

ANALYSIS

This ordinance amends Title 10 – Animals of the Los Angeles County Code to add provisions for administrative citations, to increase the number of dogs permitted in residences, and to clarify when a delinquent charge is applied to an animal license. Additionally, in accordance with the County's Plain Language Initiative, plain language is used to make these additions and amendments more understandable.

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DCR:cn

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ORDINANCE NO. _____

An ordinance amending Title 10 - Animals of the Los Angeles County Code, to add provisions for administrative citations, to increase the number of dogs permitted in residences, and to clarify when a delinquent charge is applied to an animal license.

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

SECTION 1. Section 10.04.075 is hereby added to read as follows:

10.04.075 Administrative Citations.

A. Violations.

The Department may enforce violations of the ordinances listed in subsection B as administrative citations in lieu of criminal prosecution subject to the following fines:

1. First violation: Fine of up to \$100;
2. Second violation of the same section of Title 10 within the preceding 12 months: Fine of up to \$250;
3. Third violation of the same section of Title 10 within the preceding 12 months: Fine of up to \$500;
4. Each additional violation of the same section of Title 10 within the preceding 12 months: Fine of up to \$500.

B. Provisions Subject to Administrative Citations.

A written Notice of Violation and Administrative Fine ("Notice") will be served on a person who has violated one of the following code sections:

1. Section 10.20.030: License—Required—Fees and Other Charges;
2. Section 10.20.185: Microchipping of Dogs and Cats Required;
3. Section 10.20.220: Vaccination Requirements;
4. Section 10.32.010: Dogs at Large; or
5. Section 10.40.060: Animal Noise.

C. Notice of Violation.

The Notice must contain the following information: the code section violated; a description of the code violation; the name of the employee who issued the citation; the amount of the fine; the procedure to pay the fine; the date by which the violation must be corrected; and the procedures for requesting administrative review to contest the imposition of the administrative fine. A violator seeking administrative review of the imposition of the administrative fine may submit a Request for Hardship Waiver form, signed under penalty of perjury, to the Department within 10 calendar days after the citation is issued.

D. Service of Notice of Violation and Administrative Fine.

The Department will serve the Notice on the violator by personal delivery or by first class mail, postage prepaid, at the last known address of the violator.

E. Payment.

The Notice is the final administrative order of the County, unless the violator requests administrative review to contest the imposition of the administrative fine. The fine is due and payable to the Department within 14 calendar days after the Notice is

served on the violator, as set forth above, or within 14 calendar days after a waiver for hardship is denied, whichever is later. The payment may be made in person or by mail to the address specified on the citation.

F. Correction of Code Violation.

Payment of the administrative fine does not excuse the violator from correcting the code violation. A further notice of violation may be issued and other action may be taken as authorized in this Title, or other applicable law, if the violation is not corrected by the compliance date.

G. Request for Administrative Review.

A violator served with a Notice may contest the imposition of and/or amount of the fine by requesting that the matter be reviewed by declaration or at a hearing. The request must be made in writing on a Request for Administrative Review form ("Request") provided by the Department and must be received by the Department within 14 calendar days after the Notice has been served on the violator, as set forth above. The Request must also include the basis for contesting the fine and any evidence to be considered. A check payable to the Department of Animal Care and Control, in the amount of the administrative fine (deposit), must be included with the Request.

H. Administrative Review Procedures.

1. Review by Declaration.

a. Documentary and other evidence, including a declaration under penalty of perjury, may be submitted with the Request.

b. Upon receipt of the Request, the Department will notify the complaining party of the review requested by the violator. The complaining party may supplement the previously submitted complaint with additional evidence.

c. The Department will assign an employee (other than the citing officer or anyone junior to the citing officer) to review the evidence. The reviewing employee will mail the decision to the complaining party and to the violator ("the parties") within ten days after the decision is made.

2. Review by Hearing.

a. Hearing Date and Continuance. A hearing will be conducted by a hearing officer (other than the citing officer or anyone junior to the citing officer) on the date, time, and place specified in the Notice of Hearing, which will be served by first class mail on the parties. The hearing officer has discretion to grant a continuance of the hearing date upon a request and a showing of good cause by either party. A request to continue the hearing must be made in writing to the Department and be received by the hearing officer at least two business days before the hearing date.

b. Conduct of Hearing. The violator will have an opportunity to present relevant evidence at the hearing. Failure of the violator to appear at the administrative hearing constitutes an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine. If the administrative hearing is abandoned, the Department will keep the funds deposited with the Request. The Notice and any documentary evidence

prepared by the enforcement officer or other Department employees will be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in those documents. The enforcement officer may attend the hearing at the discretion of the Department. Once begun, the hearing officer may continue the hearing from time to time, in his or her sole discretion.

c. **Decision.** After considering all the evidence and testimony submitted at the hearing and within ten calendar days after the close of the hearing, the hearing officer will issue a written decision to either confirm or cancel the administrative fine or to reduce the amount of the fine. The written decision will include a statement of the reasons for the decision, and will be served by first-class mail, postage prepaid, on the parties. The hearing officer's written decision is the final administrative decision of the County.

d. **Deposited Funds.** If the hearing officer confirms the imposition of the full amount of the administrative fine, the Department will keep the deposited funds. If the hearing officer cancels or reduces the administrative fine, the Department will refund the appropriate amount required within 30 calendar days from the date the written decision is mailed.

I. **Judicial Review of Decision Confirming Administrative Fine.**

A person may seek judicial review of the written decision confirming the imposition or reduction of an administrative fine by filing an appeal with the superior court in accordance with the requirements set forth in section 53069.4 of the California

Government Code; if judicial review of the written decision is not sought within the time period set forth in that statute, the hearing officer's decision is deemed final.

SECTION 2. Section 10.20.038 is hereby amended to read as follows:

10.20.038 Residential Dogs and Cats—Limitations.

A. Dogs. It is unlawful to keep more than ~~three~~four dogs at any residence without an animal facility license. Each dog must be licensed. For purposes of this section, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of Government Code section 12926 subsection (i) or (j) is not counted toward the number of dogs kept or maintained.

B. Cats. It is unlawful to keep more than five cats at any residence without an animal facility license. Each cat must be licensed and kept primarily indoors.

C. A Community Standards District may set a higher limit on the number of dogs and cats allowed at a residence without an animal facility license.

SECTION 3. Section 10.20.120 is hereby amended to read as follows:

10.20.120 Fees Payable Annually—Delinquency Charge.

License fees must be paid annually. A delinquency charge will be applied when the license fees provided for in this chapter are not paid within ~~40~~30 days after the license fee is due.

SECTION 4. Section 10.20.190 is hereby amended to read as follows:

10.20.190 Keeping Unlicensed Dogs, ~~or Cats, or Other~~ Service Animals Prohibited.

A person may not harbor or keep an unlicensed dog, cat, or ~~other~~ service animal in the Department's jurisdiction.

SECTION 5. Section 10.40.060 is hereby amended to read as follows:

10.40.060 Excessive Animal Noise.

A. Excessive Noise. It is unlawful for an owner or custodian of an animal to allow the animal to emit any excessive noise after the Department has issued a written warning notice of an excessive noise complaint. For purposes of this section, the term "excessive noise" means a noise that is unreasonably annoying, disturbing, offensive, or ~~which~~that unreasonably interferes with the comfortable enjoyment of life or property. An owner or custodian who fails to abate the noise within 10 days after the warning is mailed may be cited.

B. Complaints. All complaints to the Department regarding violations of subdivision A. must be made in writing, signed under penalty of perjury, and must include the name, address, and telephone number of the complainant(s), as well as the address of the animal owner or custodian and a description of the noise, including the date(s) and approximate times of the excessive noise.

C. ~~Violations.~~

~~1. First Violation. The Department will issue a written notice to the owner or custodian of the animal advising of the noise complaint, after it receives a written complaint of excessive noise based on verifiable information. The notice will order the owner or custodian to abate the excessive noise within 10 days of the notice ("compliance date").~~

~~2. Second Violation. A second violation occurs if the animal owner or custodian fails to stop the excessive noise by the compliance date. A second violation is an infraction punishable by a fine of up to \$100.~~

~~3. Third Violation. A third violation occurs after a second violation if the animal owner or custodian fails to stop the excessive noise within 10 days after the notice of the second violation is mailed. A third violation is an infraction punishable by a fine of up to \$200.~~

~~4. Subsequent Violations. Each subsequent violation after the third violation within one year of the original complaint is an additional infraction punishable by a fine of up to \$500.~~

C. Administrative Citation. Violators of this section are subject to citation under Section 10.04.075 of this Title 10, and to any other applicable penalties.

SECTION 6. Section 10.90.010 is hereby amended to read as follows:

10.90.010 Licensing Fees Schedule.

The license fees required to be paid are as follows, except that the Director may waive, reduce, or refund fees for undue hardship:

...	Fees
II. Animal Facility Licenses.	Fees
Licenses for the animal facilities listed below are required to be obtained annually.	
A. Initial animal facility license fees (including inspection):	
1. License fees:	
a. Pet shop	\$250.00
b. Grooming parlor/mobile	\$250.00
c. Animal menagerie	\$250.00
d. Wild animal dealer	\$250.00
e. Hobby breeder (See Section 10.20.045)	\$250.00
f. Rodeo	
(i) First day or one day event	\$250.00
(ii) Each additional day	\$25.00
g. Animal exhibition	
(i) First day or one day event	\$250.00
(ii) Each additional day	\$25.00

h. Pygmy pig breeder	\$250.00
i. Non-profit humane organization facility	\$250.00
j. Dog and cat breeding and/or boarding facility:	
For purposes of license fee computation, fee is based on 75 percent of the total capacity of the facility or the actual animal population housed at the time of the inspection, whichever is greater.	
(i) 45-20 dogs or cats	\$300.00
(ii) 21-50 dogs or cats	\$350.00
(iii) 51-75 dogs or cats	\$400.00
(iv) 76-100 dogs or cats	\$450.00
(v) Over 100 dogs or cats	\$525.00
2. Penalty for operation of an animal facility without license. A penalty equivalent to the cost of the license will be added to the license fee if a facility operates without a license.	
3. Fee reduction for each additional animal facility application made at the same location at the same time.	\$125.00
B. Renewal animal facility license fees (including inspection):	

1. All animal facilities:	
a. Pet shop	\$175.00
b. Grooming parlor/mobile	\$175.00
c. Animal menagerie	\$175.00
d. Wholesale wild animal dealer	\$175.00
e. Hobby breeder (defined in Section 10.20.045)	\$175.00
f. Pygmy pig breeder	\$175.00
g. Non-profit humane organization	\$175.00
h. Dog and cat breeding and/or boarding facility:	
For purposes of license fee computation, fee is based on 75 percent of the total capacity of the animal facility or the actual animal population housed at the time of the inspection, whichever is greater.	
(i) 45-20 dogs or cats	\$225.00
(ii) 21-50 dogs or cats	\$275.00
(iii) 51-75 dogs or cats	\$325.00
(iv) 76-100 dogs or cats	\$375.00
(v) over 100 dogs or cats	\$450.00

2. A delinquency charge equal to the cost of the license will be added if the license application or renewal is not submitted within 30 days after the due date.	
3. Fee reduction for each additional animal facility renewal application made at the same location at the same time.	\$50.00
C. Miscellaneous fee provisions:	
1. Reinspection	\$40.00
2. Inspection fee for animal permits under Los Angeles County Code Sections 22.52.330 and 22.56.420—22.56.530	\$50.00
3. Businesses using dogs for protection (Sections 10.20.280 and 10.20.290)	\$50.00
4. Penalty for ownership of wild animal without license	\$100.00

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