

ORDINANCE NO. 176915

An ordinance adding Section 53.70 of the Los Angeles Municipal Code establishing specific standards for the care, maintenance and confinement of dogs.

**WHEREAS**, the Department of Animal Services currently receives thousands of complaints annually regarding dogs that suffer from inadequate shelter, food or water or from improper tethering; and

**WHEREAS**, California state law fails to define the criteria for providing adequate access to shelter, food or water or proper tethering methods; and

**WHEREAS**, the City of Los Angeles wishes to establish specific standards for the proper care, maintenance and tethering of dogs.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 53.70 is added to the Los Angeles Municipal Code to read:

**SEC. 53.70. CARE AND MAINTENANCE OF DOGS**

**A. Shelter requirements.** No person shall keep, use or maintain a dog outdoors on any premises unless the dog is either provided with full access to an enclosed building, or if not provided with such access, is provided with access to a dog house or similar shelter at all times. Said dog house or shelter shall:

(1) Have a weatherproof top, bottom and sides, and an opening on no more than one side that allows a dog to remain dry and provides adequate shade during daylight hours to allow a dog to protect itself in order to prevent overheating or discomfort to the dog.

(2) Have a floor that is level and dry.

(3) Be composed of material that protects the dog from injury, and is free from cracks, depressions and rough areas where insects, parasites and other pests might be established and maintained.

(4) Be of adequate size to allow the dog to stand erect with the dog's head up, to turn around easily, and to sit and lie down in a comfortable and normal position.

(5) Have sufficient clean bedding material or other means of protection from weather when the weather is colder than what a dog of that breed and condition will comfortably tolerate and that will allow the dog to retain body heat. Bedding material shall be kept clean and dry.

(6) Contain a suitable means for the prompt elimination of excess liquid.

(7) Be structurally sound and maintained in good repair to protect the dog from injury.

(8) Be constructed and maintained so that the dog has convenient access to clean food and water.

(9) Allow the dog easy access in and out.

(10) Be cleaned and maintained in a manner designed to insure sanitary conditions. Excrement shall be removed from the dog house or shelter and from the premises, including yard and dog run, as frequently as necessary to prevent contamination and reduce health hazards and odors. Excrement shall be properly disposed of in trash containers and shall not be washed into the gutter or storm drain. When a hosing or flushing method is used to clean the dog house or shelter, dogs should be removed when reasonably possible.

**B. Water requirements.** No person shall keep, use or maintain any dog on any premises unless the dog has access to clean, fresh water at all times. Clean potable water shall be available to the dog unless restricted for veterinary care.

(1) If the water is in a container, this container shall be designed, secured, placed and maintained in a manner that prevents tipping and spilling of the water. Water containers shall be kept clean and sanitary, shall be kept out of the sun and shall be emptied and refilled regularly with fresh water; or

(2) If the water is provided by an automatic or demand device, the water supply connected to the device must function twenty four (24) hours per day.

**C. Feeding requirements.** No person shall keep, use or maintain any dog on any premises unless the dog is provided sufficient food daily to maintain proper body weight and good general health. The food shall be:

(1) Free from contamination, shall be wholesome and palatable and of sufficient quantity, quality and nutritive value to meet the normal daily requirements for the age, size and breed of dog.

(2) Contained in receptacles that is easily accessible to the dog and located in a manner and place that minimize contamination, including but not limited to contamination by excrement or insects. Feeding pans and food receptacles shall be durable and kept clean and shall be maintained in sanitary condition. Self-feeders shall be sanitized regularly to prevent molding, deterioration or caking of food, and to prevent any interruption of the flow of food that would make it difficult for the dog to access the food. Spoiled or contaminated food shall be disposed in a sanitary manner.

(3) Self-feeders and food receptacles shall not be left unattended outdoors for periods of time significantly longer than necessary for feeding purposes in order to prevent attracting vermin or animals in the wild, including predators.

**D. Tethering.** It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

(1) The tethering shall not be for more time than is necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period.

(2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three (3) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from entanglement.

(3) The dog must have access to food, water and shelter as described above.

(4) The dog shall be monitored periodically.

This section shall not affect the use of appropriate electronic means of confinement.

**E. Caging.** No person shall keep, use or maintain a dog in an outdoor pen, run, cage or other enclosure on any premises unless said pen, run, cage or enclosure is of adequate size to allow the dog to move around freely and, in addition,

(1) its length is at least five times the length of the dog and its width is at least three times the length of the dog, and its height allows the dog to stand erect with the dog's head up, and

(2) contains a dog shelter as described in Section 53.70 A. above, or

(3) provides the animal access to the inside of a building.

The pen, run, cage or other enclosure shall be cleaned and maintained in a manner designed to insure sanitary conditions, and free of any debris which would be injurious to the dog.

**F. Exceptions.** This prohibition shall not apply to any entities exempt under the provisions of Section 53.15.2 (e) (2), to wit:

(1) Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c) (3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

(2) Permitted dog or cat shows; or

(3) Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

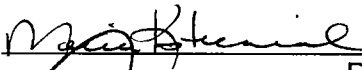
**G. Penalties for noncompliance.** A violation of this Section may be punishable as either an infraction or a misdemeanor at the sole discretion of the Los Angeles City Attorney's Office.

The maximum penalty for a conviction of this Section as an infraction is a fine of \$250.00. The maximum penalty for a conviction of this Section as a misdemeanor is a fine of \$1,000.00, imprisonment in the County Jail for a period not more than six months, or by both a fine and imprisonment.

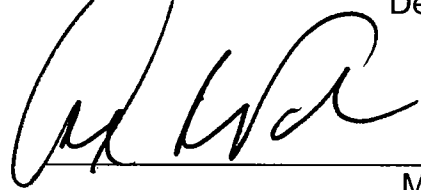
Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of JUL 27 2005, and was passed at its meeting of AUG 03 2005.

FRANK T. MARTINEZ, City Clerk


By  Deputy

Approved AUG 15 2005

 Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
DOV S. LESEL  
Assistant City Attorney

Date 7-18-05

File No. 02-2153

DECLARATION OF POSTING ORDINANCE


I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176915 - Adding 53.70 of the Los Angeles Municipal Code establishing specific standards for the care, maintenance and confinement of dogs - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on August 3, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on Aug. 17, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on Aug. 17, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17th day of Aug. 2005 at Los Angeles, California.

  
\_\_\_\_\_  
Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: Sept. 26, 2005 Council File No. 02-2153