ANALYSIS

This ordinance amends Title 10 – Animals, of the Los Angeles County Code to require that cats be microchipped and spayed or neutered, and to add, delete, and update related provisions. Additionally, in accordance with the County's *Plain Language Initiative*, this ordinance amends various sections using plain language to make this Title 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, requiring that cats be microchipped and spayed or neutered and adding and updating related provisions.

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

SECTION 1. Section 10.08.015 is hereby added to read as follows:

10.08.015 - Alter.

"Alter" means to spay or neuter.

SECTION 2. Section 10.08.080 is hereby amended to read as follows:

10.08.080 - Cat.

"Cat" means a ~~any~~ cat of any age or gender~~, including female as well as male~~.

SECTION 3. Section 10.08.085 is hereby added to read as follows:

10.08.085 - Competition Dog or Cat.

A. "Competition dog" is a dog used to show, compete, or breed, and is a breed registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), or other valid registry approved by the Director, and meets one of the following requirements:

1. Within the last 365 days, the dog has competed in at least one dog show or sporting competition approved by a national registry or the Director;

2. 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 Director; or

3. The owner or custodian of the dog is a member of a purebred dog breed club, approved by the Director, which enforces a code of ethics that includes restrictions on breeding dogs with genetic defects or life threatening health problems.

B. "Competition cat" is a cat used to show, compete, or breed, and is a breed registered with the Cat Fanciers Association ("CFA") or other valid registry approved by the Director, and meets one of the following requirements:

1. Within the last 365 days the cat has competed in at least one cat show approved by a national registry or the Director;

2. The cat has earned a conformation title from a purebred cat registry; or

3. The owner or custodian of the cat is a member of a purebred cat breed club approved by the Director, which enforces a code of ethics that includes restrictions on breeding cats with genetic defects or life threatening health problems.

SECTION 4. Section 10.08.095 is hereby deleted in its entirety:

~~**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 5. Section 10.08.095 is hereby added to read as follows:

10.08.095 - Custodian.

"Custodian" for purposes of this Title 10 is a person who keeps or harbors an animal for at least 15 consecutive days.

SECTION 6. Section 10.08.120 is hereby amended to read as follows:

10.08.120 - Dog.

"Dog" means a ~~any~~ dog of any age or gender~~, including female as well as male~~.

SECTION 7. Section 10.08.180 is hereby added to read as follows:

10.08.180 - Neuter.

"Neuter" means surgical removal of both testes.

SECTION 8. Section 10.08.220 is hereby deleted in its entirety:

~~**10.08.220 – Shall and may.**~~

~~"Shall" is mandatory and "may" is permissive.~~

SECTION 9. Section 10.08.220 is hereby added to read as follows:

10.08.220 - Spay.

"Spay" means surgical removal of both ovaries and the uterus.

SECTION 10. Section 10.20.185 is hereby amended to read as follows:

10.20.185 - Microchipping of Dogs and Cats Required.

A~~ll~~ dog~~s~~ or cat ~~over the age of~~ four months or older must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Department~~,~~ and to ~~shall~~ notify the Department and the applicable national microchip registry ~~applicable to the implanted chip,~~ of a change of ownership of the dog or cat, or the owner's ~~a~~ change of address or telephone number.

SECTION. 11. The Title of Part 4 of Chapter 10 is hereby amended to read as follows:

Part 4 MANDATORY SPAY AND NEUTER PROGRAM FOR DOGS AND CATS.

SECTION 12. Section 10.20.350 is hereby amended to read as follows:

10.20.350 - Mandatory Spaying~~,~~ or Neutering of Dogs and Cats.

A. A ~~No~~ person may not own, keep, or harbor a dog or cat ~~over the age of~~ four months or older in violation of this section. An owner or custodian of an unaltered dog or cat must have the dog or cat spayed or neutered or obtain an unaltered dog or cat license in accordance with Section 10.20.355 or Section 10.20.357.

B. The owner or custodian of a dog or cat that ~~which is unable to~~ cannot be spayed or neutered without a ~~high~~ likelihood of ~~suffering~~ serious bodily harm or death due to age or illness ~~infirmity,~~ must obtain written confirmation ~~of that fact~~ from a

licensed veterinarian. The ~~writing~~ confirmation must also state ~~the date by which~~ when the dog or cat may be safely spayed or neutered. If the dog or cat ~~is unable to~~ cannot be spayed or neutered within 30 days of the issuance of the written confirmation of a likelihood of serious bodily harm or death, the owner or custodian must apply for an unaltered dog or cat license.

SECTION 13. Section 10.20.355 is hereby amended to read as follows:

10.20.355 - Unaltered Dog License–Requirements.

An owner or custodian of an unaltered dog ~~over the age of~~ four months or older must obtain an annual unaltered dog license~~ for the dog~~. The license ~~shall~~ will be issued if the ~~department~~ Director 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~~085(A); 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 for the reasons stated ~~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~~ as required by the Los Angeles County Code ~~Section 10.40.010,~~ and ~~with~~ applicable state animal care and control laws.

SECTION 14. Section 10.20.357 is hereby added to read as follows:

10.20.357–Unaltered Cat License–Requirements.

An owner or custodian of an unaltered cat four months or older must obtain an annual unaltered cat license. The license will be issued if the Director has determined that all of the following conditions are met:

A. The cat is one of the following: a competition cat as defined in Section 10.08.085(B) or a cat which is unable to be spayed or neutered for the reasons stated in Section 10.20.350(B);

B. The owner or custodian has submitted the required application and has paid the fee required by Section 10.90.010;

C. The unaltered cat will be maintained as required by the Los Angeles County Code and applicable state animal care and control laws; and

D. The unaltered cat will be kept indoors or in an outdoor enclosure that prevents other cats from entering.

SECTION 15. Section 10.20.360 is hereby amended to read as follows:

10.20.360 - Denial or Revocation of Unaltered Dog or Cat License–Grounds and Re-application.

A. The Director ~~department~~ may deny or revoke an unaltered dog or cat license for ~~one or more~~ any of the following reasons:

1. The applicant or licensee has not complied ~~is not in compliance~~ with ~~all of~~ the requirements of Section 10.20.355 or Section 10.20.357;

2. The Department has received at least one complaint, ~~verified by the complainant~~ signed under penalty of perjury, stating that the applicant, custodian, or licensee of an unaltered dog or cat has allowed ~~dog~~ it to run loose or escape, or has neglected ~~otherwise been found to be neglectful of his or her~~ it ~~dog~~ or ~~other~~ another animal~~s~~;

3. The applicant or licensee has been ~~previously~~ cited for violating a state law, county code, or ~~other~~ municipal code ~~provision~~ relating to the care and control of animals;

4. ~~The unaltered dog has been adjudicated by a~~ A court or an agency of appropriate jurisdiction has determined that the dog or cat is a nuisance, or that the dog is a~~to be~~ a potentially dangerous dog or a vicious dog, under a state law, county code, or municipal code~~or to be a nuisance within the meaning of the Los Angeles County Code or under state law~~;

5. ~~Any~~ Another unaltered dog or cat license held by the applicant has been revoked;

6. An unaltered female ~~unaltered~~ dog or cat has had more than one litter per year, or five or more litters in her lifetime; or

7. The license application ~~is discovered to~~ contains a material misrepresentation of fact.

B. Re-application for unaltered dog or cat license:

1. When an unaltered dog or cat license is denied, the applicant may re-apply for a license if ~~upon a showing that~~ the requirements of Section 10.20.355 or

Section 10.20.357 have been met. The Director ~~department~~ will ~~shall~~ refund one-half of the license fee when an application is denied. The applicant must ~~shall~~ pay the full fee upon re-application.

2. When an unaltered dog or cat license is revoked, the owner or custodian of the dog or cat may apply for a new license after ~~a~~ 30 ~~thirty~~ days ~~waiting period~~ if ~~upon a showing that~~ the requirements of Section 10.20.355 or Section 10.20.357 have been met. No part of an unaltered dog or cat license fee is refundable when a license is revoked. ~~and t~~The applicant must ~~shall~~ pay the full fee upon re-application.

SECTION 16. Section 10.20.365 is hereby amended to read as follows:

10.20.365 - Appeal of Denial or Revocation of Unaltered Dog or Cat License.

A. Notice and ~~R~~request for hearing. ~~1. Notice of intent to deny or revoke.~~ The Director ~~department~~ will ~~shall~~ mail ~~to the owner or custodian~~ a written notice to the owner or custodian of ~~it's~~ the Director's intent to deny or revoke the unaltered dog or cat license ~~for an unaltered dog~~ stating ~~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 to appeal must be made in writing within 10 days after the notice of intent to deny or revoke is mailed. An owner or custodian waives the right to appeal if he or she does not mail or deliver a written request to appeal to the Director within 10 days after the notice of intent 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.~~

B. ~~3.~~Notice and conduct of hearing. The Director ~~department~~ will ~~shall~~ mail a written notice of the date, time, and place for the hearing to the owner or custodian at least ~~not less than~~ 10 days before the hearing date. The hearing will be conducted by the Director's designee. The hearing ~~date~~will ~~shall be~~take place within ~~no more than~~30 ~~thirty~~ days after the department receives ~~department's receipt of~~ the request for a hearing. An owner or custodian who does not ~~Failure of the owner or custodian or his or her agent to~~ appear at the hearing waives ~~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 Director ~~department~~ will ~~shall~~ mail a written decision to the owner or custodian within 10 days after the hearing. The decision of the hearing officer is ~~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.~~

SECTION 17. Section 10.20.370 is hereby amended to read as follows:

10.20.370 – Transfer, Sale and Breeding of Unaltered Dog or Cat.

A. Offer to ~~for~~ transfer, sell, ~~sale~~ or breed unaltered dog or cat.~~: or transfer of unaltered dog:~~ An owner or custodian who offers any unaltered dog or cat for transfer, sale~~, trade, or adoption~~ or breeding must include a valid unaltered dog or cat license

number with the offer ~~of sale, trade or adoption,~~ or otherwise confirm ~~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 or cat.~~:~~ The owner or custodian of an unaltered dog or cat ~~over the age of~~ four months or older, which is not a competition dog or cat as defined in Section 10.08.~~095~~ 085, must demonstrate to the Department 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 10 days after the transfer. The license and microchip numbers must appear on a document transferring the dog or cat to the new owner.

C. Notification of litter and sale or transfer of puppies and kittens.~~:~~ Within 30 ~~thirty~~ days after a litter is born to a female dog or cat, the owner or custodian of the female dog or cat must ~~shall~~ advise the Department in writing of the number of live born puppies or kittens. When a puppy or kitten ~~under the age of~~ younger than four months is sold or otherwise transferred to another person, the owner or custodian must ~~shall~~ advise the ~~d~~Department of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten, if applicable, within 10 days after the transfer.

SECTION 18. Section 10.20.375 is hereby amended to read as follows:

10.20.375 – Penalties.

The penalties for violations of any provision of this P~~p~~art 4 are as follows:

A. First violation. A first violation is ~~shall be~~ an infraction punishable by a fine of up to ~~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 is ~~shall be~~ deemed a second violation.

B. Second violation. A violation within a year of a first violation is ~~shall be deemed~~ a second violation. A second violation is a misdemeanor punishable by imprisonment in the county jail for a period of up to ~~not to exceed~~ six months or by a fine of up to ~~not to exceed~~ $1,000, or by both ~~such~~ a fine and imprisonment. Each subsequent violation within one year is ~~shall be considered~~ an additional misdemeanor.

SECTION 19. Section 10.20.380 is hereby amended to read as follows:

10.20.380 - Impoundment of Unaltered Dog or Cat.

A. The owner or custodian of an impounded ~~When an~~ unaltered dog or cat ~~is impounded, the owner or custodian~~ may reclaim the unaltered dog or cat if ~~when one of the following occurs~~:

1. The dog or cat is spayed or neutered by a Department veterinarian at the ~~expense of the~~ owner or custodian's expense~~. Such expense may include additional fees due to extraordinary care required~~; or

2. The dog or cat is spayed or neutered by another ~~department~~ Director-approved veterinarian at the owner or custodian's expense. The owner or custodian ~~may arrange for another department- approved veterinarian to spay or neuter the dog~~ must pay the Department's transportation costs ~~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 must ~~shall~~ sign and return a certificate of sterility to the Department within 10 days after the surgery~~, 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~~ owner or custodian agrees to have the dog or cat altered and to submit a certificate of sterility signed by a veterinarian within 10~~ten~~ days after the surgery ~~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.~~; or

4. ~~If t~~The owner or custodian otherwise demonstrates compliance with Section 10.20.350.

B. Costs of Impoundment.

1. The owner or custodian of an ~~the~~ unaltered dog or cat will be charged ~~shall be responsible~~ for the costs of impoundment, including ~~which shall include~~ daily board and care costs.

2. The costs of impoundment are ~~shall be~~ a lien on the dog or cat. ~~,~~ ~~and~~ The ~~the unaltered~~ dog or cat will ~~shall~~ not be returned to its owner or custodian until the costs are paid. The dog or cat will be deemed abandoned if the owner or custodian does not pay the lien amount within 14 days after the notice of the lien is personally

delivered or mailed to the owner or custodian. ~~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.~~

SECTION 20. Section 10.20.385 is hereby deleted in its entirety:

~~**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 shall be paid to the department for the purpose of defraying the cost of the implementation and enforcement of this Part 4.~~

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