

ORDINANCE NO. _____

An ordinance amending Sections 53.00, 53.06.1, 53.12.2, 53.15, and 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code to require all domesticated pet rabbits within the City of Los Angeles to be spayed or neutered on the same basis as dogs and cats, and making other technical changes.

WHEREAS, in 2008 the City adopted Ordinance No. 179615 mandating that all owned dogs and cats in the City of Los Angeles be spayed or neutered unless the owner obtains a breeding permit or a listed exemption applies, and this spay/neuter requirement has greatly contributed to a reduction in the population and euthanasia rate of dogs and cats in the City's animal shelters;

WHEREAS, a growing overpopulation of domesticated rabbits exists in the City and is threatening the capacity of the City's animal shelters to house rabbits pending adoption; and

WHEREAS, the proposed ordinance attempts to decrease the number of unwanted domesticated pet rabbits in a humane way by requiring that all domesticated pet rabbits be spayed or neutered unless the owner obtains a breeding permit or another listed exemption applies.

NOW, THEREFORE,

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

Section 1. The following definitions are deleted from Section 53.00 of Article 3, Chapter V of the Los Angeles Municipal Code:

"Animal" shall mean any animal, poultry, bird, reptile, fish or any other dumb creature.

"Cat" shall mean any cat of either sex, of any age.

"Dog" shall mean any dog of either sex, of any age.

Sec. 2. The following definition is added to Section 53.00 of Article 3, Chapter V of the Los Angeles Municipal Code in proper alphabetical order to read as follows:

"Pet Rabbit" shall mean any domesticated rabbit that is owned, kept, or maintained as a household pet rather than for commercial, livestock, or agricultural purposes.

Sec. 3. Subdivision 2 of Subsection (b) of Section 53.06.1 of Article 3, Chapter V of the Los Angeles Municipal Code is amended to read as follows:

2. All cats shall be spayed or neutered, unless exempt under Section 53.15.2(b)(2)D.

Sec. 4. Section 53.12.2 of Article 3, Chapter V of the Los Angeles Municipal Code is amended to read as follows:

SEC. 53.12.2. IMPOUNDMENT OF UNALTERED DOGS, CATS, AND PET RABBITS – CIVIL PENALTIES.

The owner of a nonspayed or unneutered dog, cat, or Pet Rabbit that is Impounded by the Department shall be assessed a civil penalty of \$35.00 on the first occurrence, \$70.00 on the second occurrence, and \$150.00 for the third or subsequent occurrence for each dog, cat, or Pet Rabbit so Impounded.

Sec. 5. Subsection (i) of Section 53.15 of Article 3, Chapter V of the Los Angeles Municipal Code is amended to read as follows:

(i) The owner of any dog that has not been spayed or neutered and meets one of the exemptions in Section 53.15.2(b)(2) shall pay a license tax equal to that of an intact dog. In the absence of such immediate proof of exemption, the owner shall enter into an agreement with the Department to provide proof that the dog meets an exemption under Section 53.15.2(b)(2) and that the owner has complied with all requirements of that section, or that the dog has been spayed or neutered. Failure to provide the required proof shall subject the dog owner or custodian to the penalties enumerated in Section 53.15.2(b)(6). The license shall not be valid until such satisfactory proof is provided to the Department. No portion of the license tax shall be refunded in the event the dog is spayed or neutered during the license period.

Sec. 6. The first paragraph of Section 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code is amended to read as follows:

SEC. 53.15.2. BREEDING AND TRANSFER OF DOGS, CATS, AND PET RABBITS.

The City Council finds that there exists a serious pet overpopulation problem within the City that has resulted in a threat to public safety and health, inhumane treatment of animals, mass euthanasia of dogs, cats, and rabbits at the local animal shelters and escalating costs for animal care and control. Further, the Board of Animal Services Commissioners has found that uncontrolled breeding is the cause and, without action aimed at the source, this problem and its serious consequences will remain unabated. The City Council finds that part of the solution is for all dogs and cats over the age of four months, and Pet Rabbits over the age of six months, to be spayed or neutered, unless their owners purchase the appropriate licenses/permits for the privilege of maintaining the animal intact and allowing it to breed. The City Council also

finds that the license fee for unaltered dogs will encourage the owners to spay/neuter their dog(s), in order to qualify for the much lower altered dog license fee. Further, the City Council finds that tighter regulation of the transfer of dogs and cats will help alleviate the City's pet overpopulation crisis by allowing increased City control over the transfer of dogs and cats.

Sec. 7. Subsections (b), (c), and (d) of Section 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code are amended to read as follows:

(b) Intact Dogs, Cats, and Pet Rabbits:

1. No person who owns a cat over the age of four months shall cause, permit, or allow the cat to be in a public place unsupervised, unless the cat is spayed or neutered. The term public place shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This requirement applies to all unaltered cats, whether or not their owner(s) have obtained breeding permits pursuant to Subsection (c), below.

2. No person, within the City of Los Angeles, shall own a dog or cat over the age of four months, or a Pet Rabbit over the age of six months, that has not been spayed or neutered, unless valid written documentation is provided to show proof that the animal is exempt from the requirement to be spayed or neutered by reason of one of the following, and is in compliance with Subsections (b)3 and (b)4 below:

A. The dog, cat, or Pet Rabbit is a breed approved by and registered with a national or international breed registry or association which, at a minimum, requires identification of the breed, date of birth, names of registered sire and dam, the name of the breeder and recordkeeping relating to breeding, transfer of ownership and death. In addition, the animal must actively show or compete and shall have competed in at least one show or sporting competition hosted or staged by, or under the approval of, a national association, unless it is too young to compete. The owner shall provide verified proof to the satisfaction of the General Manager of the Department with each application for a new or renewal license. The Board of Animal Services Commissioners may issue further guidelines for enforcement of this subsection.

B. The dog is being trained or has been appropriately trained and is actively used in a manner that meets the definition of guide, signal or service dog as set forth in Subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code, or the dog is enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code.

C. The dog is appropriately trained or is in the process of being trained and is actively used by law enforcement agencies or the military for law enforcement, military, or rescue activities.

D. The owner of the dog, cat, or Pet Rabbit provides a letter to the Department from a California licensed veterinarian certifying that:

(1) arrangements have been made to spay or neuter the dog or cat within 60 days after the animal reaches the age of four months, or to spay or neuter the Pet Rabbit within 60 days after the animal reaches the age of six months;

(2) the animal is too sick or injured to be spayed or neutered and that the animal's health would be best served by spaying or neutering the animal after a specified date;

(3) it is unsafe to spay or neuter the animal due to old age or a permanent and serious medical condition; or

(4) the animal has a permanent infirmity that would prevent the animal from reproducing.

Any letter from a veterinarian requesting a temporary or permanent exemption shall include the veterinarian's license number and, except for a letter certifying that arrangements have been made to spay or neuter the dog, cat, or Pet Rabbit within 60 days after the animal reaches the applicable age, shall specify the animal's medical condition and the diagnosis which justifies the exemption and be supported by diagnostic reports. If the animal has not been spayed or neutered by the date specified in the veterinarian's letter, the owner shall obtain an updated letter from the veterinarian specifying the new date by which the animal may be safely spayed or neutered. An updated letter for a temporary or permanent extension for a dog shall be submitted at the time of each license renewal. If the letter from the veterinarian certifies that arrangements have been made to spay or neuter the dog within 60 days from the date the dog reaches the age of four months and the Department has been notified that the dog has in fact been spayed or neutered within that 60-day period, the owner shall qualify for the lower license fee and license tax for an altered dog.

E. The owner of the dog, cat, or Pet Rabbit has obtained a valid breeding permit issued to the owner pursuant to Subsection (c) below.

3. An unaltered dog, cat, or Pet Rabbit shall be implanted with an animal identification device identifying the owner of the animal.

4. In addition to meeting one of the exemptions in this subsection, the dog license application for an unaltered dog shall contain the information requested by the Department, including the identification number of the implanted animal identification device, the name and address of the owner, and the location at which the dog will be maintained.

5. A license for an unaltered dog shall not be transferable, and shall not be issued to any person under the age of eighteen (18) years.

6. No person shall own, possess, harbor or have custody and control of a dog, cat, or Pet Rabbit in violation of this subsection.

7. The following rules shall apply to unaltered dogs, cats, or Pet Rabbits found running at large:

A. An unaltered dog, cat, or Pet Rabbit found running at large and Impounded as a lost or stray animal shall be spayed or neutered and shall be implanted with a microchip before being redeemed by its owner, and the owner shall pay the amount established by the Department for spaying or neutering the animal and implanting the microchip.

B. The Department shall waive the sterilization requirement the first time the unaltered animal is Impounded if the animal is exempt from the spay/neuter requirement, vaccinated and implanted with a microchip, and in the case of a dog, licensed, or the owner obtains a license and is in compliance with all other applicable provisions of this article. The owner shall be responsible for paying the impound fees established by the Department, including the reasonable cost of feeding and caring, implanting the microchip, vaccinations, medication and any diagnostic or therapeutic applications as may be required in the reasonable discretion of the Department. Payment of the impound fees shall not be waived by the Department upon the abandonment of the animal by the owner and shall be in addition to any other applicable civil or criminal penalties that may be imposed. If the owner chooses to have the animal sterilized prior to or in conjunction with the redemption and pays for the dog license, sterilization and implanting the microchip, the Department shall waive the impound fees.

C. An animal found running at large and Impounded for a second or subsequent time shall be spayed or neutered, unless the animal qualifies for an exemption under Subsection (b)2.D and the owner complies with the requirements of that subsection. The owner shall pay the amount established by the Department for the sterilization as part of the impound fees. If the owner chooses to have the animal sterilized prior to or in conjunction with the redemption and pays for the sterilization, the Department shall waive the impound fees. If the owner fails to pay the

impound fees and costs as required, the animal shall be deemed to have been abandoned, unless the owner consents to and pays for the sterilization.

8. Prior to the Department's sterilization of an animal pursuant to the provisions of Subsection (b)(7), the following shall occur:

A. The Department shall serve upon the owner in the manner provided for giving of notice in Section 11.00(i) of this Code, written notice of the intent to sterilize. If the owner disputes the Department's basis for sterilizing the animal, the owner, on a form provided by the Department, may file a written request for an administrative hearing within 10 days of such service.

B. If the Department receives a timely written request for an administrative hearing, it shall hold a hearing within 20 days of receiving the request to determine if the Department is required to sterilize the animal pursuant to Subsection (b)(7). Notice shall be served upon the owner at least 10 days prior to the date set for the hearing. The hearing shall be conducted, and the General Manager shall issue a decision, in accordance with the provisions of Subsections (b) through (m) inclusive, of Section 53.18.5. Prior to the hearing, the impound fees and costs accruing to the date of the hearing shall be paid by the owner.

C. The decision of the General Manager may be appealed to the Board of Animal Services Commissioners by the owner. The appeal shall be in writing on an appeal form provided by the Department and scheduled for the first available Board meeting following receipt of the appeal in accordance with the procedures in Section 53.18.5(q)2 through 10, which govern the appeal process to the Board. The fees and costs to be charged to the owner from the time the appeal is received by the Department to the time that the Board decision is served on the owner shall not exceed 15 days of fees and costs for feeding and caring of the animal, unless, by written consent of the owner, the hearing date is continued to the next Board meeting and the owner agrees to pay for a not-to-exceed additional 14 days of fees and costs. If the Board reverses the decision of the General Manager and orders the animal returned without sterilization, the fees and costs for the feeding and caring of the animal accruing after the time the appeal is received by the Department to the time the Board decision is served on the owner shall be waived. Payment of the impound fees and costs shall not be waived by the Department upon the abandonment of the animal by the owner and shall be in addition to any other applicable civil or criminal penalties that may be imposed.

(c) **Breeding Permit:**

1. No person shall cause or allow any dog, cat, or Pet Rabbit owned, harbored or kept within the City of Los Angeles to breed without first obtaining a breeding permit, as described below. The term breeding permit means a written authorization, issued annually by the General Manager, giving its lawful holder permission to breed a dog, cat, or Pet Rabbit.

2. Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually, before its expiration date. Each applicant for such a permit shall pay an annual fee of \$235 or such other fee established in the manner set forth in Section 53.12(a) and promulgated by the Department. A separate permit must be obtained for each owned dog, cat, or Pet Rabbit that is allowed to breed.

3. The Department shall administer an animal breeding permit program to allow the breeding of unaltered dogs, cats, or Pet Rabbits consistent with the criteria and procedures established by the Department pursuant to Section 53.58 of this article. A breeding permit shall not be issued to a person who has been convicted of animal cruelty, neglect or abuse or to a person who has failed to obtain appropriate licenses or permits for the animal for which the breeding permit is being sought. Animals receiving a breeding permit shall be implanted with an electronic animal identification device (microchip) identifying the owner. The microchip number shall be verified by the Department.

4. In addition to the criteria and procedures established by the General Manager pursuant to Subsection (c)3, all breeding permits shall contain the following terms and conditions:

A. The owner of an unaltered female dog, cat, or Pet Rabbit shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the General Manager is hereby authorized, upon application of a permittee, to allow on a one time basis the whelping of up to two dog, cat, or Pet Rabbit litters per breeding animal within any domestic household within a permit year, if the permittee establishes, according to regulations promulgated by the General Manager, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs, cats, or Pet Rabbits, the General Manager may authorize the whelping of one additional litter of dogs, cats, or Pet Rabbits within the same permit year by the permittee;

B. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks;

C. No offspring may be sold or adopted until immunized against common diseases. The sale or adoption of a dog, cat, or Pet Rabbit shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

D. Any holder of a breeding permit who advertises to the public the availability of any dog, cat, or Pet Rabbit for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

E. Any breeding permit holder selling or otherwise transferring a dog, cat, or Pet Rabbit, whether for compensation or otherwise, shall submit to the Los Angeles Department of Animal Services on a Department approved form the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer;

F. Any breeding permit holder that sells or otherwise transfers a dog, cat, or Pet Rabbit, whether for compensation or otherwise, shall provide to the new animal owner City application(s) for a license and permit as well as written information regarding the license and permit requirements of the City of Los Angeles applicable to such animal;

G. A breeding permit holder shall implant each offspring born to a permitted animal with an electronic animal identification device identifying the breeder. The identity of the breeder shall remain on the electronic animal identification device along with the identity of the new owner upon the sale or transfer of the animal; and

H. A breeding permit holder shall comply with all applicable local, state, and federal requirements for humane standards of operation, maintenance and housing of animals, and shall be subject to inspection by the Department.

5. The following animals are exempt from the breeding permit requirements:

A. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

B. Dogs documented as guide, signal, or service dogs pursuant to Subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code and successor sections;

C. Dogs, cats, or Pet Rabbits certified by a licensed veterinarian as not being suitable subjects for spaying and neutering due to health reasons;

D. Dogs, cats, or Pet Rabbits under the care of governmental animal control agencies; animal rescue organizations that have demonstrated to the Department that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; 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, and successor sections; and

E. Dogs documented as enrolled in a guide, signal, or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code.


(d) **Penalties:**

1. A violation of the breeding permit provisions of this section is punishable as an infraction or misdemeanor.

2. The Department may revoke any permit issued pursuant to this section upon a finding that the permit holder has violated its terms and conditions. Such a finding shall be made after an administrative hearing conducted in accordance with the provisions of Section 53.18.5 of this Code; provided, however, that a finding by the Department's hearing examiner that such violation had occurred, if this finding is sustained by the General Manager, shall result in the permit's revocation, notwithstanding the provisions of Section 53.18.5(l).

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with City 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 located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the 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.
Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
STEVE R. HOUCHIN
Deputy City Attorney

Date 10/11/2022

File No. 07-1212-S7

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____