize the removal of the dog from the City upon a fourth conviction, pursuant to a license revocation hearing.
- LAMC §53.11 be amended to empower the General Manager of the Department of Animal Services to waive fees.

BACKGROUND

Councilmember Bernson's motion proposed amending the pet overpopulation ordinance to strengthen the requirements pertaining to dog licensing. In addition proposed amendments were presented that would mandate greater penalties for violation of the leash law. The eight points of the motion and the Department's comments are presented for your consideration.

1. Any person or business that transfers ownership or possession of a dog to a person with an address outside of the City boundaries notify the Department of Animal Regulation of the name and address of the person whom takes possession of the

animal. The City Attorney advises that LAMC §53.27 (Transfer of Ownership. Notice Required) would need to be amended to include all persons.

SEC. 53.27. TRANSFER OF OWNERSHIP. NOTICE REQUIRED.

All persons and ~~Each~~ **each** owner or operator of any dog hospital or pet shop, and any person engaged in the business of breeding dogs or as a veterinarian who sells, gives away or in any manner causes the ownership or permanent possession of any dog, whether over four (4) months of age or not, to be transferred to any person, shall notify in writing the Department of that fact within five (5) days after the date of such sale or transfer. Such notice shall state the kind of dog, the name of such dog, if any, and the person to whom such dog has been sold or transferred.

2. Any person who will maintain their new pet at a location within the boundaries of the City must show proof of appropriate licensing prior to taking possession of the animal, regardless of the age of the animal.

LAMC §53.51 (Vaccination of Dogs Required) requires the vaccination (rabies) of a dog that is owned or harbored by a person. California Health and Safety Code §121690 requires licensing of a dog as proof that the dog has been inoculated against rabies. A person must present the vaccination certificate at the time of registration to obtain a dog license. Since a person cannot vaccinate a dog prior to owning or harboring the dog, they would also be unable to show proof of appropriate licensing prior to taking possession of the animal.

3. All Los Angeles City Peace and Police Officers be empowered to issue citations to any individual observed in violation of the Leash Law.

The City Attorney advises that all Los Angeles City Peace and Police Officers are empowered to issue citations to any individual observed in violation of the Leash Law, LAMC §53.06.2 (Restraint of Dogs).

4. That Leash Law citations be re-classified from an infraction to a misdemeanor and that the fine for the 1st offense be \$300, the fine for the 2nd offense be \$500 and the fine for the 3rd offense be \$1,000.
5. That any person fined a third time for violation of the Leash Law lose their privilege to keep a dog within the boundaries of the City, pursuant to an administrative hearing.

Reclassification

The City Attorney strongly cautions against reclassification of leash law violations from infractions to misdemeanors.

In 1987, violations of LAMC §53.06.2. (Restraint of Dogs) were reduced from a misdemeanor to an infraction. The courts justified this request based upon an overloaded docket and the need to prioritize cases by severity. In misdemeanor cases the defendant is entitled to a trial by jury, and prosecuting leash law violations was becoming intensive.

Just recently the Municipal and Superior Courts consolidated into one system. The City Attorney now files misdemeanors and felonies with the same court. When the court docket becomes overloaded less serious violations are targeted for plea-bargaining to a lesser penalty. Plea-bargaining misdemeanor leash law violations to infractions would defeat the intended purpose of upgrading the ordinance penalty. As well, individuals who plead no contest to a leash law violation will still have recorded on file that they were convicted of a misdemeanor.

Allowing the infraction status to remain does not compromise the ability to enforce egregious cases as misdemeanors. In cases where it can be proven that a dog has been abandoned (given up without intent to reclaim), the Department can file a misdemeanor charge under California Penal Code §597(s).

Fines

The Department does not have comparative data to measure the effectiveness of increasing fines for leash law violations. No other municipality could be found that has established penalties at the recommended level. When evaluating the value of a penalty in motivating behavioral change it is helpful to understand what causes may have been the basis for a violation. There are a variety of reasons why dogs run at large:

- Accidental: A gate or door is left open.
- Cultural: In some cultures, allowing the dog to guard the village is not uncommon.
- Economic: In lower income areas dogs become inexpensive alarms, and are kept for protection. When the dog becomes a financial burden (given birth, becomes ill, injured or diseased) it is "turned loose" or allowed to "wander away." In some instances stray dogs are allowed to "den" under a neighborhood home to protect the property. Residents- often renters - do not have adequate fencing and the dog comes and goes at will.
- Business: Dogs used as breeders are abandoned, when they cannot bring further economic gain through breeding. Pit Bull bitches- that are "broken down" -have been found on the streets and in parks.
- Ignorance: Dogs are allowed to go outdoors without supervision (and often for long periods) for "exercise" or to "relieve themselves." As an example, owners will allow the dog to run during the early morning and evening hours, believing that they need this exercise after being "cooped-up" all day.

Motivational Benefit of Fines Set at the Recommended Level

A shocking penalty may motivate a change in behavior within the last two groups mentioned above.

Detraction

While it may appear that penalties established at this level might serve as a deterrent to the owner who willingly allows their dog to run at large, it may also be a deterrent for owners to reclaim their lost dog from the animal shelter. It may also deter ownership of dogs, which initially could result in higher admissions at the shelters, or owners abandoning their dog(s).

The general public does not know or necessarily understand that an officer can not cite for an infraction or misdemeanor unless he/she observes the violation; and, the officer who observes the violation must be the one who writes and presents the citation. In most instances the officer who impounded the dog is not at the shelter at the time the dog is reclaimed. Consequently owners may not know that they, in most cases, will not be cited for a leash law violation at the time they redeem their dog from the shelter. Yet, they may be hesitant to redeem their dog believing that an officer will present a misdemeanor citation, resulting in legal (attorney) fees, time spent away from work in court, a possible jail term and an exorbitant fine.

It is also important to note that in most cases another dog may be purchased for less than the cost of the fine.

Punitive measures, though motivational, may not be the best deterrent for those economically-challenged. Proactive services aimed at helping owners retain and maintain their pets may be more helpful in reducing the reasons for allowing dogs to "wander away." Free and very low cost services, such as spay/neuter, microchipping and vaccinations will help owners to retain their pet. Free veterinary wellness clinics are also helpful. The City has taken this approach through providing free vaccinations and spay/neuter surgeries through the mobile clinic. These services will be provided in lower-income areas of the City. In addition to these services the Department is looking toward developing the means for free microchipping and distribution of food to these clients.

In areas where cultural tradition may allow dogs to run loose, education on local ordinances and responsible health care are beneficial, and may be more effective. The Department has implemented a bi-lingual education campaign.

Finally, fines set at the recommended level might penalize those who have accidentally lost their dog. Department services should provide a positive "safety-net" for owners when their dogs become lost.

Recommended Fines

To provide a motivational deterrent the Department suggests maintaining the violations as infractions and establishing higher but more moderate penalties.

	Current	Motion	Department Recommendation
1 st Offense	\$25	\$300	\$75
2 nd Offense	\$45	\$500	\$150
3 rd Offense	\$65	\$1000 and removal of the dog from the City	\$200
4 th Offense			Upon a 4 th conviction the dog would be removed from the City. License revocation (removal) would be determined at an administrative hearing.

License Revocation for Fourth Violation

The LAMC §53.06.2 (Restraint of Dogs) would need to be amended to provide that a license revocation hearing may be held, upon a fourth conviction of this article and as provided for in LAMC §53.18.5. At the hearing, the Department would be required to show a preponderance of the evidence that the violation occurred before rendering a decision to revoke the pet owner's privileges.

The following ordinances, with suggested amendments, are for example only.

SEC. 53.06.2. RESTRAINT OF DOGS. (a) Every person owning or having charge, care custody or control of any dog shall keep such dog exclusively upon his own premises provided, however, that such dog may be off such premises it be under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length, or under the control of a competent person on a dog exercise or training area established pursuant to section 63.44 of this Code.

(b) Notwithstanding any other provisions of this code, every violation of any of the provisions of this section shall be punishable as an infraction as follows:

1. Upon a first conviction, by fine of **seventy- five dollars (\$75)** ~~twenty-five dollars (\$25)~~.

2. Upon a second conviction, and the offense occurred within one year of prior violation of this section which resulted in a conviction, by a fine of **one hundred fifty dollars (\$150)** ~~forty-five dollars (\$45)~~.
3. Upon a third conviction and the offense occurred within one year of a prior violation of this section, which resulted in a second or subsequent conviction, by a fine of **two hundred dollars (\$200)** ~~sixty-five dollars (\$65)~~.
4. **Upon a fourth conviction, and the offense occurred within one year of a prior violation of this section which resulted in a third conviction, a license revocation hearing may be held, as provided for in Section 53.18.5.**

In addition to the amendment to LAMC § 53.06.2. Subsection (b), an additional amendment would have to be done to LAMC § 53.18.5 (Revocation of License Hearing Procedures).

SEC. 53.18.5. REVOCATION OF LICENSE HEARING PROCEDURES

This section shall govern the revocation of dog licenses. For purposes of this section the term "dog" includes the plural and the term "owner" means the owner or person having charge, care or custody of a dog.

(a) Revocation of License.

A license revocation hearing shall be held whenever it is found that the owner of any dog whose license has been issued or reissued upon terms, conditions or restrictions pursuant to this section or Sections 53.34.4 (e) 2, 53.06.2 (4), or 53.63 has either failed to comply with the terms, conditions or restrictions imposed when the licenses was issued or reissued, or that the violation continues to exist or reoccurs.

(b) Hearing Examiner.

A Hearing Examiner appointed by the General Manager shall exercise all powers relating to the conduct of the hearing, including but not limited to, the administration of oaths and affirmations and to certify to official acts. **The Hearing Examiner may conduct a hearing for the violation of any provisions of this article relative to Sections 53.06.2 4., 53.34.4 (a), 53.63 (b) 2., and the provisions of California Penal Code Section 597.1 (f) (g).**

(c) Subsequent Disposition of Dog.

Notwithstanding any other provision of law, the department shall hold for **adoption** (sale) any dog surrendered or impounded pursuant to this section for a period of forty-five (45) days. The dog must be transferred to and sold from a district animal shelter different from the district animal shelter where the complaint or violation arose. The General Manager or his duly authorized

representative may impose appropriate terms, conditions or restrictions as a condition to the issuance of a new license to a new owner.

(r) Reinstatement of License Privileges

Upon the written request of the person whose privilege to own, possess, control or be in charge of any dogs has been terminated pursuant to Sections 53.06.2 (4), 53.34.4 (h) or 53.63 (c), the General Manager may reinstate the privilege as to other dogs and authorize the Department to issue a new license. In addition to any other requirement of law, the General Manager may impose such terms, conditions or restrictions as he believes are necessary to protect the public health, safety and welfare, and which may be in addition to any term, condition or restriction authorized by Clause (1) of Subdivision (1), above, or Section 53.34.4 (e) (2).

The General Manager's decision shall be in writing and state the reasons for issuing or refusing to issue the license or imposing terms, conditions or restrictions and shall be served upon the owner in accordance with the provisions of Subdivision (g). The owner may appeal to the Board the refusal to issue a license or the imposition of terms, conditions or restrictions as provided by this section.

No license shall be issued until the decision is final and then only upon the written acceptance by the owner of any terms, conditions or restrictions finally imposed. If the owner fails to comply with the terms, conditions or restrictions imposed herein, any license revocation hearing shall be held pursuant to Clause (2) of Subdivision (1) this section.

6. That any impound fees which are now required, or required by any new ordinance, must be paid prior to release of the impounded animal, unless waived by the General Manager of the Department;

The General Manager is currently empowered to waive impound and dog license fees under LAMC §53.11(o) (Animals. Impounding – Sale.) “on as many as three separate days in any calendar year *in order to encourage and promote pet adoptions or upon the release of any animal to a humane organization for further adoption pursuant to this section.*” The ordinance does not authorize the General Manager to waive fees for other reasons. An amendment or new ordinance would need to be drafted that gives the General Manager, or those he/she designates, such authority. The Department feels this amendment will allow the General Manager greater discretion in cases of hardship.

7. That the fine be, if not paid within 30 days, recorded as a lien against the animal owner's property, or go to warrant; and

The City Attorney advises that this provision is illegal. To place a lien on property, the City must file for a property lien in Small Claims Court and be awarded a judgment.

8. The Department may cause, prior to releasing the impounded animal to the owner, the Spay/Neuter of any unaltered dog with the costs of this action to be borne by the animal owner.

In January 2000 the provisions of Assembly Bill 1856 became effective. The California Food and Agriculture Code [§30804.7 and §31751.7] requires that an owner of an impounded unaltered dog/cat shall be fined thirty-five dollars (\$35) on the first occurrence (impound), fifty dollars (\$50) on the second occurrence (impound) and one hundred dollars (\$100) for the third and subsequent occurrence (impound(s)). These fines are in addition to all other fees and fines charged to a resident at the point of reclaiming their pet from the shelter.

The Public Safety Committee has submitted to the City Council recommendations for LAMC amendments that would empower the Department to implement and enforce the requirements of AB 1856. Within this proposal it was recommended that amendment(s) be written in such a manner that the City may require spay/neuter at the time of second impound—and before release to the owner—in lieu of the \$50 fine.

FINANCIAL IMPACT

The financial impact of the recommended amendments is difficult to assess, as the Department does not have access to statistics on leash law violation recidivism. The greatest impact would be felt from any increase in the number of administrative hearings resulting from fourth infractions. Should this amendment be passed, it is recommended that the need for an additional hearing officer (to provide for these cases) be assessed after one year of active enforcement.

MOTION

For Monday, March 6, 2000

As the City considers establishing some new rules to deal with the problems associated with pet overpopulation, any program adopted must contain provisions which will mandate licensing of all dogs which are kept within the boundaries of our City.

The enforcement of this requirement must be vigorous and any violations observed must have significant consequences attached.

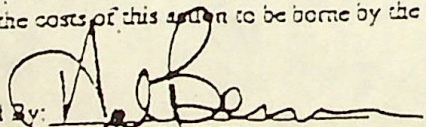
Unfortunately, there is no requirement that a person selling or transferring a dog must notify the Department of Animal Regulation of the transfer of ownership or that the new owner show any proof of licensing before taking possession of their new pet.

Our present codes also do not require that a new owner show proof of licensing before they may take possession of a dog purchased from a pet store, although the pet shop is required to notify the Department of the sale. The Department must then take the appropriate actions to encourage the new owner to obtain the appropriate pet license.

It has also been established that owners ignore the leash law and allow their pets to run free in our public parks that are not designated as "Dog Parks" and along other public rights-of-way.

IT IS NOW THEREFORE MOVED THAT any "Spay/Neuter" ordinance adopted by the City include the following provisions:

- 1) Any person or business that transfers ownership or possession of a dog to person with an address outside of the City boundaries notify the Department of Animal Regulation of the name and address of the person who takes possession of the animal;
- 2) Any person who will maintain their new pet at a location within the boundaries of the City must show proof of appropriate licensing prior to taking possession of the animal, regardless of the age of the animal;
- 3) All Los Angeles City Peace and Police Officers be empowered to issue citations to any individual observed in violation of the Leash Law;
- 4) That Leash Law citations be re-classified from an infraction to a misdemeanor and that the fine for the 1st offense be \$300., the fine for the 2nd offense be \$500. and the fine for the 3rd offense be \$1000.;
- 5) That any person fined a 3rd time for violation of the Leash Law loose their privilege to keep a dog within the boundaries of the City, pursuant to an administrative hearing;
- 6) That any impound fees which are now required, or required by any new ordinance, must be paid prior to release of the impounded animal, unless waived by the General Manager of the Department;
- 7) That the fine be, if not paid within 30 days, recorded as a lien against the animal owner's property, or go to warrant; and
- 8) The Department may cause, prior to releasing the impounded animal to the owner, the Spay/Neuter of any unaltered dog with the costs of this action to be borne by the animal owner.

Presented By: 
HAL BERNSON
Councilman, 12th District

Seconded By: 