ANALYSIS

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

The purpose of the ordinance is to add requirements relating primarily to the breeding of dogs to ensure the health and safety of breeding dogs. Related changes were made to add additional requirements for the licensing and recordkeeping 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.

ANDREA SHERIDAN ORDIN
County Counsel

By: _____
DIANE C. REAGAN
Principal Deputy County Counsel
Health Services Division

DCR:vn

Requested: 08-09-09
Revised: 01-31-11

ORDINANCE NO. 2011-0011

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

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

SECTION 1. 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 other legal entity.

SECTION 2. Chapter 10.28 is hereby amended to read as follows:

Chapter 10.28 OTHER LICENSES ~~FOR OTHER ANIMALS~~

SECTION 3. 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.

SECTION 4. 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.

SECTION 5. 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~~.II~~, 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).~~

SECTION 6. 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 7. 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 8. 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 impound~~ing thereof~~, the date and name and address of the person ~~by~~ who~~m~~ 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 a record of the dog or cat license number or the animal facility license number under which the dog or cat was released.

SECTION 9. 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 10. 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.

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 that breed dogs shall comply with the applicable minimum staffing requirements set forth in Section 10.40.200.

F. ~~Every reasonable precaution shall be used to insure that~~ aAnimals ~~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 where~~in~~ 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. An animal facility housing animals must be equipped with working smoke alarms and have means of fire suppression, such as a sprinkler system in each room where animals are kept, or functioning fire extinguishers.

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. An enclosure with a wire bottom may only be used temporarily, and be in compliance with Health and Safety Code Sections 122065 and 122065.5.

If enclosures, such as crates and other mobile enclosures are stacked upon one another, or on a surface other than the floor, the crates/enclosures must be securely fastened and designed and arranged so that: there is no danger of an enclosure falling; the animals do not have direct access to one another; and waste from one (1) enclosure cannot be transmitted to another enclosure. Food and water containers must be secured to prevent spillage. Crates may be stacked no more than two (2) crates high.

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

SECTION 11. 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 ~~a~~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~~ the animal entered and left the animal facility, including the records of animals that die while at the facility~~kennel~~;

3. The reason for ~~such~~ the 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~~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.

SECTION 12. 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 v~~V~~accination requirements.

A. Each holder of ~~a kennel or pet shop~~an 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 or adoption 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~~an animal facility has obtained a vaccination pursuant to this section, the owner of ~~such kennel or pet shop~~the animal facility shall provide the purchaser of ~~such~~ the dog with the certificate of vaccination.

SECTION 13. Section 10.40.200 is hereby added to read as follows:

10.40.200 Breeding license, restrictions and requirements.

A. General Requirements:

1. Dog Breeding license: A dog breeding license is an animal facility license issued to a person who breeds dogs commercially. A person, as defined in Section 10.08.190, applying for a dog breeding license shall comply with all licensing requirements set forth in Section 10.28.050, all other applicable ordinances, and all federal and State laws, including, but not limited to Heath and Safety Code Section 122045 et. seq. Approval from the Veterinary Public Health division, Environmental Health division, or any other division of the Department of Public Health, may be required if necessary, due to health concerns. The size category of the dog to be bred (Adult size: 1-20 lbs.; 21-50 lbs.; 51-100 lbs.; and 101+ lbs.) and the number of dogs to be housed at the facility shall be noted on the license. A change in the size category of dogs bred requires reinspection and a new license application.

2. Breeding facilities housing fifty (50) or fewer sexually intact dogs over the age of one (1) year: An animal facility may not have more than a total of fifty (50) sexually intact dogs over the age of one (1) year, unless it meets the requirements of Subsection A.3. below. An animal facility having fifty (50) or fewer dogs shall have adequate staffing on the premises of the animal facility to attend to the dogs at least eight (8) hours in every twenty-four (24) hour period, so long as the dogs are not left unattended for longer than twelve (12) continuous hours. Whenever the dogs are left unattended, 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.

3. Breeding facilities housing fifty-one (51) or more sexually intact dogs over the age of one (1) year: The director may approve an application for fifty-one (51) or more dogs if the applicant complies with the following additional requirements:

a. Facilities with fifty-one (51) or more sexually intact dogs over the age of one (1) year will be reinspected more frequently. The number of reinspections per year is determined by the number of dogs housed in the facility:

51-75 dogs: one (1) annual reinspection;

76-100 dogs: two (2) annual reinspections;

101-125 dogs: three (3) annual reinspections;

126-150 dogs: four (4) annual reinspections;

151 + dogs: five (5) annual reinspections.

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

c. The animal facility provides a written medical program, approved by a California licensed veterinarian, to prevent and control illness and parasitism. The program must include a regular de-worming schedule and a regular vaccination schedule against commonly transmitted canine diseases, and must be updated annually;

d. The animal facility maintains records on site, demonstrating that an annual veterinary examination has been performed on each intact male or female dog over one (1) year of age. The record of each exam must reflect that a

physical exam consisting of auscultation and palpation, and a visual evaluation of the dog including eyes, ears, mouth and general body condition was performed. The record of each exam must also include the weight, temperature, heart rate, respiration, any significant medical findings relating to the dog's condition, and any recommendations for treatment;

e. The animal facility obtains approval from the director of an emergency response plan, which is updated annually; and

f. The animal facility maintains adequate staffing at the facility eighteen (18) hours a day to attend to the animals. Whenever an animal is left unattended, 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.

B. Health of breeding dogs:

1. A female unaltered dog shall be at least twelve (12) months old before being bred. Records of litters birthed are required to be maintained pursuant to Subsection D below;

2. Offspring shall not be removed from the premises earlier than eight (8) 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, if requested, 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. Each pregnant dog shall be housed separately at least three (3) days before giving birth and be monitored at reasonable intervals;

3. A dog who has just given birth shall be provided with a contained nesting area and housed with her litter in their own run or enclosure until the newborns are weaned.

D. Dog identification and recordkeeping:

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 sold or transferred to another person by the facility:

a. All dogs shall be microchipped or tattooed upon reaching the age of four (4) months or prior to sale or transfer, whichever is earlier. Microchip and tattoo records shall be kept for all dogs.

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: the date and from whom the dog 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. Knowingly providing false information or records relating to any animal is a misdemeanor.

E. Reasonable restrictions on the breeding of animals other than dogs: Breeders of animals other than dogs, 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 recordkeeping requirements, in the interest of the health and safety of the public and of the animals.

F. Noncompliance--penalties.

The penalties for violations of any provision of this Section 10.40.200 are as follows:

1. First violation. A first violation shall be an infraction punishable by a fine not to exceed two hundred fifty dollars ($250). If the owner or custodian fails to correct the underlying cause of the violation within thirty (30) days after being notified of the violation, it shall be deemed a second violation.

2. 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 (6) months or by a fine not to exceed one thousand dollars ($1,000), or both. Each subsequent violation within one (1) year shall be considered an additional misdemeanor.

G. Noncompliance--injunctive relief.

Any act or failure to act which is a violation of this Section 10.40.200 may be the subject of a civil action to enjoin the person so acting or failing to act to conform

his or her conduct to the provisions of this Section 10.40.200. The filing and prosecution of such an action shall, in no way limit the authority or ability of the County to enforce the requirements of Section 10.40.200 or impose penalties or take any other action permitted by law.

[1004060DRCC]

SECTION 15. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Mike Antonovich
Mayor

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of March 22, 2011 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Gloria Molina	Supervisors	None
	Mark Ridley-Thomas		
	Zev Yaroslavsky		
	Don Knabe		
	Michael D. Antonovich		

Effective Date: April 21, 2011

~~Operative Date:~~

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

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